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PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—*Wednesday, September 26, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KOLBE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 26, 2001.*

I hereby appoint the Honorable JIM KOLBE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed are You, Lord God, of heaven and Earth.

In these days of crisis and decision, cover this Nation and this government with Your spirit. Give all Americans discerning hearts, that we may live balanced lives.

Free from fear and prejudice, restrain us from reacting to circumstances around us. Rather, guide each of us to be proactive in determined actions that lead to personal integrity and justice toward others.

As a Nation and as persons, Lord, help us to balance our daily work with quiet reflection and deep conversations of profound listening. May everything we do lead us to deeper and lasting relationships.

As we accept the contradictions and mystery of living in today's world, may we understand our own limitations and be sensitive to those around us. Let us share our gifts and our burdens with each other at this time when healing interactions are most needed.

By prayer, Lord, enable us to act with determination and be ready to face the consequences of all our actions. If we uproot, help us to plant. When confronted, help us to be patient. May our commitment to both prayer and action in the midst of darkness lead us to the light that comes from You alone, now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the previous order of the House, without objection, the House will stand adjourned to meet at 10 a.m. on Friday, September 28, 2001.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.) under its previous order, the House adjourned until 10 a.m. Friday, September 28, 2001.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3876. A communication from the President of the United States, transmitting a report on United States military personnel and United States civilians retained as contractors in Colombia in support of Plan Colombia; to the Committee on Armed Services.

3877. A letter from the Director, Department of Defense, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 2001, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

3878. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Presque Isle Bay, Erie, Pennsylvania [CGD09-01-084] (RIN: 2115-AA97) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3879. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Menominee Waterfront Festival 2001, Menominee, Michigan [CGD09-01-054] (RIN: 2115-AA97) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3880. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Japanese Fisheries High School Training Vessel EHIME MARU Relocation and Crew Member Recovery, Pacific Ocean, South Shores of the Island of Oahu, HI [COTP Honolulu 01-051] (RIN: 2115-AA97) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-383-AD; Amendment 39-12357; AD 2001-15-22] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes and Model Hawker 800 (U-125A Military) Airplanes [Docket No. 2000-NM-274-AD; Amendment 39-12360; AD 2001-15-25] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model Avro 146-RJ Series Airplanes [Docket No. 2000-NM-211-AD; Amendment 39-12363; AD 2001-15-28] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

3884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes [Docket No. 2001–NM–06–AD; Amendment 39-12358; AD 2001–15-23] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4; A310; and A300 B4-600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes [Docket No. 2000–NM–412–AD; Amendment 39–12356; AD 2001–15–21] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes Equipped with Pratt & Whitney Canada Model PW127B Engines [Docket No. 2001–NM–127–AD; Amendment 39–12372; AD 2001–16–04] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30257; Amdt. No. 2059] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, –200B, –200F, –200C, –100B, –300, –100B SUD, –400, –400D, –400F, and 747SR Series Airplanes [Docket No. 2000–NM–314–AD; Amendment 39–12370; AD 2001–16–02] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30258; Amdt. No. 2060] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146–RJ Series Airplanes [Docket No. 2000–NM–371–AD; Amendment 39–12365; AD 2001–15–30] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30261; Amdt. No. 430] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30259; Amdt. No. 2061] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E airspace, Salmon, ID [Airspace Docket No. 00–ANM–29] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30260; Amdt. No. 2062] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D and Class E2 Airspace; Augusta, GA [Airspace Docket No. 01–ASO–7] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Seneca Falls, NY [Airspace Docket No. 01–AEA–18FR] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D and Class E2 and E4 Airspace; Gainesville, FL [Airspace Docket No. 01–ASO–6] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Vernal, UT [Airspace Docket No. 00–ANM–18] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Las Vegas, NV [Airspace Docket No. 01–AWP–16] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Jamestown, NY [Airspace Docket No. 01–AEA–09FR] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05–01–029] (RIN: 2115–AE46) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Kingman, AZ [Airspace Docket No. 01–AWP–17] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Chief, Ragulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Great Lakes Pilotage Rates [USCG 1999–6098] (RIN: 2115–AF91) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3904. A letter from the Chief, Regulations and Adminitrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Exemption of Public Vessels Equipped with Electronic Charting and Navigation Systems from Paper Chart Requirements [USCG–2000–8300] (RIN: 2115–AG03) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3905. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace at Van Nuys Airport; Van Nuys, CA [Airspace Docket No. 01–AWP–12] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil [USCG–1998–3417] (RIN: 2115–AF60) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3907. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clinton, AR [Airspace Docket No. 2001–ASW–11] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3908. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Kane, PA [Airspace Docket No. 01–AEA–06FR] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3909. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Greensburg, PA [Airspace Docket No. 01–AEA–02FR] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification to Phoenix-Goodyear Municipal Airport Class D Surface Area; Phoenix, AZ [Airspace Docket No. 01–AWP–11] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification to Glendale Municipal Airport Class D Surface Area; Glendale, AZ [Airspace Docket No. 01–AWP–8] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification to Phoenix-Deer Valley Municipal

Airport Class D Surface Area: Phoenix, AZ [Airspace Docket No. 01–AWP–10] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification to Chandler Municipal Airport Class D Surface Area; Chandler, AZ [Airspace Docket No. 01–AWP–3] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–331–AD; Amendment 39–12337; AD 2001–15–03] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes Modified by Supplemental Type Certificate SA8622SW [Docket No. 2000–NM–240–AD; Amendment 39–12322; AD 2001–14–11] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–300 Series Airplanes Modified by Supplemental Type Certificate ST00118SE [Docket No. 2000–NM–236–AD; Amendment 39–12314; AD 2001–14–04] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727, 737, 757–200, 757–200CB, and 757–300 Series Airplanes [Docket No. 2000–NM–159–AD; Amendment 39–12335; AD 2001–15–01] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

*[Omitted from the Record of September 24, 2001]*

By Mr. HASTINGS of Florida:

H.R. 2945. A bill to authorize the Secretary of Transportation to make grants to travel agencies, car rental companies, and other business concerns in the ancillary airline industry to provide compensation for losses incurred as a result of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

*[Submitted September 25, 2001]*

By Mr. LaFALCE (for himself, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Ms. Hooley of Oregon, Ms. Lee, Mr. Gonzalez, Mr. Hinojosa, Mr. Ross, Mr. Rangel, Mr. Bonior, Mr. Moran of Virginia, Mrs. Meek of Florida, Mr. Ferguson, Mr. Jones of North Carolina, and Mrs. Morella):

H.R. 2961. A bill to authorize the Administrator of the Small Business Administration to make loans under section 7(b)(2) of the Small Business Act to small business concerns and certain other business concerns that suffered substantial economic injury as a result of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Ms. WATERS (for herself, Ms. Eshoo, Mr. Sawyer, Mr. Hoyer, Mr. Ford, Mr. McGovern, Ms. Lofgren, Mr. Moore, Mr. Markey, Ms. Pelosi, Mr. Moran of Virginia, Mr. Langevin, Mr. DeFazio, Mr. Turner, Mr. Kucinich, Mr. Holt, Mrs. Maloney of New York, Mr. Reyes, Mr. Pastor, Mr. Hinojosa, Mrs. Napolitano, Mr. Lampson, Mr. Gonzalez, Mr. Clement, Mr. Rodriguez, Mr. Clay, Ms. Carson of Indiana, Mr. Davis of Illinois, Mr. Fattah, Mr. Baldacci, Mr. Holden, Mr. Cummings, Mr. Delahunt, Mr. Sandlin, Mr. Farr of California, Mr. Matsui, Mr. Clyburn, Mr. Thompson of Mississippi, Mr. Jackson of Illinois, Mr. Watt of North Carolina, Mr. Wynn, Ms. Woolsey, Mrs. Meek of Florida, Mr. Payne, Ms. Brown of Florida, Mr. Owens, Ms. Jackson-Lee of Texas, and Mrs. Clayton):

H.R. 2969. A bill to amend the Internal Revenue Code of 1986 to restore a partial deduction for personal interest and thereby to encourage economic recovery and to avoid the need to borrow against home equity; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. Ackerman.
H.R. 1164: Mr. Udall of Colorado.
H.R. 1218: Ms. Lee.
H.R. 1295: Mr. Payne.
H.R. 1488: Mr. LaHood.

# SENATE—*Wednesday, September 26, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Dr. Hayes Wicker, Jr., of the First Baptist Church, Naples, FL.

## PRAYER

The guest Chaplain, Dr. Hayes Wicker, Jr., offered the following prayer:

Lord, we praise You as supreme sovereign; from You, through You, and to You are all things. By You we were created; in You we trust; in Your word we hope. We humble ourselves today and, Lord, we ask that You would forgive us for the pride of thinking that we are self-made. Forgive us when we desire justice on earth but not in eternity. It's not easy to live right side up in an upside down world. Help those on both sides of the aisle in the Senate to be on the Lord's side and not to be neutral with national or personal evil. Father, steel our wills to do righteousness, to defend those who cannot defend themselves, and to pursue justice for all.

God, bless America and shed Your grace on us, not because we deserve it but because of Your mercy and because the world so desperately needs a lighthouse of truth. We thank You that recent horrific events that were meant for evil can be molded into good and, Lord, we ask that You would give protection, not mainly for our lifestyle but for Your glory, for liberty, and for our children and future generations.

Father, we pray for those who are mourning right now, but we thank You that they do not mourn as those who have no hope, and we do not remember as those who have no anchor.

Lord, we ask You right now to help these leaders to be faithful, to fight the good fight, to finish the course, and to keep the faith. Give us divine wisdom today and not just a human agenda. God bless our President with the smile of Your approval and the light of Your guidance. In the name of our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 26, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

## SCHEDULE

Mr. REID. Madam President, there will be 30 minutes of morning business equally divided between the two leaders today. We expect to consider the Military Construction Appropriations Act today. We have not yet received it from the House, but we understand it is on its way. The two managers of the bill, who have been working on the Defense authorization bill, are at the Pentagon now. We expect them to return shortly. They have some amendments they have cleared.

As the majority leader announced last night, it is not certain we will proceed with the Defense bill. We are trying very hard, before 2 p.m. today, to have a finite list of amendments. A couple of Members were unwilling to give us a list. As has been mentioned by the two managers of the bill, Senators LEVIN and WARNER, and the majority leader, Senator DASCHLE, this bill is very important.

We have a state of emergency in this country, and it will send a very bad message to the men and women we have in the service that we cannot pass a Defense bill today. So we are hopeful and confident those two Senators who have been unwilling to allow us to have a finite list of amendments will allow us to do that. If they do not, as the majority leader said, he will have no choice but to pull this bill.

We have the airline legislation we need to complete to make sure that passengers are safe. We have important legislation dealing with employees who are left without work as a result of the terrible tragedy in New York. We have to do that. We have 12 appropriations bills that have not been completed yet. We have a lot of work to do, and therefore we need to complete the Defense bill soon. If we have to wait, with no finite list of amendments when we come back, we probably will not be able to complete it, which will be a shame.

There will be rollcall votes through the morning, with the last one being at 2 p.m. today. There will be no rollcall votes on Thursday or Friday. The leader has indicated there will be a late vote Monday afternoon more than likely.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the majority leader or his designee is recognized to speak for up to 15 minutes. Under the previous order, the Republican leader or his designee is recognized to speak for up to 15 minutes.

The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRIBUTE TO MARY BERRY GERWIN

Ms. COLLINS. Madam President, as our Nation mourns the loss of thousands of our citizens in the terrorist attacks on America, many of us in Washington and in Maine also grieve the passing of a very special person who devoted her professional life to public service, Mary Berry Gerwin.

Mary was only 46 when she died on September 18, after a courageous 9-year battle with cancer. In her short time on Earth, however, Mary had a greater impact on public policy and on those of us who knew her than most people accomplish in lifetimes that last twice as long as hers.

I will share with my colleagues a little bit about Mary's remarkable career in public service. Most recently, Mary held the position of Deputy Assistant

Secretary of Defense for Health Affairs. During her tenure at the Pentagon, she received the Outstanding Public Servant Award from then-Secretary of Defense Bill Cohen.

Among Mary's duties at the Pentagon were working with service members, retirees, and their families on a variety of health care issues. She traveled extensively to the Middle East, Korea, and Bosnia, to meet firsthand with service members to discuss health care and quality-of-life issues. She also visited refugee camps in Kosovo to help improve conditions there as well.

I came to know Mary when we worked closely together as staff members on the Senate Subcommittee on Oversight of Government Management from 1981 to 1987. The very first day I met her, I knew Mary was a star. She was extraordinarily bright, and no one ever worked harder or longer. Her work ethic was legendary. In fact, her longtime boss, former Senator and Secretary of Defense Bill Cohen, remarked of Mary that a raised eyebrow could send her back to her desk at 8 p.m. to work another 4 hours to midnight.

She was also a lot of fun, with an optimistic outlook and a quick wit that helped to sustain her through her lengthy illness. Mary succeeded me as the subcommittee staff director in early 1987. She then went on to serve as staff director of the Senate Special Committee on Aging when Senator Bill Cohen became its chairman.

During her years in the Senate, Mary contributed enormously to legislative accomplishments. She drafted significant bills, including the Social Security disability reform bill, landmark anti fraud and abuse legislation, nursing home, and long-term care Medicaid reforms, the Independent Counsel Act, the Ethics In Government Act amendments, and a major revision of the Clinical Laboratories Improvement Act, as well as procurement and information technology reforms. Mary was particularly proud of Aging Committee hearings in 1996 that led to increased funding for the National Institutes of Health for research on diseases such as Alzheimer's, Parkinson's, and spinal cord injuries.

Mary touched so many lives. Members of our Armed Forces and senior citizens who never had the pleasure of meeting Mary have better lives because of her work. But it is we who knew her personally who were truly pleased. Mary was kind and generous, not only to those of us who were her friend but to everyone she met or with whom she came in contact. Let me tell you one story.

Every day Mary would purchase her Washington Post from an elderly man. Her husband Ed used to chuckle that Mary was the only person in Washington who would spend $5 every day buying her newspaper.

Mary approached her illness with an abiding faith and remarkable courage and cheerfulness, even as she underwent excruciatingly painful treatments for her cancer. Whenever I called to check on her, she was remarkably upbeat and optimistic. She would quickly turn the conversation to what I or another friend was doing, rather than talking about the treatments she was undergoing.

I am reminded of Walter Mondale's tribute to one of our greatest Senators, Hubert Humphrey, shortly after Senator Humphrey's death. He said: Hubert taught us how to live and he taught us how to die. Mary, too, taught us how to live and how to die.

Mary's boss for two decades, former Secretary of Defense and Senator Bill Cohen, delivered an eloquent eulogy to Mary at her funeral mass on Sunday. I ask unanimous consent that his eulogy be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Ms. COLLINS. Our thoughts and prayers are with Mary's wonderful family, particularly her mother, her husband Ed, and her two daughters, Katie and Kristen. Katie worked as an intern in my office during this past summer and she is so like her mother—bright, cheerful, strong, and hard working. Mary's legacy is reflected in those terrific daughters, as well as in her professional career. I am so thankful to have had the opportunity to have been her friend.

### EXHIBIT NO. 1

### EULOGY BY WILLIAM S. COHEN OF MARY GERWIN, SEPTEMBER 22, 2001

We have all been overwhelmed and immobilized by grief in the days since the terrorist attacks last week. Grief has had the power to silence us, to bring us together, to rouse us to action. As we have gathered around television sets since September 11, staring mutely at the incomprehensible carnage and horror, we may have had some acquaintance with the victims or we have simply grieved for our nation and our fellow citizens.

Today is different. Today, we are truly taking note of a death in the family. A death in Mary's immediate family, of course, but also in the family of unique individuals I have been privileged to assemble and work with during years in Congress, the Pentagon, and beyond. This is a team of talented men and women who are bound together by many invisible threads, who have worked together, played together, sometimes fought together, and looked after each other for more than 25 years.

Mary's death has brought us here today, and we grieve and we are angry. Angry that she was so sick for so long, angry that she left us at such a ridiculously young age. But even in our anger and our grief, we celebrate her. Everyone in this room knew Mary as a colleague, an employee, a boss, a mother, a daughter, a sister, a wife, or a friend. I'd like to talk about the Mary I knew, the Mary all of us knew.

My friendship with Mary started 20 years age. I was a freshman senator, and she was a kid from Portland who had just gotten out of law school. She came to work for me and, unbeknownst to either of us, we started an adventure together that led to writing and changing major laws in this country, led to her visiting and working with US troops in Korea, Bosnia and Saudi Arabia, led to her working with refugee camps in Kosovo, and led to a friendship as well.

But it started for both of us in Maine. Mary didn't come from a well-to-do family. Neither did I. Mary lost her dad when she was just a baby, and her Mother worked at the railroad and raised four terrific kids on her own. Mary knew how real people in Maine worked and loved and struggled, and that knowledge made her very effective when she helped to write and rewrite the laws that affected their lives.

Mary and I had something else in common. We both started out as practicing lawyers. But not for long. We were both drawn to the greater possibilities of public service. Mary graduated cum laude from Georgetown Law and spent a very short and uninspiring few months at a law firm, which prompted her to look for work on the Hill. It was one of the luckiest things that could have happened to me.

It seemed there was nothing Mary couldn't do. She worked closely with a great team that included another remarkable young woman named Susan Collins, whose service as a United States Senator today makes us all very proud. Together, this group ran a subcommittee that oversaw how government programs are run and tried to improve them. Later, Mary ran the staff of the Senate Aging Committee as well, working to improve the lives of older Americans.

Once I got to know Mary and her work habits, I used to joke with her that the Nuns must have really gotten to her in Catholic school—I had never seen anyone who would stay so late, work so hard, or be so easily made to feel guilty about leaving anything undone. A simple raised eyebrow could send her back to her desk until midnight.

A truly dedicated mother, Mary understood deeply the difficult balance between being a good parent and being a professional. But instead of complaining about it, she took action—helping to create the Senate Child Care Center so that her children and others could get the highest quality child care and pre-school education.

Because of Mary Gerwin and her energy and innate sense of fairness and compassion, here are some of the ways our country is different, and better:

—Disabled Americans live in greater dignity.

—The savings of older Americans are better protected from investment fraud.

—There is less fraud and abuse in the health care system.

—People who receive Medicaid and live in nursing homes are treated better.

—The government spends its contracting dollars more wisely, resulting in billions of dollars saved.

—More research money is spent fighting conditions such as Parkinson's Disease and spinal cord injuries.

There was another effort that Mary championed, and it is called the Independent Counsel Act. Not everyone loved this law. My old boss, President Clinton, really didn't love it. But we worked hard on it because the law said, in effect, no one is above the law, even the President. Mary Gerwin kept this law alive almost single-handedly. Many people, particularly in our own party, opposed this effort. Mary fought for it anyway, and she won.

When I went to the Pentagon, I asked Mary to come with me. She was the person I turned to health issues affecting our troops, and there were many such issues. She worked with me and with a deeply talented public servant, Rudy De Leon, who also became a good friend to Mary. She didn't just know the right answers—she found out from the troops what they needed.

Even in times when her illness was sapping her strength, she was traveling to Korea, to Bosnia, to Saudi Arabia to talk to our forces and find out how the Department of Defense could serve them better.

She came with Janet and me in 1999 for our annual holiday visit to the troops, which is a very arduous trip involving several countries in just a few days and in bad weather. But she wanted to go, and she brought great comfort to the many troops she spent time with.

After I left office, Secretary Rumsfeld asked Mary to stay on, and she worked well into June before she became too weary. She loved working with the troops. In this way, she was like the father she never knew, who was a Navy recruiter and loved helping young sailors with their problems.

I mention a sampling of Mary's accomplishments for a reason—to underscore the good that can be done in a life of public service. Mary's accomplishments would be extremely impressive if they were spread over a 50 year career. She had such a short time, and she did so much.

Her accomplishments would also be impressive if they were all she did. But she saved her best energy for being a wife and a mother, as well as a daughter and a sister.

You only have to spend a few minutes with Katie and Kristen to see what kind of mother Mary has been, as well as what kind of father Ed has been. Katie and Kristen are exemplary young women—apples who have not fallen very far from the tree. And Mary and Ed had one of the best marriages I knew of—supportive and positive and loving at all times, even the bad times.

It is remarkable to reflect on Mary's degree of professional accomplishment and personal success when we consider the inescapable fact that the last ten years of her life were spent fighting an awful illness. The pain and difficulty she endured is unimaginable to most of us. Many of us would have given into despair. Mary stayed positive and productive even in the worst of times. She hated to be thought of as sick. She hated for people to cut her any slack because of her illness.

It is tempting for us all to be angry and feel cheated about a life which ended so soon and had so much suffering in the last ten years. I knew Mary for 20 years, and I wish I had 20 more with her. But we know that we were lucky to know her at all. Rarely in life are we fortunate enough to appreciate the truly special people in our lives. Mary was someone you could count on. She touched all of our lives. She made us laugh, she astonished us with her bravery and devotion to God. There will never be a day that her smile, her love, and her courage will be far from our thoughts.

On September 11, a great many friends and colleagues of ours at the Pentagon, and many more we didn't know in New York, passed from this world to a better place. Last Tuesday, they were joined by a very special angel. Mary, we will miss you.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

## EXTENSION OF MORNING BUSINESS

Mr. WYDEN. Madam President, I ask unanimous consent that morning business be extended for an additional 15 minutes to accommodate my remarks this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you very much, Madam President. I know Senator FEINSTEIN is here. I intend to be brief this morning.

## EMERGENCY TECHNOLOGY CORPS

Mr. WYDEN. Madam President, this morning I want to discuss a proposal which I think is important in light of the tragic events that unfolded on September 11, 2001.

As all of us now understand, the communications infrastructure in New York, Washington, DC, and indeed the whole country, was severely challenged that day. Wireless telephone networks were severely overloaded and crashed. Wireless Internet access was suspended. Telephone lines were cut, and communications for people literally in communities around the east coast of the United States came to a standstill. Even the immediate communication needs of rescue workers, victims, families, and aid groups were a huge struggle to coordinate. Survivors often couldn't let family members know they were safe, and families of victims had no immediate central clearinghouse to find information or file missing person reports.

The hospitals were inundated with searches, requests for help, and offers of aid but with no way to match them to each other. Even some of this country's premier aid organizations that have done such a marvelous job helping rescue workers, survivors, and victims' families faced immediate and severe challenges with respect to information technology infrastructure. The New York Times drew a conclusion with which I strongly agree. They said: There needs to be new ways to set up emergency information systems.

That is what I would like to propose this morning. It seems to me that what this country needs is essentially a technology equivalent of the National Guard, an emergency technology guard—I have been calling it in my mind Net Guard, or a national emergency technology guard—that in times of crisis would be in a position to mobilize the Nation's information technology, or IT, community to action quickly, just as the National Guard is ready to move during emergencies.

It seems to me that in our leading technology companies in this Nation there are the brains and the equipment to put in place net guard, or this information technology guard, that could be deployed in communities across the Nation when we face tragedies such as we saw in New York City.

A national volunteer organization of trained and well-coordinated units of information technology professionals from our leading technology companies ought to be in a position to stand at ready with the designated computer equipment, satellite dishes, wireless communicators, and other equipment to quickly recreate and repair compromised communications and technology infrastructure.

With congressional support, the leaders of our Nation's technology companies could organize themselves, sell their employees and their resource for this purpose. Medium- and small-sized businesses would be able to contribute once a national framework is put in place. Certainly the resources from the standpoint of the Federal level need not be extensive. Individuals could be designated from existing human resource programs of major and medium-sized firms and the technology professionals would be trained to perform specific tasks in the event of an emergency.

I intend to use the subcommittee that I chair of the full Commerce Committee that is chaired by Senator HOLLINGS to initiate a dialog among congressional, corporate, military, and nonprofit leaders to begin a new effort to mobilize information technology in times of crises.

As we seek to prevent future disasters, I believe that the technology professionals of this Nation in many of our leading companies—as most Americans—want to use their skills, their equipment, and their talents to answer this call and do their part.

I propose with a national emergency technology guard—what I call tech guard—that we give to the leading information technology professionals in this country a chance to use their ingenuity and creativity to ensure that there is greater safety and stability for our communities and our citizens in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. Madam President, will the distinguished Senator yield?

Mrs. FEINSTEIN. Absolutely.

Mr. BYRD. I assure her that if she wants the opportunity to proceed, I will resist in my remarks and take my chair.

Mrs. FEINSTEIN. Fine. Please proceed.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Madam President, I ask unanimous consent that I may speak for not to exceed 40 minutes. I do so with the understanding, as I have already indicated, I will be very glad to suspend my remarks at any time the distinguished Senator from California wishes to take the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## SPACE WARS

Mr. BYRD. Madam President, during the August recess, The New York Times Magazine ran a cover story entitled "The Coming Space War" The article caught my interest, as I am sure that it intrigued many other readers. The author's contention is that the U.S. military is considering a campaign to achieve military superiority in space similar to the kind of military superiority that U.S. forces seek in the air, on land, and from the sky. Military superiority in space is deemed critical in order to protect our increasing dependence on satellites for communications, surveillance, commercial and military purposes. On August 24, President Bush named Air Force General Richard Myers, a former chief of the U.S. Space Command and of the North American Aerospace Defense Command, as the new Chairman of the Joint Chiefs of Staff. General Myers' selection as Chairman is in keeping with President Bush's strong support for building a national missile defense, NMD, the follow-on to President Reagan's Star Wars Strategic Defense Initiative, SDI.

It is certainly true that our dependence—and that of other developed and developing nations—on these winking, blinking objects winging through the night sky has increased exponentially over the last decade. It has rapidly become almost impossible to imagine a world without the Internet, the World Wide Web, electronic mail on handheld computers or cellular phones, automated teller machines, instantaneous worldwide credit card use, and other forms of global telecommunications and electronic commerce. This expansion and its dependence on satellite links will continue to increase in future decades. We are all dependent, and, therefore, we are all vulnerable, to the seamless and uninterrupted access to satellites. Most people, however, do not understand these technologies. I certainly do not. Like most people, I can understand that I may be vulnerable in ways that are new to me, a boy from the Mercer County hills in southern West Virginia. But how best to address this new vulnerability?

The author of The New York Times Magazine article describes three fundamentally different philosophical approaches to this brave new realm of space. The first is a military approach, which opens up a Pandora's box of weapons in space. The military, it is reported, has looked into the future and come to the conclusion that space represents the "ultimate military 'high ground,'" requiring the military to develop and deploy whatever technology is necessary to achieve what has been termed "Global Battlespace Dominance," or "Full Spectrum Dominance." The tools needed might include everything from National Missile Defense to antisatellite laser or high-powered microwave weapons, or clusters of microsatellites to hyperspectral surveillance satellites and other space sensors—or all of these things. Some of these systems are under development now or due for testing soon, according to the article, already undercutting the author's assertion that the weaponization of space is coming, when, in fact, it may already be upon us. Already—already—additional funding to the tune of $190 million is being sought in the defense authorization and appropriations bills for space weapons.

Now, if I, like most people, do not really understand the technologies behind satellite communications and cell phones, it is even harder to understand the technologies behind hyperspectral surveillance satellites or space-based lasers. And that lack of technical expertise means, like most Americans, I must depend on the Pentagon to explain why these new technologies are needed, why no other alternatives will work, and what new questions and challenges might be unleashed by these choices. That is not, I suggest, the best way to perform oversight, but, unfortunately, there are few good alternatives.

The second philosophical approach to space outlined by the author is that of the purist, seeking to unilaterally ban weapons from space and seeking to return the heavens to an earlier, unsullied era—an earlier unsullied era. This is not, in the author's view, a realistic hope. The final philosophical approach, the one seemingly favored by the author, is that of the "pragmatist"—the "pragmatist." This approach recognizes the inevitable migration of commerce and the military to space, but hopes to hold the line at surveillance. Weapons for space would, in this view, remain in the research and test phase, to be launched only in response to another nation's attempt to put weapons in space. This launch-on-warning approach would come in conjunction with further diplomatic efforts to establish operating rules for space modeled on those in place for blue-water ships on the open ocean.

In the pragmatist's scenario, existing space treaties would be retained: the 1967 Outer Space Treaty banning nuclear weapons in space and the 1972 Anti-Ballistic Missile Treaty which, in addition to establishing the surveillance system to avoid nuclear conflict, also forbids most antimissile testing. One way of reducing competition and tensions in space proposed in the article is by "mutually assured awareness" in space. The U.S. would develop and make globally available direct video access to space, so that anyone could confirm any hostile action in space, as opposed to mishaps from natural causes. I am not sure that this is technologically feasible, but who am I to question it. The concept of greater openness is the point. It is interesting, in this light, to note that the 1975 Convention on Registration of Objects Launched into Outer Space, operated by the United Nations, has not been very successful. In fact, the nation with the largest number, if not percentage, of unregistered payloads is the United States. The United States has failed to register 141 of some 2,000 satellite payloads. Only one nation is in full compliance—Russia. And, of course, it is the Bush Administration advocating the abrogation of the ABM Treaty in order to commence construction on the first National Missile Defense ground site in Alaska.

I cannot say at this point what philosophical camp that I might find myself. The author, Jack Hitt, closes his article by pointing out that if the United States is not successful at holding the line at surveillance, if we "plan, test, and deploy aggressively as the lone superpower, we make certain that after a brief respite from the cold war's nuclear competition, we will once again embark on a fresh and costly arms race. And with it, assume the dark burden of policing a rapid evolution in battlespace." This specter rings true. It should concern us, and it should be debated by the people and the people's representatives. As it stands now, the U.S. military is moving ahead on a trajectory that is both costly and one that carries with it a kind of philosophical imperialism with dangerous ramifications.

Now, what do I mean by philosophical imperialism? The military's plans for "full spectrum dominance," and space superiority, if fully realized, would mean that in some not-so-distant future, the United States would be in a position to (in the words of the Air Force Strategic Master Plan) "operate freely in space, deny the use of space to our adversaries, protect ourselves from an attack in and through space and develop and deploy a N[ational] M[issile] D[efense] capability." The U.S. would presumably, then, have information dominance in this arena as well. Thus, the U.S. would be in a position to know if a conflict between two nations, say India and Pakistan, was about to explode into open, even nuclear, warfare. The U.S. would also be in a position to act, but how? Would we shoot down the missiles from one side or the other, or both? If we shot down the missiles that each nation was firing at the other, what would happen if we missed one and it destroyed a city? What is our responsibility? What if we chose not to act because the conflict did not involve us, and tens of thousands or millions of innocent people died? What is our responsibility?

If the United States achieves, at enormous expense, space superiority, how could we avoid becoming the space marshal on this dangerous new frontier? If we detect a threat against a third party, do we warn the third party? If we provide a warning, and are asked to interdict the attack because only we can, how do we say no? How do we avoid making our military personnel and our commercial enterprises overseas the targets of reprisals from those whose attacks we thwart? It is difficult for me to envision a future in which we could avoid such an imperialist, if benevolent, dictatorship in space.

The role of global policeman and space marshal would not come cheaply, either, and in this period of shrinking or perhaps vanishing surpluses, we cannot ignore those costs. Space dominance would not replace air, land, or sea dominance, but would be additive. In fact, dominance in space might conceivably add to the cost of protecting forces on ground by making them targets for the kind of retaliation I mentioned previously. Gaining and maintaining a robust presence in space is technologically challenging. An airborne laser, reportedly operational sometime around 2010, is budgeted at $11 billion. It will cost still more to build and deploy a space-based laser. The estimated cost for a working space laser test is about $4 billion—that is $4 billion merely to get to a test of a laser in space. A test is expected as early as 2010.

The defense budget already consumes a bit over half of the domestic discretionary budget that Congress must allocate among programs ranging from health research to agriculture, education to highway and air traffic safety, environmental protection to diplomacy. How much more are we willing to trade between guns and butter? How much must we trade, or might alternatives be found in the course of free and open debate?

As most people are now well aware, those large budget surpluses so optimistically predicted just a few weeks ago—it is not funny—while the economy was booming—and so irresponsibly paid out in the form of vote-buying "tax refunds" before the actual surpluses materialized—are now gone, gone. Indeed, the Administration has had to employ a few green-eyeshade accounting tricks just to find a few dollars beyond the Social Security surplus to spend on other priorities. And the administration's No. 1 priority seems to be the defense budget—well, that might be all right—but more particularly, the defense budget for National Missile Defense and space weapons. The President wants an additional $39 billion for defense—more, perhaps, now—including more than $8 billion to research and test his missile defense plan.

I am troubled that this Administration's number one priority is a project whose scientific feasibility is in doubt. That is the problem.

We could very well be rushing down a path that leads to spiraling costs and lengthy delays. In the 1960s, Congress was told that research of a Super Sonic Transport plane was essential to U.S. competitiveness in future decades. I was here. We spent nearly a billion dollars developing this aircraft before cancelling it in 1973, a billion dollars then would be much larger now. I do not think we have lost one whit of competitiveness because of the cancellation of that program.

We traveled down the same path again when we considered funding the Superconducting Super Collider. The $8 billion program was supposed to fulfill a supposedly vital role in basic scientific research, but we learned that the true cost was nearly fifty percent greater than expected, and we were not even sure it could ever work. Congress had to step in to end this program in 1993. Again, I do not think that we have lost any crucial advantage by not going forward with that project.

I can think of no one who believes that a national missile defense system will be deployed on-time and under budget.

I am troubled, not because such weapons might be needed, but because we are spending huge sums on them without being sure in our own minds that the weaponization of space is the best course of action to ensure our security.

If the United States builds a missile shield to shoot down enemy missiles as soon after they launch as possible, a smart adversary would attempt to shorten the amount of time that our defenses have to react, in addition to taking measures to fool our defenses. One way to shorten the time between launch and impact is to launch closer to the target—either from a submarine offshore, or, as the seas become more transparent to new technologies, from space. Another alternative for a wily adversary would be to switch gears entirely and employ other forms of weapons of mass destruction, such as chemical or biological weapons, that could be dispersed without using long range or intercontinental missiles whose launch points make determining the adversary a simple exercise in geometry. We must be aware that our actions produce reactions.

We can assume that if the United States deploys weapons in space, even in a purely defensive posture, even in a global policeman role, not all of our friends, allies, and competitors will see this as benign. We have only to consider the reaction of the world to the recent statements by the Administration concerning National Missile Defense and the potential abrogation of the 1972 Anti-Ballistic Missile Treaty. Just what would we do when some other nation—friend or competitor—threatens our space superiority by deploying their own weapons there, even if for avowedly defensive purposes? Again the vision of a space marshal comes to mind, this time facing off another gunman down the dusty main street of space. Does the U.S. Marshal fire first, second, or is it a long, tense stand-off with weapons cocked? None of the alternatives sounds particularly promising.

Though it is difficult to conceive, would a military competition in space weaponry deter commercial satellite growth or the growth of e-business that depends on global satellite networked communications? Once weapons are in space, does the cost of doing business in space go up to the point that global commerce is stifled? That would be very bad news for business, for consumers, and for the prospects of returning our national budget to surplus or even to balance.

These are all ramifications of our current course of action that merit discussion—broad, open, public discussion and debate. I do not wish for the United States to be left undefended—far from it—but neither do I wish for the military to be left, in the face of public silence, to make decisions that spend our treasure and which may create new problems for us in arenas yet unconsidered.

In his farewell address on January 17, 1961, President Dwight D. Eisenhower looked upon the rising power and influence of armament producers and at the increasing share of technological research that is performed for the federal government. He warned the councils of government to "guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex * * *," and to "be alert to the * * * danger that public policy could itself become the captive of a scientific-technological elite." Mr. Eisenhower was concerned that, among other things, "democracy * * * survive for all generations to come, not to become the insolvent phantom of tomorrow." He urged that "[O]nly an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

Coming from a former supreme commander of the Allied military forces during World War II, President Eisenhower's words carry the weight of his experience. They are also uncomfortably prophetic. Just forty years after

President Eisenhower gave his warning, President Bush proposes to invest many billions of dollars to achieve military superiority in a new realm, where there currently is no threat, jeopardizing the economic health of the nation and creating instability and mistrust in the hearts of other nations. This will occur unless the citizenry—and its elected representatives—we members of the House and U.S. Senate—especially us—consider and agree upon this course of action. Silence does not equal assent. We must talk, and learn, and consider.

Again, I am admittedly a layman when it comes to high-tech gadgetry on earth, let alone in space. But it seems to me that we must set aside the whizbang and drama of lasers and satellites to consider the real, age-old questions—those that have plagued the great generals throughout time. We should be taking stock of what we have to gain and what we have to lose by moving the lines of battle. We must consider whether or not we have the necessary weapons to protect ourselves and our land before we send our military into new and vastly different frontiers. We should assess the real, known threats to our Nation, and gauge whether we have the weapons and the resources to remain secure, and whether our time, talent, and treasure would be better spent fending off those most likely threats or devising new unproven plans of attack and fabulously expensive means of battle. And we should ponder the awesome responsibility of militarizing space and then being the world's space cop before we rush headlong into the twilight zone called national missile defense.

Madam President, I believe that it would be both wise and prudent to back off just a little bit on the accelerator that is driving us in a headlong and fiscally spendthrift rush to deploy a national missile defense and to invest billions into putting weapons in space and building weapons designed to act in space. That heavy foot on the accelerator is merely the stamp and roar of rhetoric. The threat does not justify the pace. Our budget projections cannot support the pace.

Let us continue to study the matter. Let us continue to conduct research. But the threat, as I say, does not justify the pace at which we are traveling.

Our budget projections cannot support the pace, so let us slow down a bit, look at the map, and consider just where this path is taking us.

Madam President, I thank the distinguished Senator from California who is here prepared to manage the appropriations bill. She is waiting patiently.

I take this opportunity to congratulate her also for the excellent work she has done in preparing this legislation. It was moved through the full Committee on Appropriations yesterday. She is here today prepared to guide its way through this Senate. I thank her on behalf of the Senate and on behalf of the Nation for the service she has rendered and is rendering and will continue to give us.

I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 2904, the Military Construction Appropriations bill, and that the Senate then proceed to its consideration; that immediately after the bill is reported, Senator FEINSTEIN be recognized to offer a substitute amendment, which is the text of S. 1460, the Senate committee reported bill; that the amendment be agreed to and considered as original text for the purpose of further amendment, and the motion to reconsider be laid upon the table; that the only other amendment be a managers' amendment; that the debate time on the bill and managers' amendment be limited to 40 minutes, equally divided and controlled in the usual form; that upon disposition of the managers' amendment, the motion to reconsider be laid upon the table; that the bill be read a third time, and the Senate vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I simply didn't hear what the assistant majority leader just said.

Mr. REID. I just basically said we are going to move to the military construction appropriations bill.

Mr. KYL. Was that the nature of the unanimous consent request?

Mr. REID. Yes.

Mr. President, I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on passage of the bill, H.R. 2904, occur immediately, with the time for debate on the bill to occur following the vote.

The PRESIDING OFFICER. Under the order, the bill is discharged from the committee.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2904) making appropriations for military construction, and for other purposes.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join with my ranking member, Senator HUTCHISON of Texas, to bring before the Senate the 2002 military construction appropriations bill and report. I point out that it is a bipartisan bill, it is carefully thought out, it is carefully balanced, and it is timely.

The bill provides $10.5 billion in new budget authority. This represents a 17.5-percent increase over the fiscal year 2001 funding level and a 5.3-percent increase over the President's budget request. The bill, as reported from the committee, meets the budgetary authority and outlay limits established in the subcommittee's 302(b) allocation.

This is a robust bill, but it is a carefully considered and carefully balanced bill. Our goal from the outset has been to address the highest priority military construction requirements, both at home and abroad. The final product is the balanced mix of readiness projects, barracks and family housing projects, quality-of-life programs, such as child development centers, and an array of Reserve component initiatives.

It is the military construction bill that funds the installations—the home ports and the home bases—of our troops and ships and aircraft. It is the military construction bill that builds the piers and hangars and maintenance shops and operational centers that ready our troops and equipment for deployment. It is this bill that builds the barracks and family housing and childcare centers and medical facilities that serve America's military troops and their families. This bill funds the infrastructure that provides the foundation for training and preparing our military to fight, and for housing their families when they are away.

Given the events of the past few weeks, and the events that we expect to unfold over the coming weeks and months, this bill could not be more timely. The bill was reported out of the full Appropriations Committee only yesterday. We moved it to the floor today in acknowledgement of the pressures under which we are currently operating. Our men and women in uniform cannot afford any delay in getting these projects underway.

Although the bill exceeds the President's budget request, it barely scratches the surface of the enormous need for infrastructure improvements at our military installations throughout the world. It is not overstating the case to say that many of our men and women in uniform work in deplorable conditions at their installations and often have no choice but to live in houses and neighborhoods that are substandard and unsafe. We have a duty to provide better for the members of our military and their families, especially at a time when the President has ordered them to "be ready" for war.

Briefly, I wish to outline some of the pertinent statistics.

The bill provides $4.7 billion for military construction for active duty components and nearly $800 million for the Reserve components.

Total military construction funded in this bill represents a 30-percent increase over the fiscal year 2001 enacted level, and a 5.8-percent increase over the President's request.

A large part of this increase is due to the acceleration of our efforts to upgrade barracks for our troops. The military construction total includes $1.2 billion for barracks construction, a 72-percent increase over the amount appropriated in fiscal year 2001.

The bill also includes $4.1 billion for family housing, a 12.9-percent increase over fiscal year 2001. As you can see from these figures, barracks and family housing projects are among the highest priorities of the subcommittee, reflecting the importance of improving living conditions for our men and women in uniform.

I point out that all the projects the ranking member and I and the subcommittee and the committee recommended were thoroughly screened and vetted with the services. They meet the rigid criteria imposed by law and by the Senate Armed Services Committee. They are good projects and they are needed projects.

The money added in this bill for BRAC environmental cleanup will help the services to meet their most urgent requirements. But I wish to point out that it is going to take far more money and far more realistic budgeting—and I stress that because there has not been realistic budgeting in some of the services for cleanup of closed BRAC bases—to meet the long-range requirements imposed by the BRAC environmental remediation process.

Before I yield the floor, I once again thank the ranking member, my friend from Texas, Senator HUTCHISON. She and her staff on the Republican side have been extraordinarily cooperative. I wish to acknowledge that and express my delight in the way in which we have been able to work together.

I also thank the Appropriations Committee staff for their work on this bill. They have worked very hard, and I can certainly testify that Christina Evans and B.G. Wright of the majority staff, and Sid Ashworth and John Kem of the minority staff, and Matt Miller of my staff have just been tremendous.

I am very grateful for the cooperation that will make this unanimous vote possible. This is an important bill for our Nation and our military forces. I now defer to the distinguished ranking member from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, thank the chairman of the Military Construction Subcommittee. Senator FEINSTEIN and I have a long-time friendship. We have been able to work in a bipartisan way to meet the needs of our military, and I appreciate so much the working relationship we have.

Congress addresses the needs of our military in two separate appropriations bills: Defense and military construction. The bill we will pass today is military construction.

I could not fail to begin without saying none of us anticipated that in September of 2001 our country would be in a war on terrorism, a war that we did not expect but which we are committed to win. We are reminded once again, as we have been in every century of our country's existence, that freedom is not free.

As our forefathers and mothers did before us, we will make all the sacrifices required to protect the freedom they delivered to us, and we will pass the torch to our children. America will remain the strongest nation in the history of the world.

I am pleased to recommend the military construction bill to the Senate. We have sought a balanced bill that addresses military construction requirements for readiness, family housing, barracks, and quality of life for the Active and Reserve components. I would like to make a couple of comments about overseas military construction.

We took a close look at the overseas construction priorities of the Department of Defense to ensure the projects are consistent with the long-range policies and plans of the Department of Defense. There are a few areas that are troubling that I want to bring to everyone's attention.

The United States maintains over 74 installations outside the United States. These installations subsume funding that in some cases could have been better used to maintain or improve our critical domestic base infrastructure and training capabilities. It is important that we continue to closely monitor the overseas funding plans of the Department of Defense.

In the fiscal year 2002 military construction bill, we did not fund three of the overseas projects in the budget submission that either could not be executed next year or are not mission essential. In a resource-constrained environment, these are the types of projects I cannot support. During conference, I expect to continue to closely scrutinize overseas construction.

I also note that this bill includes $192 million for military construction in Korea. United States forces have now served in Korea for over 50 years. The funding in this bill represents a continuing American commitment to our Korean allies. I hope that in the aftermath of the September 11 attack on America, our Korean allies will demonstrate a similar commitment as our Nation responds to that attack.

Finally, our close scrutiny and review of the overseas funding priorities will obviously continue next year based on the results of the ongoing Quadrennial Defense Review, as well as any necessary future military construction resulting from the attack on America on September 11, 2001.

This bill directs the Secretary of Defense to submit a report on the overseas basing requirements as a result of the Quadrennial Defense Review to the Congress no later than April 1, 2002. All the Members of Congress who have visited the men and women of the Armed Forces at our domestic and overseas installations are aware of the critical shortfalls in our defense infrastructure. This bill begins to address those shortfalls.

It improves our national security infrastructure and our ability to support the needs of our military families. This is especially vital at this important time as America comes together to fight terrorism. We will ask more of the men and women of our Armed Forces, and we cannot ask them at the same time to live, train, and deploy from installations that cannot support their readiness and requirements.

I urge my colleagues to support this bill. Our civilian and military leaders and our warriors must go to battle knowing the Senate is committed to ensuring that our defense and military infrastructure requirements are met. America is united in our cause, and Congress will provide the support to win.

Again, I thank Senator FEINSTEIN for working in such a great bipartisan way to fund the requirements for military construction. I also thank her staff, Tina Evans, and B.G. Wright, for working with my staff. I want to especially point out the extraordinary experience and knowledge of Sid Ashworth, who has been on the Appropriations Subcommittee for Military Construction and who, with all due respect, probably knows more than all of us put together. I thank her for her help in getting this bill done, with able help from my staff, Michael Ralsky.

As I yield the floor, I am thankful for the resolve of our country and the unity we are showing in the Senate.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, I thank the ranking member for her cooperation, and I thank the staff.

I want to have printed in the RECORD a letter from the Department of the Navy specifically on the subject of the Hunters Point Naval Shipyard cleanup. There have been real problems in this cleanup which has been characterized by delay and the inability to move forward. One major event was a toxic fire underground that burned undetected for 2 weeks before it was put out. I think the Navy understands certainly my depth of feeling, and I think it is supported by the ranking member, that they move expeditiously to clean up this base. This letter states their determination to do so.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
ASSISTANT SECRETARY OF THE NAVY,
*Washington, DC, September 25, 2001.*

Hon. DIANNE FEINSTEIN,
*Chairman, Subcommittee on Military Construction, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: I am writing in response to your queries regarding the Department of the Navy's environmental clean-up program at the former Hunters Point Naval Shipyard.

The Navy fully shares your commitment to completing the environmental remediation of the former Hunters Point Naval Shipyard. While progress on the remediation efforts may have been inadequate in the past, I can assure you that the Navy is committed to fully funding the cleanup of Hunters Point, and to moving expeditiously to complete this top priority project on schedule.

With help from your Committee, the Navy is prepared to execute the total projected FY 2002 program of $50.6 million at Hunters Point. Deputy Assistant Secretary Holaday has been meeting with your staff on this issue, and is working with other congressional committee staff to ensure they understand the importance the Department places on receiving full funding for Hunters Point.

I would be happy to meet with you to discuss this issue more fully. I look forward to working closely with you and with the local community to successfully complete the environmental remediation and property transfer at Hunters Point.

H.T. JOHNSON.

AMENDMENT NO. 1692

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. HUTCHISON, proposes an amendment numbered 1692.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted".)

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1693

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1693.

The amendment (No. 1693) is as follows:

(Purpose: To provide funding for a feasibility study regarding an access road at the Pine Bluff Arsenal, Arkansas)

Insert at the appropriate place in the bill the following new item:

Of the funds available under the heading "Military Construction, Defense-wide", for the Pine Bluff Ammunition Demilitarization Facility (Phase VI), the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent it be added to the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1693) was agreed to.

The PRESIDING OFFICER. The managers' amendment is agreed to.

The amendment (No. 1692) was agreed to.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1460, the Military Construction Appropriations Act for Fiscal Year 2002.

The Senate bill provides $10.5 billion in discretionary budget authority, all classified as defense spending, which will result in new outlays in 2002 of $2.741 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $9.253 billion in 2002. The Senate bill is within its section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators FEINSTEIN and HUTCHISON, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1460, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002 SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

| | Defense | Mandatory | Total |
|---|---|---|---|
| Senate-reported bill: | | | |
| Budget Authority | 10,500 | 0 | 10,500 |
| Outlays | 9,253 | 0 | 9,253 |
| Senate 302(b) allocation[1]: | | | |
| Budget Authority | 10,500 | 0 | 10,500 |
| Outlays | 9,294 | 0 | 9,284 |
| House-reported: | | | |
| Budget Authority | 10,500 | 0 | 10,500 |
| Outlays | 9,202 | 0 | 9,202 |
| President's request: | | | |
| Budget Authority | 9,972 | 0 | 9,972 |
| Outlays | 9,165 | 0 | 9,165 |
| SENATE-REPORTED BILL COMPARED TO | | | |
| Senate 302(b) allocation[1]: | | | |
| Budget Authority | 0 | 0 | 0 |
| Outlays | (31) | 0 | (31) |
| House-reported: | | | |
| Budget Authority | 0 | 0 | 0 |
| Outlays | 51 | 0 | 51 |
| President's request: | | | |
| Budget Authority | 528 | 0 | 528 |
| Outlays | 88 | 0 | 88 |

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. Mr. President, the majority leader asked me to announce this will be the last vote today and that the next vote will be Tuesday morning.

I ask for the yeas and nays.

Mrs. HUTCHISON. Mr. President, I wanted to clarify that my amendment was added to the managers' amendment and the managers' amendment was agreed to by unanimous consent.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee

Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Biden
Boxer
Dodd

The bill (H.R. 2904), as amended, was passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2904) entitled "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

### *MILITARY CONSTRUCTION, ARMY*

*(INCLUDING RESCISSION)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,668,957,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $176,184,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under division A of Public Law 106–246, $26,400,000 are rescinded.*

### *MILITARY CONSTRUCTION, NAVY*

*(INCLUDING RESCISSION)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,148,633,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $37,332,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under division A of Public Law 106–246, $19,588,000 are rescinded.*

### *MILITARY CONSTRUCTION, AIR FORCE*

*(INCLUDING RESCISSION)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,148,269,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $83,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under previous Military Construction Acts, $4,000,000 are rescinded.*

### *MILITARY CONSTRUCTION, DEFENSE-WIDE*

*(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)*

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $881,058,000, to remain available until September 30, 2006: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $88,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under division A of Public Law 106–246, $55,030,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under division B of Public Law 106–246, $10,250,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under previous Military Construction Acts, $4,000,000 are rescinded.*

### *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $378,549,000, to remain available until September 30, 2006.*

### *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $222,767,000, to remain available until September 30, 2006.*

### *MILITARY CONSTRUCTION, ARMY RESERVE*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,404,000, to remain available until September 30, 2006.*

### *MILITARY CONSTRUCTION, NAVAL RESERVE*

*(INCLUDING RESCISSION)*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,641,000, to remain available until September 30, 2006: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under division A of Public Law 106–246, $925,000 are rescinded.*

### *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,732,000, to remain available until September 30, 2006.*

### *NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM*

*For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $162,600,000, to remain available until expended.*

### *FAMILY HOUSING, ARMY*

*For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,742,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $1,108,991,000; in all $1,421,733,000.*

### *FAMILY HOUSING, NAVY AND MARINE CORPS*

*For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,600,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $918,095,000; in all $1,230,695,000.*

### *FAMILY HOUSING, AIR FORCE*

*For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $550,703,000, to remain available until September 30, 2006; for Operation* *and Maintenance, and for debt payment, $869,121,000; in all $1,419,824,000.*

### FAMILY HOUSING, DEFENSE-WIDE

*For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $250,000 to remain available until September 30, 2006; for Operation and Maintenance, $43,762,000; in all $44,012,000.*

### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

*For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.*

### HOMEOWNERS ASSISTANCE FUND, DEFENSE

*For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) $10,119,000, to remain available until expended.*

### BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

*For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $682,200,000, to remain available until expended.*

### GENERAL PROVISIONS

*SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.*

*SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.*

*SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.*

*SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.*

*SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.*

*SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.*

*SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.*

*SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.*

*SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.*

*SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.*

*SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.*

*SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.*

*SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.*

*SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.*

### (TRANSFER OF FUNDS)

*SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.*

*SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.*

*SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.*

### (TRANSFER OF FUNDS)

*SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.*

*SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.*

### (TRANSFER OF FUNDS)

*SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.*

### (TRANSFER OF FUNDS)

*SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.*

*SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.*

*SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).*

*(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—*

*(A) the closure or realignment of the installation for which housing is provided under the contract;*

*(B) a reduction in force of units stationed at such installation; or*

*(C) the extended deployment overseas of units stationed at such installation.*

*(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.*

*(c) In this section, the term "congressional defense committees" means the following:*

*(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.*

*(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.*

*(TRANSFER OF FUNDS)*

*SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.*

*SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.*

*SEC. 126. In addition to the amounts provided in Public Law 107–20, of the funds appropriated under the heading "Military Construction, Air Force" in this Act, $8,000,000 is to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.*

*SEC. 127. Not later than 90 days after the enactment of this bill, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.*

*SEC. 128. Of the funds available under the heading "Military Construction, Defense-wide", for the Pine Bluff Ammunition Demilitarization Facility (Phase VI) the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.*

*This Act may be cited as the "Military Construction Appropriations Act, 2002".*

Mrs. HUTCHISON. Madam President, I move to reconsider that vote, and I move to lay that motion on the table.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate:

Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REID of Nevada, Mr. BYRD, Mrs. HUTCHISON of Texas, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, and Mr. STEVENS.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Resumed

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Mr. LEVIN. Madam President, we made good progress on this bill yesterday. Unfortunately, we weren't successful in reaching a unanimous consent agreement on a finite list of amendments to this bill which would allow us to move quickly to final passage.

But we simply must complete action on this bill. President Bush has declared a national state of emergency. Our military forces are deploying around the world. We are calling the National Guard and Reserve units to active duty to augment our active forces.

This bill contains critically important provisions for our national security. It provides much needed increases in military pay and benefits, including housing benefits and allowances. It contains authority for bonuses and special pay to retain people with critical skills in the military services, and it contains a number of important provisions to improve the efficiency of the Defense Department operations.

The matter which has been keeping us from proceeding and completing this bill is not related to the national defense bill that is before us. Our leadership is working hard to try to address that issue.

I thank our leaders, Senator DASCHLE, Senator LOTT, and Senator REID, who have been so actively involved for their efforts to move us forward on this critically important bill.

I thank Senator WARNER. He and his staff have worked tirelessly to advance the bill. But adopting this bill would send a powerful signal to our allies and our adversaries around the world of a strong and unified sense of national unity and determination and our support for our Armed Forces.

So I am hopeful that we can continue to make progress. As part of that effort, Senator WARNER and I and our staffs worked late last night and this morning to develop a package of about 25 cleared amendments.

### AMENDMENTS NOS. 1694 THROUGH 1718, EN BLOC

At this point, I ask unanimous consent that it be in order to send 25 amendments to the desk for consideration en bloc, that the amendments be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the amendments be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. Madam President, I will address in detail some of the remarks made earlier by my distinguished chairman, but at this point in time may I say this has been worked out mutually. We are in complete concurrence on this side with this block of amendments that we will adopt en bloc.

Again, I join the Senator in crediting our staff who have worked long hours into last night and almost every night.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1694 through 1718), en bloc, were agreed to, as follows:

### AMENDMENT NO. 1694

(Purpose: To amend the Small Business Act to promote the involvement of small business concerns and small business joint ventures in certain types of procurement contracts, to establish the Small Business Procurement Competition Program, and for other purposes)

At the appropriate place, insert the following:

**SEC.   . SMALL BUSINESS PROCUREMENT COMPETITION.**

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after "bundled contract" the following: ", the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more";

(2) by striking "In the" and inserting the following:

"(A) IN GENERAL.—In the"; and

(3) by adding at the end the following:

"(B) CONTRACTING GOALS.—

"(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

"(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.".

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

"(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

"(II) no other concern will perform a greater proportion of the work on that contract; and

"(III) no other concern that is not a small business concern will perform work on the contract.".

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking "and" at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

"(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and".

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following;

"(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

"(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

"(ii) no other concern will perform a greater proportion of the work on that contract; and

"(iii) no other concern that is not a small business concern will perform work on the contract.".

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Administrator" means the Administrator of the Small Business Administration;

(B) the term "Federal agency" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term "Program" means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term "small business-only joint ventures" means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the "Small Business Procurement Competition Program".

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

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AMENDMENT NO. 1695

(Purpose: To make amendments with respect to small business concerns)

On page 270, line 9, strike "(A)" and all that follows through "(4)" on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting ", and whether contract bundling played a role in the failure," after "agency goals"; and

(2) by adding at the end the following:

"(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.".

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

"(p) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

"(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

"(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.".

On page 290, between lines 3 and 4, insert the following:

**SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.**

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

"(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

"(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

"(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

"(ii) files reports with the Securities and Exchange Commission as a small business issuer.".

"(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

"(i) an individual that is not a United States citizen; and

"(ii) any other person that is not organized under the laws of any State or the United States.".

### AMENDMENT NO. 1696

(Purpose: To authorize, with an offset, $11,900,000 to improve instrumentation and targets at Army live fire training ranges)

At the end of subtitle A of title III, add the following:

### SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

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### AMENDMENT NO. 1697

(Purpose: To increase the amount authorized to be appropriated for the Air Force for procurement of Hydra-70 rockets, and to provide an offset)

On page 18, line 13, increase the amount by $20,000,000.

On page 32, line 4, reduced the amount by $20,000,000.

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### AMENDMENT NO. 1698

(Purpose: To modify the provisions relating to financial management oversight of the Department of Defense)

In the section heading of section 1007, strike "**SENIOR FINANCIAL MANAGEMENT OVERSIGHT COUNCIL**" and insert "**FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE**".

In section 1007, strike the subsection caption for subsection (a) and insert the following: "ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—".

In section 1007(a)(1), strike "Senior Financial Management Oversight Council" and insert "Financial Management Modernization Executive Committee".

In section 1007(a)(2), strike "Council" and insert "Committee".

In section 1007(a)(2), insert after "(Personnel and Readiness)," the following: "the chief information officer of the Department of Defense,".

In section 1007(a)(3), strike "Council" and insert "Committee".

In section 1007(a), add at the end the following:

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

In section 1007(b), in the matter preceding paragraph (1), strike "Senior Financial Management Oversight Council" and insert "Financial Management Modernization Executive Committee".

In section 1007(b), add at the end the following:

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

In section 1007(c)(1), strike "of all" and all that follows through the end and insert "of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.".

In section 1007(c)(2), strike "to financial statements before other actions are initiated." and insert "to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.".

In section 1007(c), strike paragraphs (3), (4), and (5) and insert the following:

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

In section 1007, strike subsection (d) and insert the following:

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

"(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.".

(2)(A) The section heading of such section is amended to read as follows:

**"§ 2222. Annual financial management improvement plan".**

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

"2222. Annual financial management improvement plan.".

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTER 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

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### AMENDMENT NO. 1699

(Purpose: To require a determination on the advisability of amending the Federal Acquisition Regulation to authorize treatment of financing costs as an allowable expense under contracts for utility services from utility systems privatized under the utility privatization initiative)

At the end of subtitle A of title XXVIII, add the following:

### SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

### AMENDMENT NO. 1700

(Purpose: Relating to chemical and biological protective equipment for military and civilian personnel of the Department of Defense)

At the end of subtitle E of title X, add the following:

### SEC. 1066. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

### AMENDMENT NO. 1701

(Purpose: To improve the provisions relating to the Rocky Flats National Wildlife Refuge)

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

### AMENDMENT NO. 1702

(Purpose: To repeal the limitation on number of officers on active duty in the grades of general or admiral)

At the end of section 501 add the following:

(e) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL OR ADMIRAL.—(1) Section 528 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

### AMENDMENT NO. 1703

(Purpose: To improve the organization and management of the Department of Defense with respect to space programs and activities)

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

### AMENDMENT NO. 1704

(Purpose: To modify certain provisions relating to Cooperative Threat Reduction programs)

In section 1202(c)(1), strike "Subject to paragraphs (2) and (3)," and insert "Subject to paragraph (2),".

In section 1202(c)(3), strike "in any of the paragraphs" and insert "in paragraph (7), (10) or (11)".

Strike section 1203 and insert the following:

### SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting "(a) LIMITATION.—" before "No fiscal year";

(2) in subsection (a), as so designated, by inserting before the period at the end the following: "until the Secretary of Defense submits to Congress a certification that there has been—

"(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

"(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

"(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

"(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

"(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

"(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility."; and

(3) by adding at the end the following new subsection:

"(b) OMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.".

In section 1204(b), strike "EXECUTIVE" in the subsection caption and insert "IMPLEMENTING".

In section 1204(b), strike "executive" and insert "implementing".

### AMENDMENT NO. 1705

(Purpose: Relating to the V-22 Osprey aircraft)

At the end of subtitle C of title I, add the following:

### SEC. 124. ADDITIONAL MATTER RELATING TO V-22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V-22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V-22 Osprey aircraft, including a justification of each such waiver.

### AMENDMENT NO. 1706

(Purpose: To authorize the appropriation of an additional amount of $1,000,000 for fiscal year 2001 that was previously appropriated for that fiscal year for RDT&E, Defense-wide, for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency (PE0305102BQ))

On page 31, between lines 15 and 16, insert the following:

### SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A-32) is amended by striking "$10,873,712,000" and inserting "$10,874,712,000".

### AMENDMENT NO. 1707

(Purpose: To modify the land conveyance at Mukilteo Tank Farm, Everett, Washington)

At the end of subtitle C of title XXVIII, add the following:

### SEC. . MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking "22 acres" and inserting "20.9 acres";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

"(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

"(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

"(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

"(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

"(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

**"SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.".**

### AMENDMENT NO. 1708

(Purpose: To modify the authorization for a military construction project at Fort Sill, Oklahoma)

The table in section 2101(a) is amended in the item relating to Fort Sill, Oklahoma, by striking "$18,600,000" in the amount column and inserting "$40,100,000".

The table in section 2101(a) is amended by striking the amount identified as the total in the amount column and inserting "$1,279,500,000".

Section 2104(b)(4) is amended by striking "and" at the end.

Section 2104(b)(5) is amended by striking the period at the end and inserting "; and".

Section 2104(b) is amended by inserting after paragraph (5) the following:

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

### AMENDMENT NO. 1709

(Purpose: To authorize, with an offset, $2,400,000 for procurement of additional M291 skin decontamination kits)

At the end of subtitle E of title I, add the following:

### SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

### AMENDMENT NO. 1710

(Purpose: To reauthorize a warranty claims recovery pilot program)

At the end of subtitle D of title III, add the following:

### SEC. 335. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking "September 30, 1999" and inserting "September 30, 2003".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "January 1, 2000" and inserting "January 1, 2003"; and

(2) in paragraph (2), by striking "March 1, 2000" and inserting "March 1, 2003".

### AMENDMENT NO. 1711

(Purpose: To authorize land conveyances at Charleston Air Force Base, South Carolina)

At the end of subtitle C of title XXVIII, add the following:

### SEC. 2827. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the "City"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

### AMENDMENT NO. 1712

(Purpose: To authorize the sale of goods and services that are not available from any United States commercial source by the Naval Magazine, Indian Island)

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

### AMENDMENT NO. 1713

(Purpose: To authorize a land conveyance, Fort Des Moines, Iowa)

At the end of subtitle C of title XXVIII, add the following:

### SEC. 2827. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the "Memorial Park"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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### AMENDMENT NO. 1714

(Purpose: To authorize participation of regular members of the Armed Forces in Senior ROTC)

At the end of subtitle C of title V, add the following:

### SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) Eligibility.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting "the regular component or" after "enlist in".

(b) Pay Rate While on Field Training or Practice Cruise.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: ", except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title".

(c) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

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### AMENDMENT NO. 1715

(Purpose: To repeal certain limitations on the exercise of voluntary separation incentive pay authority and voluntary early retirement authority)

Strike section 1113 and insert the following:

### SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A-323) is amended—

(1) in paragraph (1), by striking "Subject to paragraph (2), the" and inserting "The";

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

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### AMENDMENT NO. 1716

(Purpose: To make additional modifications to the Energy Employees Occupational Illness Program)

In section 3151(d), strike paragraphs (1) and (2) and insert the following:

(1) In general.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A-506) is amended to read as follows:

"(e) Survivors.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

"(A) If such living survivors of the covered employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

"(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(2) Uranium employees.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A-507) is amended to read as follows:

"(e) Survivors.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

"(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

"(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

In section 3151(g)(1) in the matter preceding subparagraph (A), insert ", with the cooperation of the Department of Energy and the Department of Labor," after "shall".

In section 3151(g), strike paragraph (2) and insert the following:

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

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### AMENDMENT NO. 1717

(Purpose: To set aside for land forces readiness-information operations sustainment (PE 19640) $5,000,000 of the amount provided for the Army Reserve for operation and maintenance)

At the end of subtitle D of title III, add the following:

### SEC. 335. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

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### AMENDMENT NO. 1718

(Purpose: To require the conveyance of certain former Minuteman III ICBM facilities)

At the end of subtitle C of title III, add the following:

### SEC. 2827. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) Conveyances Required.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the "Historical Society") all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated "November-33".

(B) The parcel consisting of the missile alert facility and launch control center designated "Oscar-O".

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) Consultation.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) Historic Site.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

### AMENDMENT NO. 1694

Mr. BOND. Mr. President, I commend Chairman KERRY for his proposal to improve access for small business to participate in joint ventures. In the 1997 Small Business Reauthorization Act, we adopted provisions to allow small businesses to join together to compete for bundled contracts that otherwise would be too large for them to perform. However, current law requires the lead contractor to perform

50 percent of the value of the contract. This is still a significant obstacle. The Kerry/Bond amendment would allow the prime contractor to perform 33 percent of the contract if no other participant performs a greater proportion and if all other participants in the joint venture are small businesses.

Mr. KERRY. Mr. President, I would like to thank Armed Services Committee Chairman LEVIN and Ranking Member WARNER for their assistance on this amendment to the National Defense Authorization Act for Fiscal Year 2002. My amendment, cosponsored by Senator BOND, will help small businesses more effectively compete for large and/or bundled contracts.

Everyone knows that small businesses are vital to the U.S. economy, accounting for 99 percent of all private sector employers, providing 75 percent of all net new jobs, and accounting for 51 percent of private-sector output. But what many of my colleagues may not realize is the vital role small businesses play in providing competition and innovation to our Federal procurement system. In fact, a major reason for the creation of the Small Business Administration was to ensure an adequate private sector base for the Department of Defense. It was actually deemed in our national security interests to have a thriving small business sector. And this has not changed, it is actually more important than ever, not just to our national security, but to our economic security as well.

The amendment is based on our legislation, the "Small Business Procurement Competition Act of 2001," and begins with one simple premise that has been proven time and again, when it comes to large Federal contracts, small businesses are at a competitive disadvantage because of the amounts of money involved and the large geographic areas these contracts may serve. The practice known as contract bundling, whereby separate procurement contracts are combined into one contract, has resulted in small businesses that do business with the Federal Government being placed at an even greater disadvantage. Unfortunately, procurement streamlining has resulted in the practice of contract bundling becoming more and more common.

In fact, for Fiscal Year 2000, the Federal Government failed to meet its goal of 23 percent of Federal prime contracts being awarded to small businesses. Many experts blame the inability of small businesses to compete on large bundled contracts as a key factor in this decline. For example, the Small Business Administration's Office of Advocacy believes that for every $100 awarded on a bundled contract, there was a decrease of $33 to small businesses.

The Small Business Procurement Competition Act that has been included in this bill will address this decline in two ways. First, it draws on an existing principle known as "joint ventures" and expands the ability of small businesses to form them. Second, it raises the percentage of contracts that a small business can subcontract to other small businesses.

Joint ventures, whereby small businesses can team together to bid on a bundled contract, even if the combined entity is too large to be considered a small business, is not a new concept. In fact, the Clinton Administration began to remove some of the obstacles to the formation of joint ventures. Our amendment takes this initiative, cements it into law, and makes several improvements to help and encourage the formation of joint ventures.

Many small businesses have said that they like the idea of being able to team with other small businesses to compete on bundled contracts, but they often don't know where to begin. Worse, many small businesses have said that, despite U.S. law, many contracts that should be considered bundled contracts are not, which has limited their ability to form joint ventures.

To combat these deficiencies, our amendment allows for the formation of a small business-only joint venture to bid on any contract over the amount of $5 million, regardless of whether or not the contract is bundled. To combat the knowledge gap on this issue, our legislation requires that the Small Business Administration, SBA, set up a database of companies that are actively seeking to form joint ventures. The legislation also sets up a pilot program requiring the SBA to conduct outreach and education efforts to small businesses that want to form joint ventures.

Joint ventures are not the only means to help small businesses compete for bundled contracts. Our amendment also changes the subcontracting requirements for small businesses. Under current law, a small business must perform at least 51 percent of the work on a contract to maintain its small business eligibility. Under our provision, a small business can subcontract up to 2/3 of the work to other small businesses on bundled contract, provided the prime small business contractor performs the greatest proportion of the work. In this way, small businesses can bid on larger contracts that they do not have the capacity to perform on their own.

Small businesses are vital to the economic growth of the U.S. economy. Their innovations, the competition they provide and the jobs they create are just some of the reasons we must ensure the success of our small businesses. Taken together, these provisions will help small businesses by providing them with more opportunities to compete for Federal contracts and help maintain the national supply chain.

As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I have made it a priority to ensure small businesses receive their fair share of Federal procurement contracts. This legislation is an important step in fulfilling that promise.

I would also like to thank Senator BOND for his work on another amendment to the National Defense Authorization Act, which I am a cosponsor of, to make some changes to the procurement provisions pertaining to small business in this legislation. I believe it is an important amendment and I am pleased we were able to get it included in the bill.

Once again, I would like to thank Senator BOND for joining me in this effort, as well as Senator LEVIN and Senator WARNER for their assistance and their courtesy.

### AMENDMENT NO. 1695

Mr. BOND. Mr. President, I appreciate the opportunity to work with Chairman KERRY of the Small Business Committee to improve certain provisions of the Small Business Act relating to Federal procurement policy. These provisions will enable us to do a better job of tracking the small business impact of contract bundling without imposing burdensome new reporting requirements on the Defense Department. The amendment will also help a new class of firm participate in our HUBZone program to expand contracting opportunities to small businesses that locate in and hire from the nation's most chronically distressed communities.

The amendment revises current burdensome reporting requirements of the Small Business Act with respect to contract bundling, and eliminates corresponding provisions—which would now be moot—of the Defense Authorization that seek to guard DoD against those burdensome requirements. A new report requirement would be imposed on the SBA Administrator on how to improve the market analyses currently required by law, to make them more systematic and meaningful. DoD would not be required to collect new data under the revised provisions, which threatens to be the case under current law.

The amendment also alters the HUBZone Act to allow small businesses to participate if their stock is publicly traded. Currently, the HUBZone law requires all HUBZone owners to be U.S. citizens. A company whose stock is publicly traded can never meet this requirement. The company does not know the citizenship of all its stockholders, and even if it did, it might change at any moment if someone decides to sell or buy shares.

The amendment piggybacks on current Securities Exchange Act disclosures to meet the citizenship requirement. The law requires people who own 5 percent or more of a company to file disclosure reports, and to file subsequent amendments if that amount materially changes. Under the HUBZone language proposed here, a firm would be deemed to meet the HUBZone citizenship requirement if no non-citizen (individual or corporate entity organized under the laws of a State or the United States) has filed a disclosure indicating ownership of more than 10 percent of the small business concern's stock. Because ownership can change at any moment, the language would provide that this must be true at the time of application and at such other subsequent times as the SBA Administrator prescribes.

One of the principal hurdles faced by small business is lack of access to capital. It makes no sense to exclude small businesses that have overcome this obstacle and gained access to the securities markets. This language would allow a publicly traded firm to rely reasonably on the disclosures they have received, so that they can participate in the HUBZone program. This will help stimulate new investment in our nation's most blighted inner cities, rural counties and Indian reservations, the areas targeted by the HUBZone Act.

### AMENDMENT NO. 1698

Mr. BYRD. Mr. President, I rise to offer an amendment to address the serious accounting and financial management problems in the Department of Defense. These problems have been exhaustively detailed in reports by the General Accounting Office, the Department of Defense Inspector General's Office, and numerous independent reports on the Pentagon's books.

The problems with the Department of Defense's books is not a new one. In 1990, Congress passed the Chief Financial Officers Act, which required the departments and agencies of the Federal Government to prepare annual audited financial statements. Eleven years later, the Pentagon has yet to prepare a single financial statement that can pass an audit. In fact, the books are so poorly kept that the folks with the green eye shades can't even begin to make an informed opinion on the Department's ledgers. As a result, no one has a clue how much the Department spends or what it owns.

I first brought this issue to the attention of Secretary Rumsfeld during his confirmation hearing before the Armed Services Committee on January 11, 2001. He said at that time that he would take action on financial management, and he has since completed work on an important, comprehensive review of our military's bookkeeping. These are good steps, but sustained interest is needed to make progress on this issue. Until the problems are straightened out, this issue will need the personal attention of the Secretary of Defense, the secretaries of the military services, and many other high-level managers. The alternative is to have a financial management system that diverts the taxpayer's money from important budget items, such as training, procurement, and our fight against terrorism, to simply generating more waste, fraud, and abuse.

My amendment capitalizes on the work done by the Armed Services Committee by strengthening the Senior Financial Management Oversight Council that is created by this bill. My amendment creates the Financial Management Modernization Executive Committee to establish guidelines for improvement of the computer systems that generate unreliable financial data, and makes the Executive Committee accountable directly to the Secretary of Defense, the Deputy Secretary, and the secretaries of the military services. It directs the Executive Committee to focus investments on improved financial systems, rather than continuing to spend money on systems that are hopelessly outdated.

In this amendment, I also strengthen the reporting requirements to Congress. The Armed Services Committee and the Appropriations Committee needs to know how long it will take to implement financial reform, and how much it will cost. We also need to know if the Department is making progress in reform, or if it is falling behind. The reporting requirements in this amendment will allow Congress to exercise better oversight of the Department's financial management reforms, and they are an integral part of this amendment.

I thank my colleague, Senator GRASSLEY, for working with me on this important issue. He has long been an advocate of improving accounting and business practices in the Pentagon, and his knowledge and experience in financial management issues contributed greatly to the text of this amendment. I look forward to working with him in the future to see that the Department effectively implements the needed reforms.

I ask my colleagues to support this important amendment.

Mr. GRASSLEY. Mr. President, I come to the floor today to cosponsor an amendment with the very distinguished gentleman from West Virginia, Senator BYRD.

Senator BYRD has crafted a very important and thoughtful piece of legislation designed to help the new Secretary of Defense bring some financial management reform to the Pentagon.

This legislation is the end result of a series of questions Senator BYRD raised at a hearing before the Armed Services Committee on January 11th. This was the hearing on the nomination of Mr. Rumsfeld to be the next Secretary of Defense.

Senator BYRD's questions pertained to the Pentagon's continuing inability to earn a passing grade, or "clean" audit opinion, on its annual financial statements.

Under the Chief Financial Officers or CFO Act, the Pentagon must prepare financial statements each year. These are supposed to be an accurate reflection of all the department's assets and liabilities. The financial statements are then subjected to an independent audit by either the General Accounting Office or the Inspector General.

Senator BYRD's questions pertained to the department's poor performance on the latest audit.

Senator BYRD questioning with this telling point: "DOD's own auditors say the department cannot account for $2.3 trillion. I repeat $2.3 trillion, in transactions in one year alone."

I believe that Senator BYRD's question had a profound effect on Mr. Rumsfeld. I think they sent shock waves through the whole department.

Since that time, Senator BYRD's staff and my staff have been working together to find a remedy.

Our amendment is a byproduct of that process, and Senator BYRD deserves most of the credit for advancing this initiative through the committee review process.

It is a great honor and privilege for the Senator from Iowa to work with someone of Senator BYRD's stature. Senator BYRD is a highly respected leader in this body and throughout our government. And when he tells the Pentagon, or any other agency for that matter, to shape up and fly right, they pay attention. They do what he asks.

As many of my colleagues know, I have been wrestling with this problem for a number of years. And quite frankly, I have not had a whole lot of success in getting the job done.

With Senator BYRD's leadership, I am now confident of success. With his leadership, I believe that meaningful reform is possible.

And my confidence is further reinforced by the attitude of the new leadership across the river over in the Pentagon.

My gut sense is that Mr. Rumsfeld was truly shocked by Senator BYRD's assessment.

As a former chief executive officer in a large corporation, Mr. Rumsfeld knows and understands the importance of having accurate financial information at his fingertips. It's absolutely essential for making informed decisions. It is essential for success.

He understands that the financial statement audits are a valuable diagnostic tool. They allow us to examine the patient's vital signs. It's kind of like doing a cat-scan on the government bookkeeping operation. If the books are in order and the numbers add up, it's so easy to roll them all up into a top-line financial statement that can stand up to scrutiny by auditors.

Mr. Rumsfeld grasped the magnitude of the problem immediately. He knows that the Secretary of Defense cannot possibly make good decisions with lousy information.

Having accurate, up-to-date financial information at his fingertips is mandatory—especially today when we appear to be on the brink of war.

The demand for financial resources is starting to escalate rapidly. If DOD does not know what it has in the inventory today and how much it is spending from one day to the next, then how could it possibly know what it needs?

I want to be certain that my colleagues understand the goal of the CFO Act. The key to this process is not passing some audit with flying colors. That's not it at all. This is no mickey mouse bean-counter exercise.

The goal is to have accurate financial information in the hands of those responsible for making decisions. A "clean" opinion tells us that they will have it when they need it. A "clean" opinion will tell us that they are in a position to make informed decisions about what needs to be done.

A disclaimer of opinion, by comparison, says they don't have it and can't make informed decisions. That's bad, but that's exactly where DOD is today.

Secretary Rumsfeld's response to Senator BYRD's questions was so encouraging. It was music to my ears.

Secretary Rumsfeld's response tells me that he understands the problem completely, and he wants to solve it. He knows he has to solve it, if he is to be a successful and effective secretary.

Secretary Rumsfeld made a personal commitment to me to clean up the department's books.

His Chief Financial Officer, Mr. Dov Zakheim, has made a personal commitment to me to fix the books.

And Mr. Zakheim's senior deputies, like Mr. Larry Lanzillotta, have made a personal commitment to me to fix the books.

So, I now see a willingness in the Pentagon to get a handle on this problem. That's half the battle right there, the will to get the job done.

To my knowledge, that attitude never existed at the Pentagon in the past.

In the past, I fought endlessly with Mr. Hamre and his predecessors. They denied the problem even existed. Clearly, we have moved way beyond that stage.

Mr. Rumsfeld and his team understand the problem and want to fix it. If the will is there, as I think it is, I think we can succeed this time.

I would like to assure my colleagues that this is not an attempt to legislate a solution. So long as the Secretary is committed to reform, a legislative solution is unnecessary.

I see our amendment more as a device to help the Secretary get the job done.

Our only objective is to help the department acquire the tools it needs to put accurate, up-to-date financial information at the secretary's fingertips.

First, our amendment establishes a Senior Financial Management Modernization Executive Committee.

This group will supervise the acquisition of highly integrated accounting systems and computer technology.

These systems will be designed to produce reliable financial statements. Those capabilities simply do not exist today.

This group will report directly to Secretary Rumsfeld.

Second, the amendment provides some much needed relief. Right now, the Inspector General is pouring audit resources down a rat hole. It makes no sense whatsoever to audit financial statements that are notoriously unreliable. It's a total waste. That practice will be suspended temporarily.

Third, while some audits are suspended, the Secretary must provide an estimate of when reliable financial statements will be available for audit.

Fourth, the department is put on notice that it has four years to get the new systems up and running.

Mr. President, every member of this body understands that the elimination of the terrorist threat to this country is the top defense priority for the foreseeable future. We understand and accept that.

Countering this terrible threat must take priority over everything else.

At the same time, I hope that efforts to ferret out fraud, waste, abuse and mismanagement are not left behind in a cloud of dust. They have a place, even in the current environment.

It will be up to Secretary Rumsfeld to decide how and where reform fits into the new priorities.

We have been repeatedly told that the coming campaign against terrorism will be long and difficult. If it is long and difficult as predicted, then we will need to be certain that we don't waste precious resources. Waste and mismanagement could get in the way of our efforts to win the war against terrorism.

### AMENDMENT NO. 1703

Mr. ALLARD. Mr. President, I am pleased to be introducing with Senator BOB SMITH an amendment to improve the organization and management of the Department of Defense with respect to space programs and activities.

This amendment is more important than ever. We are about to engage in an extraordinary struggle against the forces of terrorism. This will be a far-flung and difficult fight. Good intelligence will be at a premium and our space assets play a key role in achieving that.

We must do whatever we can to be sure that all our military assets are managed as efficiently and effectively as possible. This amendment, which is based on the recommendations of the Commission to Assess United States National Security Space Management and Organization, (also known as the Space Commission), is intended to do just that for our space assets.

The Commission looked at current DOD organization and management as it pertains to the development and implementation of national-level guidance, establishing requirements, acquiring and operating systems, and planning, programming and budgeting for national security space capabilities. The Commission found that the United States is dependent on space, creating vulnerabilities and demands on our space systems requiring space to be recognized as a top national security priority. The Commission also concluded that these new vulnerabilities and demands are not adequately addressed by the current management structure at the Department. The Commission found that a number of space activities should be merged, chains of command adjusted, lines of communications opened and policies modified to achieve greater responsibility and accountability. Senator SMITH and I agree, and believe that space assets will be critical in the coming conflict with the forces of terrorism. That is why we are introducing this amendment.

The Department is making some of these changes today. However, we believe Congress should show its support to our military men and women by providing the Secretary with authority to realign his Department to make it more effective.

This legislation will provide the Secretary of Defense with the tools he needs for more effective management and organization of space program and activities. Specifically the legislation will:

Provide discretionary authority for the Secretary of Defense to establish an Under Secretary of Defense for Space, Intelligence and Information. Right now, the Secretary does not have this authority. While he has decided for the moment not to adopt this Commission recommendation, the amendment would provide him the authority to do so if he so chooses;

It would establish the Air Force as the Executive Agent for DOD space programs for DOD functions designated by the Secretary of Defense;

It would assign the Under Secretary of the Air Force as the Director of the NRO and directs the Under Secretary of the Air Force to coordinate the space activities of DOD and the NRO;

It would establish a budget mechanism to provide a better understanding of the resources we dedicate to space programs;

It would direct the Under Secretary of the Air Force to establish a space career field to promote the growth of specialists in space programs, doctrine, and operations. A budget mechanism and space career field will both help provide the needed focus on space and space activities;

And finally, the amendment would provide for joint service management of space programs to the maximum extent practicable, to assure that the Army, Navy, and Marine Corps stay actively involved in space programs.

This amendment will provide DOD the authority and flexibility to move faster and more efficiently in its reorganization and help provide the focus and attention that space programs and activities deserve. This is imperative in this dangerous world, in which our forces need the best technology, training, and support.

I want to thank my colleague for joining with me in this effort to provide the Department the tools it needs to make space a top national security priority. We welcome all Senators to join us in support of this important legislation.

Mr. SMITH of New Hampshire. Mr. President, I am glad that the Space Management Organization Amendment to this year's National Defense Authorization Act has been approved. As you all know, space issues have long been a keen interest of mine, even long before I served as the Strategic Forces Subcommittee Chairman. My interest is not derived from my New Hampshire industry constituents, because there is very little space business in my State. Rather, my interest in space is derived from my firm belief that whoever controls space will win the next war. More and more our deployed forces are relying on the "reach" that space communications provide and the "high ground" that space surveillance affords. Space is absolutely critical to future war fighting! That is why I feel proper management and operations of our space assets is absolutely critical. I look forward to working with Senator REED as the Chairman of the Strategic Forces Subcommittee to further the role of space in our strategic planning. This amendment is intended to capitalize on the expertise the Space Commission brought together, the Nation's greatest national security space experts from the military and civilian world. Ironically, military space operations are not usually run by senior officers with any space experience. Surely this lack of experience has some impact on their ability to leverage, to the maximum extent, the very complex high-technology military space assets under their command. In researching this issue, I found that the reason many of these officers don't have space experience is that they are required to be pilots in the "dual-hatted" relationship that U.S. Space Command has with the North American Aerospace Defense Command, NORAD. Because of the complexity of training to fly aircraft and maintain satellites, you rarely find officers with experience in both to staff appropriately U.S. Space Command, with space experts, and simultaneously meet the NORAD requirement for pilots. I think this current situation impacts our ability to leverage our space assets, precludes our best space officers from holding the highest positions, and perpetuates a culture in the Air Force that SPACE is secondary to AIR, despite the rhetoric to the contrary. This amendment is not intended to be an affront to the current or past Commanders of the U.S. Space Command or the officers who have served honorably under them. Rather, this amendment is intended to acknowledge that we have a defense space management issue and to seize the opportunity to correct it. Space is growing in importance as shown in the Gulf War, the Balkans and as will be demonstrated in the upcoming war against terrorism. It will be critical to winning the next war, and we need to establish the best space management and operations system that this Nation can bring to bear.

AMENDMENT NO. 1705

Mr. FEINGOLD. Mr. President, I have two amendments regarding the V-22 Osprey program. I understand that these amendments have been accepted, and I thank the managers, the Chairman and the Ranking Member of the Armed Services Committee, for their cooperation on these important amendments.

The Osprey program has a troubled history and an uncertain future. Serious allegations and serious questions continue to cloud this program. Thirty Marines have died in Osprey crashes since 1991. Many questions regarding the accuracy of maintenance records and the safety and viability of this aircraft remain unanswered. We should proceed with caution, and we should have all the facts on this program.

I share the Armed Services Committee's concern about "how the Marine Corps and the Air Force are going to meet the requirements established for the V-22 program," and I commend the Committee for including language in the underlying bill that directs the Department of Defense to conduct a review of potential alternatives to this troubled aircraft.

One of my amendments will require the Defense Department to submit a report to Congress regarding the status of the Osprey program. This report will be submitted to the Congress no later than 30 days before a decision to resume test flights of the Osprey. The report will include a description of how the Department is implementing or plans to implement the recommendations of the Panel to Review the V-22 Program. This Panel, which was formed by former Secretary of Defense William Cohen following the December 2000 Osprey crash that killed four Marines, has recommended that the program be restructured and enter a new "Development Maturity Phase" during which the Panel's design and testing recommendations would be implemented.

In addition, the Department will be required to provide a full analysis of the deficiencies in the V-22's hydraulic system components and flight control software and the steps that have been taken to correct these deficiencies. There are many questions about specific components of this experimental tilt-rotor aircraft, including the hydraulic system and the flight control software. Extensive problems with the Osprey's hydraulic system components is one of the principal concerns that has been cited in numerous reports, including the report of the Panel to Review the V-22 Program; the report of the Judge Advocate General Manual investigation into the December 2000 Osprey crash; reports by the General Accounting Office and the Defense Science Board; and the November 2000 report of the Director of Operational Testing and Evaluation. Further, the Panel recommended that no further test flights of the Osprey take place until the flight control software has been redesigned. The hydraulic system and the flight control software have been blamed for the December 2000 crash.

In addition, there are a number of concerns regarding the aeromechanics of the Osprey, including the so-called "vortex ring state" phenomenon that caused the April 2000 crash that killed 19 Marines. The Navy commissioned the National Aeronautics and Space Administration, NASA, to conduct a study of the tilt-rotor aeromechanics, including the vortex ring state and autorotation. The Department also will be required to include in its report to Congress an assessment of NASA's recommendations on tilt-rotor aeromechanics.

My second amendment would require the Department of Defense to provide notification to Congress thirty days before the resumption of V-22 test flights of all waivers of any item, capability, or other requirement specified in the Joint Operational Requirements Document, JORD, for the V-22, including the justification for such waivers.

As has been noted in reports including the final report of the Panel to Review the V-22, the November 2000 report of the Director of Operational Testing and Evaluation, and the Armed Services Committee report accompanying this bill, there are a number of concerns regarding the items that were waived during operational testing of the V-22. These include: the aircraft flight envelope and clearance for air combat maneuvering; defensive weapons systems; flight testing in bad weather conditions such as icing; nuclear, chemical, and biological weapons pressure protection; and the cargo handling system. The November 2000 report of the Director of Operational Testing and Evaluation states that "several of these waived capabilities impact the operational effectiveness and suitability of the MV-22."

My amendment will help to provide Congress with a more complete picture of the V-22 testing program by requiring the Department of Defense to provide a notification of all waivers and the justification for these waivers prior to a resumption of V-22 test flights.

Again, I thank the Chairman and the Ranking Member for accepting these amendments.

Mr. BUNNING. Mr. President, the Armed Services Committee approved an authorization increase of $10 million over the budget request for Combat Vehicle and Automotive Advanced Technology "to support the goals of Army transformation". The report states that "of this amount, $5 million would be used for research into lightweight steels, vehicle weight and cost reduction, corrosion control, and vehicle architecture optimization. The committee notes that novel light truck architectures combined with advanced structural materials could reduce vehicle weight without degrading performance or increasing costs, and could support the Army's transformation into a lighter, more lethal, survivable and tactically mobile force."

This increase refers to the research effort, competitively selected by the Army in fiscal year 1999, titled "Improved Materials and Powertrain Architectures for 21th Century Trucks" (IMPACT). The IMPACT program will cover light/medium military payloads up to 5 tons, including applications with an open or closed bed configuration.

Kentucky is a large commercial producer and Army Base user of such vehicles, and through the University of Louisville's involvement in this effort, plays an important research role in their design and testing. The military will realize significant procurement and O&M cost savings as a result.

Mr. LIEBERMAN. Mr. President, it is with great regret that I am come to the floor today to discuss Senator INHOFE'S amendment to this legislation. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign. At this time, there can be no higher priority than to pass this critically important legislation to support our armed services and the men and women who we will send into this battle to defend our freedom. Let us join together as Americans to provide our military with the funds they need, unencumbered by the distractions of debates better argued on another day.

Senator INHOFE is right to be concerned about our national energy policy. I think all of us in this Chamber share with the American people a sense of concern that we lack a comprehensive national energy plan for the future: one that combines the promises of new technologies and conservation with the important contribution of traditional fossil fuels in a responsible, efficient and clean manner.

But the time to debate the merits of the energy policy proposed by the White House and passed by our colleagues in the House is not today, and certainly not as an amendment to the defense authorization bill. We are talking about a debate of a 500-page, $40 billion energy package. The Joint Tax Committee has estimated that it will give $33.5 billion in tax breaks to industry over the next ten years. We cannot afford to be that fiscally irresponsible as we take on the new challenges of our war on terrorism.

More controversially, Senator INHOFE'S amendment would open the Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge is not just bad environmental policy, it is bad energy policy and would do little to reduce our dependence on foreign oil. Most importantly, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Bush's father. Hopefully, our current crisis will have passed ten years from now.

Debating the merits of these, and other, provisions will take time. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is "inappropriate. [T]here is a place for the consideration of domestic energy development. * * * That belongs in the energy bill where it should be debated by all individual members."

The security of our energy supply is an essential question as we enter this phase in our history, and we will have that debate. But this is not the time nor place. We have just lost nearly seven thousand of our citizens to terrible attacks, and the Senate must put its differences aside. Now is the time for unity of purpose. Let us leave this debate for another day and focus with moon-shot intensity on the task at hand: supporting our armed forces. We cannot afford the distraction that this amendment would create.

Mr. CLELAND. Mr. President, as Chair of the Senate Armed Services Personnel Subcommittee, I am very pleased to have joined with Senator TIM HUTCHINSON to introduce an important change to the current method for hiring Department of Defense physicians, pharmacists, nurses, and other health care professionals.

Like the private sector, the Department of Defense has been beginning to experience difficulties in recruiting certain health care professionals. At both the June 14, 2001, Senate Veterans' Affairs Committee hearing on the looming nursing shortage and the June 27, 2001, Governmental Affairs Subcommittee hearing on the Federal Government's role in retaining nurses for delivery of federally funded health care services, I emphasized an alarming statistic that the Federal health sector, employing approximately 45,000 nurses, may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement by the year 2004.

The need for military health care workers will be further intensified with the increased need for action by our national security forces in light of last week's terrorist attacks on America. Currently, the Office of Personnel Management, OPM, must process all applications and the response times range from 115 to 161 days. This protracted processing time contributes to the shortage of needed staff and sometimes losing a qualified applicant. The Department of Veterans Affairs, VA, already has this authority and has reported an advantage over other Federal agencies and a more equal playing field with the highly competitive private sector in recruiting needed health care staff.

I urge my colleagues to support our amendment to the Defense Authorization bill to give the DoD this needed change in their regulations for hiring the health care staff needed to care for our servicemen, women and families. Now, more than ever we need to give them all the tools they need to fulfill their vital mission.

Ms. COLLINS. Mr. President, I rise today to discuss the importance of energy policy to our national security and to urge my colleagues to speed passage of the Department of Defense Authorization bill.

A sound energy policy is critical to our Nation's security. The United States is currently 56 percent dependent on foreign oil. By 2020, this number could rise to 70 percent. At that time, over 64 percent of the world's oil exports will come from Persian Gulf nations. I shudder to think what could happen if we allow ourselves to not only become so dependent on foreign oil, but also for our nation to become so dependent on such an unstable part of the world.

Senator CHUCK SCHUMER and I have spent a great deal of time developing a balanced, bipartisan energy plan which both increases supply and decreases demand. Our plan would increase American self reliance by reducing the need for energy imports. Our plan would also benefit consumers by reducing energy prices. We have a lot of good ideas, and, at the right time and on the right vehicle, we would like the opportunity to have them considered by the Senate.

However, now is not the right time and the Defense Authorization bill is not the right vehicle. Our first priorities must be to provide assistance to victims, to prevent future attacks, and to punish those responsible for the horrible acts of terror that occurred on September 11. A sound energy policy is critically important to the long-term viability of our national defense, as well as to virtually every segment of society. We cannot, however, respond to terrorist attacks by rushing through a controversial energy bill that will affect the course of domestic policy in the United States for decades to come.

Indeed, California has shown us what can happen when poor energy policies are hastily adopted. Californians will suffer from excessive energy prices for years upon years as a result of a poorly conceived energy plan. We should not risk similarly burdening all Americans by hastily attaching energy legislation to a defense bill.

Issues of timing and appropriateness aside, some of the energy proposals that have been heralded as necessary in the wake of the terrorist attacks of September 11 are in fact poor energy policy and poor environmental policy. I find particularly disingenuous the argument that we need to make an immediate decision on opening the coastal plain of the Arctic National Wildlife Refuge to oil drilling.

Drilling in ANWR will not provide any oil in time to help fuel our forces fighting the scourge of terrorism. If we were to open ANWR to oil drilling today, it would still take up to 10 years for the oil to make it to market. Furthermore, according to a report by the US Geological Survey, there is only about a 6-month supply of economically recoverable oil in ANWR. Clearly, 6 months of oil 10 years from now won't do much to help America respond to the terrible tragedies of September 11.

We can achieve greater and more immediate energy security by increasing our energy efficiency. According to one scientist who testified before the Senate Government Affairs Committee last year, the United States could cut reliance on foreign oil by more than 50 percent by increasing energy efficiency by 2.2 percent per year. This is a much greater benefit than the few percent improvement that drilling in ANWR would provide, and the benefits could start almost immediately—not in 10 years. I note that the United States has a tremendous record of increasing energy efficiency when we put our minds to it: following the 1979 OPEC energy shock, the United States increased its energy efficiency by 3.2 percent per year for several years. With today's improvements in technology, 2.2 percent is easily attainable.

In addition, Senators FEINSTEIN, SNOWE, SCHUMER and I introduced legislation earlier this year that would save consumers a million barrels of oil per day and billions of dollars by increasing CAFE standards for SUVs. That legislation would do far more to increase our energy security than would drilling in the Arctic.

We should also do more to promote alternative fuels. According to an analysis prepared by the Department of Energy, if only 10 percent of the gasoline in American cars were replaced with alternative fuels, the price of oil would fall by $3 per barrel and Americans would save over $20 billion a year, in addition to greatly improving our energy security.

The chair and ranking members of the Energy Committee, Senators BINGAMAN and MURKOWSKI, have put a tremendous amount of effort into developing comprehensive energy proposals. Each of their proposals contain many, many excellent provisions. I would like to thank them and all members of the energy committee for their hard work. However, I must emphasize that their work is too important, and the implications for the entire Nation too significant, to be hurriedly attached to another bill without adequate time for debate.

We need to adopt balanced legislation to increase our energy security, but we need to do so in a rational manner. Energy security is too important not to be addressed on its own merits by the full Senate. Furthermore, our defense needs are too important not to allow the Defense Authorization bill to go forward. Senators LEVIN and WARNER have worked extremely hard on that bill, and have put together a bill that is critical for the defense of our Nation. I implore all of my colleagues, please, for the good of America, speed passage of the Defense Authorization bill.

Mr. BINGAMAN. Mr. President, I rise in support of an amendment to S. 1438, the fiscal year 2002 National Defense Authorization Act, to provide funds badly needed for two vital test support activities in the Department of Defense. The Big Crow program provides DoD with highly sophisticated airborne electronic warfare capabilities that enable us to test our newest weapon systems and technologies in a realistic battle environment in which electronic warfare is likely to be used. The system can also be used operationally if a requirement suddenly occurs. The Defense Systems Evaluation, DSE, program provides aircraft to replicate enemy and friendly aircraft in testing Army air defense programs and technology. Both of these programs provide vital test support assets used by all the military services. Unfortunately, it is typical for programs that provide cross-service support to be inadequately funded by their parent service organization. This year's President's budget request did not seek any funding for these programs, perhaps relying on the Congress, once again, to provide the emergency funds needed to keep them operating.

Thus we find ourselves again this year, seeking the funding needed for these two programs in order for them to continue to provide vital test support activities for all of the military services. The amendment, which Senator DOMENICI and I offer, will provide the minimum necessary funding to enable Big Crow and DSE to operate during fiscal year 2002.

There are other test support programs in the DoD that suffer the same circumstance as the two for which I am seeking funding. They refer to them in the Pentagon as "the orphans." The Defense Science Board, DSB, recently completed a review of operational testing and evaluation in the Department of Defense and published a report containing a number of significant recommendations about how to improve that process to make it more effective and efficient. The DSB recommended that DoD seek ways to encourage and implement joint service testing. Among their recommendations, the DSB endorsed budget oversight responsibility for orphan programs such as Big Crow and DSE to the Director, Operational Test and Evaluation in the Office of the Secretary of Defense. Actual test and evaluation activities would remain the province of the military services.

This year's Defense Authorization bill reported out by the Armed Services Committee contains a provision requesting the Secretary of Defense to review the DSB report and to submit recommendations regarding its implementation with the budget request submission for fiscal year 2003. I am hopeful that the Secretary will endorse the DSB findings so that the Department will finally exercise appropriate oversight and support for cross-service test activities. In the meantime, the amendment I am introducing is necessary to keep those essential test activities underway. I urge my colleagues to support its adoption.

Mr. LEVIN. I thank the Chair.

Mr. WARNER. Madam President, I urge the adoption of the amendments.

The PRESIDING OFFICER. The amendments have been agreed to by unanimous consent.

Mr. WARNER. Madam President, I am not hearing.

The PRESIDING OFFICER. The amendments were agreed to by unanimous consent.

Mr. WARNER. Fine.

If it requires that I now move to reconsider the vote and to lay that motion on the table, I do that.

The PRESIDING OFFICER. That was part of the unanimous consent agreement.

Mr. WARNER. Fine.

Now, Madam President, first, the chairman and I, together with the two senior appropriators of the Senate and our counterparts in the House, started today at the Pentagon, with the Secretary of Defense, his senior staff, and the designated new Chairman of the Joint Chiefs of Staff.

The chairman and I open every day expressing our profound gratitude to the men and women of the Armed Forces and their families, and particularly our concerns are everlasting for those who suffered loss of life and injury, and the families associated with those victims on September 11.

After this meeting, I walked around again to that site where that plane committed a terrorist act against the symbol of the U.S. military strength, the Department of Defense.

I am pleased to report that, in my judgment, the Secretary is moving forward on a broad range of fronts to address all issues that the President, in his memorable speech, raised before the Congress.

Expressing for myself, and I think all others, we have tremendous confidence in the men and women of the Armed Forces in their ability to carry out the diverse set of missions, any one of which may face them at any time as we address the terrorist acts inflicted on the country, and to take every step to prepare that it shall not be repeated.

I commend our President and, indeed, the Secretaries of Defense and State, who were here yesterday and briefed almost 90 Senators on a wide range of issues.

So the consultation between the executive branch and the legislative branch, particularly those of us who have the oversight responsibility, I think is more than adequate and certainly within the spirit of all the various laws, beginning with our Constitution, which says that the Senate and the House, as a congress, are a coequal branch of the Government.

I join with my distinguished chairman in saying how important this bill is for the men and women of the Armed Forces. As we sat there at our breakfast this morning, there were further announcements on callups and movements of these individuals in uniform and the impact on their families.

It is absolutely imperative we move forward with this bill. On the matters that were addressed last night, which for a period of time held up consideration of this bill, those Senators were acting within their rights as Senators on matters which are of great concern. I am hopeful that those two issues can be resolved.

As our chairman said, Senator DASCHLE, Senator LOTT, and Senator REID are around the clock working on these issues, together with other Senators.

So I am optimistic that we can move forward and continue to work on this bill on Monday and proceed to a resolution and passage in a timely way to show that the Senate of the United States, in joining the House of Representatives, is prepared to have a bill to go to the President shortly, authorizing the very special needs we have at this time in our history.

Mr. President, I yield the floor and I thank my chairman. We have been working together for at least 23 years. We have more work to do.

Mr. LEVIN. Neither of us shows it in terms of the youthful visage we present.

Mr. WARNER. Whatever you say.

I thank my chairman. And I hope he has a safe journey wherever he is traveling on this important observance of the religious holiday.

Mr. LEVIN. We not only want to thank our good friend from Virginia for those thoughts about the religious holiday—which I am now going to leave here to celebrate—but I want to thank him for the sensitivity which he has shown to that issue and to every other issue that involves personal lives. He has consistently done that for 23 years. It is part of his makeup. He has very much worried whether I would be able to leave here in time today to get to synagogue. I very much appreciate his consideration.

Mr. WARNER. Madam President, I thank my colleague for his remarks.

I believe we would be able to say to the Senate, having consulted with the distinguished majority leader and Republican leader, that in due course they may come to this Chamber with regard to certain procedural situations which would address our return to this bill on Monday. I do not want to prejudge their final statement, but I am optimistic they will be forthcoming and we can reach resolution procedurally on some of our matters.

Mr. LEVIN. Talking about optimism, as I mentioned to my friend from Virginia, I have been optimistic since last night that we were going to be able to work out the issue which temporarily held us up yesterday. That one now seems very resolvable.

There is one big problem relative to a matter that is not related to this bill. That is the only problem that I see in the way. But our leaders will have more to say about that in a few minutes.

Mr. WARNER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that there be a period for morning business and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

## AFTER SEPTEMBER 11, 2001

Mr. TORRICELLI. I thank the Chair.

Mr. President, I want to engage my colleagues and the American people in a discussion of the events of September 11, 2001. All of us recognize that much of our lives have been touched and some things have been changed forever. If it is axiomatic to say that about our country and the communities I represent and where I live in northern New Jersey, it may be as true as anywhere in the Nation.

There is not a small town or a city in northern New Jersey that has not been touched or changed. At the time the final body has been found and the search has concluded, 2,000 to 3,000 people in New Jersey may have lost their lives. It is estimated there are 1,500 orphans in my State. It struck everywhere.

In Middletown, NJ, 36 people have been lost. It is estimated it could go as high as 70. In Basking Ridge, where JON CORZINE and I visited a few days ago, 14 people were lost, two more than in all of World War II. In a single elementary school in Ridgewood, NJ, 6 children lost their fathers.

The loss of lives in Korea or Vietnam or World War II took years to accumulate. In my State of New Jersey, lives were lost in minutes.

We say the Nation will never be the same. We say that life has changed. Those are words. We do not know what they mean. All we can attest is that it is large, it is dramatic, and things will be different. Now we fill in the blanks. How will it be different and why?

The pain is so great and the loss is so enormous that our instinct is to strike immediately, overwhelmingly with the power in our possession, and, indeed, we will strike, but it must be thoughtful and it must be careful because it must be successful.

Our instinct is, because we understand there is no liberty without security, that we must immediately enhance law enforcement with money, with people, and with new powers. Indeed, many of these new powers are justified and must be required. Everything from increasing electronic surveillance to expanding wiretap authority to giving the CIA greater access to grand jury materials is being proposed. Some of it is long overdue, and already I think the Congress can justify acting.

There is no reason to have a 5-year statute of limitations on terrorist activities. The Nation has no statute of limitations for treason or for murder. Terrorism is every much as insidious and the statute of limitations should be lifted.

The Government clearly needs to have greater powers for dealing with money laundering. We recognize this from our fight against the narcotics trade, and it is true with terrorism. The laws are antiquated and must be changed.

The electronics telecommunications revolution has probably necessitated change in electronic monitoring as well.

These things we can justify, but it is here where I urge caution because we are in pain, because we are vulnerable, and because we recognize that our security is in such danger there is a rush to judgment on issues of civil liberties. It is here where I draw the line.

Everything can be discussed, and the Congress should be willing to listen to many, but it is the responsibility of this Congress, under the architecture designed by the Founding Fathers, and primarily the duty of this Senate where passions cool, better judgment reigns, civil liberties which are compromised. A Constitution which is changed to deal with the necessities of an emergency is not so easily restored when the peace is guaranteed and a victory won.

If this Congress surrenders civil liberties and rearranges constitutional rights to deal with these terrorists, then their greatest victory will not have been won in New York but in Washington.

Any administration can defeat terrorism by surrendering civil liberties and changing the Constitution. Our goal is to defeat terrorism, remain who we are, and retain the best about ourselves while defeating terrorism. It is more difficult, but it is what history requires us to do.

The history of our Nation is replete with contrary examples, and we need to learn by them. They are instructive. For even the greats of American political life have given in to the temptation of our worst instincts to defeat our worst enemies and lose the best about ourselves. Indeed, the very architect of our independence, John Adams, under the threat of British and French subversion, supported the Alien and Sedition Acts, compromising the very freedom of expression he had helped to bring to the American people only a decade before. He lived with the blemish of those acts on his public life until the day he died.

Abraham Lincoln, the Great Emancipator, the savior of our Union suspended the Constitution, its right of habeas corpus, imprisoning political opponents to save the Union.

Franklin Delano Roosevelt, who had the honor of saving the Nation not once but through the Great Depression and the Second World War, imprisoned Japanese Americans and some German and Italian Americans in a hasty effort at national security which has lived as a national shame.

If these great men, pillars of our democracy, compromised better judgment in time of national crisis, it should temper our instincts. Their actions should speak volumes about the need for caution at a time of national challenge.

There is another side. There are better instincts among us. The American people are speaking of them all across the Nation. They recognize the need to balance security and civil liberties, to change that which is required to assure victory, but recognizing that victory is measured not only by security but also by our liberties.

Across the Nation, the American people have provided us many measures of their strength as they exercise those liberties, engaging in open debate about how the Nation responds, giving unprecedented levels of donations—$200 million to the Red Cross alone.

They reached out across races and religions to express concern about each other and for the safety of Arab Americans and Muslim Americans.

They are reminders of how much the Nation has grown from previous successes.

I rise in recognition of these national strengths and these concerns and commend in particular Senator LEAHY who has extended, on behalf of the Senate, our desire to work with the administration to enhance the powers of law enforcement and to provide the necessary resources. But I think he speaks for many Members of the Senate—he certainly speaks for me—when he also asks that we act deliberately and prudently.

I ask we expand that debate because history will require, and I believe the American people will demand, that we not merely review what new powers must be given to law enforcement and the intelligence community, we must not simply debate what new resources financially are required, but there is some need for some accounting of those previous powers and resources.

At a time when we are still seeking survivors and counting the dead, no one wants to cast blame. I do not rise to cast blame, but I do ask for accountability.

I may represent 3,000 families who lost fathers and mothers and sisters and brothers and children. They demand military protection by bringing our forces abroad. They ask that we strengthen law enforcement at home. But somebody is going to have to visit these cities and small towns and answer to these families, where are the resources we gave in the past? What of the enormous intelligence and security and law enforcement apparatus we have built through these decades? What happened?

This is not to assess blame. It is so we can only learn how to correct these errors and improve these systems if we understand the failures.

It is reported in the media that the United States, in what would otherwise be a classified figure, may spend $30 billion per year on intelligence services, including the CIA and the NSA.

The Washington Post reports the FBI counterterrorism spending grew to $423 million this year, a figure which in the last 8 years has grown by 300 percent. It is not enough to ask for more. It is necessary to assess what went wrong. Did leadership fail? Were the plans inadequate? Did we have the wrong people, or were they on the wrong mission?

Earlier this week, the Washington Post reported that over the past 2 years the Central Intelligence Agency had provided to the FBI the names of 100 suspected associates of Osama bin Laden who were either in or on their way to the United States. Yet the Washington Post concludes that the FBI "was ill equipped and unprepared" to deal with this information.

Some of the allegations reported in the media are stunning and deeply troubling, not simply about what happened but revealing about our inability to deal with the current crisis. Previous terrorist investigations, it is alleged, produced boxes of evidentiary material written in Arabic that remained unanalyzed for lack of translators. During the 1993 World Trade Center bombing trial, agents discovered that photos and drawings outlining the plot had been in their possession for 3 years, but they had not been analyzed.

Since 1996, the FBI had evidence that international terrorists were learning to fly passenger jets at U.S. flight schools, but that does not seem to have obviously raised sufficient concern, and there was no apparent action.

In August, the FBI received notice from French intelligence that one man who had paid cash to use flight simulators in Minnesota was a "radical Islamic extremist" with ties to Afghani terrorist training camps. Regrettably, this intelligence information was apparently not seen in the greater context of an actual threat that has now been realized.

On August 23 of this year, a few weeks before the World Trade Center was attacked, the CIA alerted the FBI that two suspected terrorist associates of Bin Laden were in the United States. The INS confirmed their presence in the United States, and the FBI launched a search. It was obviously unsuccessful.

It is hard to know where to begin. Life goes on, but not so quickly. Who here will come to New Jersey with me and visit these thousands of families who pay their taxes and ask little of their country, maybe nothing of their Government, other than to keep them secure, protect their liberties, and let them live their lives? Somebody failed the American people.

I know my constituents will ask me, as their representative in the Senate, to authorize foreign military adventures to find those responsible, and I have done that, and the President has my support. They will not want this pain to be shared with other Americans, so they will ask my support financially and by changing Federal statutes to ensure this never happens again, and that will have my support. Some of these children, some of the widows or widowers, are going to ask: Senator, how did this happen? All of this money and all of these resources. Why was somebody not watching to defend my family, my country, my child?

We can postpone that accountability, but it has to happen. These terrorist cells that consumed these lives and shooked our Nation to the core and now send us into foreign battle were not organized last month. This attack was not planned on the morning of September 11, 2001. Many of those arrested or detained for this terrorist attack were from the same area and may have had the same relationships to the 1993 bombing of the World Trade Center in New York. What level of surprise could this represent? There needs to be an explanation.

On behalf of the people of my State, if I need to return to this Chamber every day of every week of every month, this Senate is going to vote for some board of inquiry. I joined my colleagues after the *Challenger* accident, recognizing that that loss of life, the failure of technology and leadership, indicated something was wrong in NASA. The board of inquiry reformed NASA and the technology and gave it new leadership, and it served the Nation well.

After Pearl Harbor, we recognized something was wrong militarily. We had a board of inquiry. We found those responsible, we held them accountable, and we instituted the changes.

Indeed, that formula has served this Nation for years in numerous crises. Now I call for it again. First, review the circumstances surrounding this tragedy, the people responsible, the resources that were available, where there was a failure of action, and make recommendations and assign responsibility. Second, develop recommendations for changes of law or resources or personnel so it does not happen again. I cannot imagine we will do less. I call upon us to do more. I will not be satisfied with new assignments of powers or appropriating more money. I want to know what went wrong, and why, and who.

Just as we have moved forward, we need to give one glance back over our shoulder and give these families some answers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Having had the opportunity to visit New Jersey last week, I listened intently to the comments of my good friend and must say I was very moved with the presentation made by the various mayors who saw fit to share the extent of that tragedy—not only the residents of their communities, but the tremendous burden put on these areas to address the recovery efforts associated with the reality that nearly a third of the estimated number lost were residents of the State of New Jersey.

I extend my sympathies and assure my colleague of my willingness to assist him and his constituents in this terrible tragedy.

## ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I rise today to recognize a reality that our Nation is at war. I think we all agree that never before have we been so blatantly or cowardly attacked as a consequence of this new form of terrorism, commercial airplanes having been used as weapons of terrorism. As we propose to prosecute this war, we need to make certain our Nation, our people, and our economy are prepared and ready for the battles to come.

I rise today to discuss one part of how America should work to ensure one portion, and that is our energy security. The reality is that America is dependent today on foreign sources for 57 percent of the oil we consume. Further, we are importing most of this oil from unstable foreign regimes. It is no secret to any Member of this body. I have stood on the floor many times to remind my colleagues that we are currently importing a million barrels a day from Iraq, while, at the same time, the inconsistency of the manner that we are enforcing a no-fly zone; namely, an area blockade, putting the lives of America's men and women at risk in enforcing this no-fly zone. We are funding Saddam Hussein at the time when we consider him a great risk and potentially associated with alleged funding of terrorists.

After the tragic and horrifying events of September 11, it is patently obvious that we must now prepare for war, and it is equally obvious that the tools of war are driven by one source of energy, and that is oil. The aircraft, the helicopter, the gunships, and the destroyers do not run on natural gas. They do not run on solar or hot air. In peacetime alone, our military uses more than 300,000 barrels of oil each day. I remind my colleagues that oil must be refined. I can only imagine how that number will rise in the coming weeks, the coming months. Hopefully not the coming years.

It should also be obvious that the country cannot depend on unstable regimes such as Iraq to meet our energy needs without compromising our national security. I have the greatest respect for our friends throughout the world, especially those in this hemisphere, especially my friends in Canada. However, it only makes sense for America to take steps to put its own energy house in order. We need to conserve our energy, improve our energy efficiency, but we also need to produce as much energy as we can domestically so we can lessen our dependence on foreign sources.

I come today in response to comments by Canada's Environmental Minister, Mr. David Anderson. I will read from an article that appeared in Reuters news service yesterday. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CANADA URGES AGAINST HASTY U.S. MOVE ON ARCTIC OIL

(By David Ljunggren)

OTTAWA.—Canada urged the United States yesterday not to take a "hasty and ill-considered" decision to start drilling in an Alaskan wildlife refuge, something which Ottawa implacably opposes.

Canada has long objected to U.S. plans to drill in the Arctic National Wildlife Refuge (ANWR), saying it would ruin the calving ground of the Porcupine caribou herd upon which native Gwich'in Indians in both Alaska and Canada depend.

But Oklahoma Senator James Inhofe is threatening to add language this week to a multibillion-dollar defense-spending bill to allow drilling in ANWR as a way to secure future U.S. oil supplies.

"It's particularly important at times when you have a crisis on your hands to make sure you don't make hasty and ill-considered decisions," Canadian Environment Minister David Anderson told Reuters.

"It's also very important at times like this, when energy security is a major issue, that you consider all factors and not go ahead without the normal analysis and the thought that would go into such a decision," he said in an interview.

Canada, which says both countries should provide permanent protection for the wildlife populations that straddle the border, has already slapped a development ban on areas frequented by the Porcupine herd.

"We still believe (drilling) to be the wrong decision, we do not believe the American security situation in any way justifies a change in that position," said Anderson.

Canadian Energy Minister Ralph Goodale last week said there are plenty of other energy sources in North America that could be developed before ANWR needed to be touched. These included the vast tar sands of Alberta, which are believed to be richer that the entire reserves of Saudi Arabia.

Supporters of opening the refuge say U.S. oil supplies from the Middle East are at risk and the Alaska wilderness reserves are needed to make up any possible shortfall.

"That is in our view a highly questionable approach. This should be based on long-term strategic considerations—none of this oil, if it were drilled, is going to come on flow for a number of years," Anderson told Reuters.

He said there was no evidence of a shortfall in supplies from the Middle East and pointed to an almost 15 percent fall in the price of crude oil yesterday as supply fears eased.

Anderson was speaking from the western city of Winnipeg, Manitoba, after briefing provincial ministers on the international efforts to combat global warming.

Delegates from around 180 countries failed in July to agree to changes to the 1997 Kyoto Protocol on cutting emissions of the greenhouse gases blamed for global warming. They are due to try again next month in Marrakesh, Morocco, and Anderson said he expected that meeting to go ahead.

"Our hope is that the civilized world will be able to deal with the issue of terrorism and still maintain its values in a number of areas," he said.

"We have a large number of global issues, including global warming, which cannot simply be ignored. * * * We have long-term interests as nations and they continue even though we clearly have a major short-to-medium-term problem—I'm talking years now—on terrorism."

Mr. MURKOWSKI. Canada's Environmental Minister, Mr. Anderson, this week urged America not to make hasty and ill-considered decisions to allow oil exploration in a tiny part of the Arctic coastal plain in Alaska just because of the attacks on the World Trade Center and the Pentagon, which claimed more than 6,000 American lives.

First, I am a friend of Canada. We are neighbors. We are separated from the contiguous States by Canada. I serve on the U.S.-Canada Interparliamentary Conference. I have been chairman of that committee, and I have there a number of friends and associates. I have the highest regard for our relationship with Canada, which is a very unique relationship, very friendly, and one based on healthy competition. For Mr. Anderson to make such a statement, given Canada's current energy policy, is truly the height of hypocrisy.

Let me address this in a series of charts. First, Canada has worked to tap energy from its own Northwest Territories, which, frankly, they have every right to do, and I support. But a good portion of that activity is going on within the migratory range of the Porcupine caribou.

Let me show the division of Alaska and Canada. This map shows the Canadian activity on the Canadian side of the Northwest Territories and recognition of significant offshore activities, as well as onshore activities. This is the general manner in which the Porcupine caribou go across the border. Dempster Highway goes through this area. I show this because it gives folks a bit of geography for the area and a description of what we are talking about.

This is proposed ANWR, and the 1002 area, and the effort to address the authorization by Congress to open 1.5 million acres for exploration. The Canadian activity is in a much broader area. It is, of course, appropriate that Canada makes its own decisions. They certainly have every right to do it. I point out a good portion of the activity is going on within the migratory range of the Porcupine caribou herd and is something our Canadian friends do not want to acknowledge. This is the same herd that occasionally in the last 2 years was on the Alaskan side. Canada claims it wants to protect them, and so do we. But they suggest it be done by preventing oil development in the 1002 region.

Here are the facts associated with the Canadian activity. Canada first drilled 86 wells, exploration wells, in an area finding nothing. This was in the Norman Wells area and they chose to make a park out of it. I admire and appreciate that. It is a small area and if they made a park out of it after they pretty well exhausted the prospects of finding oil and gas, and I am perfectly willing to make a park out of ANWR after we make a significant determination that there was oil and gas to address the security needs of this country, if that was the will of Congress.

In any event, in the 1970s and 1980s there were 89 wells drilled in this area, including 2 in the exact area that the Nation made into what we call the Ivvavik National Park. That was only after they were dry holes.

Canada built—and I want to show this on another map—the Dempster Highway. This is not a very vivid map. Here again is Alaska, here is Canada, and here is the Dempster Highway, which runs right through the migratory route of the Porcupine caribou. So you see this highway goes right through the range. They did this to facilitate oil-drilling equipment moving into the region and to provide access, which is certainly reasonable.

In the past 3 years, Canada has moved to markedly expand its own oil and gas development in the migratory route of the caribou. As a matter of fact, in 1999 and 2000, Canada, according to a series of articles in the Vancouver Sun newspaper, offered six onshore lease areas for oil and gas exploration in the area. I ask unanimous consent the articles from the Vancouver Sun be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Vancouver Sun, June 11, 2001]

### DRILLING FOR OIL ON GWICH'IN LAND

(By Stephen Hume)

TSIIGEHTCHIC, N.W.T.—Grace Blake pauses in mid-sentence and looks out the window of the Gwich'in Cultural and Social Institute where she's the acting executive director.

Her gaze swings past the white spire of the Roman Catholic Church, past the cemetery's white crosses buried in white snowdrifts and slips over the frozen white confluence of the Mackenzie and Arctic Red Rivers reaching for something beyond what is visible to me.

Despite a bleached, blinding intensity to the exterior landscape that seeps into the emotional landscape the two of us occupy, the moment seems as still as frosted glass, brittle—and it prompts a sudden memory from 30 years before.

"Look for what's whiter than white," the old Gwich'in hunter told me then, teaching me not far from here how to pick-off winter plumaged ptarmigan with the lovely little Browning .22 that I still have packed away in its case somewhere.

"Find a patch of snow that's whiter than the snow—then look for the black dot. That's the eye looking at you. Shoot there, won't spoil the meat."

Tsiigehtchic has always been a point of convergence for the old values, a place where people can still feel profound spiritual connections to the land and anguish at the dislocations of modernity, a place where to be a hunter is not considered backward, but someone to be respected.

The reverence shows in the photographs of elders adorning the walls where Grace supervises the recording of stories and legends and research into the cultural heritage of people whose ancestors might have been among the first peoples to arrive in North America—maybe 12,000 years ago, maybe 30,000. The archaeology of the Old Crow flats isn't as precise as historians might like, but it was a long, long time before this, anyway.

The first time I was here, I visited sights where the ancient habitation patterns were being uncovered by scholars from the south even as a new way of life swept over the Mackenzie delta. I've come back here to renew my acquaintance with the place on the eve of another petroleum boom, although this time the development may be transformed by the new North as much as it transforms life for the people who live here.

More than a quarter of a century ago, when Grace was a beautiful young woman with her eight children still in her future, Tsiigehtchic represented an oasis of intelligent calm in the petroleum boom that swept over the vast delta of the Mackenzie River.

Back then the bush rang with the explosions of crews shooting seismic surveys. Drill rigs punched more than 250 wells through the permafrost and charted the outline of a Canadian elephant, the nation's second largest reservoir of conventional oil and natural gas—perhaps 1.5 billion barrels of crude and another 10 trillion cubic feet of gas.

Bush planes and corporate Learjets came and went in such numbers that the airport at Inuvik, a town freshly cut from the raw, red banks of the Mackenzie, recorded aircraft movements on a scale with Chicago and Dallas. The town of Old Crow, just across the border in the northern Yukon, population 300, inherited an air strip capable of handling big multi-engine jets.

Up the winter ice highway at Tuktoyaktuk, where the inhabitants still carry the names of American whalers and Scottish traders who arrived under sail, the town was a frenzy of marine activity. There were drilling ships, resupply barges and new islands were even being built out in the shallows of the Beaufort Sea so that rigs could drill without fear of ice floes.

Through the airport lounges came a steady stream of oil workers: geologists still sunburnt from work in the African deserts; helicopter pilots from Vietnam wearing long-billed hats and mirrored sunglasses; toolpushes fresh from Indonesia; consultants with clipboards, bureaucrats with briefcases and seismic crews toting sleeping bags rated for 60 below zero.

The old hunter, now long dead, had laughed at the spectacle as he restrung a pair of long, wide-bodied snowshoes for his nephew: "My great-great-granddad met Alexander Mackenzie. He went. These roughnecks, they'll go. You'll go. But us, we're not gonna go. We'll be here as long as this river."

And he was right. As abruptly as the oil boomers had come, they left. I left. Businesses withered. Towns that had seemed frantic fell into a Rip Van Winkle-like lassitude and the vastness of the Arctic closed over another example of human vanity.

Now, with an energy-hungry America once again eyeing the North as a potential source for its long-term needs, the delta quivers with an eerie sense of anticipation as somewhere over the horizon the second coming of the oil rush and planning for the pipelines required to carry the rich resources south gather momentum.

Inuvik Mayor Peter Clerkson says he expects the number of active rigs in the Mackenzie delta will quadruple next year and double again in 2003.

"This won't slow down for the next three to four years," he says. "If the pipeline decision goes ahead it will project out a long way. That pipeline is very important for long-term sustained growth. We've had booms before. We need long-term growth."

He's optimistic because of aboriginal involvement, not in spite of it.

Perhaps there's a signal here for British Columbia, where land claims settlements are stalled, uncertainty stunts investment potential and Premier Gordon Campbell is contemplating what promises to be a divisive referendum on the issue, however bland the final question.

Yet in the Northwest Territories, generous land settlements have had an enormously positive impact on natives and nonnatives alike, the mayor says.

"You've got land settlements, the aboriginal groups are in charge and the Inuvialuit have basically gone out and joint-ventured with everyone. It's a much different game. It really changes things. It's not only because they are aboriginal, it's because they are local. This is their home. The money stays in this economy."

Over at the Gwich'in Tribal Council, newly-returned executive assistant Lawrence Norbert, born 42 years ago in Tsiigehtchic, says he's been "grinning from ear-to-ear since I got back."

"It's much different doing business with governments and corporations now," he says. "It's like there's a new sheriff in town and they realize that the old way of doing business is over for good. That's the up-side. We all know where we stand now."

As he and other aboriginals wait, the new drill rigs are ready to rumble north. These units are equipped with special design features that enable crews to work in the harsh winter environment—captured engine heat is recirculated to keep roughnecks' feet warm in temperatures cold enough to freeze exposed flesh in minutes, for example.

The rigs can require 80 or more trucks to move their components and cost up to $50 million each to construct. That was the price tag on each of three just built in Edmonton by Akita Drilling Ltd. and bound north for next winter's exploration season.

As with northern Alberta and northeastern B.C., the financial stakes are mind-boggling.

N.W.T. Finance Minister Joe Handley says it's estimated that if all reserves in the Arctic are fully developed, they will be worth $400 billion with royalties of $76 billion flowing to Canada, another $11 billion to the N.W.T. and billions more to the First Nations on whose treaty lands the development will occur.

Even more than in northern Alberta, the term "Kuwaitification" sidles into conversations about the future implications. The entire population of N.W.T. would leave empty seats around the end zones if it were to meet in B.C. Place. And although the North's aboriginal population of 21,000 forms the majority, in total it's smaller than Langley's.

The corollary is that when the new oil rush reaches its zenith, the entire weight of it is likely to descend upon the inhabitants of Tsiigehtchic. The village has the misfortune to sit in an oil patch so rich that crude seeps out of the river banks to stain the river. And the first rig into the delta in a decade has already been drilling a few kilometres away.

So this remote village of just over 170, as far north from Vancouver as Mexico is south—this is where I decide to begin the Arctic leg of my energy odyssey, talking about the looming future with Grace, who is old enough to remember the last big boom and wise enough, after an 11-year term as chief, to worry about the next one.

I find her on a Saturday morning at the back door to her log cabin, the ground freshly splattered with the bright crimson but already-frozen blood of a caribou from the immense Porcupine Herd that migrates between here and its calving grounds in the Arctic Wildlife Refuge where U.S. President George W. Bush wants to begin exploring for oil.

She'll talk, she agrees, but she won't invite me in. It's an act of hospitality.

"I was skinning this animal last night," she says. "Goodness, I've got hair all over everything in there." And she leads the unexpected visitor down to the institute offices, instead, to talk about how things have changed—and not changed—with respect to petroleum development.

Almost 30 years ago, northern aboriginal communities presented an opposition to the building of pipelines to carry northern oil and gas down the Mackenzie Valley that was so eloquent and united in purpose that a commission on the matter headed by Tom Berger called for a 10-year moratorium on development.

With no way of transporting the resource to markets in the south, further exploration guttered out just about when world markets entered a period of oil glut. Prices fell. The boom ended.

Today, northern aboriginal leaders, including the Gwich'in, are receptive rather than hostile, Grace says.

"People are pretty open to development now, but they want control. They don't want anybody to disturb certain selected lands that they consider a priority. They want control, that's their only stipulation and this time around, people need to listen to us in the communities."

Last time, she says, what happened in other northern communities provided a textbook example for what to avoid this time—but she wonders if anybody really took note.

"Do they even know? Do they care about the potential loss of a way of life for our people? Why haven't we studied the social impacts on Inuvik, Tuktoyaktuk and Aklavik so we can learn what to avoid? How do we protect our way of life? We don't want to lose our way—that's all we are saying. We are the last people living on the Porcupine caribou herd. We don't want to lose that.

"The Berger Report lays out everything the people want, so we don't have to reinvent the wheel. Do it right, that's what people are saying. Do it, but just do it right—meaning we are the inhabitants of this country and we deserve to be respected. And not just our leaders, the common folk."

That's a view I'll hear corroborated by Fred Carmichael, chair of the Gwich'in Tribal Council in Inuvik, who says the sea-change in attitudes has a simple basis: the affirmation of aboriginal title through land claims and the opportunity to take equity positions in any development.

In fact, northern aboriginal leaders have hammered out a tentative deal with energy companies to acquire as much as one-third ownership of a proposed $3-billion pipeline down the Mackenzie Valley to hook up with North America's supply grid in Alberta.

"The difference is that back then, we weren't the landlords. Now we are the landlords and that's a big difference. At the time of the Berger hearings, we wanted a 10-year moratorium while we got ready. We just weren't ready then. Well, we got our 10 years and now we are ready."

One of those who's preparing to reap the bonanza is Paul Voudrach, a renewable resource officer at Tuktoyaktuk.

He and his wife Norma are in the process of buying out the nonnative owners of the Tuk Inn, a 16-room hotel and coffee shop, so that he can qualify for the preferential bookings that will come the way of a registered Inuvialuit under agreements hammered out during land claims.

Paul endured the last boom.

"What came with it was a lot of social problems," he says. "We had a huge amount of money coming in and people who didn't know how to handle it. But our leaders are knowledgeable about these things now. They felt the impact last time. This time I think it will be something that will benefit the community."

Yet there's something grim about the atmosphere. Norma's face is tight and nine-year-old Trish is inside despite the fact that the town's annual jamboree is on.

Paul's son, John, he tells me, was killed the week before on the ice highway from Invuik. The 25-year-old was helping his boss at a local transport company bring a new pickup truck back from Edmonston when it collided with one of their own loaded gravel trucks hauling to one of the oil camps.

"We were just sitting here waiting for him to come home. We heard that he was stranded at Eagle Plains (on the Dempster Highway) waiting for the road to open after a storm. then we heard he had been in an accident and had been killed."

It's a reminder for everyone in the community, he says, that the kind of boom that's coming will be tempered with things that nobody expects, good and bad, half a dozen of one to six of the other when it comes to benefits and problems.

"What just happened to us, it opens your eyes. You think there's going to be a tomorrow but there isn't. One minute you are here, the next you are not. All your plans don't mean anything. At least people here are a bit more aware now that when the oil company comes with a job, that job can disappear pretty fast."

Maria Canton, filling-in as editor at The Drum newspaper in Inuvik while she waits to take up a new post at the Calgary Herald, is equally cautious.

"The streets are lined with shiny new pickup trucks that belong to workers from the south," she says. "There are crews driving up and down the street all day long, all night long. The bars fill up.

"I guess you'd have to say that when they are here it's good for the economy. They have lots of money and they don't mind spending it. You have to remember that to them this is just a camp. They don't think of it as home. They don't seem to grasp that people actually live here all the time and have no plans to leave. But when the job is done, they're gone and Inuvik is left to clean up everything that comes after."

One who's determined that this time things will be different is Nellie Cournoyea, the tough, former leader of the N.W.T. government who now directs the Inuvialuit Regional Development Corporation, the powerful business entity born of the treaty agreement with Canada.

Outside her office, a poster confronts every visitor: "Piiguqhaililugit uqauhiqput.

Uqaqta Inuvialuktun uvlutaq.—Do not forget our language. Let's talk Inuvialuktun every day."

"I always look at the up-side," Nellie says of the coming boom. "A lot of people talk about social problems—we already have social problems. We just have to learn to deal with social problems as they arise. Jobs and income are a wonderful antidote to problems with self-esteem.

"We have a lot of working age people and they have to go to work. The socialist system (of welfare) is not a good system to follow. We've always been supportive of development—but we've always wanted to be meaningful participants." It's when I ask Grace about this coming transition from traditional hunting and fishing to a wage economy, the sacrifice of a life governed by the rhythms of the seasons for one governed by a clock, that her gaze wanders off into the white landscape.

And now the silence in the room is deepening like the snow drifting up around the log cabins, snow that has already filled the canoes, piled up on the tarps over stacked firewood, smoothed all the indentations out of the landscape like God's giant eraser applied to all sharp edges.

I wonder to myself where her gaze has gone.

Perhaps over the bluffs and up the river to Teetchikgoghan, "bunch of creeks piled up in one place," where she was born in the bush almost half a century ago.

Perhaps she is remembering those summers as a little girl growing up in the care of her grandparents, Louis and Caroline Cardinal, playing beside the river, a force of nature that only someone born to it can fully understand, the kind of presence that T.S. Eliot described as a strong, brown god, coiled for release, never the same from one moment to the next and yet containing everything changeless and eternal.

Grace told me earlier how she'd go back there in her imagination to escape the pain and loneliness of residential school, where "every little thing that I knew about myself was just torn right out of me and I used to pee my pants right where I sat. I was so frightened."

So she'd go inside herself, back to that camp where she was left to roam the shore and hillsides.

"My grandmother raised me as an Indian woman," she'd said. "The moment I went out into the world, as you call it, I was supposed to erase all those experiences. It was like my life wasn't my own."

So I ask about the changes that now seem inevitable, the end of a hunting economy and its replacement with market labour and she slips away from the conversation, disappearing into some deep introspection.

And begins to weep without sound, great, round, sudden tears rolling down her face.

"Why I'm crying today is because my eldest son committed suicide in January," she finally says.

"'Mum, I'm just tired,' he said. 'I'm just tired of everything. I'm tired of mad, sad faces. Nobody speaks respectfully.' He just saw everything so clearly and it blew his mind.

"He was the father of five little children and he didn't have a steady income. His dad taught him how to trap and how to hunt and how to fish. Then he listened when they talked about jobs. He got his heavy equipment licence and left the bush. But they only wanted him when they needed him, not when he needed work. He couldn't go back to the bush and he couldn't support his family," she says. "We don't have a big bank account like you—we have our own bank account. Our bank account is the land, the animals, the fish in the rivers. You can't just come and empty out our bank account without asking us."

She gestures to the windown and the rig that everyone knows is there but can't see. There are still beaver to trap, she says, but there are no muskrats. It could be a natural cycle but maybe it's a bigger thing, maybe it's because the lakes are dying. The development boom is coming and there have been no baseline studies of traditional environmental knowledge done, she says. None. And that arrogance, that assumption that the experts know best, shows the real relationship between her world and the corporate world.

"We are the first and the last people of this frontier," she says. "People are supposed to be valued. Human beings have the highest value. But we see that it's not like that. This corporate guy told us they will encourage kids to stay in school—if they don't go to school they won't hire them. That is the most foolish thing I have heard. You don't encourage people by telling them they aren't good enough. Our culture is not like that. We don't push people out of the way—we take them in, we make a place for everybody, not just the best."

I thought then about the boom that's necessary to feed the American superpower and her point about its structural disregard for the genius of her culture, these amazing people who learned to survive in the sparse boreal forest with not much more than a string of animal sinew and their creative imaginations.

This time, will things really be different as the politicians and executives promise?

Or is there a deeper truth in the cry of grief from women like Norma Voudrach and Grace Blake, already, in their own ways, bearing the quickening burden of change?

"My son was the first suicide in this community. The first ever. It's not the people, it's the system that makes us like this," Grace says. "When things start to move too fast and people don't feel in control of their lives, that's when they turn to drugs and alcohol. And suicide is the final act of control, isn't it?

"We're being made to participate in our own destruction. What happened to my son happens to everyone, can't you understand that? When you are destroying us you are destroying yourselves."

Outside, a glossy black raven flopped in the snow, pecking at the caribou blood turned to ice on her doorstep and I found that my questions for Grace about the coming oil boom and what benefits it might bring to her community had all dried up.

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[From the Vancouver Sun, June 11, 2001]

### Massive Herd Remains Soul of Native Band: Debate Rages Over the Environmental Costs of Drilling in Refuge

(By Stephen Hume)

Old Crow, Yukon.—The pilot, the reporter, even the two biologists sent to do the aerial count 30 years ago, all fell into that profound silence that accompanies the total failure of words.

What could be said? As far as the eye could see, the tundra below rippled and undulated with more than 160,000 caribou. The Porcupine herd on the move covered more than 60 square kilometres, one of the natural wonders of the world.

It may be decades since I watched that herd in awestruck silence but today it is no less crucial to the survival of Gwich'in tribal culture here in Old Crow, a remote village 770 kilometres north of Whitehorse and 112 kilometres north of the Arctic Circle.

The 300 people who live here, accessible only by air or by canoe from Alaska when there's open water, represent one of the last true hunting societies on Earth.

People here depend upon the Porcupine herd for sustenance, so not surprisingly, it's here, where the herd winters each year in the trees that edge the Mackenzie River delta and the northern Yukon, that an American debate over whether or not there's to be drilling for oil in Alaska's Arctic Wildlife Refuge is watched with intense interest.

There's been an effort to join forces with the Old Crow Gwich'in to lobby the U.S. senators not to open the Arctic Wildlife Refuge," says Grace Blake, former chief in Tsiigehtchic, a village in the Northwest Territories that also relies on the herd. "It's not a big movement yet, just pockets of people. We need to educate the Americans about how important this is to us."

As one of the last near-pristine and contiguous wilderness regions in the United States, the more than eight million hectares of the AWR encompass the complete migratory routes and summer calving grounds of the Porcupine herd.

Each year the caribou, identifiable by the stark silhouettes of the antlers on mature bulls, make one of the most remarkable journeys on the planet. Sustained only by a winter diet of sparse lichens, they swim freezing rivers, climb snowy mountain ranges and cross the blackfly- and mosquito-infested tundra on the way to the coastal plain where cold winds sweeping in from the Arctic Ocean's pack ice keep the blood-sucking insects away from newborn calves. Then, when they've fattened up on succulent new vegetation, they retrace their route to the winter shelter of the boreal forest before temperatures plunge below freezing and wind chills render the open country uninhabitable to all but the snowshoe hare, the muskox, the wolverine and the barrenground wolf. Fifteen years ago, when then-U.S. president Ronald Reagan expressed sympathy for an oil industry lobby that sought access to the region which lies adjacent to the Yukon border, the Gwich'in allied themselves with the powerful U.S. environmental lobby to successfully block development.

Now, with consumers complaining about gasoline prices and a former Texas oilman in the White House in the form of George W. Bush, the prodevelopment lobby which has been biding its time in Alaska and the Lower 48 states has reemerged with a vengeance.

Taking point for the development lobby is Arctic Power, ostensibly a grassroots citizens group which favors oil and gas exploration in the protected area. It's an organization which has hired professional lobbyists in Washington, D.C., and was recently granted almost $2 million in funds by the Alaska state legislature to do more of the same.

Rallying on the other side are organizations like the Natural Resources Defense Council, the Sierra Club, the Audubon Society and nearly 500 leading U.S. and Canadian scientists who have called on President Bush to stop trying to change the law that prohibits oil extraction in the Arctic National Wildlife Refuge.

They include world-renowned naturalist George Schaller, Edward O. Wilson, winner of the National Medal of Science and two Pulitzer Prizes for books on biology, David Klein, a noted Arctic scientist at the University of Alaska and 50 other Alaska scientists.

One major difference in the political jockeying this time around is that the dispute has become an exercise in political cyberwar.

Arctic Power has a sophisticated web site which purports to explode the "myths" of the Arctic Wildlife Refuge. Their opponents have launched their own information sites at which they argue that the amount of oil available from drilling in the refuge—which is the last five per cent of Alaska not available to the resource industry—would meet less than two per cent of U.S. annual needs even in its peak year of production, which couldn't come before 2027.

Citizens are invited to register their opposition with an e-mail petition.

Meanwhile, important as oil might be to the U.S. economy, the fate of the Porcupine herd is just as important to the social and economic fabric of the Gwich'in. And the First Nation's fears for the fate of the herd are growing rapidly.

Numbers of Porcupine caribou have now declined by approximately 20 per cent—to the present total of 129,000 animals—even without the added stress of additional oil exploration activity in the herd's calving grounds on the North Slope of Alaska.

And as an example of what development might mean in the future, green opponents of drilling point to Prudhoe Bay, less than 100 kilometres to the west. There, they argue, 2,500 square kilometres of fragile tundra has become a sprawling industrial zone containing more than 2,400 kilometres of roads and pipelines, 1,400 producing wells and three airports.

"The result is a landscape defaced by mountains of sewage sludge, scrap metal, garbage and more than 60 contaminated waste sites that contain—and often leak—acids, lead, pesticides, solvents, diesel fuel, corrosives and other toxics," says the NRDC.

Mr. MURKOWSKI. Again, Canada has every right to develop its energy. They are a formidable competitor to our own domestic production, and we enjoy access to that market and want to encourage it. But I resent the pot calling the kettle black, so to speak.

There is another chart that generally shows the extent of the activity, again in a little more detail. Here is the Alaska side. This is the Canadian Northwest Territories. This is the identification of wells that have been drilled and off-shore activity. You can see, as it moves through this area, the Porcupine caribou move through this area and it has significant exposure. And the Dempster Highway runs from Norman Wells on up to Inuvik.

The point I want to make is that as we look at the companies coming in, Anderson exploration and Petro-Canada, we can identify the companies that bought up the leases. Anderson alone has done nearly 600 square miles of 3–D seismic testing over the past three winters. Petro-Canada has already drilled exploratory wells outside of Inuvik, where Anderson now plans to drill in the Eagle Plain area. That is again shown on this chart, in this general area. It is a very significant area associated with the migratory path of the caribou.

Are these exploration plans "hasty and ill-conceived"? I question that because these are the words of Mr. Anderson, the Canadian Environmental Minister. I am sure the answer would be no; in his opinion they are not ill-conceived. That is their opinion and I do not challenge that. But neither is America's plan to allow careful and environmentally sensitive exploration in only 2000 acres, in the sense of any permanent footprint occurring in the Alaska Arctic Coastal Plain. That is less than .01 percent of Alaska's wildlife refuge, which is much broader than that, containing about 17 million acres.

Mr. Anderson would say Canada's drilling is OK because it doesn't disturb the caribou calving, but he didn't and doesn't mention that Canada is drilling in the midst of the herd's mating area. He doesn't mention that Canada is drilling in the calving area for its own herds.

He doesn't mention that Canada's action after building the Dempster Highway has probably done more to harm the health of the Porcupine herd than anything that America would ever consider.

Consider for a moment, again, this chart and what this highway has done. It has provided access. There is nothing wrong with access. Here is the Eagle Plains. Here is the highway. This is the migration route.

In the past decade, Canada reduced the previous 8-kilometer hunting area on both sides of the Dempster Highway, dropping it to a 2-kilometer zone. Thus, Canadian hunters who want access have now access to shoot the Porcupine caribou after only a short stroll from the shoulder of the Dempster Highway. The herd has fallen from 180,000 animals to its current 129,000. That drop certainly has not been caused by any American activity.

The Canadian Environmental Minister, Mr. Anderson, in the past has complained opening Alaska's Coastal Plain would be unfair to the Gwich'in Indians of Canada and Alaska who oppose the development, but they certainly do not oppose it any longer in Canada. Canadian Gwitch'in members are clearly supporting oil and gas exploration, probably now because they will have a financial benefit, certainly the benefit of jobs and better housing, better social care, and better medicine following the completion of their land claim settlement.

Let me share a quote:

> The difference is that back then—

Meaning previous years before the land claims—

> we weren't landlords. Now we are the landlords and that is a big difference. . . . Now we are ready for development.

This was Fred Carmichael, the chairman of the Gwich'in Tribal Council in Canada. This article, again, came from the Vancouver Sun, the quote to which I am referring.

Could Mr. Anderson's opposition to Alaska's environmentally sensitive oil development be caused by Canada's desire to have a ready market for its Mackenzie Delta oil finds in America? I hope so. We would welcome it.

But according to Canadian press, Inuvik Mayor Peter Clerkson predicted oil drilling would quadruple in this area in the winter and double again next winter. Again, this level of activity certainly indicates that.

The Northwest Territory Finance Minister has just been quoted as hoping oil finds will generate $400 billion for Canada, all money being transferred to Canada, mostly from the pockets of American consumers as we look to Canada for energy needs.

Call it what you will, it is healthy competition. Mr. Anderson, the Environmental Minister, in his fears about American oil exploration, ignores that the legislation currently pending to open the Arctic Coastal Plain fully protects the environment and the Porcupine caribou, and to all wildlife on Alaska's Coastal Plain. The House passed language, as you know. The House did pass H.R. 4. That energy legislation authorizes the opening of ANWR. It limits development to a 2,000-acre footprint out of the 19 million-acre refuge. That would leave nearly 100 square miles of habitat between each oil-drilling pad, more than enough for the caribou to pass through, given the new advances in directional drilling, 3–D seismic.

So I think if we compare what Canada's footprint in the Canadian Arctic is, and our own, the technology would speak for itself. Further, we propose to limit development so there will be no disturbance to calving during the June-July calving season. This is not about protecting the environment and the caribou that live in it. Mr. Anderson's objection must be about something else.

Look at the objections that opponents voice to exploring in ANWR. One is that it is an insignificant amount of oil, not worth developing. If it isn't, we will make a park out of it. But that is nonsense. The USGS estimates Alaska's portion of the Coastal Plain—I would say the occupant of the chair has been up there—the estimate is it contains between 6 and 16 billion gallons of economically recoverable oil. If it is 10 billion barrels alone, the average, it is equivalent to 30 years of oil we would import from Saudi Arabia at the current rate, and 50 years equal to what we import currently from Iraq.

By the way, 16 billion barrels is 2.5 times the size of the published estimate of the new Canadian reserves in the Mackenzie Delta area, here. It is absurd to think that ANWR only represents a 6-month supply of oil as some opponents say. That would assume that ANWR is this country's only source of oil.

Some say it will take too long to get ANWR oil flowing. But it certainly will take less time to produce than some of the potential deposits in Canada. And if we are truly at war against terrorism, we have the national will to develop Alaska oil quickly, while still protecting the environment.

We built the Pentagon in 18 months, the Empire State Building in a year and built the 1,800-mile Alaska Highway in 9 months. Oil could be flowing out of ANWR quickly if we made a total commitment to make that happen. I believe we could do this in 12 months instead of the five years, some predict.

There are many other misstatements about Alaska's potential for oil development. We will have time to discuss those in this body as we work on a national energy policy that makes sense for America. That debate must occur soon; we must give the President the tools he needs to ensure our energy security. I know members on both sides of the aisle are anxious to make this happen.

But I wanted to come and respond to the comments made by Canada's environment minister, because they were horribly unbalanced in light of Canada's oil drilling program in the migratory route of the Porcupine caribou herd.

I encourage an opportunity to debate Mr. Anderson, and I stand behind my assertion that, indeed, his comments don't reflect the reality nor the true picture of what is going on in Canada.

Again, I have fondness for our Canadian friends and Canada itself. I am not saying they are harming the environment in the least. I am pointing out what they are doing. The Members of this body need to know that as well.

I welcome additional oil production in North America, as long as it is done in an environmentally sound manner. Again, I remind all of us that we give very little thought to where our oil comes from as long as we get it. We should do it right in North America, Canada, and Alaska, as opposed to it coming from overseas, over which we have really no control.

I find the objections to be unbalanced and grossly unfair since they totally ignore the environmental issues involved in oil development in the Arctic.

I also find the Environment Minister's statement just days after the tragedy in New York and Washington not only untimely but unfortunate.

I thank the Chair. I yield the floor. I wish my colleagues a good day.

## NATIONAL ENERGY POLICY

Mr. JEFFORDS. Mr. President, I rise in opposition to the energy policy-related amendments filed by the Senator from Oklahoma. While I support moving forward with comprehensive national energy policy, the underlying bill is too important to our national security to bog it down with controversial amendments.

There are many substantive problems with these amendments, not the least of which is their probable negative impact on public health and environmental quality. They take us back to the polluting past, rather than forward into a cleaner, more efficient and sustainable future.

There are also serious procedural problems with moving on these amendments. The committees of jurisdiction, including the Environment and Public Works Committee, have not completed work on important parts of comprehensive energy legislation.

Also, I would remind Senators that the administration has completed very few, if any, of the reports recommended by the Vice-President's National Energy Policy Development group. I believe these reports were intended to inform and justify to the public and Congress the need for any changes to existing law and programs.

These amendments drive us further and further away from making the truly fundamental changes in our national energy policy that are necessary to address global climate change.

The amendments will dramatically increase U.S. greenhouse gas emissions. That further violates our commitment in the Rio Agreement to reduce to 1990 levels.

The next Conference of Parties to the U.N. Framework Convention on Climate Change begins in late October. Despite the terrorist attacks on our Nation, the attendees will hope for U.S. leadership to combat global warming.

Whatever the administration may present, I hope the message from the U.S. Senate will not be the recent adoption of a national energy policy that blatantly undermines our Senate-ratified commitment to reduce greenhouse gas emissions. The underlying bill already sets us up to violate the Anti-Ballistic Missile Defense Treaty. That is enough to weigh down one bill.

We should not further encroach on the good will of our global neighbors at a time when we are seeking their support in our efforts against terrorism. I urge the defeat of these amendments when and if they are offered.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. JEFFORDS. I am happy to yield.

Mr. INHOFE. Is the Senator aware that since back to and including the First World War the outcome of every war has been determined by energy? Is the Senator aware that we are now 56.7-percent dependent upon foreign countries for our ability to fight a war and that half of it is coming from the Middle East? And is the Senator aware that the largest increase in terms of our dependency on any one country is Iraq, a country with which we are in war right now?

Mr. JEFFORDS. I am aware of the situations the Senator describes. I am just concerned about the methodology being utilized to try to solve that. I would like to work together with the members of the committee to try to see if we can find common ground.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

## EVENTS OF THE LAST TWO WEEKS

Mr. DURBIN. Mr. President, I rise today to reflect on some of the experiences I have had over the last 2 weeks, and also the activity of the U.S. Congress, and in particular the Senate.

It is hard to believe it has only been 2 weeks and 1 day since the tragedy of September 11. It seems such a longer period of time because of all the emotions and all the experiences and all the visual images which have been burned into our minds and our hearts.

I think so many times of that day and what happened to me. Yet when I meet anyone on the street in Chicago or any part of Illinois and Springfield, they all go through the same life experience. They want to tell me where they were and how their lives were touched and changed by September 11. It was a defining moment for America. It is one which none of us will ever forget.

Over 6,500 innocent Americans lost their lives on that day—the greatest loss of American life, I am told, of any day in our history, including the battles of the Civil War.

Of course, we weren't the only country to lose lives in the World Trade Center. It is reported in the papers today that more German citizens lost their lives to terrorism on September 11 at the World Trade Center than in any of the terrorist acts on record in Germany. The stories are repeated many times over.

Yesterday, the father of one of the victims of American Flight 77 that crashed into the Pentagon came to my office and spoke about his wonderful daughter. He reflected on her life and the life of so many in my home State of Illinois—lives that were lost on September 11. We have tried to address that.

Yesterday, we had a hearing on airport and airline security in the Governmental Affairs Committee under Chairman JOE LIEBERMAN, the Senator from Connecticut. Other Members came forward to hear testimony from the appropriate Federal agencies—the FAA, the Department of Transportation's inspector general, as well as the General Accounting Office.

Then we brought in a panel of those who were more directly in contact with air service—the vice president of American Airlines; airport managers from Bloomington, IL; from North Carolina; from St. Louis' Lambert; and Aubrey Harvey, who was a screener at one of the airport security stations at O'Hare, came. If I am not mistaken, he was the first person actually involved in that profession who came forward to tell his side of the story about airport security.

It was an important hearing. I think it dramatized the need for us to focus on several achievements as a nation.

First and foremost, we must restore the confidence of the American public to get back on airplanes. That will require several actions. It requires, first, to have an immediate visible security response to what occurred on September 11. Changes have taken place in every airport. I have been to O'Hare and to Dulles and to Baltimore, as well as to St. Louis since that event. I have seen the changes. They are important. They are significant. They may not be enough. We need to do more. We need to do it quickly.

I have noted that after Secretary Mineta, of the Department of Transportation, testified last week, I suggested that he immediately write to every airport manager and communicate to them the need to put in place at every airport security checkpoint a uniformed law enforcement officer.

Secretary Mineta, whom I respect and admire so very much, said some airports have done that. I urged him to make sure every airport does that because I think it changes the environment of the airport. It makes security a more serious matter.

I do not know if it was a coincidence or what, but when I went up to Baltimore to catch the plane last Friday, as I went through the airport security, there were five or six very serious screening employees and two law enforcement personnel there. They not only went through my luggage—which was something I invited them to do—then they did the wand all over me, and then checked to see if there was any explosive residue on my briefcase. I do not know if they knew who I was, but they, frankly, responded with the most amazing display of security I have ever seen at one time at an airport; and I travel a lot.

Let me tell you something else. I do not begrudge a single moment of the time they asked of me, and neither should any other American. There is a little inconvenience involved in this, but for our safety and security it is not too much to ask. When I think about giving up 30 seconds or a minute of my life, I reflect on how many people are making such extraordinary sacrifices of their time and their lives in the interest of the security of America. That is not too much to ask any airline passenger.

But now we see in airports across America a change in attitude and a change in approach. At all the airports I visited—four in the last 2 weeks—I have seen a much more serious approach to security.

Yesterday we talked about the security on the ramp, as well, in terms of all of those people who have access to airplanes. We focused on passengers and what they bring on board, but we should also focus on every single person who can enter that airplane at any time; not only the pilot and crew, but also those who are responsible for baggage handling, fueling the plane, catering services, cleanup crews. All of those people have access to that airplane.

A search of one of the grounded airplanes after the event found one of those notorious box cutters wedged in the cushion of a seat of the plane. Whether the passenger left it there or it was planted is unknown, but it at least raises an important security question.

So when we talk about security in airports, it is not just the screening, it is not just the questions asked of passengers, it is to make sure that the ramp and the perimeter around the airport is secure, that we know the people who are coming in contact with that plane, that they have been checked out, that they are hard-working, good people, who are not going to be involved in anything that would endanger the life of another.

One of the baggage handlers from O'Hare called me. I spoke to him in my office the other day. He told me about his experience. Did you know baggage handlers at O'Hare start at $8.50 an hour? I did not know that. In a few years they can get as high as $19 an hour, but, again, it reminds us that many of the people who are in direct contact with the airplane and its contents are people in starting-wage jobs that require perhaps minimal education and minimal training. I think that has to change.

I think we need to raise the standards, the skills, and the compensation to the people who are involved in security. I think we have to consider security as not just part of the process of taking a flight but an element of law enforcement. When you take that into consideration, you start changing your standards as to what you might expect.

So I believe we should federalize this activity. There have been a number of suggestions on how to do it. Some have said we should actually have Federal employees directly involved. I am not opposed to that concept. I am open to it. I am trying to keep an open mind to the most cost-efficient way to guarantee the security as best we can of airline travel.

Others have asked, how about a governmental corporation that has this responsibility that operates under the rules and standards promulgated by the Federal Government? That, too, is an approach which I think we should consider. But more than anything, we have to make it clear to the American people that we are going to do something, and we are going to do it soon, and that it is safe for them to get back on airplanes.

I am still flying commercial flights. Most of my colleagues in the Senate are—in fact, all of them. I think it is a testament to our belief that we have confidence in air travel. We have to convince the rest of the American people.

Let me address another issue that was raised a few moments ago in this Chamber by my colleague from New Jersey, Senator TORRICELLI. It is one which I have heard him express before, and one I have reflected on, and on which I have come to an agreement with him. It is the question of our preparedness as a nation for what occurred on September 11.

Back before the United States was engaged in World War II, President Franklin Roosevelt called on George Marshall, an Army general, to prepare the United States for the possibility of war. I remember, in reading the biography of George C. Marshall, one of our Nation's heroes, they talked of his first trip to the so-called War Department, I believe it was, in 1940.

He went to the War Department, and he asked what battle plans were there for him to review. They went to the vault, opened it, and pulled out the battle plan—the one battle plan—which had been prepared for the War Department of the United States of America in 1940.

George Marshall opened the folder to discover that battle plan was for the invasion of Mexico. That is all he had. No one had thought ahead about other possibilities. And in a short period of time, America was involved in a world war. We were not prepared and had to race to become prepared, not only to provide the goods and services and resources for our allies in the war but to make sure we could defend ourselves. America rose to that challenge, but we lost valuable time because we were not prepared.

The obvious question we must ask, as Members of Congress, is, Were we prepared for September 11? Well, clearly, the answer is no. For the United States to have faced the greatest invasion, the greatest attack, the greatest crisis in our history, is to say, on its face, that we were not prepared.

And I have to point to a number of areas. Whether it is in the military field or law enforcement or intelligence, in all three levels there are important questions that need to be asked and answered about our failure to avert this terrible crisis.

We have identified some 19 alleged hijackers who were involved in this endeavor. I think we understand that there probably were hundreds more who had some part to play in this sad and tragic drama that cost so many lives. But to think what they have done to America—those people, one day in our history—it has changed our Nation.

I would like to say that we can brush it off and go on about our business. Everybody knows better. Life in this country is going to be different, and it must be different so we can avert that kind of crisis in the future and be prepared for our own defense.

Now we have requests coming to us from agencies representing the U.S. military, law enforcement, such as the FBI, and the intelligence agencies, for additional resources and additional authority. I join every other Member of the Senate in a bipartisan, solid vote giving the President and his administration all of the resources and authority they have asked for. I think we feel that party labels should be put aside. We have to stand together in Congress to wage this war against terrorism. We want to provide the President what he needs to be successful in that effort. We want to provide him the resources he needs so the men and women in uniform, and everyone involved in this effort, have the tools they need to succeed.

Now we are receiving requests from the Attorney General, and from others, to change the laws of the United States to provide additional authority to those who are involved in fighting terrorism. I do not think that is an unreasonable thing to do. In fact, some of the requests that have been made by the Department of Justice are eminently sensible.

I think it is important that we have changes, for example, in the authority to eavesdrop or have wiretaps to reflect new technology. In the old days, the FBI would turn over the name of a person and the telephone number and ask for authority from the court to put a wiretap on a phone.

Today, of course, that suspected person may have in fact a dozen cell phones and change three or four numbers a day. We have to be prepared to follow them through all of the different levels of technology people can use against us. I don't think that is unreasonable.

Changing the statute of limitations on crimes of terrorism? Of course, we should. We have to view this as more than just a garden variety crime because we have seen the terrible disaster that occurred on September 11.

Other requests have been made by the FBI and CIA for the collection of more information beyond what I have just mentioned. It raises an important point that we should pause and study. We have seen in the past that these information-gathering agencies have collected enormous amounts of data, whether it is electronic data or data from human intelligence resources. And many times that data has not been assimilated, formulated, or distributed so that it can be used in effective law enforcement and the deterrence of the kind of disaster and tragedy we experienced on September 11.

I ask, at least as part of this debate, that Congress come to these same agencies and ask them what they have done in the past with similar information, how much of a backlog of unprocessed information they currently have, and what they are going to do with any new information they receive.

Before we expand this authority to collect more information, it is reasonable to ask the capacity of these agencies to assimilate and to use this information in a valuable fashion.

How many Arabic speakers are available at the CIA and FBI if we are going to focus on those who are involved in this latest terrorism and any conversations among people who use that particular language? That is an important question and one which I think we will come to find is not answered to our satisfaction. We have to do better.

I also have to relate that for the first time in 20 years, the Judiciary Committee, just a few months ago, had a thorough investigation of the Federal Bureau of Investigation and came up with some major concerns. It is hard for me to believe that this premier law enforcement agency in America is still so far behind the times when it comes to important technology such as computers. The computer capability of the Federal Bureau of Investigation was described as 10 years behind the rest of America. At a time when it should be on the cutting edge, it is that far behind. That needs to change. It needs to change immediately.

Providing access to more information without the ability to assimilate it, to process it, to distribute it is, frankly, a waste of our time. We cannot afford to waste a moment in this war against terrorism.

I have the greatest confidence in Bob Mueller, who has been appointed as the new Director of the FBI. I salute President Bush and those who were instrumental in naming him. He is an excellent choice. I believe he and Attorney General Ashcroft have an opportunity to work together to not only give more authority and resources to the FBI but to also change the climate at the FBI in terms of how it works internally and how it works with other agencies.

Yesterday Attorney General Ashcroft told us that the FBI's wanted list and list of dangerous individuals in America had not been shared with the Federal Aviation Administration before September 11. What that meant was that those names that were suspicious were never given by the FAA to the airlines so they could monitor the travel of these people. That seems so basic. It reflects, unfortunately, a sad state of affairs when it comes to the exchange of this information.

Let me speak for a moment about the daunting task we face in challenging terrorism around the world. The President is right. He has done the appropriate thing in warning the American people that this is a long-term commitment, that we need to take a look and find the resources of this global terrorism network and cut them off where we can—financial resources, political resources, whatever they are gathering from other nations, organizations, and persons. We have to stop that flow, to try to choke off this global terrorism. That is going to take quite a bit of effort and patience.

The other day I met with a prosecutor who had spent most of his professional life prosecuting the Osama bin Laden terrorists. For 30 minutes he sat down and described for me from start to finish his experience with this group. I came away with the following impression: They are educated; they are determined; they are invisible; they are patient; and they hate us.

I was sobered by that presentation because he went through, chapter and verse, every single item he had discovered in the course of prosecuting these terrorists. I came away with the belief that we are not dealing with a ragtag bunch that got lucky, in their view, on September 11 with terrorism. They know what they are doing.

We have to know what we are doing. We have to be prepared to fight this battle and to win it as quickly and as decisively as possible.

Let me suggest that as we get into this, as we make this dedicated effort to fight terrorism as a nation, we should stop and we should reflect on the state of affairs on September 11, 2001, in America. It is time to ask the painful and hard questions of where the intelligence community failed, where law enforcement failed, where our Government failed, when it came to averting that crisis.

This is not an easy task. Some have suggested maybe we should put that aside for another day. I don't think so. There were clear omissions, and there were clear problems within our collection of intelligence that led to what happened on September 11. We need to know what they were. We need to know if they changed. We need to know, for example, whether this exchange of information by law enforcement agencies has now changed for the better and decisively.

To do that, I agree with Senator TORRICELLI, we should establish a board of inquiry that asks these hard and difficult questions and reports back to Congress, to the President, and to the American people about what we did wrong and how we need to change it.

There is a rich tradition of this sort of inquiry. Senator Harry Truman of Missouri was involved in a similar inquiry in the 1940s when it came to defense contractors and whether they were wasting taxpayer dollars. As has been noted, the Challenger disaster led to a board of inquiry that changed the way the National Aeronautics and

Space Administration did their business. There were inquiries throughout our history when something important and catastrophic was happening in America.

We can do no less today than to dedicate resources to an inquiry that gets to the heart of what our deficiencies are when it comes to fighting terrorism.

I suggest my colleagues consider that there are many we can turn to, to help us in this effort. Certainly there are committees of Congress on both sides of the aisle in the House and the Senate that could have a legitimate role to play in this question.

We might consider turning to some of our former colleagues to establish this kind of commission of inquiry to ask about what we failed to do and how we failed to avert the crisis of September 11. As I sat here today reflecting, names came to mind immediately: Senator Bob Kerrey, former Senator from Nebraska, recipient of the Congressional Medal of Honor, former chairman of the Senate Intelligence Committee; Senator Bob Dole of Kansas, Republican majority leader; Sam Nunn, former Senator from Georgia, well respected for his expertise when it comes to the armed services; former Senator from Missouri John Danforth, who just recently conducted an investigation of the FBI on the Waco incident, and his findings were accepted by all as being thorough and professional; John Glenn, former Senator from Ohio, who has a legendary reputation not only on Capitol Hill but across America; Mark Hatfield of Oregon, who served as chairman of the Senate Appropriations Committee; Chuck Robb, former marine in Vietnam and Senator from Virginia; Warren Rudman from New Hampshire.

These are eight names that could come together quickly and be willing to serve this country in a commission of inquiry as to what went wrong at the CIA and the FBI and the Pentagon and throughout the Government on September 11. I believe they can give us a roadmap so we can talk about changes that need to be made, and made immediately, to avert any future crisis.

I agree with Senator TORRICELLI: This is something we should not put off. We ought to do it and do it soon. It is not a reflection of disunity on the part of those of us who suggest it but just the opposite. As we have stood with the President to make sure he is effective in fighting this war for America, let us stand together in a bipartisan fashion to concede our weaknesses and shortfalls from the past so we don't repeat those terrible mistakes.

Mr. President, I will conclude by noting one other event that happened in the last several weeks, which has been nothing short of amazing. It is a rebirth of patriotism in America the likes of which I have never witnessed. There was a time during the Vietnam war when the American flag lapel pin was worn by some in support of the war and shunned by others as an indication of supporting a war they thought was wrong.

That has changed so much. You will find Americans across the board proud of their flag, proud of their country. I was in Chicago Saturday morning and stopped at a car rental agency, and the lady behind the desk recognized my name when I filled out the contract.

She said: Senator, I can't find a flag anywhere, and I am trying to get one I can wear.

I pulled out this ribbon from my pocket—a lapel pin that many Members have been wearing. I said: Why don't you take this one.

She said: I think I am going to break down and cry. It meant so much for her to have it, to be able to wear it. I also gave one to the lady working with her. I thought how quickly we have come together as a nation.

You have seen it in so many ways, large and small. Huge rallies are taking place at the Daly Center in Chicago. There are long lines of people waiting to donate blood. Donations are being given to the United Way and Red Cross and all of the charitable organizations. There is an intense feeling of pride and patriotism at public events across the board.

I have noticed that people are listening more carefully to our National Anthem—to the words that we used to say by memory —perhaps without thinking so many times. There is that pause when we get to the point in that great National Anthem when we say:

> O say, does that star-spangled Banner yet wave,
> O'er the land of the free and the home of the brave.

I think those words have special meaning for us because the Star Spangled Banner, our national flag, still waves—not just on porches and buildings across America and across Illinois, downstate and in Chicago, but in our hearts as well. We will prevail.

Those who thought they could bring us to our knees have brought us to our feet. This country will be victorious.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that it be in order for me to make my remarks while seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN SERVICE MEMBERS PROTECTION ACT

Mr. HELMS. Mr. President, after those dastardly terrorists deliberately murdered—and I use those words advisedly—thousands of American citizens in New York, Washington, and in the plane crash in Pennsylvania, President Bush instructed our armed services to "be ready."

Mr. President, our Nation is at war with terrorism. Everybody knows that. Thousands in our Armed Forces are already risking their lives around the globe, preparing to fight in that war. We bade farewell to 2,000 or 3,000 marines from North Carolina last week.

These are all courageous men and women who are not afraid to face up to evil terrorists, and they are ready to risk their lives to preserve and to protect what I like to call the miracle of America.

And that is why I am among those of their fellow countrymen who insist that these men and women who are willing to risk their lives to protect their country and fellow Americans should not have to face the persecution of the International Criminal Court—which ought to be called the International Kangaroo Court. This court will be empowered when 22 more nations ratify the Rome Treaty.

Instead of helping the United States go after real war criminals and terrorists, the International Criminal Court has the unbridled power to intimidate our military people and other citizens with bogus, politicized prosecutions.

Similar creations of the United Nations have shown that this is inevitable.

Earlier this year, the U.N. Human Rights Commission kicked off the United States—the world's foremost advocate of human rights—to the cheers of dictators around the globe.

The United Nation's conference on racism in Durban, South Africa, this past month, became an agent of hate rather than against hate. With this track record, it is not difficult to anticipate that the U.N.'s International Criminal Court will be in a position not merely to prosecute, but to persecute our soldiers and sailors for alleged war crimes as they risk their lives fighting the scourge of terrorism.

Therefore, now is the time for the Senate to move to protect those who are protecting us.

I have an amendment at the desk to serve as a sort of insurance policy for our troops. My amendment is supported by the Bush administration and is based on the "American Service Members Protection Act," which I introduced this past May. It is cosponsored by Senators MILLER, HATCH, SHELBY, MURKOWSKI, BOND, and ALLEN. I ask unanimous consent that the amendment be filed with the DOD authorization bill.

The PRESIDING OFFICER. The amendment will be filed.

Mr. HELMS. Mr. President, many Americans may not realize that the Rome Treaty can apply to Americans even without the U.S. ratifying the treaty. This bewildering threat to America's men and women in our Armed Forces must be stopped.

And that is precisely what my amendment proposes to do—it protects Americans in several ways:

(1) It will prohibit cooperation with this kangaroo court, including use of taxpayer funding or sharing of classified information.

(2) It will restrict a U.S. role in peacekeeping missions unless the U.N. specifically exempts U.S. troops from prosecution by this international court.

(3) It blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the ICC.

And

(4) It authorizes any necessary action to free U.S. soldiers improperly handed over to that Court.

My amendment to the Defense authorization bill incorporates changes negotiated with the executive branch giving the President the flexibility and authority to delegate tasks in the bill to Cabinet Secretaries and their deputies in this time of national emergency.

The Bush administration supports this slightly revised version of the American Service Members Protection Act. I have a letter from the administration in support of this amendment, which I will soon read.

Nothing is more important than the safety of our citizens, soldiers, and public servants. The terrorist attacks of September 11 have made that fact all the more obvious.

Today, we can, we must, act to protect our military personnel from abuse by the International Criminal Court.

The letter I received dated September 25 from the U.S. Department of State is signed by Paul V. Kelly, Assistant Secretary for Legislative Affairs:

> Dear Senator HELMS: This letter advises that the administration supports the revised text of the American Servicemembers' Protection Act, dated September 10, 2001, proposed by you, Mr. Hyde and Mr. Delay.
>
> We commit to supporting enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.
>
> We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or to other appropriate legislation.

Signed, Paul V. Kelly, as I indicated earlier.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I send to the desk a second-degree amendment to the Helms amendment and ask unanimous consent that it be considered in context with the Helms amendment on the DOD authorization bill when we return to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the majority leader for his consideration. I had asked my second-degree amendment to the Helms amendment be considered in that context upon returning to the DOD authorization bill. Mr. President, I send that amendment to the desk as a second degree.

The PRESIDING OFFICER. The amendment will be filed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may make my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment appear in the RECORD as presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I will speak briefly to it because I know there is other business to be conducted.

It is, first and foremost, very important that I say I agree with the general premise of the amendment that Senator HELMS has offered this afternoon. It is clearly of utmost importance that we speak as a nation to the world and say that our men and women in uniform may never and will never become subject to an International Criminal Court. That is the sovereign right of this Nation.

We, in general, object to what the Criminal Court under the Rome Treaty proposes. In fact, in the Commerce-State-Justice appropriations bill, just 2 weeks ago I offered an amendment to strike all necessary moneys that would bring about our activity in the Preparatory Commission and the implementation of the Criminal Court.

My amendment goes a step beyond what Senator HELMS has proposed because the International Criminal Court is not specific to men and women in uniform. It says all citizens of the world in essence; anyone over 18 years of age. Is it possible to assume that a rogue prosecutor under the Criminal Court of the United Nations could suggest that Colin Powell is in violation and, therefore, to be prosecuted before the Criminal Court for his conduct as it relates to pursuing international justice in relation to terrorists? Yes, it is.

As a result of that, my amendment proposes to protect all citizens, not just those men and women in uniform. That is critically necessary and important.

We have spoken out as a nation in general opposition to the ICC, and when the treaty was signed by former President Clinton, he talked about the inequities and the problems.

My amendment also addresses those problems, and it would remove language indicating that the United States may eventually become a party to the ICC.

There is a gratuitous endorsement of the U.N.'s ad hoc tribunals. We have just been through one of those episodes in South Africa where the United States and Israel had to walk away because of an intent to suggest that charges of racism be pursued against one of those nations. Ad hoc tribunals and the very principle with which we are trying to deal in the ICC should suggest that we do not necessarily endorse or support the U.N.'s ad hoc tribunals.

There is a new section 1411 that has been added to permit U.S. cooperation with the ICC on a case-by-case basis, including that of giving classified information to the ICC. We reject that.

Lastly, there is no mention of American sovereignty. I think it is always important when we are addressing international bodies or our relationship to them that we speak so clearly to the right of this Nation to determine its own destiny and, more importantly, that we will not be signatories to, nor will we endorse as a Senate or as a Government, concepts in the international arena that take from us our right of American sovereignty and the right, therefore, of our judicial system over the citizens of this country away from that of an international body.

That is the intent of my second degree. Without question, and I have discussed this with Senator HELMS, he and I stand strongly together in support of the protection of our troops, our men and women in uniform, in not being subject to an international criminal court of justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, Mr. President, I thank the Chair.

Let me just add a footnote to the remarks of Senator CRAIG. We have been working closely together on this issue of the International Criminal Court, and we see eye to eye on the danger of this Court presented to our fighting men and women. I appreciate very much the efforts of Senator CRAIG, who I understand may be offering a second-degree amendment, which he has already done.

I want to assure the Senate, as Senator CRAIG has, that Senator CRAIG and I will continue working together on this and other important issues in the future.

As I indicated earlier in my remarks, my amendment—the underlying amendment, that is—is supported by the Bush administration. Vice President CHENEY has personally seen to it the language in my underlying amendment has the approval of the State Department, the Defense Department, the National Security Council, the Justice Department, along with other parts of the Government.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

## DISCHARGE AND REFERRAL—H.R. 788

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from consideration of H.R. 788, the land conveyance bill, and the measure be referred to the Governmental Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1860, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1860) to reauthorize the Small Business Technology Transfer Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today I rise to urge passage of H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. H.R. 1860 passed the House of Representatives on September 24, 2001. This bill is a companion to my bill, cosponsored by Ranking Member KIT BOND, S. 856 which passed the Senate unanimously on September 13, 2001. This legislation reauthorizes the Small Business Administration's highly successful Small Business Technology Transfer Program for an additional eight years and doubles its size. Absent legislative action to reauthorize the Small Business Technology Transfer program, it will expire on September 30, 2001.

The STTR program funds research and development, R&D, projects performed jointly by small companies and research institutions as an incentive to advance the government's research and development goals. It complements the Small Business Innovation Research, SBIR, program, which was reauthorized last year. The SBIR program funds R&D projects at small companies. STTR funds R&D projects between a small company and a research institution, such as a university or a Federally funded R&D lab. STTR projects help participating agencies achieve their goals in the research and development arena. It also helps convert the billions of dollars invested in research and development at our nation's universities, Federal laboratories and nonprofit research institutions into new commercial technologies.

The STTR program was started in 1992. The program was reauthorized in 1997 for four years. The program is funded out of the extramural R&D budgets of Federal agencies or departments with extramural R&D budgets of $1 billion or more. Such agencies must award at least .15 percent of that money for STTR projects. This bill increases program funding to .3 percent of that money for STTR programs in FY 2004 and thereafter. Five agencies currently participate in the STTR program: the Department of Defense, DoD, the National Institutes of Health, NIH, the National Aeronautics and Space Administration, NASA, the National Science Foundation, NSF, and the Department of Energy, DoE.

There are three phases of the STTR program. Phase I is a one-year award for $100,000, and its purpose is to determine the scientific and commercial merits of an idea. Phase II is a two-year grant for $500,000, and its purpose is to further develop the idea. In FY 2004 and thereafter this bill increases Phase II awards to $750,000. Phase III is used to pursue commercial applications of the idea and cannot be funded with STTR funds.

I thank my friend from Missouri, Senator BOND and his staff and all of the Members of the Senate Small Business and Entrepreneurship Committee for working with me and my staff on this important legislation. I would also like to recognize the cooperation and support from the House Small Business Committee, Chairman DON MANZULLO, Ranking Member NYDIA VELAZQUEZ, Subcommittee Chairman ROSCOE BARTLETT and their staffs as well as Chairman BOEHLERT and Ranking Minority Member HALL and their staffs on the House Science Committee for their work on this legislation.

Mr. President, I ask the Senate to pass H.R. 1860.

Mr. BOND. Mr. President, I rise to urge my colleagues in the Senate to support H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. This bill is identical to S. 856, which passed the Senate unanimously on September 13, 2001. Subsequently, the House of Representatives amended its version of this important legislation with the entire text of the Senate-passed bill, and it passed the House of Representatives yesterday on its Suspension Calendar. Our approval of this bill today will clear the measure for the President to sign it into law.

The STTR Program was created in 1992 to stimulate technology transfer from research institutions to small firms while, at the same time, accomplishing the Federal government's research and development goals. The program is designed to convert the billions of dollars invested in research and development at our nation's universities, federal laboratories and nonprofit research institutions into new commercial technologies. The STTR Program does this by coupling the ideas and resources of research institutions with the commercialization experience of small companies.

To receive an award under the STTR Program, a research institution and small firm jointly submit a proposal to conduct research on a topic that reflects an agency's mission and research and development needs. The proposals are then peer-reviewed and judged on their scientific, technical and commercial merit.

The STTR Program continues to provide high-quality research to the Federal government. The General Accounting Office (GAO) reported in the past that Federal agencies give high ratings to the technical quality of STTR research proposals. The Department of Energy, for example, rated the quality of the proposed research in the top ten percent of all research funded by the Department

Report after report demonstrates that small businesses innovate at a greater and faster rate then large firms. However, small businesses receive less than four percent of all Federal research and development dollars. This percentage has remained essentially unchanged for the past 22 years. Increasing funds for the STTR Programs sends a strong message that the Federal government acknowledges the contributions that small businesses have and will continue making to government research and development efforts and to our nation's economy.

Mr. President, Senator KERRY and I have worked together to produce a sound, bi-partisan bill. This legislation is good for the small business high-technology community and will ensure that our Federal research and development needs are well met in the next decade. I trust that the bill will receive overwhelming support of my colleagues.

Mr. REID. I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1860) was deemed read the third time and passed.

## DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2510 to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 2510) entitled "An Act to extend the expiration date of the Defense Production Act of 1950, and for other purposes", with the following House amendments to Senate amendment:

Page 1, line 3, of the engrossed Senate amendment strike "2002" and insert "2003".

Page 1, line 7, of the engrossed Senate amendment strike "2002" and insert "2003".

### REVIEW OF DPA

Mr. ENZI. Mr. President, I would like to inquire of the Senator from Maryland, Chairman SARBANES, as to the status of legislation reauthorizing the Defense Production Act?

Mr. SARBANES. I thank the Senator from Wyoming for his question. The Defense Production Act reauthorization that is awaiting further action in the Senate would currently reauthorize the act for two years and would make a number of technical corrections.

Mr. ENZI. As the chairman is aware, I feel the DPA is an important tool for supporting our national defense and for ensuring that our armed forces have the latest equipment available, in a timely manner, and that they are prepared and able to defend our Nation's interests. When used properly, the DPA not only ensures military contracts are filled in a timely manner, but it also ensures that industries are protected from liabilities that could arise from being required to prioritize military requests ahead of other private agreements. I am concerned, however, that the DPA also has a number of possible applications that may not be in the best interest of the United States. It is my fear that, in the name of national security, the DPA can be used in a way that creates a serious rippling effect on many other sectors of our Nation. The chairman is aware that I have supported just a one-year reauthorization of this act, and that I feel it is important that we conduct a complete review and reevaluation of the act to make sure it gives the President the power he needs to conduct his business without exposing the rest of the nation to possible abuse.

Mr. SARBANES. In light of U.S. national security needs, I feel Congress is justified in extending the DPA's authorization for two years. I am prepared, however, to work with the Senator from Wyoming to review his concerns with the DPA when the Banking Committee considers its future reauthorization.

Mr. REID. I ask unanimous consent that the Senate concur in the House amendments to the Senate amendment, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL OVARIAN CANCER AWARENESS WEEK

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration S. Res. 163.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 163) designating the week of September 23, 2001, through September 29, 2001, as "National Ovarian Cancer Awareness Week."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until the cancer has spread beyond the ovaries;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and Members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 23, 2001, through September 29, 2001, as 'National Ovarian Cancer Awareness Week'; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate ceremonies and activities.

## NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 118 and that the Senate proceed to the immediate consideration of S. Res. 118.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 118) to designate the month of November 2001 as "National American Indian Heritage Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas American Indians, Alaska Natives, and Native Hawaiians were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians, Alaska Natives, and Native Hawaiians have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians, Alaska Natives, and Native Hawaiians have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians, Alaska Natives, and Native Hawaiians have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians, Alaska Natives, and Native Hawaiians deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians, Alaska Natives, and Native Hawaiians of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

*Resolved*, That the Senate designates November 2001 as 'National American Indian Heritage Month' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

## NATIONAL PARENTS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 150 and that the Senate proceed immediately to the consideration of S. Res. 150.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 150) designating the week of September 23 through September 29, 2001, as "National Parents Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas parents play an indispensable role in the rearing of their children;

Whereas good-parenting is a time-consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where adult and child alike can help one another aspire to joy and fulfillment on a variety of levels; and

Whereas such a domestic climate contributes significantly to the development of healthy, well-adjusted adults, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 23 through September 29, 2001, as "National Parents Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

## FAMILY HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 160 and that the Senate proceed to the immediate consideration of S. Res. 160.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 160) designating the month of October 2001 as "Family History Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I rise today in support of families and S. Res. 160 that dedicates October 2001 as Family History Month.

The concept of designating October as Family History Month began several years ago. According to the National Genealogical Society, Connecticut, Delaware, Florida, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and Virginia all passed "proclamations" in the last few years declaring October as Family History Month.

Within the last month some 14,167,329 people researched their family history and 24 million people have used the Web and email to locate family or friends with whom they had lost touch. Researching ancestry is a very important component to self identity. It can lead to long-sought-after family reunions or allow for life saving medical treatments that only genetic links will allow.

At present there are some 2,500 genealogical societies in the United States that represent approximately one million people. Genealogy is currently the 2nd largest hobby in the country and is very unique in that it crosses over all religions, ethnic backgrounds, and age groups. Essentially, we are all immigrants to this country. Our ancestors came from different parts of the globe and by searching for our roots, we come closer together as a human family.

Researching family history has now moved into the digital age with the advent of the Internet. There has been an explosion of interest in family history online in fact genealogy internet sites are some of the most popular sites on the World Wide Web. My church, The Church of Jesus Christ of Latter-day Saints, has family history information on nearly 500 million individuals on its family history Web site (www.familysearch.com).

I thank the 84 members who cosponsored this important resolution and urge all my colleagues to join with me in drawing attention to our human heritage by voting for this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of October 2001, as "Family History Month"; and

(2) requests that the President issue a proclamation calling upon the people of the

United States to observe the month with appropriate ceremonies and activities.

## SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 99, setting forth the goals and ideals of the Olympics, and that the Senate proceed to the immediate consideration of S. Res. 99.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 99) supporting the goals and ideals of the Olympics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 99

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2001 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

## NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 147 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 147) to designate the month of September of 2001 as "National Alcohol and Drug Addiction Recovery Month."

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1723

Mr. REID. Mr. President, Senator WELLSTONE has an amendment at the desk, and I ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 1723.

The amendment is as follows:

In the preamble, strike the second Whereas clause and insert the following:

Whereas, according to a 1992 NIDA study, the direct and indirect costs in the United States for alcohol and drug addiction was $246 billion, in that year.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment be agreed to, the preamble be agreed to, as amended, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1723) was agreed to.

The resolution (S. Res. 147) was agreed to.

The preamble, as amended, was agreed to.

## CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H. Con. Res. 227.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 227) condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 227) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AN INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, first of all, I want to share with my colleagues my expressions of gratitude to our President, President Bush, and his team as they have conducted the affairs of our state over these last number of days since the tragedy of September 11. As has been said over and over again, both in this Chamber and elsewhere, they have done, I think, a superlative job. They have done so with the complete, total cooperation of the distinguished majority leader, Senator DASCHLE, the Democratic leader in the House, RICHARD GEPHARDT, along with Speaker HASTERT and, of course, the minority leader, Senator LOTT, and others.

The past days have been a wonderful expression of the kind of unity and support that the country expected, and, I think, deserved. We are on the right track, in my view. None of us knows, as the President said so eloquently just a few feet from here in the other Chamber almost a week ago, if we can say with any certainty what course this response of ours will take or how long it will take—but we know the outcome. And the outcome for certain is that democracy will trump terrorists. It may take us weeks or months—even years—but I stand with those who say that in the final analysis, maybe long after those of us who are Members of this Chamber today are gone from our service here, we will prevail. And to those who share our values and commitment to the eradication of international terrorism, we stand with them.

So it is with that as a backdrop, in a way, that I rise to speak this afternoon, because I was so disheartened to be in my office a little while ago to hear the proposal of an amendment or two that would be offered next week to the Department of Defense authorization bill.

I listened just about 2 hours ago to my President speak to the employees of the Central Intelligence Agency, along with George Tenet, the Director. The President's words were once again eloquent, and certainly captured my feelings, my sense of gratitude to the men and women who work in our intelligence-gathering agencies for the tremendous job they do, under tremendous pressures, with tremendously high expectations.

The President, once again, reminded his audience there, as he has the American audience, and the audience of this world, that the ultimate outcome of this effort we are now undertaking will absolutely, without any equivocation, depend upon international cooperation.

The idea, somehow, that the United States, with all of our strength—economically, militarily—will be able unilaterally to seek out, find, and destroy international terrorism is a myth.

I know there are those who suggest we may be left with no one else but ourselves to deal with this. That may be the case. I doubt it, but it may be the case. But the idea that somehow we are going to be able to, on our own, go after terrorism, in what the President has described as at least 60 other nations that harbor these groups, is totally a myth. What is going to be absolutely essential, if we are going to succeed—and I have no doubt we will—in dealing with this problem, for however long it takes, will be cooperation by our allies, by friends, by even some who may not be our friends today but who share the common goal of eradicating the scourge of terrorism.

That is going to require a herculean effort, on behalf of our people, by very bright, sophisticated leaders. I happen to think we have those leaders. I have great confidence in General Colin Powell, the Secretary of State. We have not always agreed over the years on various matters, but he is a patriot, a person who understands the kind of world in which we live.

I think Don Rumsfeld demonstrated, beyond any question of a doubt, his courage and patriotism on September 11, as he stayed in the bunker of the Pentagon during the assault on that institution.

I have no doubt that Condoleezza Rice too will serve our country well—I continue down the list. I think these are not just good people, they are bright people. They are competent people who can do a good job to go out and develop and build those relationships.

Whether this problem is solved diplomatically, militarily, or by a combination of the two, it is going to require international cooperation.

Mr. President, why do I focus on this? Because I hear that we are about to vote and consider an amendment to the Department of Defense authorization bill that would absolutely prohibit the United States from being involved in developing a court of international justice, an international criminal court.

I cannot believe that at this hour this great body of the U.S. Senate is about to go on record, at the very moment we are asking the world to join us in apprehending the thugs and criminals who took 6,000 lives in New York and several hundred here in Washington, that this Chamber, this body, this Government, at this hour, would say we will have nothing to do with the establishment of an international criminal court. So I come to the Chamber to express my outrage that we might consider such a proposal. I do not object to the notion that, as presently crafted, the treaty of the Rome statute, which would establish the court, is flawed. In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement. But that is not to say we should not stay at the table to try to work it out so that it becomes a viable product which we can support and gather behind.

So when I hear, on the one hand, how we need to develop international cooperation to go after these people, and we turn around and walk away from an institution which could make a significant contribution to dealing with this problem, I find it stunning. My fervent hope would be if, for whatever reason, this matter, as it is presently structured, comes up for a vote, that we would vote against it.

I do not know what vehicles may be available to me, but I am going to strenuously object to the idea we would consider such a proposal. God knows that the horrific acts we witnessed 2 weeks ago suggest that an international forum for bringing to justice those who commit terrorist acts or acts against humanity is now more needed than ever.

Let me step back a little bit in history, if I can. It was the United States, at the end of World War II, under our leadership, that created the U.N. system. With all of its warts, with all of its shortcomings, with its mounds of bureaucracy that infuriate from time to time, I do not know of any sensible person who believes that the world would be a safer or better place in the absence of that building on the East River in New York, where the world can gather to resolve, or attempt to resolve, some of the most difficult disputes and problems we face. It has not solved all of them by any stretch—and I can't prove a negative; I don't know how many were avoided because of its existence—but I happen to believe that most people—reasonable people—believe that the establishment of a U.N. system has been a worthwhile endeavor. It has made the last 50 years, with all of its various problems around the globe, a safer 50 years than it would have been had that institution not existed.

What a great irony it is that the very people who understood the value of having a U.N. system—people such as General George Marshall, people such as Harry Truman, people who came after in terms of the wisdom of our foreign policy, the John Foster Dulles giants, who said we really do need to establish these forums to try to act as a buffer, as a place where some of these efforts can be resolved without using the historic means of resolution; and that is armed confrontation—how ironic, indeed, that this great Nation, which fought tooth and nail to establish the U.N. system, the genocide convention is now shirking its international duty.

In fact, you will forgive me if I indulge in a little personal observation. As some of my colleagues here are aware, I was a 1-year-old child in 1945 when my father left my mother and five of us to go to a place called Nuremberg where for the next year and a half he was an executive trial counsel at the first Nuremberg trials.

I grew up as a child, after my father returned, hearing about what that tribunal had tried to accomplish, what it had been able to do, and how my father in many ways regretted there had not been in the 1930s such a forum in existence where we might have been able to bring a thug like Adolf Hitler to justice. He would often say the existence of a criminal tribunal that could take the Hitlers and Milosevics to task might just have avoided the problems that later emerged.

It is stunning to me, as I have said already, that at this very moment where we have watched the most significant and historic attack on innocent civilians in our Nation's history, and where we are calling with one voice for international cooperation to help find not only those responsible but to develop a system that would minimize these events from occurring again, that we might take a step away from the establishment of a forum that would be a place where those who are responsible could be brought to a bar of justice.

We saw the difficulty that occurred when we finally were able to determine who was responsible for the terrorist attack on Pan Am Flight 103, and we know how hard it was to find a forum where those people could be tried. It ultimately took a Scottish court and significant negotiations to bring those criminals to justice. Had we had an International Criminal Court as we do today in the Hague for other such matters, we might have had a forum where that matter could have been resolved without going through the difficulties we saw.

One of the arguments that has been raised is that we don't want young men and women in uniform, who are going out today to the far corners of the world to deal with this issue, to be apprehended and tried before some kangaroo court. I do not want that either. But whether we are a part of drafting this agreement or not, it may get established—in fact, it is likely to—without our participation. And our young men and women in uniform are going to be subjected to that jurisdiction whether we like it or not.

The fact that we are not a signatory to the court doesn't mean that somehow our servicemen and women are exempt from its jurisdiction. All it means is that when we retreat from helping craft this court our ability to structure it in a way that would minimize the threat of innocent men and women in uniform being brought before it is gone. The message we are sending right now is that we are going to walk away from this process and leave our young men and women subjected to the potential vagaries of such a court because we do not want to be involved in the discussions surrounding its creation.

This amendment is called, ironically, the American Servicemen's Protection Act. It is anything but. The establishment of this amendment places our men and women in uniform in greater jeopardy than they would be if we were to participate in trying to develop the structures of this court to minimize problems.

We are simply sticking a finger, at the very hour we ought to be doing otherwise, in the eyes of our friends. Clearly, war criminals and terrorists must be thrilled at the notion that an international bar of justice continues to be blocked by their arch enemy, the United States of America.

I am prepared to take whatever steps I can in the next few days to see to it that this amendment is defeated. It was in this very Chamber on the night of September 10 that I stood and objected to the Craig amendment, which eliminated all funding for us to get involved in establishment of this court. I was urged not to ask my colleagues for a recorded vote. I didn't. I regret so now.

Within less than 24 hours of that night, we saw an international act of terrorism take the lives of many of our fellow citizens. I am not suggesting the adoption or the defeat of that amendment would have changed the course of history, but how ironic that on the eve of the September 11th attack, this body went on record as saying we are not even going to finance a commission of the United States to go in and try and improve the Rome treaty, to try to make it more workable and more acceptable to the United States.

That amendment was adopted as part of the State-Justice-Commerce appropriations bill. The question now is whether or not we are going to take the language under this so-called American Servicemen's Protection Act and incorporate it as part of the Department of Defense authorization bill.

I am disheartened because I understand that the administration, despite the fact they had expressed some opposition to such an approach only a few days ago, has now decided to give their endorsement to this proposal in exchange for which apparently the Republican leadership in the House are going to release the U.N. arrearages. That is the tradeoff apparently.

To their credit, the administration has negotiated some waiver authority in these proposals. But the overall message we are sending to the international community is a terrible one, in my view. On the one hand, the Secretary has called on everyone to stand with us, while on the other hand, we are once again suggesting that we can go it alone. It is contradictory, to say the very least.

It is just like the approach we have taken on too many other issues. I won't go into all of them here. But if we are going to be asking the world to cooperate, we have to send a better message on some of these other issues. I favor increased security measures here at home as well as additional authorities for law enforcement. I will take a back seat to no one in our common determination to improve the quality of safety in this country. But as all of my colleagues, I believe it ought to be done thoughtfully so that we don't wake up one day and find that our Nation as we know it exists no longer.

I don't want my country to become a gated community internationally. I don't want to have to go through all sorts of walls and metal detectors to get in to visit some friends. I want my country to still be a free and open place. I want us to be engaged in the world. You can't be a gated community in the international sense and also be a major player globally and economically. You certainly are not going to be successful in going after terrorists if you decide we are going to become a gated community and retreat from international agreements. Then the terrorists victory is vastly in excess of what it was on September 11.

That day they destroyed buildings and took lives and we will never forget their actions. But if beyond that they are also able to do things to cause us to walk away from international agreements and create that gated community here at home, then their victory is far beyond the terrible success they had only a few short days ago.

I hope my colleagues over the weekend will give some thought to this amendment. Don't be deceived by the title. It is anything but protecting our service men and women.

Finally, it seems to me that it is time to be honest with ourselves about why international terrorism has become such a growing threat. We need only look into the oppressed faces of citizens of some of the governments we, frankly, have supported despite their less than acceptable treatment of their own citizenry over the years. The children, teenagers, of many of these countries grow up hating their leaders and, frankly, our own country for keeping them in power, supporting them as they stay in power. These young people become foot soldiers who are all too readily persuaded by the likes of the Osama bin Ladens of this world that violence is the answer to their grievances. And I would hope, as we analyze what we need to do at home to protect our security and how we can play a more constructive role internationally and build those coalitions that are essential for our long-term success in overcoming this threat, that we also take time to stand up to some of these regimes and be on the side of humanity everywhere.

Our Founding Fathers did not only talk about those in the United States when they talked about inalienable rights; they wisely wrote about all people, not only those who lived within the borders of the then-Thirteen Colonies of what would constitute the United States. They spoke to the aspirations and hopes of other people as well.

We are that legacy, if you will. We are the generations that will come after to perpetuate those very values. This is a vastly different world than those who founded this country faced. Today, we are talking about billions of people around the globe, and about a nation whose power is vastly in excess of what is was 220 years ago. If we are going to live up to the ideals incorporated in the Declaration of Independence and the Bill of Rights and the Constitution, then we need to understand and hear those voices out there who cry out for some leadership, cry out for advocates. We ought to step back and look and see whether or not our short-term policy needs are satisfying the long-term security needs of the Nation.

We must also come to grips with the Muslim faith. That doesn't mean trying to keep secular governments in place in countries where the will of the people is otherwise. It means beginning to understand the underlying premises of that faith, and by conveying our respect. It means a commitment by our

Government to spend resources so that we understand them better.

That is what President Kennedy was trying to do when he created the Peace Corps 40 years ago. The Peace Corps is a wonderful organization. I was proud to have been a member of the Peace Corps some 35 years ago. However, it has not been as active, in my view, as it could have been, particularly in Muslim countries where we might have been better served by having hundreds of thousands of young Americans working in those poor communities.

It is not an easy task for the Peace Corps to go everywhere, but the focus should be on those areas where the need is the greatest like Afghanistan and Pakistan and Indonesia. Taking the time to recruit the people with the language skills and ability and knowledge of these cultures could do an awful lot to change some of the anti-American attitudes we see, in my view. We should be getting started now so that in the aftermath of the military actions we are going to take, particularly in some of the Muslim countries, we will be ready to show a different face of our country, one that isn't simply militarily strong, but one that also incorporates justice and humanity and respect for religious faiths, in accordance with the true principles deeply imbedded in our own value systems that call for the exercise of freedom in our own Nation.

It is time to take a hard look at our path. Yes, we need to act in the coming days to address the immediate threats, as I mentioned already—the challenges confronting our Nation in the international community that stem from the tragedy at the World Trade Center and our Pentagon. But we have to take a longer and harder look at those actions at home and abroad that will make not only ourselves safer, but the world safer for our citizens and the citizens of this globe.

History will judge how we act, not only in the short term, protecting our shores, which is our primary responsibility, but also the kind of framework we establish and the kind of reaching out that will be necessary. So when the history of our generation is written on how we responded to this great crisis at home, historians will write about a great nation that did not close its doors and create a gated community, but truly reached out to the international community and respected the rights of all human beings and made an effort to understand the grievances that built up in the ranks of these madmen terrorists that allowed them to carry out their savage attacks as they did on the World Trade Center and the Pentagon. That is a complicated task.

The world is looking to us. We are the greatest power on the face of the Earth—economically, politically, and militarily. They are looking to see how we respond to this. If next week we adopt amendments here that walk away from international criminal courts, and we just go in militarily and don't understand what is behind some of these reactions we are seeing in these places, then I think history will judge us harshly. So our first responsibility is to protect our citizens—not just the generation we presently represent, but the generations we also represent who are yet unborn whose very fate may be determined by the actions we take in the coming days.

I have no doubt that President George Walker Bush and his team are not only competent but are dedicated and have the ability to lead us. They have a Congress and a nation that wants to follow them.

I only urge that they act wisely and not cut deals and make arrangements for short-term success that could do our Nation some very long-term harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COOPERATIVE THREAT REDUCTION

Ms. LANDRIEU. Mr. President, let me begin by thanking my colleague for those eloquent and passionate and insightful remarks, and for his extraordinary leadership, not only in this time but as he shows throughout all of our work in Congress. I thank him for his guidance on this issue which is so important. I look forward to joining him on this issue when we reconvene next week.

Mr. President, as the Senator from Connecticut so eloquently spoke about for the last half hour or so—about the importance of alliances at this time, the importance of international alliances, the extraordinary opportunity that has been given to us out of this tragedy to build a new framework of mutual trust and mutual cooperation for the benefit of all citizens of this world who love freedom, who hope for a better life, who want only for themselves, their children, and their grandchildren to live free of oppression, free from fear, free from hunger, free from want, it is really an extraordinary time.

I want to acknowledge the leadership that I have seen in this body in a way that I never thought I would. I am certain that most people in my State and in many States don't completely really understand yet the extraordinary length to which the Members of this body, both Democrats and Republicans, have worked to overcome some very difficult issues in trying to work so closely with the President, and have done this in a remarkable way under his tremendous leadership, as the Senator from Connecticut also pointed out.

I think we have made great progress in the last 2 weeks, since September 11. We are on the right track and at the right pace. We just have to steady our course and continue to support our President and debate where we need to and not give up our right to judgment, and do it in a way that will strengthen our country and will honor the spirit that Americans everywhere are showing us around the world and move forward to win this war.

I want to spend a few minutes before we close today speaking about an important part of this effort, an important part of the Defense authorization bill, which we have been engaged in debating now under the great leadership of Senator LEVIN from Michigan and the Senator from Virginia, Senator WARNER.

In my mind, the cold war finally ended at 8:45 a.m. eastern time on Tuesday, September 11. Literally, up until that moment, this Congress had engaged in something akin to shadowboxing.

We swung our arms about in search of enemies, and in search of a unifying purpose to our national security. Yet in life, it is often tragedy and crisis that lifts the fog from our eyes. Suddenly, we see the world with crystal-like clarity. We understand better that which is trivial and that which is absolutely essential. We look back on our priorities before this crisis, and I think many of us have been shaking our heads wondering: What could we possibly have been thinking?

One truth that should now be evident to America's collective world view is that we need a strong and practical relationship with Russia. There is a bond between the United States and Russia that defies coincidence. Of course, we share the common experience of the cold war. It was not a pleasant experience, it was not a good experience, but it was an experience that we shared. Now it appears we will share the experience of fighting in Afghanistan.

Russia itself has been attacked by terrorists, supported by elements of the Arab Afghan army, the very force that we trained during the cold war and now has unleashed its terror upon us.

In short, our countries have a history of lashing out at each other. Yet when we do, we inevitably hurt ourselves. It is an instinct we learned during the cold war, but we must unlearn that instinct to succeed in this silent war. Hopefully, on September 11, we closed for good that chapter in our relationship.

There are many things that make me proud about this Defense authorization bill that we have been debating and will hopefully conclude that debate when we reconvene next week, but one of the things that makes me proudest about this year's Defense authorization bill is that even before the events of the 11th, we understood the importance of our relationship with Russia. Senators Nunn and LUGAR deserve the thanks of the whole of the American public for their extraordinary foresight. They realized that at the end of the cold war, in the tremendous vacuum that was created, we needed to be aggressive in forming a new relationship with Russia. It would not be a relationship based on fear, deception, and suspicion. Rather, it would be a relationship grounded in our common history, our common roles as great powers, and our mutual interest in establishing a world where our citizens could flourish.

The only way forward to this goal is up the trail blazed by Senators Nunn and LUGAR. The Cooperative Threat Reduction Program sponsored by the Department of Defense has been under assault in this Congress since I joined the Armed Services Committee. It was derided as welfare to ex-Communists. We slashed and hamstrung the programs, claiming to react to mismanagement.

With the hard work of my friend and now partner, Mr. ROBERTS, the Senator from Kansas, we reversed that trend this year. The subcommittee mark for the Emerging Threats included full funding for the Cooperative Threat Reduction Program at $403 million. Of these funds, $50 million is dedicated to chemical demilitarization of the Soviet Union.

The facts before us should be crystal clear to everyone. There should be no more urgent priority for this country than to secure and destroy the chemical, biological, and nuclear stockpiles of the former Soviet Union.

On that exact point, there was a beautifully written op-ed piece by former Senator Sam Nunn of Georgia. I ask unanimous consent to print the op-ed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal-Constitution, Sept. 16, 2001]

### LIVING IN A NEW ERA OF INSECURITY

(By Sam Nunn)

The bitter events of last week will never pass from the American memory. But whether they are remembered as an isolated, unrepeated horror or the first nightmare in a new era of insecurity may well depend on what we do now.

The terrorists who planned and carried out the attacks of Sept. 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was restricted only by the power of their weapons.

As we strengthen airport and airplane security, we must automatically assume that the next attack against America will be like the one we just experienced.

Though we may not yet know with certainty which group sponsored these attacks we do know that Osama bin Laden declared in 1998 that acquiring weapons of mass destruction is "a religious duty." This statement should not be taken lightly. We have had a look at the face of terrorist warfare in the 21st century, and it gives us little hope that if these groups gained control of nuclear, biological and chemical weapons they would hesitate to use them.

As America prepares a response, we must build a new framework for national security that protects us from the full range of new dangers we face.

Ten years ago a communist empire broke apart. Its legacy: 30,000 nuclear warheads; more than 1,000 tons of highly enriched uranium; 150 tons of plutonium; 40,000 tons of chemical weapons; 4,500 tons of anthrax and tens of thousands of scientists who know how to make weapons and missiles but don't know how to feed their families. Russia's dysfunctional economy and eroded security systems have undercut controls on these weapons, materials and know-how and increased the risk that they may flow to hostile forces.

Our nation understands from heart-shattering experience that America is targeted for terrorist attack. But we do not fully grasp how Russia's loose controls over weapons, materials and know-how dramatically increase our vulnerability to an attack with nuclear, biological and chemical weapons. In 1998, an employee at Russia's premier nuclear weapons laboratory was arrested for trying to sell documents on weapons design to agents of Iraq and Afghanistan. Just this year, former Bin Laden associate admitted to a federal grand jury his role in a plot to purchase uranium.

Threats of terrorism and threats of weapons of mass destruction are not separate but interrelated and reinforcing. The world's security now depends in great part on who is faster and smarter—those trying to get weapons, materials and know-how, or those trying to stop them.

To reduce these threats to our own security, we have—for the past 10 years—helped the Russians secure weapons and weapons materials to prevent theft, convert nuclear weapons facilities to civilian purposes and employ their weapons scientists in peaceful pursuits. But we need to do much more.

Russia itself has experienced terrible terrorist attacks in recent years, and its outpouring of support in the past few days indicates there may be a real opportunity for enhanced U.S.-Russia cooperation.

Early this year, a distinguished bipartisan task force declared loose weapons, materials and know-how in Russia "the most urgent unmet national security threat to the United States," and called for a fourfold funding increase to reduce these threats. We need to reflect this sound advice in our budget priorities. Keeping weapons of mass destruction out of terrorists' hands is either a priority or an afterthought. If it is an afterthought, after what?

The tragic events of this week have given us a rare opportunity to lead a world coalition against terrorism. NATO, for the first time in 52 years, has formally declared that the alliance has been attacked, and 19 democracies are now committed to join America in hitting back. We also have other partners in Europe Asia, the Middle East, Latin America, and Africa.

To carry out the Bush Administration's declaration of war against terrorism, we must:

Prevent terrorist groups from getting nuclear, biological or chemical weapons, weapons materials and know-how.

Eliminate terrorist cells wherever they are, including in the United States.

Enlist the support of our coalition partners to destroy the infrastructure and cut off the funding of terrorist groups wherever they are.

Make no distinction between the terrorists who committed these acts and those who knowingly harbor them, as President Bush has said.

Take every feasible and reasonable step in our military planning to avoid inflicting large numbers of civilian casualties that will only sow the seeds of the next generation of fanatical, suicidal terrorists.

Make it clear by our words and actions that our war is against terrorist, not a war against Islam at home or abroad.

Continue to address the underlying conflicts and condition around the world that breed fanatical hatred and terrorism—probably our most difficult challenge.

Promote and enhance the diplomacy, intelligence gathering and cooperation that are our first line of defense.

In implementing this strategy, we must make sure that we don't undercut the international cooperation we need to protect ourselves against a wide range of dangers.

The United States cannot identify and eliminate terrorist groups, destroy their funding and support, apply pressure to rogue regimes, secure dangerous materials, limit the spread of weapons of mass destruction and gather intelligence without the support and active cooperation of allies and former adversaries. While we must be prepared to act alone if necessary, if we are going to go after terrorists before they come to our shores, we must have partners abroad.

We must develop a comprehensive defense against the full range of threats, based on relative risk and supported by strong alliances so that the pain of today will not be known by the children of tomorrow.

Ms. LANDRIEU. Mr. President, I want to quote a few sentences from this beautifully written piece. He says:

> The terrorists who planned and carried out the attacks of Sept. 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was restricted only by the power of their weapons.
>
> Though we may not yet know with certainty which group sponsored these attacks, we do know that Osama bin Laden declared in 1998 that acquiring weapons of mass destruction is "a religious duty." This statement should not be taken lightly. We have had a look at the face of terrorist warfare in the 21st century, and it gives us little hope that if these groups gained control of nuclear, biological and chemical weapons they would not hesitate to use them.
>
> As America prepares a response, we must build a new framework for national security that protects us from the full range of the new dangers we face.

Mr. President, we cannot, we should not try, it would be foolhardy to begin to try to build this framework without a strong partnership with Russia.

We know of nearly 400 incidents to purchase or smuggle this material since the end of the cold war. We can safely assume that for every purchase or smuggling operation we stopped—

and we stopped many—others succeeded. Yet the technology and framework for locking down these stockpiles is within our grasp.

Today we fund the Cooperative Threat Reduction Program at $403 million a year. We spent 100 times that amount of money in 1 day to respond to the attacks on the World Trade Center and the Pentagon.

Let me repeat that. Today we fund this Cooperative Threat Reduction Program at $403 million a year. We spent 100 times that amount in 1 day to deal with the crisis that hit us at the World Trade Center and the Pentagon 2 weeks ago.

Keep in mind that this is the immediate cost only to the stabilization, rescue, and cleanup of these sites. We will be spending billions more.

Now imagine the cleanup costs that result from an attack by a weapon of mass destruction. As horrific and as heartwrenching and as merciless as were the attacks and the casualties from those attacks on September 11, a weapon of mass destruction promises to be a whole scale of magnitude worse. The devastation could be beyond our imagination.

Yet there have been many reports on this subject. The Baker-Cutler report notes that we need to spend, in their estimation, nearly $30 billion to address just the nuclear side of this equation over the next 8 to 10 years. At our current rate of $3 billion a year, that would require a tenfold increase.

Furthermore, it is my opinion that we cannot wait 8 to 10 years, and we must address all weapons of mass destruction in a more direct, focused, urgent, and intelligent way.

All of this is a long way of saying that Russia's stockpiles of weapons of mass destruction constitute a vital national security interest second to none. No resource should be spared, no bureaucratic hurdle left standing, no diplomatic initiative left unexplored to eliminate the risk these weapons represent.

The preamble of our Constitution makes it incumbent on this Congress to "provide for the common defence . . . and secure the Blessings of Liberty to ourselves and our Posterity." If we take the lessons learned from September 11 and destroy these weapons, we will have done ourselves and our posterity a great service.

As we embark on this extended and silent war against terrorism, I believe that nonproliferation represents one of the true front lines. If we lose the momentum necessary to destroy these stockpiles now, the outcome of this war must be in doubt.

I know the American people understand the heavy costs we will have to bear. This is surely one of those costs, but I am confident, because I have seen on the faces of Americans everywhere—people in my home State, children who have stopped to talk with me, friends who have called, strangers who have walked in my office and left notes and missives, telephone calls I have received—that the American people are ready, they are united, they are willing, strong enough, and without fear to accomplish this goal.

I believe there are a variety of answers to that question when people ask: When will we know this war has been won? I will say this: One of the best indications of whether or not we are winning this war is our success in cooperative threat reduction. The struggle is on, but this is an objective that freedom-loving people must take and hold.

I have every confidence the Members of this body, both Democrats and Republicans, regardless of their views, will understand, and with new insight will appreciate, because of the tragedy that is before us, the urgency of this subject. I am looking forward to doing my part, with other committees that obviously have influence in this area, to work across party lines, to work with House leaders, to work with men and women who have served before in this body, who have quite an expertise in this area, as well as our private sector, think-tanks, our universities, to put all of our best thoughts and efforts in action and to be focused as a laser so we can provide for the common defense of this Nation, the common defense of civilizations and freedom-loving people around the world, and that Americans will do what Americans do best, which is to put our best foot forward with clarity, with commitment, with purpose, with the practical way that Americans move forward to take on this task and to do it well. I am confident that as we do, we will be successful in this endeavor.

## THE SEZNA FAMILY

Mr. BIDEN. Mr. President, I apologize to my colleagues and to my constituents for being absent from the Senate this morning, and especially for missing the vote on the Military Construction Appropriations bill. I was attending one of the, tragically, many funeral services being conducted across the country.

If my colleagues will permit me a point of personal privilege, this funeral service had a special and profound impact on me, for the victim was a brilliant young man who was the oldest son, and best friend, of one of my very good friends, Davis Sezna.

The young man who was killed on the 104th floor of the World Trade Center's Tower II, where he had arrived on September 11th for just his sixth day of work there, was Davis Grier Sezna, Jr., known to his family and to all who loved him as "Deeg." His parents, Gail and Davis Sezna, are community leaders in Delaware; they are people I admire and respect; and, again, they are my good friends. Deeg is also survived by a younger brother, Willy, who is a senior in high school, and by his grandmother, Mrs. W.W. Sezna, his grandparents, Mr. and Mrs. H.G. Ingersoll, and numerous aunts, uncles and cousins and seemingly countless friends.

As inconceivable as it is, Deeg, who was 22 years old, was predeceased by his youngest brother, Teddy, who died in a boating accident last year at the age of 15. So the Sezna family has been struck twice by the sudden, tragic death of a healthy, vibrant and much loved son, brother and grandson. Like so many of our fellow citizens, they were so full of life, and then they were gone.

As inconceivable as the tragedy is, even more remarkable to me is the way in which the Sezna family has responded to loss that would cripple many people's faith and spirit. When Deeg was still listed as "missing," they held onto hope as long as they could, joining the legions of loved ones in New York, searching hospitals and talking with the rescue workers and local officials, determined to do everything they humanly could, and asking for God's help, for themselves and for others. As Davis said then, "It would be very selfish at a time like this for anyone to just pray for themselves. We need to pray for all of us. We're not in this alone."

When it became undeniable that everything had been done, and that there was no more hope of bringing Deeg home alive, his family continued to reach out to others. This grieving father, who had been in the boat accident in which his youngest son was lost and who had been on the streets of New York searching for his oldest son, this man, who had more reason to feel despair and rage and fear and to just give up than almost anyone, he called me and said, "I will go and stand with you anywhere, any time, any place to tell people, 'Don't be afraid.' "

With those words, Davis Sezna became more than my friend, he became one of my heroes. When you feel like your world is ending, and I don't know what can do that more than the death of a child, there is immeasurable courage behind the power to believe in the future. In one of the great inspirations I have ever known, the Sezna family still believes; as Davis told Sports Illustrated, when they interviewed him for a profile on Deeg as one of the athletes killed in the terrorist attacks, all the Seznas have been great golfers, "I live for tomorrow. I'm inspired by tomorrow. There will always be tomorrow."

In our efforts to respond to the events of September 11th, I can think of no higher goal for us as a nation, than to endeavor to justify the Sezna family's courageous faith in tomorrow.

And I ask unanimous consent that the complete text of the Sports Illustrated profile be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From Sports Illustrated, Sept. 24, 2001]

### UNPLAYABLE LIES

(By Michael Bamberger)

A father was on the golf course, and his son was at work. The morning was crisp, bright, perfect. Twenty-two-year-old Davis G. Sezna Jr., known as Deeg, was working in the south tower, 2 World Trade Center. His father, Davis Sr., was playing at Pine Hill, a new public course in southern New Jersey, just down the road from Pine Valley.

"Dad," Deeg would sometimes ask, "do you think someday I'll be Pine Valley material?" Augusta National, Cypress Point, Seminole, Pine Valley. Those are the four sacred corners of the shawl that wraps private-club golf in the U.S. For many of its members, Pine Valley is the ultimate sanctuary, Davis Sezna, 48, is one of those members.

Deeg was employed by another Pine Valley member, Jimmy Dunne, a managing principal at Sandler O'Neill & Partners, a financial-services company. The father made the introduction, but from there the son was on his own. Dunne and Deeg played a round of golf together. Golf reveals a man; that's what Dunne believes, Davis Sr. does too. "Golf's a great interview," he says. Later Deeg came into the office for a sit-down meeting with Dunne and the firm's other principals. Deeg was wearing a suit. He was serious, energetic, respectful. He was offered a job.

"Can I start on May 14, Mr. Dunne?" Deeg asked. In other words, graduate from Vanderbilt on a Friday, take the weekend off, then begin work on Monday.

"No, you cannot," Dunne answered. "Take the summer off. Kiss a pretty girl. You don't have to call me Mr. Dunne, and you don't have to wear a suit."

Deeg took the summer off. He started work the day after Labor Day. Wore a suit every day. Called his boss Mr. Dunne. He will make it here doing something, Jimmy Dunne remembers thinking. Banker, trader, salesman, something. On Sept. 11, Deeg's sixth day on the job, he arrived for work a little after seven.

Deeg's father works in golf. He's an owner of a busy public course outside Philadelphia, Hartefield National, the site of a Senior tour event in 1998 and '99. He's going into business with the owner of Pine Hill, which is why he was there on that beautiful Tuesday morning that so abruptly turned grim and gray. Somebody pulled him off the course when the first plane smashed into the north tower of the World Trade Center. He was watching the terror unfold on TV when the second plane struck his son's building. "I knew Deeg was on the 104th floor," he says. "The plane hit, an hour passed, the building crumpled. A friend drove me home."

The Sezna house is in Delaware, in the rolling countryside outside Wilmington, near the Brandywine River, the pastoral land the Wyeths have been painting for three generations. The kitchen dates to the 17th century. The backyard is a long, sweeping hill, ending at a pond. The three Sezna boys would hit wedge shots and take divots out of that lawn all summer long. Gail Sezna, their mother, would look the other way. Her father-in-law was a superb golfer. Her husband was the 1973 Delaware Open champion. Her sons were being raised in the game as well.

"My dad used to say, 'A golfer is a gentleman,'" Davis Sr. says. "I raised my sons to understand that. The first time I brought Deeg to the course, he was five. As we left, he said, "Was I a gentleman today, Daddy?" He dabs his eyes with a napkin embossed with scallop shells.

This was last Thursday, two days after the attack. The father had spent the previous day in the detritus of the World Trade Center, searching for his son. Now he was in his backyard, in the "final innings of hope," as he put it. Friends were visiting. The men were golfers, members of Pine Valley, Seminole, Merion, all clubs to which the father belongs. Sezna also owns several popular restaurants in Delaware. He was pouring good wine and slicing aged cheddar. It only looked like a late-summer cocktail party. The chatter could not mask the sorrow. Tom Fazio, the course architect, telephoned. He's a Pine Valley member too.

"Jimmy Dunne, God bless him, he was in there in the rubble with us," the father told Fazio. Dunne's firm had 125 employees on the 104th floor. Half of them were missing. More than a few were serious golfers, or the sons of serious golfers. Dunne is a serious golfer. He wasn't in the office on that horrid Tuesday morning because he was attempting to qualify for the U.S. Mid-Amateur, a lifelong dream for him.

The conversation with Fazio came to a close. "They can rip off your arms and legs, Tom, you just don't want them taking your children," Davis Sr. told him. "I love you, Tom Fazio. Give Sue and your kids a big hug from me."

Deeg once got his handicap down to four. Every third year, on a midsummer weekend, he'd play in the two-day Father-Son tournament at Pine Valley. One year the Seznas were in contention as they stood on the 16th tee in the second round. The format was alternate shot. One generation hits a shot, then the other generation plays the next. The son hooked his drive. The father needed to hit a big sweeping hook to reach the green, which is bordered by a water hazard on the right.

"Why don't you punch a safe one down in front, I'll chip up, and you'll make the putt for par," the son said.

"Nah, I can hook a five-iron on," the father said.

The five-iron shot didn't hook a bit. As it was heading for the water, Deeg said, "How old do I have to be before you'll start listening to me?" He was 15. From that double bogey on, his father listened.

Last Thursday, Davis Sr. was showing a friend a picture of his favorite foursome. Three boys and their father, all in shorts and polo shirts and smiles, standing on the 14th tee at Seminole, in North Palm Beach, Fla., the Atlantic Ocean behind them, nothing but years of golf in front of them. The father was on the far right, looking proud. He started to identify his boys. "That's Willie next to me," said Davis Sr. "He's a senior in high school, plays to a three [handicap]. That's Deeg on the left. Between them, that's . . . ."

The name never came out. The boy was Teddy, the youngest child of Gail and Davis Sezna. He died last year, at age 15, on the first Saturday in July in an early-morning boating accident. The father and son were cruising in a 30-foot motorboat when they ran into a steel light pole. It took two hours for rescuers to find Teddy's body. It took seven hours to get everyone through the receiving line.

Last Saturday the father was backed in Manhattan, searching for signs of his namesake in hope's final at bat. Somehow the father found the courage, wisdom and grace to say, "I live for tomorrow. I'm inspired by tomorrow. There will always be tomorrow."

Willie Sezna now has a standing offer to join his father, every summer, in the Pine Valley Father-Son. They'll play in Deeg's memory. They'll play in Teddy's memory. They'll play until the day comes when they can play no more. When that day will be, no one can say. The Seznas know that far too well.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following Calendar Nos.: 386 through 402, 404 through 412, 414 through 417, and the military promotions reported out earlier today by the Armed Services Committee; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF TRANSPORTATION

Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration.

#### DEPARTMENT OF STATE

Roy L. Austin, Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Franklin Pierce Huddle, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Kevin Joseph McGuire, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Pamela Hyde Smith, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Ralph Leo Boyce, Jr., of Virginia, to be a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Clifford G. Bond, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Non-proliferation).

Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

### DEPARTMENT OF DEFENSE

Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

### DELTA REGIONAL AUTHORITY

P.H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority.

### MISSISSIPPI RIVER COMMISSION

Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 879 (21 Stat. 37) (33 USC 642).

Brigadier General Carl A. Strock, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

### DEPARTMENT OF TRANSPORTATION

Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

### NUCLEAR REGULATORY COMMISSION

Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006. (Reappointment)

### DEPARTMENT OF DEFENSE

The following named officer for appointment as the vice Chairman of the Joint chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

*To be general*

Gen. Peter Pace

### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Charles F. Wald, 1222

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel William P. Ard, 9315
Colonel Rosanne Bailey, 5417
Colonel Bradley S. Baker, 8811
Colonel Mark G. Beesley, 0692
Colonel Ted F. Bowlds, 8694
Colonel John T. Brennan, 1908
Colonel Roger W. Burg, 0024
Colonel Patrick A. Burns, 9945
Colonel Kurt A. Cichowski, 2191
Colonel Maria I. Cribbs, 1906
Colonel Andrew S. Dichter, 7838
Colonel Jan D. Eakle, 6186
Colonel David M. Edgington, 5942
Colonel Silvanus T. Gilbert, III, 9317
Colonel Stephen M. Goldfein, 0317
Colonel David S. Gray, 6354
Colonel Wendell L. Griffin, 7494
Colonel Ronald J. Haeckel, 5442
Colonel Irving L. Halter, Jr., 3411
Colonel Richard S. Hassan, 8751
Colonel William L. Holland, 4785
Colonel Gilmary M. Hostage, III, 6091
Colonel James P. Hunt, 1379
Colonel John C. Koziol, 4047
Colonel William T. Lord, 1920
Colonel Arthur B. Morrill, III, 9005
Colonel Leonard E. Patterson, 4994
Colonel Jeffrey A. Remington, 2881
Colonel Edward A. Rice, Jr., 4597
Colonel David J. Scott, 6307
Colonel Winfield W. Scott, III, 5508
Colonel Mark D. Shackelford, 8403
Colonel Glenn F. Spears, 2012
Colonel David L. Stringer, 5498
Colonel Henry L. Taylor, 3446
Colonel Richard E. Webber, 3908
Colonel Roy M. Worden, 4884
Colonel Ronald D. Yaggi, 2965

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Ronald J. Bath, 1787
Brigadier General Frederick H. Forster, 6694
Brigadier General Juan A. Garcia, 8468
Brigadier General Michael J. Haugen, 7541
Brigadier General Daniel James, III, 8248
Brigadier General Steven R. McCamy, 8048
Brigadier General Jerry W. Ragsdale, 4281
Brigadier General William N. Searcy, 9559
Brigadier General Giles E. Vanderhoof, 8468

*To be brigadier general*

Colonel Higinio S. Chavez, 2920
Colonel Barry K. Coln, 9046
Colonel Alan L. Cowles, 3501
Colonel James B. Crawford, III, 8092
Colonel Marie T. Field, 9840
Colonel Manuel A. Guzman, 4724
Colonel Roger P. Lemke, 1663
Colonel George R. Niemann, 1675
Colonel Frank Pontelandolfo, Jr., 9346
Colonel Gene L. Ramsey, 4603
Colonel Terry L. Scherling, 2448
Colonel David A. Sprenkle, 8992

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. John W. Handy, 5379

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Teed M. Mosely, 1516

The following named officer for appointment as Vice Chief of Staff, United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

*To be general*

Lt. Gen. Robert H. Foglesong, 8617

### IN THE ARMY

The following named officer for appointment as the Judge Advocate General, United States Army and for appointment to the grade indicated under title 10, U.S.C., section 3037:

*To be major general*

Brig. Gen. Thomas J. Romig, 9070

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Colby M. Broadwater, III, 6269

### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Joseph D. Burns, 3870

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Scott A. Fry, 5541

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Rand H. Fisher, 2658

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. James O. Ellis, Jr., 4995

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. Gregory G. Johnson, 3051

### NOMINATIONS PLACED ON THE SECRETARY'S DESK

### IN THE AIR FORCE

PN1016 Air Force nomination of Patrick J. * Fletcher, which was received by the Senate and appeared in the Congressional Record of September 10, 2001.

### IN THE ARMY

PN803 Army nomination of Christopher P. Aiken, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN804 Army nomination of Rodney D. McKitrick II, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN805 Army nomination of Randy J. Smeenk, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN806 Army nominations (2) beginning Daniel T. Leslie, and ending William C. Willing, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN807 Army nominations (4) beginning Angelo Riddick, and ending Hekyung L. Jung, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN808 Army nominations (2) beginning Jeffrey S. Cain, and ending Ryung Suh, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN1017 Army nominations (1637) beginning Albert J. Abbadessa, and ending *X5391, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2001.

PN1055 Army nominations (28) beginning Roger L. Armstead, and ending Carl S. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2001.

PN968 Army nomination of Shaofan K. Xu, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

### IN THE MARINE CORPS

PN809 Marine Corps nomination of Richard W. Britton, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN810 Marine Corps nomination of Samuel E. Ferguson, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN1018 Marine Corps nomination of Curtis W. Marsh, which was received by the Senate and appeared in the Congressional Record of September 10, 2001.

### IN THE NAVY

PN811 Navy nomination of Raymond E. Moses, Jr., which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN812 Navy nominations (800) beginning Johnny R. Adams, and ending Timothy J. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN992 Navy nomination of Sandra P. Moriguchi, which was received by the Senate and appeared in the Congressional Record of September 5, 2001.

### NOMINATION OF MARY PETERS

Mr. BYRD. Mr. President, I support the nomination of Ms. Mary Peters to be the next Administrator of the Federal Highway Administration. I ask my colleagues to support her as well. Ms. Peters is a true transportation professional. She served in several senior positions within the Arizona Department of Transportation, including the position of Director of the Department. In that capacity, she was responsible not only for that state's highway system but also for several other aspects of the State's transportation program.

I had the privilege of meeting with Ms. Peters this afternoon and found her to be an extraordinarily pleasant individual, well versed in the issues that will require her attention as Federal Highway Administrator. I specifically had the opportunity to discuss with her the importance of implementing measures that will expedite the completion of the numerous highway projects for which America's taxpayers have been waiting for a great many years. Ms. Peters explained that she is committed to pursuing efforts to streamline the federal approval process. I look forward to working with her in this effort.

I again urge my colleagues to support the confirmation of Mary Peters to be our next Federal Highway Administrator.

Mr. REID. Mr. President, the Senate has just confirmed almost 30 people for various positions in the Federal Government, and that number will be more than that counting all the military people. So it is a good day for us. In fact, I have just been informed by the staff that the military who were approved today are in the hundreds, so we have done very well.

Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominations and that the Senate proceed to their immediate consideration:

Mark Edward Rey, to be Under Secretary of Agriculture;

Mark Edward Rey, to be a member of the Board of Directors of the Commodity Credit Corporation;

Hilda Gay Legg, to be Administrator of the Rural Utilities Service at the Department of Agriculture;

Elsa Murano, to be the Under Secretary of Agriculture;

Edward McPherson, to be the Chief Financial Officer for the Department of Agriculture.

Mr. President, I ask unanimous consent that these nominees be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

### DEPARTMENT OF AGRICULTURE

Mark Edward Rey, of the District of Columbia, to be Under Secretary of Agriculture for Natural Resources and Environment.

Mark Edward Rey, of the District of Columbia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Hilda Gay Legg, of Kentucky, to be Administrator, Rural Utilities Service, Department of Agriculture.

Elsa A. Murano, of Texas, to be Under Secretary of Agriculture for Food Safety.

Edward R. McPherson, of Texas, to be Chief Financial Officer, Department of Agriculture.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## OFFICER RONALD C. SHEFFIELD

Mr. LEVIN. Mr. President, today family and friends gathered outside Detroit to pay their final respects to Federal Protective Services Officer Ronald C. Sheffield and to remember a life of sacrifice and service to others. Last Friday, September 21, 2001, Officer Sheffield was shot and killed while on duty at the McNamara Federal Building in downtown Detroit. My largest State office is in the McNamara Building and many members of my staff were in the building when the shooting occurred. His loss will be felt by the entire McNamara Building family but most deeply by those closest to him, particularly his daughters Jessica Lynn and Jinelle Marie. Officer Sheffield spent his career protecting Americans and defending our great country. He was a sergeant in the Marines during combat operations in the Persian Gulf War and a police officer with the Veterans Administration before joining the GSA.

The past 2 weeks have made all Americans even more aware of the dedication and bravery of the thousands of law enforcement officers, firefighters, military and emergency personnel who risk their lives every day to protect us. Officer Sheffield now joins the ranks of those American heros who have made the ultimate sacrifice. My thoughts and prayers are with Officer Sheffield's family, friends and fellow officers who are grieving. And my sincere thanks and admiration go out to law enforcement officers, firefighters, military and emergency personnel across the country.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 1998 in Bridgeport, PA. Greg Thorpe, 30, allegedly made anti-gay threats and assaulted a lesbian outside a bar. On September 23, 1998, he was charged with aggravated and simple assault, recklessly endangering another person, terrorist threats, harassment, stalking, disorderly conduct, conspiracy and ethnic intimidation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## PRE-ELECTION CONDITIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise today to draw the Senate's attention to the continuing political and economic crisis in Zimbabwe.

This summer, the Subcommittee on African Affairs of the Senate Foreign Relations Committee held a hearing on this crisis. The overwhelming consensus of the witnesses at that hearing, witnesses from the administration, from NGOs, and from academia, was that Zimbabwe would continue in a downward spiral, with potentially disastrous results for the entire Southern African region, unless the rule of law is sufficiently restored to create conditions for a fair Presidential election next year.

I regret that recent events suggest that the Government of Zimbabwe is intent on taking the opposite approach. Zimbabwean authorities have expelled representatives of the widely-respected International Foundation for Electoral Systems, better known to many in this body as IFES. An IFES team had traveled to Zimbabwe to monitor pre-election conditions, which are critically important to a free and fair election. If the only information available to voters is state-controlled propaganda, if opposition party leaders and supporters are intimidated, and if the administrative structure established to prepare for and govern elections is biased, the deck is stacked against democracy before voting even begins. Without international monitors in place, the international community cannot adequately assess these important issues.

In fact, despite recent encouraging reports that the government of Zimbabwe had agreed to a rule-governed land reform strategy in return for significant assistance from Britain, conditions continue to be grim within the country. Reports indicate that 900 of 1,150 farms are unable to continue normal operations because they are still under occupation, and food supplies are inadequate.

I strongly support rule-governed land reform in Zimbabwe. It is clearly urgently needed and the United States should provide significant assistance to such an effort. But the most pressing problem in Zimbabwe is not about land. It is about the systematic destruction of the rule of law; it is about the intimidation of independent journalists; it is about executive interference with the judiciary; and it is about the abuse of Zimbabweans who support the opposition party or have the misfortune of standing between ruling party-financed thugs and the objects of their desire. So far no evidence has come to light indicating that these fundamental issues have been resolved.

As the United States quite rightly devotes itself to fighting terrorism, we must not let the horrific attacks of September 11 deter us or distract us from our other important foreign policy goals and interests. This country must continue speaking out against oppression and in favor of freedom all over the world. Sham elections will not be legitimized by the international community, and President Mugabe's government cannot regain credibility if international monitors are barred from the country. The United States and the international community must work to keep the pressure on the government in Harare and to support the forces of democracy in Zimbabwe. I have joined my colleague, Senator FRIST, in sponsoring the Zimbabwe Democracy and Economic Recovery Act for this very purpose. The bill has passed the Senate unanimously, and I urge my colleagues in the House to take it up. In Zimbabwe, where many courageous citizens continue to struggle to protect their institutions and to save their country from lawlessness, our honesty and our solidarity is needed now more than ever.

## REPORT ON FOREIGN TRAVEL: TAIWAN, CHINA, AND SOUTH KOREA

Mr. SPECTER. Mr. President, from August 4–11, 2001, I joined Senate Foreign Relations Committee Chairman JOSEPH BIDEN, Senator PAUL SARBANES and Senator FRED THOMPSON on a congressional delegation to Taiwan, mainland China, and South Korea, with a brief stopover in Honolulu, Hawaii, and Pearl Harbor Naval Base.

During our very brief time in Hawaii, the delegation met with Admiral Dennis Blair, Commander in Chief of the U.S. Pacific Command. In preparation for our scheduled meetings with various Asian heads of state, Admiral Blair outlined U.S. preparedness and presence in the Asian Pacific region.

In Taipei, following an extensive briefing from the American Institute of Taiwan Director Raymond Burghardt on the status of cross-Strait relations, the delegation met with Taiwanese President Chen Shui-bian at the Presidential Palace on Monday, August 6, 2001. President Chen seemed genuinely pleased that Taiwan was the first stop on our delegation's multi-country jaunt, and recognized and appreciated the U.S. Congress's longstanding friendship with the Republic of China.

The President discussed his efforts as Mayor of Taipei to improve cross-Strait relations, and stressed his resolve to continue down this path as President. He said he believed that he has made "good sincere gestures" to the People's Republic of China, but continues to be disappointed in what he sees as rebuffs of his efforts by Beijing. He cited Beijing's disregard for Taiwan's plan for tourism by citizens of mainland China as an example of this lack of Chinese engagement.

I raised the point that many in the U.S. are concerned about several issues involving Southeast Asia, such as China's allegedly illegal sales of weapons of mass destruction and China's human rights record. When facing whether to grant permanent normalized trade relations, PNTR, with China, I let him know my view that I believed it better to leave trade status subject to annual review to retain leverage in U.S.-China talks on proliferation, human rights, and many other items.

President Chen countered that in order for all countries' relationships with China to improve, China must become a trustworthy member of the international community and abide by international laws. He believed that PNTR would help this process along, and he would support the granting of such status by the U.S.

President Chen said he believed that the U.S. could play a more active role in the region, but that belief seemed to be tempered by his recognition that it is inappropriate for the U.S. to act as a mediator. He said he will continue to attempt to engage the mainland in cross-Strait talks, and that he is not discouraged by the failure of past efforts.

From Taipei we traveled to Shanghai, China, on Tuesday, August 7, 2001, for another brief stay, and conducted a working lunch meeting with members of the American Chamber of Commerce in Shanghai. That afternoon, we conducted a large "roundtable" discussion with a handful of professors and approximately 100 undergraduate students enrolled in the Center for American Studies at Fudan University. It was enlightening to learn how young Chinese men and women view the United States and our involvement in the region. The session provided a real opportunity to assess how our Southeast Asia policy is perceived among Chinese citizens in general and among future leaders in particular.

Upon arrival in the Chinese capital of Beijing on Wednesday, August 8, 2001, we immediately proceeded to the seaside town of Beidaihe, located 3-3.5 hours outside of the city by car. Beidaihe, a resort town popular among vacationing working class Chinese, is the site of the very private Chinese leadership retreat compound, where party leaders spend much of their summer months. Our delegation was honored to be the first Westerners invited to attend meetings on the grounds.

The delegation first met with General Chi Hao-tian, the Chinese Defense Minister, and again raised the nonproliferation issue. We expressed our grave concerns about recent intelligence reports describing the sale or transfer of missile hardware and technology to Pakistan, despite China's November 2000 pledge to cease assisting other countries develop missile capabilities.

General Chi denied the missile sales allegations, saying that China always sticks to its commitments. The General went on to blast the U.S. media for creating distrust of China, and called the reports of missile sales "totally baseless." He also countered with his assertion that the U.S.'s sales of arms to Taiwan violate the "One China" articulated since the Nixon administration.

In our discussions later that afternoon with Chinese President Jiang Zemin, many of the same hot-button issues such as nonproliferation and China-Taiwan relations were raised. However, our audience with the President afforded an opportunity to delve more into some human rights and religious freedom concerns as well. We were dismayed to hear President Jiang, unprovoked, refer to the Falungong movement as a "cult." But overall, the President's tone was positive, and he called China a connected nation with a strong market economy.

With regard to arms sales to Pakistan, President Jiang joined General Chi in a blanket denial of any wrongdoing, saying China did not violate "any rule." He said that China does maintain arms sales to friendly nations, but always within international rules. He further claimed that China had done nothing to contribute to missile development in North Korea or Taiwan.

I discussed briefly with President Jiang my previous two visits to the People's Republic of China in 1982 and 1994. On PNTR, I conveyed my reluctance to support normalized trade status with his country due to concerns about proliferation of weapons of mass destruction. Despite his denials of such activities at the commencement of our meeting, I again raised the allegations of illegal weapons sales to Pakistan, Saudi Arabia, and Iran, as these were weighty matters on the minds of the international community.

Of particular concern to me during my visit to China were questions of religious freedom and detention of U.S. citizens by Chinese authorities. I asked President Jiang about the case of Mr. Yongyi Song, the librarian from Dickinson College in Pennsylvania who had been held for five months without formal charges or the benefit of legal counsel. The matter of Mr. Song was only resolved after Congressional intervention with the Chinese ambassador to the U.S. and introduction of a Senate resolution calling for Mr. Song's release. I told President Jiang that I was extremely concerned about cases like these, and I called on China to develop standards of judicial practice and a reasonable rule of law that would sustain international scrutiny.

President Jiang responded that I had made a good suggestion, and that China had been working for years to establish a rule of law. He went on to say that the Chinese constitution guarantees citizens religious freedom, with the exception of Falungong, a group he again characterized as a cult. The President concluded with a description of his hopes for the future of China in the coming decades, that his country will have completed the transformation to a market economy, accompanied by a strong infrastructure of appropriate judicial and political systems.

On Thursday, August 9, 2001, the delegation traveled to Beijing's Great Hall of the People to meet with Chinese Premier Zhu Rong-ji. The Premier was quite generous with his time, and during an hour and a half long meeting, outlined barriers and misperceptions which can hinder U.S.-China relations. It was made clear that it is in both countries' interests to engage one another economically, but that certain actions on weapons proliferation and stifling of human rights will have consequences in the U.S. This meeting was valuable in laying out our countries' priorities and understanding each sides' domestic (both public and governmental) pressures which inevitably affect bilateral relations.

I was pleased that Premier Zhu acknowledged that there are some deficiencies in China's human rights and judicial policies, and that he said that he was willing to work on both. I raised the detention of Mr. Song, the Dickinson librarian, a case which brought into sharp focus what can happen to American citizens detained in China. I pointed out to Premier Zhu that cases like these are major irritants to U.S.-China relations. I suggested that he consider an agreement with the U.S. that when China detains an American citizen or U.S. resident and perhaps others, that those individuals be guaranteed basic points of due process, such as written documentation of charges, a limitation of time in detention, the right to an attorney, and a public legal proceeding so the U.S. and the press can review the evidence. I further suggested that the Chinese government should work with programs like the Temple University School of Law curriculum on Chinese rule of law recently established in Beijing since universities can be an excellent, non-political training ground for judges, attorneys, and other judicial officials.

Premier Zhu responded that he was not familiar with the specific case of Mr. Song, but that whatever the circumstances surrounding his detention, he was confident that the Chinese could learn from his case. I asked Premier Zhu if China would be willing to consider an agreement between the United States and China dealing with due process rights for detained American citizens and perhaps others. Premier Zhu responded that such an agreement was a "possibility".

Over a working lunch Thursday afternoon at Ambassador Clark Randt's residence in Beijing, the delegation had a fascinating discussion with two Chinese experts on weapons proliferation, Dr. Zhu Feng, Director of Beijing University's International Security Program; and Dr. Yang Ming-Jie, Director of Arms Control and Security Studies at the China Institute of Contemporary International Relations, a think tank loosely affiliated with China's People's Liberation Army.

Dr. Yang articulated some very interesting points about Chinese public opinion on weapons proliferation, that in fact one-third of the people believe that proliferation is a good thing. Interestingly, when asked about reports of illegal arms sales to Pakistan and other countries, neither gave the patent denials we had heard all week from Chinese officials. Instead, they insisted that any shipments must not have been new deals, but vestiges of past contracts.

The two experts discussed the fact that the Chinese do not think the U.S. is setting a good example by refusing to sign the Comprehensive Test Ban Treaty, CTBT, and by continuing to sell arms to Taiwan. They wondered why China should be first to disarm when the U.S. does not appear to be serious about its own role in international disarmament. This leads to the approach, the deadly cycle of each side reacting to what we perceive the other to be doing, thus making both countries more resolute in our respective positions to not disarm first.

On Thursday afternoon, the delegation met with Chinese Foreign Minister Tang at the impressive new Ministry of Foreign Affairs building. This meeting again focused primarily on weapons issues, and Minister Tang's denials of violations of international nonproliferation agreements were startlingly similar to those made by General Chi, President Jiang and Premier Zhu. The Foreign Minister called accusations of illegal sales to Pakistan "totally baseless" and was adamant that China always honors agreements in good faith.

With regard to general concerns about democratization, human rights, religious freedom and rule of law, he admitted that deficiencies remain but chose to describe the progress already made, such as shifting the culture away from rural agriculture and improving the quality of life for the average Chinese citizen.

I asked Minister Tang pointedly about whether he believes that it still made sense for a country to develop intercontinental ballistic missiles, ICBMs, as deterrents to nuclear war. He then reiterated that China is "firmly opposed" to the proliferation of ICBMs and that his country will cooperate in further discussions on the matter. He said that China is therefore opposed to the U.S. development of national missile defense, as it will undermine international disarmament and upset the nuclear balance, posing a real threat to China.

On Saturday, August 11, 2001, our delegation was received at the Blue House in Seoul, South Korean, to meet with President Kim Dae-jung. We complimented President Kim on his far-sighted commitment to democracy, and for his patient policy of engagement with North Korea. We were interested to learn his views on what the U.S. and the world can do to bring North Korean President Kim Jong-il to the bargaining table. President Kim urged the U.S. to stop calling North Korea a rogue nation and the principal cause of our need to develop national missile defense. He believed that such language was not helpful in cultivating a circumstance in which the North Koreans would enter into a verifiable agreement to end its nuclear ballistic missile program.

I raised the issue of Jamie Penich of Derry, Pennsylvania, who was violently killed in a motel room in Seoul, South Korea, in March of this year. Jamie, a 21-year old University of Pittsburgh student, had stopped in Seoul on her way to study at Keimyung University in Taegu, South Korea, and was found stomped to death in her motel room by her friend. There was no evidence of a sexual assault and nothing was stolen from the room.

I explained the circumstances of the case to President Kim, as well as my understanding that the Korean police have sole jurisdiction over the case, but that the U.S. Army Criminal Investigation Command, CID, and the FBI are assisting in the investigation. There have been no leads in the case thus far. I asked President Kim if he would check on the progress of the investigation. Although he was not familiar with the case, he agreed to inquire about its status and to work with the Korean police force and American embassy staff on facilitating its swift resolution.

I also talked to President Kim about Boeing's bid to sell F–15 fighter aircraft to South Korea. The Republic of Korea Air Force aims to replace its aging fleet of F–4D/Es and F–5s, and Boeing is among four competitors to provide the $4 billion contract for the new aircrafts. The F–15s cultivated an outstanding win record during the Gulf War, while the competing French aircraft have never been battle tested. President Kim seemed familiar with the Boeing plane's exemplary record in the Gulf War. I also stressed to President Kim that the U.S.'s substantial contributions to South Korea should merit special consideration in awarding this contract to U.S. company. The French, the competitor for the contract, have contributed much less.

For the remainder of Saturday afternoon prior to our late evening departure from Osan Air Force Base, the delegation was escorted to the Joint Security Area by Lieutenant General Daniel Zanini, Commanding General, Eighth U.S. Army, and Chief of Staff for the United Nations Command, Combined Forces Command, and U.S. Forces Korea. Upon arrival at Camp Bonifas at the base of the JSA, Lieutenant Colonel William Miller, Commander of the U.N. Command Security Battalion–JSA, gave the delegation a tour of the demilitarized zone and outlined the status of tensions at the border of North and North Korea. The group then proceeded down to Camp Casey and received a tour of the soldiers' barracks, which are in exceedingly poor shape. General Zanini also described the need for additional vehicle maintenance facilities and for generally improved living conditions for the 375,00 U.S. troops who help ensure peace and stability on the Korean peninsula. It was obvious that the living conditions were substandard and require considerable improvement.

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## ADDITIONAL STATEMENTS

## THE 350th ANNIVERSARY OF NEW CASTLE, DELAWARE

• Mr. BIDEN. Mr. President, we in Delaware, the first State to ratify the Constitution, take great pride in our history, and a special part of that history is represented by the City of New Castle, which is celebrating its 350th anniversary this year.

New Castle was founded by the Dutch in 1651 as Fort Casimir. Because of its strategic location on what is now the Delaware River, the settlement was sought and held by a series of colonial powers, the Dutch, the Swedes and, finally, the British.

When William Penn was given authority over the so-called "lower three counties," which became the State of Delaware, he traveled to New Castle to take possession. When the counties were granted an independent legislature, New Castle became the colonial capital, and briefly, the first State capital, of Delaware.

Despite a devastating fire in 1824, which destroyed many of the structures on the historic, river-front street called The Strand, and all the changes and pressures of the intervening years, New Castle's colonial history is still a defining and very visible part of the town's life and character.

Several of its remaining colonial era buildings have been converted into museums, including the Dutch House, which dates to the 17th Century, and the Old Court House, which was built in 1732 and was the meeting place for the colonial and State assemblies from that year until 1777. George Read was one of three signers of the Declaration of Independence who lived in New Castle; although his house was destroyed by the Great Fire, the current Read House, which was built by his son in 1801, is one of the most striking attractions of the town.

But New Castle itself is not a museum. It is a residential town, it is a vibrant community. New Castle is home to two churches that date back to the earliest part of the 18th Century, and they have active congregations today. Families live in the homes that were built so long ago, families who add their own mark to those of previous owners, with a sensitivity and obligation to preserve the unique character of the town. New Castle is, not surprisingly, a National Landmark Historic Area.

With its history as a colonial seat for the legislature and the courts, New Castle has a tradition of political activity and public leadership, and many of its citizens have played prominent roles throughout the history of Delaware and our nation.

In addition, as a personal point, although I know it is a perspective shared by many Delawareans, New Castle is one of my favorite places in our State. It is more than historic and scenic; it is, simply, beautiful, a place where the past and present meet with remarkable harmony and spirit. It is inspiring.

I share the pride of Delaware with the Senate, and with the Nation, today, in marking the 350th anniversary of the founding of New Castle, and I am proud to extend congratulations and best wishes to the mayor, city council, trustees and all the citizens and friends of the town, which is a valued and unique treasure to us all.●

### TRIBUTE TO LARRY WADE MORRIS

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Larry Wade Morris from Alexander City, AL who assumed the presidency of the Alabama State Bar this past July. Larry has worked hard throughout his extensive career to gain a reputation as one of the premier trial lawyers in the Nation. He has also endeavored to become a civic leader and an outstanding public servant. I want to congratulate Larry on his tremendous accomplishments and to recognize his progression from promising young lawyer out of the University of Alabama in 1968 to the distinguished President of the Alabama State Bar in 2001.

If you looked up the definition of a true Alabamian in the dictionary, you would not find a better description than Larry Morris. His character and work ethic are beyond reproach, and the Southern values instilled in him in from his youth continue to guide him today. Born in Alexander City, AL, Larry grew up attending public school in Montgomery. He graduated from Robert E. Lee High School and finished his undergraduate education at Auburn University. At that point, Larry made the decision to attend law school at the University of Alabama and join the long list of prominent Alabamians who have attended this respected legal institution. He received his law degree from the University in 1968, and had the distinction of serving as the president of the Student Bar Association. After graduation, Larry returned to his hometown of Alexander City to begin his impressive career in the legal profession. Larry is now the Senior Partner in the firm of Morris, Haynes & Hornsby.

Larry has demonstrated exceptional leadership abilities throughout his scholastic and professional careers. His service as president of the Student Bar Association was very highly regarded and helped to hone the skills that he has demonstrated during his professional and political life. In 1973, he served as the president of the Young Lawyer's Section of the Alabama State Bar. He is a past president of the Chamber of Commerce for Alexander City, has served on the Task Force for Judicial Elections for the Alabama State Bar and is also a past president of the Alabama Trial Lawyers Association. From 1974 through 1978, he was elected to serve in the Alabama State Legislature. During this time, he had the distinction of being named Outstanding Freshman Legislator by the Alabama Press Association.

Larry Morris is a loyal, dedicated man who has always been very generous with his time and support for community affairs. In addition to his duties as president of the Alabama State Bar Association, Larry is also a member of the University of Alabama Law School Foundation and the Leadership Committee for the College of Arts and Sciences at the University of Alabama. He is a member of the American Board of Trial Advocates, and serves on the Task Force for Multidisciplinary Practice for the Alabama State Bar.

The many accomplishments and accolades of Larry Morris attest to his dedication to civic leadership and his deep belief in the law. I could not think of a better individual to represent the state of Alabama as the president of the State Bar Association. I join Larry's wife, Beverly, and their four children, Mark, Clark, Brian and Kevin Russell, in honoring his achievements. I know that they are proud of Larry, as are the many of us who have known him over the years.●

### THE BEACH BOYS

● Mr. CLELAND. Mr. President, The Beach Boys' sunny vocal harmonies are one of the signature sounds of the modern era. Over four decades, the California quintet has become one of the most successful American bands in the history of rock and roll and their songs remain an important part of America's cultural landscape.

The Beach Boys were largely a family affair that came together in the Los Angeles suburb of Hawthorne, CA, in 1961. The three brothers, Brian, Carl and Dennis Wilson, formed the group with their cousin, Mike Love, and a friend, Alan Jardine They were joined by another of their friends, Bruce Johnston, in 1965.

Brian Wilson and Mike Love cowrote the majority of the band's many hit singles which were known for their harmonic invention and complex vocal and instrumental arrangements. The lyrics are celebrated today for their deft use of technical lingo balanced with youthful naivete.

The Beach Boys have ridden a wave of success for almost 40 years. They have recorded number one singles, garnered a huge fan base, and, by creating a sound that was uniquely their own, secured their position in Americana. They have been inducted into the Rock and Roll Hall of Fame and have been honored with the National Association of Recording Arts and Sciences Lifetime Achievement award which they received at this year's Grammy awards.

As we approach the 40th Anniversary of both the release of their first single and their first tour, I would like to recognize the contribution that these men have made, not only to the landscape of American music, but to the lives of their fans and fellow Americans. I have always been a fan of The Beach Boys' music, but I came to recognize their devotion to other causes when I met Mike Love through our mutual work with veterans. He told me that the group as a whole and the members individually have supported important causes throughout their years together. I learned about the Carl Wilson Foundation, which raises millions of dollars each year for cancer patients and research, and I discovered that the group has always been involved in fund-raising performances that benefit a variety of groups. Bruce Johnston is dedicated to environmental causes and has been a member of the Board of Directors of the Surfrider Foundation since it inception in the mid-1980's.

Mike Love has been a longtime supporter of environmental causes and was among speakers at the Earth Summit in Rio DeJaniero in 1992 and Earth Day 2000 on the Mall in Washington, DC. Mike created the Love Foundation, which supports national environmental and educational initiatives. He is a member of the Board of Directors of the Incline Academy in Incline Village, Nevada, and has been responsible for raising over $1 million to benefit the school.

While the Beach Boys are known and loved for their musical accomplishments, the men and women whose lives the group has touched are perhaps The Beach Boys' greatest legacy. As Winston Churchill said, "What is the use of living if it be not to strive for noble causes and to make this muddled world a better place for those who will have it after we are gone?"

I ask that my colleagues join me in celebrating the accomplishments of The Beach Boys and wishing them continued success in their future musical and personal journeys.●

### RECOGNIZING JOHN O. QUINN

● Mr. TORRICELLI. Mr President, I bring to the attention of the Senate the accomplishments of one of my constituents who recently suffered a most tragic and untimely death. John O. Quinn, born on October 27, 1968 and originally from New Jersey, was senselessly murdered on August 25, 2001 while living in Puerto Cortes, Honduras.

John had moved to Honduras in November of 1999 to help the residents of Puerto Cortes, Honduras recover from the devastation that Hurricane Mitch wreaked on the country. Up to the time of his death he was still living in the country and providing humanitarian and development aid to the people of Honduras.

Now an act of violence has cut short this promising young life. While we hope his killers will quickly be brought to justice, I want today to pay tribute to what John did in the brief years of his life.

John O. Quinn was a truly special person. He possessed a quality that very few people exhibit. He took joy in helping others. His unselfishness and passion for helping the less fortunate will always be remembered and will never be forgotten by those to whom he so generously dedicated his time.

John was committed to helping people all over the world. His desire to help impoverished people took him to Honduras, Guatemala, Mozambique and Ecuador. In all of these countries he vigorously sought out people who were in desperate need of the development and humanitarian aid that he enthusiastically provided.

John was the cofounder and executive director of the organization Action for Community Transformation, ACT. He founded ACT in January 2000 as an international development organization dedicated to empowering people in need to find their own sustainable solutions to problems of poor health, lack of education and poverty. Action for Community Transformation provides assistance in four major areas of development: healthcare; youth development; education and vocational training; and income generation.

As executive director of ACT, John's work was guided by the belief that respect for people comes first, urgent situations call for rapid responses, and greater participation leads to greater commitment. This last principle is the very definition of John's lifework. When John participated in development and aid projects, he did so with all his heart. He committed himself to helping others. The focus of his life was the people and communities that he felt it was his responsibility to serve. The help that John provided to victims of Hurricane Mitch in Puerto Cortes, Honduras illustrates John's dedication to and enthusiasm for helping people who desperately needed help.

While working in Puerto Cortes, Honduras, John developed a micro lending program which allowed 45 families who lost everything during Hurricane Mitch to start micro enterprises. He was also responsible for the design and installation of a potable water system in Puerto Cortes, Honduras. He helped build a school and kindergarten that is attended by ninety-one students and he contributed to the construction of a medical clinic and over eighty houses for locals whose homes were destroyed by Hurricane Mitch. Characteristically, when John had time off from his activities associated with ACT, he spent it instructing the residents of the area in the English language. He was always looking for new people that he could help.

Felicita Carcamo, a teacher in Puerto Cortes, Honduras enthusiastically praised John in the local newspaper. She said that Quinn loved the poor and was dedicated to the people of the area. A man who will be remembered in such a fashion must have been a truly wonderful person. John was this kind of a person.

John's desire to help the poor and less fortunate began well before he came to the aid of the victims of Hurricane Mitch in Honduras and Guatemala. After graduating from the University of Vermont in 1991 he immediately joined the Peace Corps. As a member of the Peace Corps, John was stationed in Macas, Ecuador for three years. While there he worked to develop community health programs; community development programs; and livestock and agroforestry programs.

In a procession honoring John's life, residents of Puerto Cortes, Honduras carried signs that read "John Quinn, the community cries now that you have left us, and you will always live with us" and "for your dedication to others, God has thanked you."

In memory of his death, John's family has established the John Quinn Memorial Scholarship Fund that goes towards paying for the education of children living in Honduras.

The help that John provided to the people of Honduras, Guatemala, Mozambique and Ecuador and his desire to help those who could not help themselves, must never be forgotten. Even though his life has been tragically cut short, he accomplished much in his lifetime and touched many lives. His family can be justly proud of John, even as they mourn his loss.●

## IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE ACADEMY OF THE SACRED HEART

● Mr. LEVIN. Mr. President, earlier this month people in my home state of Michigan gathered to celebrate the 150th birthday of the Academy of the Sacred Heart an institution that, even though it was founded for the "sake of one child," has been providing excellence in education to countless individuals. This celebration culminated on Sunday, September 16, 2001, when His Eminence Adam Cardinal Maida, Archbishop of Detroit conducted a celebratory liturgy for this the oldest independent school in the State of Michigan.

This year marks the third centenary anniversary of Detroit, MI. In that time, many changes have dramatically altered the city as it evolved from a small trading outpost into an international center of commerce and industry. Through all these changes, one thing has remained constant for the past century and a half: the Society of the Sacred Heart's commitment to educating the youth of metro Detroit. During this time, the Academy of the Sacred Heart has been an institution dedicated to the education of mind, body and spirit. This focus on educating the whole person has enabled the Academy to develop students that embody the hallmarks of a Catholic education: intellectual rigor combined with service to God and others.

The Academy began in 1821 when the co-founder of the University of Michigan, Father Gabriel Richard asked the Society of the Sacred Heart to establish a foundation in Detroit. In 1849, the Society was given the land necessary to establish a school, and the doors to the first school opened on Jefferson Avenue, between St. Antoine and Beaubien Streets, in 1861.

In its first 20 years, this institution—dedicated to the pursuit of "faith seeking understanding" and the service of others—underwent a tenfold increase in enrollment. Detroit's economic growth paralleled the school's increasing enrollment, and the school found itself surrounded by factories and warehouses. The changing demographic led the school to sell its building, in 1918, to the Packard Motor Co. The school relocated to the corner of Lawrence and Woodrow Wilson Avenues. Further development and the establishment of the Lodge Freeway separated this new facility from the neighborhoods it served and enrollment dropped. This led the school to seek yet another new campus.

The third incarnation of the Academy of the Sacred Heart led it to its present location in Bloomfield Hills, MI. Today, the Academy continues to build on its tradition of faith and dedication to service. Attendance has blossomed at the school with nearly 500 students, of many faiths and cultural backgrounds, from all across the Detroit area. In addition to receiving quality academic instruction, students at the Academy learn by performing community service through various organizations in Detroit.

The entire Academy of the Sacred Heart community—the Society of the Sacred Heart, the faculty, alumni and current students—can take pride in the school's long and honorable service to the people of Michigan. I hope my Senate colleagues will join me in saluting the Academy of the Sacred Heart for a century and a half of achievement and in wishing them well on the next century and a half of continued success.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 9:30 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Year 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

H.J. Res. 65. An act making continuing appropriations for the fiscal year 2002, and for other purposes.

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At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2586. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## MEASURE REFERRED

The Committee on Armed Services was discharged from further consideration of the following measure: which was referred to the Committee on Governmental Affairs:

H.R. 788. An act to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanious consent, and placed on the calendar:

H.R. 2586. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 26, 2001, she had presented to the President of the United States the following enrolled bill:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4166. A communication from the Architect of the Capitol, transmitting, pursuant to law, the Semiannual Report for the period beginning October 1, 2000 through March 31, 2001; ordered to lie on the table.

EC-4167. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, three reports relative to a Retirement Annuity Plan, a Supplemental Deferred Compensation Plan, and a Retirement Savings Plan ; to the Committee on Governmental Affairs.

EC-4168. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Dominican Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC-4169. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, Treasury Account: 95-25-0001; to the Committee on Appropriations.

EC-4170. A communication from the Secretary of the Navy, transmitting, the report of a study relating to private contractors; to the Committee on Armed Services.

EC-4171. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Pesticide Registration (PR) Notice 2001-6: Disposal Instructions on Non-Antimicrobial Residential/Household Use Pesticide Products"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4172. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material" (RIN1992-AA22) received on September 19, 2001; to the Committee on Energy and Natural Resources.

EC-4173. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination Regarding State Statutes adopting Revised Article 9 or the Uniform Commercial Code; Determination Regarding Rhode Island" received on July 10, 2001; to the Committee on Finance.

EC-4174. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; South Carolina" (31 CFR Part 357) received on August 25, 2001; to the Committee on Finance.

EC-4175. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Permit Proceedings; Recodification of Regulations" (RIN1512-AC43) received on September 7, 2001; to the Committee on Finance.

EC-4176. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Highway Administration, received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4177. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, the Annual Report for 2001 ; to the Committee on Environment and Public Works.

EC-4178. A communication from the Administrator of the General Service Administration, transmitting, a report concerning a new construction prospectus for the Border Station in Champlain, New York; to the Committee on Environment and Public Works.

EC-4179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permits Program: State of Rhode Island" (FRL7068-9) received on September 25, 2001; to the Committee on Environment and Public Works.

EC-4180. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Safety and Health" (48 CFR Parts 1823 and 1852) received on September 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4181. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification regarding the proposed transfer of major defense equipment valued at $14,000,000 or more to Germany; to the Committee on Foreign Relations.

EC-4182. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, as amended, the report of a determination regarding Assistance for Northern Iraq; to the Committee on Foreign Relations.

EC-4183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4184. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Chair, Foreign Claims Settlement Commission, received on September 19, 2001; to the Committee on the Judiciary.

EC-4185. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of acting officer and a nomination for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention, received on September 25, 2001; to the Committee on the Judiciary.

EC-4186. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Environment and Natural Resources Division, received on September 25, 2001; to the Committee on the Judiciary.

EC-4187. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Justice Programs, received on September 25, 2001; to the Committee on the Judiciary.

EC-4188. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Bureau of Justice Assistance, received on September 25, 2001; to the Committee on the Judiciary.

EC-4189. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Office for Victims of Crime, received on September 25, 2001; to the Committee on the Judiciary.

EC-4190. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Community Relations Service, received on September 25, 2001; to the Committee on the Judiciary.

EC–4191. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Legal Counsel, received on September 25, 2001; to the Committee on the Judiciary.

EC–4192. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Associate Attorney General, Office of the Associate Attorney General, received on September 25, 2001; to the Committee on the Judiciary.

EC–4193. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Chair, Foreign Claims Settlement Commission, received on September 25, 2001; to the Committee on the Judiciary.

EC–4194. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Obstetrical and Gynecological Devices; Classification of the Clitoral Engorgement Device" (Doc. No. 00P–1282) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4195. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (Doc. No. 99F–1581) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4196. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Exemption From Notification Requirements; Class I Device" (Doc. No. 01N–0073) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4197. A communication from the Director of the Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Doc. No. 01F–1042) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4198. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body" (RIN0910–AB97) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4199. A communication from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–4200. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law; a report on the National Information System for the Community Service Block Grant Program for Fiscal Year 1998; to the Committee on Health, Education, Labor, and Pensions.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–184. A joint resolution adopted by the Legislature of the State of Maine relative to the St. Croix River; to the Committee on Foreign Relations.

### JOINT RESOLUTION

Whereas, the passage of alewives, or "gaspereaux," upstream of the Woodland Dam and Grand Falls Dam on the St. Croix River is a matter of mutual concern to the communities of the St. Croix River; and

Whereas, the United States Government, the State of Maine, the Government of Canada and the Province of New Brunswick have not yet completed a formal agreement regarding the release of alewives, or "gaspereaux," in the St. Croix river; and

Whereas, the Canadian Department of Fisheries and Oceans has begun to truck and release hundreds of alewives, or "gaspereaux," around the Woodland Dam: Now, therefore, be it

*Resolved*, That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, recognize that it is the best interest of the United States Government, the Government of Canada and the Province of New Brunswick to hold public hearings and consult with interest private and public entities and Native Americans to address and resolve the issues surrounding the release of alewives, or "gaspereaux," above the Woodland Dam and Grand Falls Dam; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Canada, the Premier of New Brunswick, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation, the Speaker of the Senate of Canada and the Speaker of the House of Commons of Canada, the Lieutenant Governor of New Brunswick, the Speaker of the New Brunswick Legislative Assembly, the Canadian Department of Fisheries and Oceans, the United States Fish and Wildlife Service, the New Brunswick Department of Natural Resources and Energy and the Chairs of the Joint Standing Committee on Inland Fisheries and Wildlife and the Chairs of the Joint Standing Committee on Marine Resources within the Maine State Legislature.

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POM–185. A joint resolution adopted by the Legislature of the State of Alaska relative to digital orthoimagery and digital elevation data; to the Committee on Appropriations.

### H.J. RES. 19

Whereas reliable, current, statewide base geographic information is essential for public safety and continued economic development of our resources and to increase the livability of our state; and

Whereas orthoimagery and elevation data are considered the foundation of the framework of base geographic data; and

Whereas Alaska does not have digital orthoimagery or accurate elevation data; and

Whereas Alaska's statewide base geographic information is very poor: United States Geological Survey (USGS) maps of Alaska are over 40 years old, lack statewide coverage, and do not meet National Map Accuracy Standards; and there is no existing or planned program to replace them; and

Whereas the current imagery of Alaska acquired through the Alaska High Altitude Aerial Photography Program is over 20 years old, not in digital form, and therefore not available for modern technological use; and

Whereas leading state policymakers defined topographic and other basic mapping as the number one mapping need at the December 2000 meeting sponsored by the National Aeronautics and Space Administration; and

Whereas funding situations in federal and state agencies have not allowed Alaska to be a participant in the National Aerial Photography Program and the National Digital Orthophoto Program providing complete aerial photography and orthoimagery coverage for the lower 48 states on a regular basis; and

Whereas NASA's 2000 Shuttle Radar Topography Mission for producing elevation data for topographic mapping covered 80 percent of the world but less than 20 percent of Alaska because it did not map above 60 degrees North latitude; and

Whereas new orthoimagery and elevation data provide common data foundation layers that would show current conditions and trends on the Alaska landscape and are the layers from which many types of geographic information are extracted and to which many types are registered that will allow Alaska agencies, Native corporations, and private organizations to better use Geographic Information Systems technology to aid in responsible decision-making; and

Whereas the Alaska Digital Orthoimagery Initiative prepared by the Alaska Geographic Data Committee outlines the need for high-resolution digital orthoimagery and digital elevation data for Alaska; and be it

*Resolved*, That the Alaska State Legislature urges the Congress of the United States to pass legislation to fund the acquisition of high-resolution digital orthoimagery and digital elevation data for the entire state of Alaska as outlined by the Alaska Geographic Data Committee.

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POM–186. A joint resolution adopted by the Legislature of the State of Alaska relative to the transport of firearms through Canada; to the Committee on Finance.

### RESOLUTION

Whereas Alaska is separated from the 48 contiguous states of the United States by Canada, and many Alaskans travel the Alaska, Taylor/Top of the World, Skagway/Klondike, and Cassiar Highways and other highways in Canada to reach the 48 contiguous states of the United States; and

Whereas Alaska borders the Yukon and British Columbia, Canadians engage in recreational activities in Alaska, and Alaskans engage in recreational activities in Canada; and

Whereas, in pursuit of these recreational opportunities, Alaskans enter Canada at locations, some of which do not have a border station or customs personnel permanently stationed; and

Whereas Alaska and the United States do not impose a fee for Canadians to transport firearms into Alaska or the United States to engage in recreational activities; and

Whereas the government of Canada recently adopted new regulations that require visitors to Canada not having a valid Canadian firearms license to declare their firearms before entering Canada at a Canadian customs station, complete a Non-Resident Firearm Declaration Form, and pay a $50 (Canadian) confirmation fee; and

Whereas the imposition of this fee on Alaskans and those traveling to and from Alaska is inconvenient and unexpected, especially when considering that neither Alaska nor the United States has a reciprocal declaration and fee requirement; and be it

*Resolved*, That the Alaska State Legislature urges President Bush, the United States Department of State, and the United States Congress to intervene and negotiate with the government of Canada to remove the declaration and fee requirements in a manner that allows Alaskans to engage in routine recreational, transport, and travel opportunities in Canada.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Department of Defense nomination of Gen. Peter Pace.

Air Force nomination of Lt. Gen. Charles F. Wald.

Army nomination of Brig. Gen. Thomas J. Romig.

Air Force nominations beginning Colonel William P. Ard and ending Colonel Ronald D. Yaggi, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2001.

Navy nomination of Rear Adm. (lh).Joseph D. Burns.

Air Force nominations beginning Brigadier General Ronald J. Bath and ending Colonel David A. Sprenkle, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Navy nomination of Vice Adm. Scott A. Fry.

Navy nomination of Rear Adm. (lh) Rand H. Fisher.

Air Force nomination of Gen. John W. Handy.

Air Force nomination of Maj. Gen. Teed M. Moseley.

Air Force nomination of Lt. Gen. Robert H. Foglesong.

Army nomination of Maj. Gen. Colby M. Broadwater III.

Navy nomination of Adm. James O. Ellis Jr.

By Ms. COLLINS for the Committee on Armed Services.

Navy nomination of Vice Adm. Gregory G. Johnson.

Mr. LEVIN. Mr. President, for the Committee on Armed Services, I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nomination of Christopher P. Aiken.

Army nomination of Rodney D. McKitrick II.

Army nomination of Randy J. Smeenk.

Army nominations beginning Daniel T. Leslie and ending William C. Willing, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nominations beginning Angelo Riddick and ending Hekyung L. Jung, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nominations beginning Jeffrey S. Cain and ending Ryung Suh, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Marine Corps nomination of Richard W. Britton.

Marine Corps nomination of Samuel E. Ferguson.

Navy nomination of Raymond E. Moses Jr.

Navy nominations beginning Johnny R. Adams and ending Timothy J. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nomination of Shaofan K. Xu.

Navy nomination of Sandra P. Moriguchi.

Air Force nomination of Patrick J.* Fletcher.

Army nominations beginning Albert J. Abbadessa and ending *X5391, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Marine Corps nomination of Curtis W. Marsh.

Army nominations beginning Roger L. Armstead and ending Carl S. Young Jr, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2001.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

*P.H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority.

*Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

*Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

*Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

*Brigadier General Carl A. Strock, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

*Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006.

*Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife. (Nominee not placed on Executive Calendar pending the Committee on Energy and Natural Resources reporting.)

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1466. A bill to amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. AKAKA, Mr. FEINGOLD, Mr. INOUYE, and Mr. REED):

S. 1467. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. KYL:

S. 1468. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. TORRICELLI, Mrs. CARNAHAN, Mr. DURBIN, Mr. LIEBERMAN, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1469. A bill to amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon:

S. 1470. A bill to establish a demonstration program for school dropout prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself, Mr. REED, Mrs. CLINTON, Mr. WELLSTONE, Mr. DURBIN, Mrs. CARNAHAN, and Mr. LIEBERMAN):

S. 1471. A bill to amend titles XIX and XXI of the Social Security Act to ensure that children enrolled in the medicaid and State children's health insurance program are identified and treated for lead poisoning; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. BOND):

S. 1472. A bill to amend the Small Business Act to promote the involvement of small business concerns and small business joint ventures in certain types of procurement contracts, to establish the Small Business Procurement Competition Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. JOHNSON:

S. 1473. A bill to amend title 49, United States Code, to provide for the enhancement of security at airports in the United States; to the Committe on Commerce, Science and Transportation.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1474. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1475. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 630

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes.

S. 685

At the request of Mr. BAYH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1257

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Oregon (Mr. SMITH of Oregon) were added as cosponsors of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1371

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1371, a bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1444

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1444, a bill to establish a Federal air marshals program under the Attorney General.

S. 1447

At the request of Mr. HOLLINGS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Florida (Mr. NELSON of Florida), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 8

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S.J. Res. 8, a joint resolution designating 2002 as the "Year of the Rose."

S.J. RES. 18

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1621

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1621 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the

Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

### AMENDMENT NO. 1636

At the request of Mr. HELMS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 1636 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1466. A bill to amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce legislation to authorize a national environmental grants program called Project SEARCH. Project SEARCH is a simplified, flexible program that targets small communities most in need of assistance in meeting environmental goals.

I am particularly excited about the proposal. I have heard from partners interested in helping with the legislation and from colleagues who recognize the unique challenges small communities face achieving environmental goals. Because of our mutual interest in helping small communities respond to environmental problems, I invite my colleagues to join me in supporting this measure.

The national Project SEARCH, Special Environmental Assistance for the Regulation of Communities and Habitat, concept is based on a pilot program that operated with great success in Idaho in 1999 and 2000. In short, the bill establishes a simplified application process for communities with populations under 2,500 to receive assistance grants for meeting a broad array of Federal, State, or local environmental regulations. Grants would be available for initial feasibility studies, to address unanticipated costs arising during the course of a project, or when a community demonstrates that other sources of funding are unavailable or insufficient.

Some of the major highlights of the program are: a simplified application process—no special grants coordinators required; communities must first have attempted to receive funds from traditional sources; it is open to studies or projects involving any environmental regulation; applications are reviewed and approved by citizens panel of volunteers; the panel chooses the number of recipients and size of grants; the panel consists of volunteers representing all regions of the state; and no local match is required to receive the SEARCH funds.

Over the past several years, it has become increasingly apparent that small communities are having problems complying with environmental rules and regulations due primarily to lack of funding, not a willingness to do so. They, like all of us, want clean water and air and a healthy natural environment. Sometimes, they simply cannot shoulder the financial burden with their limited resources.

In addition, small communities wishing to pursue unique collaborative efforts might be discouraged by grant administrators who prefer conformity. Some run into unexpected costs during a project and have borrowed and bonded to the maximum. Others are in critical habitat locations and any project may have additional costs, which may not be recognized by traditional financial sources. Still others just need help for the initial environmental feasibility study so they can identify the most effective path forward.

With these needs in mind, in 1998, I was able to secure $1.3 million for a grant program for Idaho's small communities. Idaho's program does not replace other funding sources, but serves as a final resort when all other means have been exhausted.

The application process was simplified so that any small town mayor, county commissioner, sewer district chairman, or community leader could manage it without hiring a professional grant writer. An independent citizens committee with statewide representation was established to make the selections and get the funds on the ground as quickly as possible. No bureaucratic or political intrusions were permitted.

Forty-four communities in Idaho ultimately applied, not including two that failed to meet the eligibility requirements. Ultimately, twenty-one communities were awarded grants in several categories, and ranged in size from $9,000 to $319,000. Communities serving Native Americans and miserving Native Americans and mi-serving Native Americans and mi-

The response and feedback from all participants has been overwhelmingly positive. Officials from the state and federal government who witnessed the process have stated that the process worked well and was able to accomplish much on a volunteer basis. There was even extraordinary appreciation from other funding agencies because some communities they were not able to reach were provided funds for feasibility studies.

The conclusion of all participants was that Project SEARCH is a program worthy of being expanded nationally. So many small communities in so many states can benefit from a program that assists underserved and often overlooked communities. This legislation provides us the opportunity to help small communities throughout the United States.

I have been encouraged by statements from regulatory officials at the Federal, State, and local level that have identified small communities as particularly in need of assistance in this area. Environmental organizations have also made favorable remarks about the importance of assisting small communities with the compliance costs of environmental regulations. Finally, I should also note that organizations representing small towns and rural areas recognize this long overlooked problem.

I invite my colleagues to take this opportunity to assist small communities in each of their States. Although the grant program provided for in this bill is not large in comparison to other things the Federal Government funds, these resources could be put to good and effective use, as Idaho has proven. Moreover, I will remind everyone that nowhere does this measure contemplate a change in environmental regulations or standards. This is simply about relief for small communities that would not otherwise be able to serve the public interest or the environment.

By Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. AKAKA, Mr. FEINGOLD, Mr. INOUYE, and Mr. REED):

S. 1467. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, today I am introducing the Bruce Vento Hmong Veterans' Naturalization Extension Act. The Act is named after my late colleague and dear friend, Congressman Bruce Vento. Congressman Vento dedicated much of his career to working with the Hmong community in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Act. This bill would make it possible for all eligible Hmong veterans and their wives to receive the benefits they are due under this Act by extending the application deadline from November 26, 2001 to May 26, 2003.

With less than 3 months remaining before the deadline passes for most of those covered under the Act, only 25 percent of all eligible applicants have filed for citizenship. Advocates for the Hmong believe it will be impossible for all those eligible to file by the deadline. The Hmong community has faced many challenges in getting veterans and their wives filed. The Department of Justice did not release its guidelines for 2½ months and many INS regional offices were unfamiliar with the guidelines for a period of time after that, resulting in eligible Hmong applicants being turned away. The language barrier that created the need for the Hmong Veteran Naturalization Act in the first place has meant that many Hmong needed assistance from Hmong community advocates to understand the citizenship process and to fill out the citizenship application. These advocacy organizations are vastly under-resourced and are overwhelmed by the demand for help from Hmong applicants.

I want to make it clear. This bill would not increase the number of eligible applicants. It in no way would change the other requirements of the law. It simply would provide a necessary extension for existing eligible applicants.

As the Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become much richer as a result of coming to know the history and culture of the Hmong people in Minnesota. I deeply respect their extraordinary efforts in support of the American people. I urge my colleagues' strong support of this legislation. The original Act was passed because of Hmong veterans' tremendous sacrifice on behalf of the United States during the Vietnam War and because of the unique literacy challenges the Hmong community faces. It would be wrong to deny the benefits of the Act to eligible veterans for reasons that are beyond their control. Let us fulfill the intent of the Act we passed last year and ensure that these veterans and their families receive the benefits they are due.

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By Mr. KYL:

S. 1468. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1468

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENCE.**

In the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

**SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.**

Upon the granting of permanent residence to Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153).

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By Mr. REED (for himself, Mr. TORRICELLI, Mrs. CARNAHAN, Mr. DURBIN, Mr. LIEBERMAN, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1469. A bill to amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today along with my colleague, Senator TORRICELLI of New Jersey, to introduce two pieces of legislation we believe are absolutely critical to our ongoing effort to combat childhood lead poisoning. These two bills, the Early Childhood Lead Poisoning Prevention Act and the Children's Lead SAFE Act, are intended to improve our ability to detect and treat children at high risk of lead poisoning, as well as expand our network of Federal program sites where children at increased risk of lead poisoning can be screened.

The Early Childhood Lead Poisoning Prevention Act requires WIC and Head Start/Early Head Start programs with children under age 3 to assess whether a child participant has been screened for lead, and provide and track referrals for any child who has not been appropriately screened. The bill also calls upon WIC and Head Start/Early Head Start grantees to ensure that all enrolled children are screened for lead poisoning and grants these entities the authority to perform or arrange blood lead screening for program participants. Lastly, the bill allows WIC clinics and Head Start/Early Head Start grantees to seek reimbursement through Medicaid or the State Children's Heath Insurance Program, CHIP, for eligible children who have received a lead screening test in accordance with CDC recommendations or Medicaid policy.

The Children's Lead Screening Accountability for Early Intervention Act, or the Children's Lead SAFE Act, would require Medicaid contractors to comply with existing requirements to provide screening, treatment and any necessary follow-up services for Medicaid-eligible children who test positive for lead poisoning. To be clear, this is not imposing any new mandate on State Medicaid contractors. It is simply trying to make current law more effective by explicitly requiring health care providers to comply with Federal lead screening requirements that have been in existence since 1992.

This new, stronger mandate has become necessary because 82 percent of children ages one through five have never been screened for lead poisoning, even though they were receiving health care benefits or services through Medicaid, WIC, or the Health Centers program, according to a recent report from the General Accounting Office, GAO, despite long standing Federal requirements. This means that of the estimated 890,000 children in the U.S. with elevated blood lead levels, over 400,000 have never been identified or treated. Even more disconcerting is that 50 percent of our States do not have screening policies that are consistent with Federal requirements.

The reason why our two bills specifically focus on specific Federal programs stems from the GAO report, which indicated that 77 percent of U.S. children with high levels of lead in their blood are enrolled in Federal programs, highlighting the viral role of these programs in helping to eliminate the preventable tragedy of childhood lead poisoning. Better involvement by Federal programs in promoting screening and treatment is also critical to reducing the significant health care and special education costs associated with the irreversible effects of lead poisoning, which include the impairment of mental and physical development.

We need to find the will and the resources to eradicate lead hazards for millions of at-risk children. We also need to make more Americans aware of the dangers of lead poisoning. I am committed to addressing this crisis, and I hope my colleagues will join us in supporting these bills and other lead poisoning prevention efforts.

I ask consent that the text of the Early Childhood Lead Poisoning Prevention Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1469

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Early Childhood Lead Poisoning Prevention Act of 2001".

**SEC. 2. LEAD POISONING SCREENING FOR THE HEAD START AND EARLY HEAD START PROGRAMS.**

Section 645A of the Head Start Act (42 U.S.C 9840a) is amended—

(1) in the first sentence of subsection (d), by inserting before the period the following: "and shall comply with subsection (h)"; and

(2) by adding at the end the following:

"(h) Lead Poisoning Screening.—

"(1) In general.—An entity shall—

"(A) determine whether a child eligible to participate in the program described in subsection (a)(1) has received a blood lead screening test using a test that is appropriate for age and risk factors upon the enrollment of the child in the program; and

"(B) in the case of a child who has not received a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

"(2) Screenings by entities.—

"(A) In general.—An entity may (under contract or otherwise) perform a blood lead screening test that is appropriate for age and risk factors on a child who seeks to participate in the program.

"(B) Reimbursement.—

"(i) Children enrolled in or eligible for medicaid.—On the request of an entity that performs or arranges for the provision of a blood lead screening test under subparagraph (A) of a child that is eligible for or receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, title XIX of the Social Security Act, shall reimburse the entity, from funds that are made available under that title, for the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of the cost of the test and data reporting. Such costs shall include, if determined to be desirable by the State agency, the costs of providing screening through clinical laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a), or purchasing, for use at sites providing services under this section, blood lead testing instruments and associated supplies approved for sale by the Food and Drug Administration and used in compliance with such section 353.

"(ii) Children enrolled in or eligible for schip.—In the case of a blood lead screening test performed under subparagraph (A) (by the entity or under contract with the entity) on a child who is eligible for or receiving medical assistance under a State plan under title XXI of the Social Security Act, the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, such title XXI, shall reimburse the entity, from funds that are made available under that title, for the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of the cost of the test and data reporting. Such costs shall include the costs described in the second sentence of clause (i).

"(3) Authorization for early head start.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection with respect to blood lead screening tests performed under this subsection on an infant or child, and any data reporting with respect to such infant or child, who is not eligible for coverage under title XIX or XXI of the Social Security Act, or is not otherwise covered under a health insurance plan.

"(4) Rule of construction.—Nothing in this subsection shall be construed as requiring a child eligible to participate in the program described in subsection (a)(1) to undergo a blood lead screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.

"(5) Head start.—The provisions of this subsection shall apply to head start programs that include coverage, directly or indirectly, for infants and toddlers under the age of 3 years.".

**SEC. 3. LEAD POISONING SCREENING FOR SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.**

Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end the following:

"(4) Lead poisoning screening.—

"(A) In general.—A State agency shall—

"(i) determine whether an infant or child eligible to participate in the program under this section has received a blood lead screening test using a test that is appropriate for age and risk factors upon the enrollment of the infant or child in the program; and

"(ii) in the case of an infant or child who has not received a blood lead screening test—

"(I) refer the infant or child for receipt of the test; and

"(II) determine whether the infant or child receives the test during a routine visit with a health care provider.

"(B) Screenings by state agencies.—

"(i) In general.—A State agency may (under contract or otherwise) perform a blood lead screening test that is appropriate for age and risk factors on an infant or child who seeks to participate in the program.

"(ii) Reimbursement.—

"(I) Children enrolled in or eligible for medicaid.—On the request of a State agency that performs or arranges for the provision of a blood lead screening test under clause (i) of an infant or child that is eligible for or receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, title XIX of the Social Security Act, shall reimburse the State agency, from funds that are made available under that title, for the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of the cost of the test and data reporting. Such costs shall include, if determined to be desirable by the State agency, the costs of providing screening through clinical laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a), or purchasing, for use at sites providing services under this section, blood lead testing instruments and associated supplies approved for sale by the Food and Drug Administration and used in compliance with such section 353.

"(II) Children enrolled in or eligible for schip.—In the case of a blood lead screening test performed under clause (i) (by the State agency or under contract with the State agency) on an infant or child who is eligible for or receiving medical assistance under a State plan under title XXI of the Social Security Act, the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, such title XXI, shall reimburse the State agency, from funds that are made available under that title, for the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of the cost of the test and data reporting. Such costs shall include the costs described in the second sentence of subclause (I).

"(C) Authorization of appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph with respect to blood lead screening tests performed under this paragraph on an infant or child, and any data reporting with respect to such infant or child, who is not eligible for coverage under title XIX or XXI of the Social Security Act, or is not otherwise covered under a health insurance plan.

"(D) Rule of construction.—Nothing in this paragraph shall be construed as requiring a child eligible to participate in the program under this section to undergo a blood lead screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.".

**SEC. 4. EFFECTIVE DATE.**

(a) In General.—Except as provided in subsection (b), the amendments made by this Act take effect on the date that is 18 months after the date of enactment of this Act.

(b) WIC and Early Head Start Waivers.—

(1) In general.—A State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or an entity carrying out activities under section 645A of the Head Start Act (42 U.S.C 9840a) may be awarded a waiver from the amendments made by sections 2 and 3 (as applicable) if the State where the agency, contractor, or entity is located establishes to the satisfaction of the Secretary of Health and Human Services, in accordance with requirements and procedures recommended in accordance with paragraph (2) to the Secretary by the Director of the Centers for Disease Control and Prevention, in consultation with the Centers for Disease Control and Prevention Advisory Committee on Childhood Lead Poisoning Prevention, a plan for increasing the number of blood lead screening tests of children enrolled in the WIC and the Early Head Start programs in the State.

(2) Development of waiver procedures and requirements.—Not later than 12 months after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention, in consultation with the Centers for Disease Control and Prevention Advisory Committee on Childhood Lead Poisoning Prevention, shall develop and recommend to the Secretary of Health and Human Services criteria and procedures (including a timetable for the submission of the State plan described in paragraph (1)) for the award of waivers under that paragraph.

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By Mr. SMITH of Oregon:

S. 1470. A bill to establish a demonstration program for school dropout prevention; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce the Dropout Reduction Outreach Program Act of 2001 known as DROP. I have been deeply concerned about the high number of students dropping out of school in Oregon and around the country. We all know that for children at risk, having a relationship with a caring adult in school is often the only reason students choose to stay in school. But many of our schools, facing tight budgets, have had to cut guidance counselors, the very people whose top priority is helping our kids manage the difficult terrain of middle and high school academies and social life.

This bill will provide funds to demonstrate what we know by instinct: that these guidance counselors can make a significant difference in reducing our dropout rates. Funding will help districts with particularly high dropout rates hire more counselors, and train teachers and administrators in the most effective methods for working with at-risk students.

We have spent many hours in this chamber this year debating the way ahead for education in this country. We discussed and provided funding for many programs that should allow every child in this country the opportunity to receive a high quality education. And yet, recent numbers from my State project that nearly one in five children in Oregon will drop out of school before graduation.

If you think this statistic is sobering, consider that the dropout rate for minority students is higher still. Dropout rates among Hispanic, Native American, and African American children in Oregon are all in double digits for each year of high school.

We know some of the warning signs for dropping out: getting behind in coursework, working more than 15 hours each week, dysfunctional home life, substance abuse, pregnancy, and lack of parental support for education, but spotting these indicators and keeping students in school are not the same.

With the economy increasingly dependent on highly trained technical workers, a high school diploma is now a minimum credential for success in American society. Keeping students in school is one way we can help America's young people achieve success in their lives, while maintaining our status as a world leader.

The DROP Act will establish a multistate demonstration program that will fund school counselor positions in middle and high schools with high dropout rates. it will also offer specialized training to guidance counselors and teachers who work with "at risk" students. The effects of these demonstration projects will be carefully monitored, and evaluations reported back to the Secretary of Education, who will then share them with Congress, states, and educators who wish to address this problem.

While the DROP Act requires only a small financial commitment, it has the potential to have far-reaching implications as our society gears up to lead the world into the 21st century. I encourage my colleagues to support this legislation as a way to help all our nation's children achieve their highest potential.

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By Mr. TORRICELLI (for himself, Mr. REED, Mrs. CLINTON, Mr. WELLSTONE, Mr. DURBIN, Mrs. CARNAHAN, and Mr. LIEBERMAN):

S. 1471. A bill to amend titles XIX and XXI of the Social Security Act to ensure that Children enrolled in the Medicaid and State children's health insurance program are identified and treated for lead poisoning; to the committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today along with my colleague, Senator REED of Rhode Island, to introduce the Children's Lead Screening Accountability for Early-Intervention Act of 2001 and the Early Childhood Lead Poisoning Prevention Act of 2001.

Lead poisoning is one of the dangerous environmental health hazards for young children. It is estimated that 890,000 children nationally suffer from elevated blood lead levels. Lead poisoning causes damage to the brain and nervous system, loss in IQ, impaired physical development and behavioral problems. High levels of exposure to lead can result in comas, convulsions and death. Poor and minority children are most at-risk of lead poisoning because of inadequate diets and exposure to environmental hazards such as old housing.

In an effort to alleviate this problem, in 1992, Congress instructed the Health Care Financing Administration to require States to lead screen Medicaid children under the age of two. The screening would have enabled the highest-risk children to be tested and treated before lead poisoning impaired their development. Despite the Federal law, however, a study from the General Accounting Office indicates that currently two-thirds of all Medicaid children remain unscreened and that only half the States have screening policies consistent with the law. In New Jersey, only 30% of children covered by Medicaid are tested.

The Children's Lead Screening Accountability for Early-Intervention Act or Children's Lead SAFE Act will create a lead screening safety net that will, though the Medicaid and State Children's Health Insurance, SCHIP, programs, ensure that children enrolled in these programs receive blood lead screenings and appropriate follow-up care. Specifically, this legislation will require state Medicaid contracts to explicitly require health management organizations to comply with federal rules related to lead screening and treatment. The bill will expand Medicaid coverage to include lead treatment services and environmental investigations to determine the source of the poisoning.

The Early Childhood Lead Poisoning Prevention Act of 2001 requires the Head Start, Early Head Start and Women, Infants and Children, WIC, programs to determine if enrolled children under age three have received a blood lead screening test appropriate for their age and risk factors. This legislation also requires that these programs provide and track referrals for any child who has not been screened for lead poisoning. Importantly, this legislation authorizes WIC, Head Start and Early Head Start programs to seek reimbursement through Medicaid or the SCHIP program for eligible children who have received a lead screening test.

The health and safety of our children would be greatly enhanced with the passage of these important measures. Childhood lead poisoning is easily preventable and I hope my colleagues will join us in support of this legislation.

At this time, I ask that the text of the Children's Lead Screening Accountability for Early-Intervention Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1471

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children's Lead Screening Accountability For Early-Intervention Act of 2001" or the "Children's Lead SAFE Act".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) lead poisoning remains a serious environmental risk, especially to the health of young children;

(2) childhood lead poisoning can cause reductions in IQ, attention span, reading, and learning disabilities, and other growth and behavior problems;

(3) children under the age of 6 are at the greatest risk of suffering the effects of lead poisoning because of the sensitivity of their developing brains and nervous systems, while children under the age of 3 are especially at risk due to their stage of development and hand-to-mouth activities;

(4) poor children and minority children are at substantially higher risk of lead poisoning;

(5) three-fourths of all children ages 1 through 5 found to have an elevated blood lead level in a Centers for Disease Control and Prevention nationally representative sample were enrolled in or targeted by Federal health care programs, specifically the medicaid program, the special supplemental nutrition program for women, infants, and children (WIC), and the community health centers programs under section 330 of the Public Health Service Act, equating to an estimated 688,000 children nationwide;

(6) the General Accounting Office estimates that ⅔ of the 688,000 children who have elevated blood lead levels and are enrolled in or targeted by Federal health care programs have never been screened for lead;

(7) although the Health Care Financing Administration has required mandatory blood lead screenings for children enrolled in the medicaid program who are not less than 1 nor more than 5 years of age, less than 20 percent of these children have received such screenings;

(8) the Health Care Financing Administration mandatory screening policy has not been effective, or sufficient, to properly identify and screen children enrolled in the medicaid program who are at risk;

(9) only about ½ of State programs have screening policies consistent with Federal policy; and

(10) adequate treatment services are not uniformly available for children with elevated blood lead levels.

(b) Purpose.—The purpose of this Act is to create a lead screening safety net that will, through the medicaid and State children's health insurance program, ensure that children enrolled in those programs receive blood lead screenings and appropriate followup care.

### SEC. 3. INCREASED LEAD POISONING SCREENINGS AND TREATMENTS UNDER THE MEDICAID PROGRAM.

(a) Reporting Requirement.—Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(1) in clause (iii), by striking “and” at the end;

(2) in clause (iv), by striking the semicolon and inserting “, and”; and

(3) by adding at the end the following new clause:

“(v) the number of children who are under the age of 3 and enrolled in the State plan under this title and the number of those children who have received a blood lead screening test;”.

(b) Mandatory Screening Requirements.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking “and” at the end;

(2) in paragraph (65), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (65) the following new paragraph:

“(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

“(A) compliance with mandatory, blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

“(B) coverage of qualified lead treatment services described in section 1905(x) including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.”.

(c) Reimbursement for Treatment of Children With Elevated Blood Lead Levels.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking “and” at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following new paragraph:

“(27) qualified lead treatment services (as defined in subsection (x)); and”; and

(2) by adding at the end the following new subsection:

“(x)(1) In this subsection:

“(A) The term ‘qualified lead treatment services’ means the following:

“(i) Lead-related medical management, as defined in subparagraph (B).

“(ii) Lead-related case management, as defined in subparagraph (C), for a child described in paragraph (2).

“(iii) Lead-related anticipatory guidance, as defined in subparagraph (D), provided as part of—

“(I) prenatal services;

“(II) early and periodic screening, diagnostic, and treatment services (EPSDT) described in subsection (r) and available under subsection (a)(4)(B) (including as described and available under implementing regulations and guidelines) to individuals enrolled in the State plan under this title who have not attained age 21; and

“(III) routine pediatric preventive services.

“(B) The term ‘lead-related medical management’ means the provision and coordination of the diagnostic, treatment, and follow-up services provided for a child diagnosed with an elevated blood lead level (EBLL) that includes—

“(i) a clinical assessment, including a physical examination and medically indicated tests (in addition to diagnostic blood lead level tests) and other diagnostic procedures to determine the child's developmental, neurological, nutritional, and hearing status, and the extent, duration, and possible source of the child's exposure to lead;

“(ii) repeat blood lead level tests furnished when medically indicated for purposes of monitoring the blood lead concentrations in the child;

“(iii) pharmaceutical services, including chelation agents and other drugs, vitamins, and minerals prescribed for treatment of an EBLL;

“(iv) medically indicated inpatient services including pediatric intensive care and emergency services;

“(v) medical nutrition therapy when medically indicated by a nutritional assessment, that shall be furnished by a dietitian or other nutrition specialist who is authorized to provide such services under State law;

“(vi) referral—

“(I) when indicated by a nutritional assessment, to the State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and coordination of clinical management with that program; and

“(II) when indicated by a clinical or developmental assessment, to the State agency responsible for early intervention and special education programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

“(vii) environmental investigation, as defined in subparagraph (E).

“(C) The term ‘lead-related case management’ means the coordination, provision, and oversight of the nonmedical services for a child with an EBLL necessary to achieve reductions in the child's blood lead levels, improve the child's nutrition, and secure needed resources and services to protect the child by a case manager trained to develop and oversee a multi-disciplinary plan for a child with an EBLL or by a childhood lead poisoning prevention program, as defined by the Secretary. Such services include—

“(i) assessing the child's environmental, nutritional, housing, family, and insurance status and identifying the family's immediate needs to reduce lead exposure through an initial home visit;

“(ii) developing a multidisciplinary case management plan of action that addresses the provision and coordination of each of the following items as appropriate—

“(I) determination of whether or not such services are covered under the State plan under this title;

“(II) lead-related medical management of an EBLL (including environmental investigation);

“(III) nutrition services;

“(IV) family lead education;

“(V) housing;

“(VI) early intervention services;

“(VII) social services; and

“(VIII) other services or programs that are indicated by the child's clinical status and environmental, social, educational, housing, and other needs;

“(iii) assisting the child (and the child's family) in gaining access to covered and non-covered services in the case management plan developed under clause (ii);

“(iv) providing technical assistance to the provider that is furnishing lead-related medical management for the child; and

“(v) implementation and coordination of the case management plan developed under clause (ii) through home visits, family lead education, and referrals.

“(D) The term ‘lead-related anticipatory guidance’ means education and information for families of children and pregnant women enrolled in the State plan under this title about prevention of childhood lead poisoning that addresses the following topics:

“(i) The importance of lead screening tests and where and how to obtain such tests.

“(ii) Identifying lead hazards in the home.

“(iii) Specialized cleaning, home maintenance, nutritional, and other measures to minimize the risk of childhood lead poisoning.

“(iv) The rights of families under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

“(E) The term ‘environmental investigation’ means the process of determining the source of a child's exposure to lead by an individual that is certified or registered to perform such investigations under State or local law, including the collection and analysis of information and environmental samples from a child's living environment. For purposes of this subparagraph, a child's living environment includes the child's residence or residences, residences of frequently visited caretakers, relatives, and playmates, and the child's day care site. Such investigations shall be conducted in accordance with the standards of the Department of Housing and Urban Development for the evaluation and control of lead-based paint hazards in housing and in compliance with State and local health agency standards for environmental investigation and reporting.

“(2) For purposes of paragraph (1)(A)(ii), a child described in this paragraph is a child who—

“(A) has attained 6 months but has not attained 6 years of age; and

“(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or after 2 consecutive tests, equals or exceeds 15 micrograms per deciliter, or the applicable number of micrograms designated for such tests under prevailing guidelines of the Centers for Disease Control and Prevention).”.

(d) Enhanced Match for Data Communications System.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking “plus” at the end and inserting “and”; and

(2) by inserting after subparagraph (D), the following new subparagraph:

“(E)(i) 90 percent of so much of the sums expended during such quarter as are attributable to the design, development, or installation of an information retrieval system that may be easily accessed and used by other federally-funded means-tested public benefit programs to determine whether a child is enrolled in the State plan under this title and whether an enrolled child has received mandatory early and periodic screening, diagnostic, and treatment services, as described in section 1905(r); and "(ii) 75 percent of so much of the sums expended during such quarter as are attributable to the operation of a system (whether such system is operated directly by the State or by another person under a contract with the State) of the type described in clause (i); plus".

(e) REPORT.—The Secretary of Health and Human Services, acting through the Administrator of the Health Care Financing Administration, annually shall report to Congress on the number of children enrolled in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) who have received a blood lead screening test during the prior fiscal year, noting the percentage that such children represent as compared to all children enrolled in that program.

(f) EMERGENCY MEASURES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Health and Human Services or the State agency administering the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) shall use funds provided under title XIX of that Act to reimburse a State or entity for expenditures for medically necessary activities in the home of a lead-poisoned child with an EBLL of at least 20, or a pregnant woman with an EBLL of at least 20, to prevent additional exposure to lead, including specialized cleaning of lead-contaminated dust, emergency relocation, safe repair of peeling paint, dust control, and other activities that reduce lead exposure. Such reimbursement, when provided by the State agency administering the State plan under title XIX of the Social Security Act, shall be considered medical assistance for purposes of section 1903(a) of such Act.

(2) LIMITATION.—Not more than $1,000 in expenditures for the emergency measures described in paragraph (1) may be incurred on behalf of a child or pregnant woman to which that paragraph applies.

(g) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as requiring a child enrolled in the State medicaid program under title XIX of the Social Security Act to undergo a lead blood screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.

### SEC. 4. BONUS PROGRAM FOR IMPROVEMENT OF CHILDHOOD LEAD SCREENING RATES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") may establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program.

(b) PAYMENTS.—If the Secretary establishes a program under subsection (a), the Secretary, using State-specific blood lead screening data, shall, subject to the availability of appropriations, annually pay a State an amount determined as follows:

(1) $25 per each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention, if the State rate for such screenings exceeds 65 but does not exceed 75 percent of all 2 year-old children in the State.

(2) $50 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 75 but does not exceed 85 percent of all 2 year-old children in the State.

(3) $75 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 85 percent of all 2 year-old children in the State.

(c) USE OF BONUS FUNDS.—Funds awarded to a State under subsection (b) shall only be used—

(1) by the State department of health in the case of a child with an elevated blood lead level who is enrolled in medicaid or another Federal means-tested program designed to reduce the source of the child's exposure to lead; or

(2) in accordance with guidelines for the use of such funds developed by the Secretary in collaboration with the Secretary of Housing and Urban Development.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $30,000,000 for each of fiscal years 2002 through 2006.

### SEC. 5. AUTHORIZATION TO USE SCHIP FUNDS FOR BLOOD LEAD SCREENING.

(a) OPTIONAL APPLICATION TO SCHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) At State option, section 1902(a)(66) (relating to blood lead screening and coverage of qualified lead treatment services defined in section 1905(x)).".

(2) CONFORMING AMENDMENT.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(A) by redesignating paragraph (28) as paragraph (29); and

(B) by inserting after paragraph (27) the following new paragraph:

"(28) qualified lead treatment services (as defined in section 1905(x)), but only if the State has elected under section 2107(e)(1)(E) to apply section 1902(a)(66) to the State child health plan under this title.".

(b) INCLUSION IN MEDICAID REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 1902(a)(43)(D)(v) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)(v)), as added by section 3(a)(3), is amended by inserting "or, if the State has elected under section 2107(e)(1)(E) to apply paragraph (66) to the State child health plan under title XXI, in the State plan under title XXI," after "this title".

(2) REPORT TO CONGRESS.—Section 3(e) of this Act is amended—

(A) by inserting "or in the State children's health insurance program under title XXI of that Act (42 U.S.C 1397aa et seq.)" after "(42 U.S.C. 1396 et seq.)"; and

(B) by striking "that program" and inserting "those programs".

### SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 18 months after the date of enactment of this Act.

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By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1474. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, I rise today to introduce the Pesticide Maintenance Fees Reauthorization Act of 2001 on behalf of myself and my friend, Senator LUGAR. This legislation reauthorizes several existing legislative provisions addressing pesticide fees.

As Senator LUGAR and my colleagues know, the legal authorization for the collection of so-called maintenance fees for the reregistration of pesticides expires at the end of this month. This expiration means that EPA will face a significant funding shortfall as it continues its implementation of FQPA.

This legislation has been negotiated between the Senate and House Agriculture Committees and representatives of the environmental and agrichemical industry. It would require industry to pay $20 million a year to reevaluate pesticides approved by EPA prior to 1984. In return, a controversial proposal by the Environmental Protection Agency to more than quadruple the amount of fees paid by the pesticide industry will be shelved.

The $20 million per year represents an increase over the previous fee schedule that had ranged from $14 to $17.6 million a year. $20 million reflects the amount of money that EPA says is necessary to pay the salaries and expenses of the 200 employees that review older pesticides.

If this reauthorization were not provided, EPA would have to make up the money from elsewhere in its budget or layoff some of those employees. If that were to happen there is widespread concern that EPA's review of pesticides would slow down significantly. EPA has been charged with reviewing all pesticides to make sure they are safe for the environment and safe for kids. The last we need is for EPA to lose the workers vital to accomplishing that.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR for working with me to get it introduced.

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By Mr. BREAUX (for himself and Mr. HATCH):

S. 1475. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Finance.

Mr. BREAUX. Mr. President, I am proud to be an original co-sponsor of the Economic Revitalization Tax Act of 2001. This legislation is designed to revitalize one of America's most important economic partners. As we discuss economic stimulus measures for our Nation during these difficult times, it is important the we do not leave behind the 3.9 million U.S. citizens of the Commonwealth of Puerto Rico.

Puerto Rico purchases over $16 billion a year in goods and services from the rest of the United States. This is more than much larger nations such as Russia, China, Italy and Brazil. A strong economy in Puerto Rico helps generate over 320,000 jobs in the U.S. mainland. It is important that we maintain this economic partnership as strong as ever.

The economy of Puerto Rico was weak even before the current national crisis. Since the beginning of the year, plant closures have been announced affecting over 7 percent of the manufacturing workforce. Since Congress repealed tax incentives for investment in Puerto Rico in October 1996, manufacturing employment has declined by over 15 percent—more than any state in the U.S. mainland. Employment in other sectors of the economy has not increased enough to offset the loss in manufacturing jobs. Consequently, total employment in Puerto Rico has declined over the last five years. By contrast, during the same period, jobs increased by over 10 percent in the average state, and no state experienced a net job loss.

The negative economic impacts of the current state of national alert will be felt most in those regions of the country that are dependent on tourism and air transportation. As a small island, Puerto Rico is four times more dependent on external trade as a share of GDP than the U.S. mainland, and 45 percent of Puerto Rico's trade is transported by air, compared to only 5 percent for the U.S. American Airlines which employs thousands at its major hub in Puerto Rico will be dramatically affected by the reduction in air travel.

Tourist expenditures are an essential component of Puerto Rico's economy. Occupancy rates at Puerto Rico hotels have already been cut in half, with more losses expected as convention cancellations mount. Absent a turnaround, a significant portion of Puerto Rico's economy is directly at risk, with ripple effects beyond the tourism sector.

Puerto Rico's economy is closely linked to the U.S. economy. When the United States goes into recession, the impact is immediately felt on the Island where the rate of unemployment currently is running at about 13 percent. Retail sales are down over 30 percent since the terrorist acts.

It is essential to adopt measures to help Puerto Rico, like the rest of the country, recover economically and financially. Proposed national economic recovery legislation will not, without special provisions, help Puerto Rico. For example, because Puerto Rico is considered a separate taxing jurisdiction, investment tax credits and other business incentives do not apply to investments in Puerto Rico.

"The Economic Revitalization Tax Act of 2001," will materially assist in mitigating the impact of the expected economic losses in Puerto Rico as a result of the tragic recent events, as well as halt the continuing loss of manufacturing jobs due to the 1996 repeal of U.S. tax incentives. This legislation would provide a new tax regime to encourage American companies to retain their Puerto Rico operations and to reinvest profits earned in Puerto Rico and the U.S. possessions in the United States on a tax preferred basis. This will not only help Puerto Rico directly; but it will also help the American economy by returning profits to the U.S. where they can be invested in other job creating activities.

Puerto Rico is a vital partner in the American family. The new administration of Governor Sila Maria Calderón, is bringing a renewed vision of a prosperous Puerto Rico and is implementing a coherent development plan that will make that vision a reality. Governor Calderón understands that reform of the Commonwealth government and its economic development policies are necessary for Puerto Rico's economic development. She is doing this in close collaboration with business and community leaders in Puerto Rico.

This proposal is a win-win situation for Puerto Rico and for the American worker and taxpayer. We help create jobs in Puerto Rico, and those jobs will help create jobs in the U.S. mainland.

Please join me in supporting this legislation.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1691. Mr. **INHOFE** submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1692. Mrs. **FEINSTEIN** (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

SA 1693. Mrs. **HUTCHISON** (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 2904, supra.

SA 1694. Mr. **LEVIN** (for Mr. KERRY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1695. Mr. **WARNER** (for Mr. BOND) proposed an amendment to the bill S. 1438, supra.

SA 1696. Mr. **LEVIN** (for Mr. DAYTON) proposed an amendment to the bill S. 1438, supra.

SA 1697. Mr. **WARNER** proposed an amendment to the bill S. 1438, supra.

SA 1698. Mr. **LEVIN** (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1438, supra.

SA 1699. Mr. **WARNER** (for Mr. BUNNING) proposed an amendment to the bill S. 1438, supra.

SA 1700. Mr. **LEVIN** (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1701. Mr. **WARNER** (for Mr. ALLARD) proposed an amendment to the bill S. 1438, supra.

SA 1702. Mr. **LEVIN** (for Mr. CLELAND) proposed an amendment to the bill S. 1438, supra.

SA 1703. Mr. **WARNER** (for Mr. ALLARD (for himself and Mr. SMITH, of New Hampshire)) proposed an amendment to the bill S. 1438, supra.

SA 1704. Mr. **WARNER** (for Mr. LUGAR (for himself, Mr. LEVIN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, and Mr. HAGEL)) proposed an amendment to the bill S. 1438, supra.

SA 1705. Mr. **LEVIN** (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1706. Mr. **WARNER** (for Ms. COLLINS) proposed an amendment to the bill S. 1438, supra.

SA 1707. Mr. **LEVIN** (for Mrs. MURRAY) proposed an amendment to the bill S. 1438, supra.

SA 1708. Mr. **WARNER** (for Mr. INHOFE) proposed an amendment to the bill S. 1438, supra.

SA 1709. Mr. **LEVIN** (for Mrs. LINCOLN (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 1438, supra.

SA 1710. Mr. **WARNER** (for Mr. INHOFE) proposed an amendment to the bill S. 1438, supra.

SA 1711. Mr. **LEVIN** (for Mr. HOLLINGS) proposed an amendment to the bill S. 1438, supra.

SA 1712. Mr. **WARNER** (for Mr. STEVENS) proposed an amendment to the bill S. 1438, supra.

SA 1713. Mr. **LEVIN** (for Mr. HARKIN) proposed an amendment to the bill S. 1438, supra.

SA 1714. Mr. **WARNER** (for Mr. SHELBY) proposed an amendment to the bill S. 1438, supra.

SA 1715. Mr. **WARNER** (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill S. 1438, supra.

SA 1716. Mr. **LEVIN** (for Mr. REID) proposed an amendment to the bill S. 1438, supra.

SA 1717. Mr. **WARNER** (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1718. Mr. **LEVIN** (for Mr. CONRAD) proposed an amendment to the bill S. 1438, supra.

SA 1719. Mr. **WARNER** (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1720. Mr. **WARNER** (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1721. Mr. **SMITH**, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1722. Mr. **NELSON**, of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1723. Mr. **REID** (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 147, to designate the month of September of 2001, as "National Alcohol and Drug Addiction Recovery Month".

SA 1724. Mr. **HELMS** (for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S.

1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1725. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1724 submitted by Mr. HELMS and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

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## TEXT OF AMENDMENTS

**SA 1691.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

At the end of bill insert the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Securing America's Future Energy Act of 2001" or the "SAFE Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Energy policy.

**DIVISION A**

Sec. 100. Short title.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

Sec. 101. Authorization of appropriations.

Subtitle B—Federal Leadership in Energy Conservation

Sec. 121. Federal facilities and national energy security.
Sec. 122. Enhancement and extension of authority relating to Federal energy savings performance contracts.
Sec. 123. Clarification and enhancement of authority to enter utility incentive programs for energy savings.
Sec. 124. Federal central air conditioner and heat pump efficiency.
Sec. 125. Advanced building efficiency testbed.
Sec. 126. Use of interval data in Federal buildings.
Sec. 127. Review of Energy Savings Performance Contract program.
Sec. 128. Capitol complex.

Subtitle C—State Programs

Sec. 131. Amendments to State energy programs.
Sec. 132. Reauthorization of energy conservation program for schools and hospitals.
Sec. 133. Amendments to Weatherization Assistance Program.
Sec. 134. LIHEAP.
Sec. 135. High performance public buildings.

Subtitle D—Energy Efficiency for Consumer Products

Sec. 141. Energy Star program.
Sec. 141A. Energy sun renewable and alternative energy program.
Sec. 142. Labeling of energy efficient appliances.
Sec. 143. Appliance standards.

Subtitle E—Energy Efficient Vehicles

Sec. 151. High occupancy vehicle exception.
Sec. 152. Railroad efficiency.
Sec. 153. Biodiesel fuel use credits.
Sec. 154. Mobile to stationary source trading.

Subtitle F—Other Provisions

Sec. 161. Review of regulations to eliminate barriers to emerging energy technology.
Sec. 162. Advanced idle elimination systems.
Sec. 163. Study of benefits and feasibility of oil bypass filtration technology.
Sec. 164. Gas flare study.
Sec. 165. Telecommuting study.

TITLE II—AUTOMOBILE FUEL ECONOMY

Sec. 201. Average fuel economy standards for nonpassenger automobiles.
Sec. 202. Consideration of prescribing different average fuel economy standards for nonpassenger automobiles.
Sec. 203. Dual fueled automobiles.
Sec. 204. Fuel economy of the Federal fleet of automobiles.
Sec. 205. Hybrid vehicles and alternative vehicles.
Sec. 206. Federal fleet petroleum-based nonalternative fuels.
Sec. 207. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE III—NUCLEAR ENERGY

Sec. 301. License period.
Sec. 302. Cost recovery from Government agencies.
Sec. 303. Depleted uranium hexafluoride.
Sec. 304. Nuclear Regulatory Commission meetings.
Sec. 305. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 306. Maintenance of a viable domestic uranium conversion industry.
Sec. 307. Paducah decontamination and decommissioning plan.
Sec. 308. Study to determine feasibility of developing commercial nuclear energy production facilities at existing department of energy sites.
Sec. 309. Prohibition of commercial sales of uranium by the United States until 2009.

TITLE IV—HYDROELECTRIC ENERGY

Sec. 401. Alternative conditions and fishways.
Sec. 402. FERC data on hydroelectric licensing.

TITLE V—FUELS

Sec. 501. Tank draining during transition to summertime RFG.
Sec. 502. Gasoline blendstock requirements.
Sec. 503. Boutique fuels.
Sec. 504. Funding for MTBE contamination.

TITLE VI—RENEWABLE ENERGY

Sec. 601. Assessment of renewable energy resources.
Sec. 602. Renewable energy production incentive.
Sec. 603. Study of ethanol from solid waste loan guarantee program.
Sec. 604. Study of renewable fuel content.

TITLE VII—PIPELINES

Sec. 701. Prohibition on certain pipeline route.
Sec. 702. Historic pipelines.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Waste reduction and use of alternatives.
Sec. 802. Annual report on United States energy independence.
Sec. 803. Study of aircraft emissions.

**DIVISION B**

Sec. 2001. Short title.
Sec. 2002. Findings.
Sec. 2003. Purposes.
Sec. 2004. Goals.
Sec. 2005. Definitions.
Sec. 2006. Authorizations.
Sec. 2007. Balance of funding priorities.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

Sec. 2101. Short title.
Sec. 2102. Definitions.
Sec. 2103. Pilot program.
Sec. 2104. Reports to Congress.
Sec. 2105. Authorization of appropriations.

Subtitle B—Distributed Power Hybrid Energy Systems

Sec. 2121. Findings.
Sec. 2122. Definitions.
Sec. 2123. Strategy.
Sec. 2124. High power density industry program.
Sec. 2125. Micro-cogeneration energy technology.
Sec. 2126. Program plan.
Sec. 2127. Report.
Sec. 2128. Voluntary consensus standards.

Subtitle C—Secondary Electric Vehicle Battery Use

Sec. 2131. Definitions.
Sec. 2132. Establishment of secondary electric vehicle battery use program.
Sec. 2133. Authorization of appropriations.

Subtitle D—Green School Buses

Sec. 2141. Short title.
Sec. 2142. Establishment of pilot program.
Sec. 2143. Fuel cell bus development and demonstration program.
Sec. 2144. Authorization of appropriations.

Subtitle E—Next Generation Lighting Initiative

Sec. 2151. Short title.
Sec. 2152. Definition.
Sec. 2153. Next Generation Lighting Initiative.
Sec. 2154. Study.
Sec. 2155. Grant program.

Subtitle F—Department of Energy Authorization of Appropriations

Sec. 2161. Authorization of appropriations.

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

Sec. 2171. Short title.
Sec. 2172. Authorization of appropriations.
Sec. 2173. Limits on use of funds.
Sec. 2174. Cost sharing.
Sec. 2175. Limitation on demonstration and commercial applications of energy technology.
Sec. 2176. Reprogramming.
Sec. 2177. Budget request format.
Sec. 2178. Other provisions.

Subtitle H—National Building Performance Initiative

Sec. 2181. National Building Performance Initiative.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

Sec. 2201. Short title.

Sec. 2202. Purposes.
Sec. 2203. Definitions.
Sec. 2204. Reports to Congress.
Sec. 2205. Hydrogen research and development.
Sec. 2206. Demonstrations.
Sec. 2207. Technology transfer.
Sec. 2208. Coordination and consultation.
Sec. 2209. Advisory Committee.
Sec. 2210. Authorization of appropriations.
Sec. 2211. Repeal.

Subtitle B—Bioenergy

Sec. 2221. Short title.
Sec. 2222. Findings.
Sec. 2223. Definitions.
Sec. 2224. Authorization.
Sec. 2225. Authorization of appropriations.

Subtitle C—Transmission Infrastructure Systems

Sec. 2241. Transmission infrastructure systems research, development, demonstration, and commercial application.
Sec. 2242. Program plan.
Sec. 2243. Report.

Subtitle D—Department of Energy Authorization of Appropriations

Sec. 2261. Authorization of appropriations.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

Sec. 2301. Short title.
Sec. 2302. Findings.
Sec. 2303. Department of Energy program.
Sec. 2304. Authorization of appropriations.

Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

Sec. 2321. Program.

Subtitle C—Department of Energy Authorization of Appropriations

Sec. 2341. Nuclear Energy Research Initiative.
Sec. 2342. Nuclear Energy Plant Optimization program.
Sec. 2343. Nuclear energy technologies.
Sec. 2344. Authorization of appropriations.

TITLE IV—FOSSIL ENERGY

Subtitle A—Coal

Sec. 2401. Coal and related technologies programs.

Subtitle B—Oil and Gas

Sec. 2421. Petroleum-oil technology.
Sec. 2422. Gas.
Sec. 2423. Natural gas and oil deposits report.
Sec. 2424. Oil shale research.

Subtitle C—Ultra-Deepwater and Unconventional Drilling

Sec. 2441. Short title.
Sec. 2442. Definitions.
Sec. 2443. Ultra-deepwater program.
Sec. 2444. National Energy Technology Laboratory.
Sec. 2445. Advisory Committee.
Sec. 2446. Research Organization.
Sec. 2447. Grants.
Sec. 2448. Plan and funding.
Sec. 2449. Audit.
Sec. 2450. Fund.
Sec. 2451. Sunset.

Subtitle D—Fuel Cells

Sec. 2461. Fuel cells.

Subtitle E—Department of Energy Authorization of Appropriations

Sec. 2481. Authorization of appropriations.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

Sec. 2501. Short title.
Sec. 2502. Findings.
Sec. 2503. Plan for fusion experiment.
Sec. 2504. Plan for fusion energy sciences program.
Sec. 2505. Authorization of appropriations.

Subtitle B—Spallation Neutron Source

Sec. 2521. Definition.
Sec. 2522. Authorization of appropriations.
Sec. 2523. Report.
Sec. 2524. Limitations.

Subtitle C—Facilities, Infrastructure, and User Facilities

Sec. 2541. Definition.
Sec. 2542. Facility and infrastructure support for nonmilitary energy laboratories.
Sec. 2543. User facilities.

Subtitle D—Advisory Panel on Office of Science

Sec. 2561. Establishment.
Sec. 2562. Report.

Subtitle E—Department of Energy Authorization of Appropriations

Sec. 2581. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

Sec. 2601. Research, development, demonstration, and commercial application of energy technology programs, projects, and activities.
Sec. 2602. Limits on use of funds.
Sec. 2603. Cost sharing.
Sec. 2604. Limitation on demonstration and commercial application of energy technology.
Sec. 2605. Reprogramming.

Subtitle B—Other Miscellaneous Provisions

Sec. 2611. Notice of reorganization.
Sec. 2612. Limits on general plant projects.
Sec. 2613. Limits on construction projects.
Sec. 2614. Authority for conceptual and construction design.
Sec. 2615. National Energy Policy Development Group mandated reports.
Sec. 2616. Periodic reviews and assessments.

**DIVISION C**

Sec. 4101. Capacity building for energy-efficient, affordable housing.
Sec. 4102. Increase of CDBG public services cap for energy conservation and efficiency activities.
Sec. 4103. FHA mortgage insurance incentives for energy efficient housing.
Sec. 4104. Public housing capital fund.
Sec. 4105. Grants for energy-conserving improvements for assisted housing.
Sec. 4106. North American Development Bank.

**DIVISION D**

Sec. 5000. Short title.
Sec. 5001. Findings.
Sec. 5002. Definitions.
Sec. 5003. Clean coal power initiative.
Sec. 5004. Cost and performance goals.
Sec. 5005. Authorization of appropriations.
Sec. 5006. Project criteria.
Sec. 5007. Study.
Sec. 5008. Clean coal centers of excellence.

**DIVISION E**

Sec. 6000. Short title.

TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

Sec. 6101. Study of existing rights-of-way on Federal lands to determine capability to support new pipelines or other transmission facilities.
Sec. 6102. Inventory of energy production potential of all Federal public lands.
Sec. 6103. Review of regulations to eliminate barriers to emerging energy technology.
Sec. 6104. Interagency agreement on environmental review of interstate natural gas pipeline projects.
Sec. 6105. Enhancing energy efficiency in management of Federal lands.
Sec. 6106. Efficient infrastructure development.

TITLE II—OIL AND GAS DEVELOPMENT

Subtitle A—Offshore Oil and Gas

Sec. 6201. Short title.
Sec. 6202. Lease sales in Western and Central Planning Area of the Gulf of Mexico.
Sec. 6203. Savings clause.
Sec. 6204. Analysis of Gulf of Mexico field size distribution, international competitiveness, and incentives for development.

Subtitle B—Improvements to Federal Oil and Gas Management

Sec. 6221. Short title.
Sec. 6222. Study of impediments to efficient lease operations.
Sec. 6223. Elimination of unwarranted denials and stays.
Sec. 6224. Limitations on cost recovery for applications.
Sec. 6225. Consultation with Secretary of Agriculture.

Subtitle C—Miscellaneous

Sec. 6231. Offshore subsalt development.
Sec. 6232. Program on oil and gas royalties in kind.
Sec. 6233. Marginal well production incentives.
Sec. 6234. Reimbursement for costs of NEPA analyses, documentation, and studies.
Sec. 6235. Encouragement of State and provincial prohibitions on offshore drilling in the Great Lakes.

TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

Sec. 6301. Royalty reduction and relief.
Sec. 6302. Exemption from royalties for direct use of low temperature geothermal energy resources.
Sec. 6303. Amendments relating to leasing on Forest Service lands.
Sec. 6304. Deadline for determination on pending noncompetitive lease applications.
Sec. 6305. Opening of public lands under military jurisdiction.
Sec. 6306. Application of amendments.
Sec. 6307. Review and report to Congress.
Sec. 6308. Reimbursement for costs of NEPA analyses, documentation, and studies.

TITLE IV—HYDROPOWER

Sec. 6401. Study and report on increasing electric power production capability of existing facilities.
Sec. 6402. Installation of powerformer at Folsom power plant, California.
Sec. 6403. Study and implementation of increased operational efficiencies in hydroelectric power projects.
Sec. 6404. Shift of project loads to off-peak periods.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

Sec. 6501. Short title.
Sec. 6502. Definitions.

Sec. 6503. Leasing program for lands within the Coastal Plain.
Sec. 6504. Lease sales.
Sec. 6505. Grant of leases by the Secretary.
Sec. 6506. Lease terms and conditions.
Sec. 6507. Coastal Plain environmental protection.
Sec. 6508. Expedited judicial review.
Sec. 6509. Rights-of-way across the Coastal Plain.
Sec. 6510. Conveyance.
Sec. 6511. Local government impact aid and community service assistance.
Sec. 6512. Revenue allocation.
TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR
Sec. 6601. Energy conservation by the Department of the Interior.
Sec. 6602. Amendment to Buy Indian Act.
TITLE VII—COAL
Sec. 6701. Limitation on fees with respect to coal lease applications and documents.
Sec. 6702. Mining plans.
Sec. 6703. Payment of advance royalties under coal leases.
Sec. 6704. Elimination of deadline for submission of coal lease operation and reclamation plan.
TITLE VIII—INSULAR AREAS ENERGY SECURITY
Sec. 6801. Insular areas energy security.
DIVISION G
Sec. 7101. Buy American.

### SEC. 2. ENERGY POLICY.

It shall be the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 56 percent to 45 percent by January 1, 2012, and to reduce United States dependence on Iraqi energy sources from 700,000 barrels per day to 250,000 barrels per day by January 1, 2012.

## DIVISION A

### SEC. 100. SHORT TITLE.

This division may be cited as the "Energy Advancement and Conservation Act of 2001".

## TITLE I—ENERGY CONSERVATION

## Subtitle A—Reauthorization of Federal Energy Conservation Programs

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended as follows:

(1) By inserting "(a)" before "Appropriations".

(2) By inserting at the end the following new subsection:

"(b) There are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002, $950,000,000; for fiscal year 2003, $1,000,000,000; for fiscal year 2004, $1,050,000,000; for fiscal year 2005, $1,100,000,000; and for fiscal year 2006, $1,150,000,000, to carry out energy efficiency activities under the following laws, such sums to remain available until expended:

"(1) Energy Policy and Conservation Act, including section 256(d)(42 U.S.C. 6276(d)) (promote export of energy efficient products), sections 321 through 346 (42 U.S.C. 6291–6317) (appliances program).

"(2) Energy Conservation and Production Act, including sections 301 through 308 (42 U.S.C. 6831–6837) (energy conservation standards for new buildings).

"(3) National Energy Conservation Policy Act, including sections 541–551 (42 U.S.C. 8251–8259) (Federal Energy Management Program).

"(4) Energy Policy Act of 1992, including sections 103 (42 U.S.C. 13458) (energy efficient lighting and building centers), 121 (42 U.S.C. 6292 note) (energy efficiency labeling for windows and window systems), 125 (42 U.S.C. 6292 note) (energy efficiency information for commercial office equipment), 126 (42 U.S.C. 6292 note) (energy efficiency information for luminaires), 131 (42 U.S.C. 6348) (energy efficiency in industrial facilities), and 132 (42 U.S.C. 6349) (process-oriented industrial energy efficiency).".

## Subtitle B—Federal Leadership in Energy Conservation

### SEC. 121. FEDERAL FACILITIES AND NATIONAL ENERGY SECURITY.

(a) PURPOSE.—Section 542 of the National Energy Conservation Policy Act (42 U.S.C. 8252) is amended by inserting ", and generally to promote the production, supply, and marketing of energy efficiency products and services and the production, supply, and marketing of unconventional and renewable energy resources" after "by the Federal Government".

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended as follows:

(1) In subsection (a)(1), by striking "during the fiscal year 1995" and all that follows through the end and inserting "during—

"(1) fiscal year 1995 is at least 10 percent;
"(2) fiscal year 2000 is at least 20 percent;
"(3) fiscal year 2005 is at least 30 percent;
"(4) fiscal year 2010 is at least 35 percent;
"(5) fiscal year 2015 is at least 40 percent; and

"(6) fiscal year 2020 is at least 45 percent, less than the energy consumption per gross square foot of its Federal buildings in use during fiscal year 1985. To achieve the reductions required by this paragraph, an agency shall make maximum practicable use of energy efficiency products and services and unconventional and renewable energy resources, using guidelines issued by the Secretary under subsection (d) of this section.".

(2) In subsection (d), by inserting "Such guidelines shall include appropriate model technical standards for energy efficiency and unconventional and renewable energy resources products and services. Such standards shall reflect, to the extent practicable, evaluation of both currently marketed and potentially marketable products and services that could be used by agencies to improve energy efficiency and increase unconventional and renewable energy resources." after "implementation of this part.".

(3) By adding at the end the following new subsection:

"(e) STUDIES.—To assist in developing the guidelines issued by the Secretary under subsection (d) and in furtherance of the purposes of this section, the Secretary shall conduct studies to identify and encourage the production and marketing of energy efficiency products and services and unconventional and renewable energy resources. To conduct such studies, and to provide grants to accelerate the use of unconventional and renewable energy, there are authorized to be appropriated to the Secretary $20,000,000 for each of the fiscal years 2003 through 2010.".

(c) DEFINITION.—Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259) is amended as follows:

(1) By striking "and" at the end of paragraph (8).

(2) By striking the period at the end of paragraph (9) and inserting "; and".

(3) By adding at the end the following new paragraph:'

"(10) the term 'unconventional and renewable energy resources' includes renewable energy sources, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.".

(d) EXCLUSIONS FROM REQUIREMENT.—The National Energy Conservation Policy Act (42 U.S.C. 7201 and following) is amended as follows:

(1) In section 543(a)—

(A) by striking "(1) Subject to paragraph (2)" and inserting "Subject to subsection (c)"; and

(B) by striking "(2) An agency" and all that follows through "such exclusion.".

(2) By amending subsection (c) of such section 543 to read as follows:

"(c) EXCLUSIONS.—(1) A Federal building may be excluded from the requirements of subsections (a) and (b) only if—

"(A) the President declares the building to require exclusion for national security reasons; and

"(B) the agency responsible for the building has—

"(i) completed and submitted all federally required energy management reports; and

"(ii) achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law;

"(iii) implemented all practical, life cycle cost-effective projects in the excluded building.

"(2) The President shall only declare buildings described in paragraph (1)(A) to be excluded, not ancillary or nearby facilities that are not in themselves national security facilities.".

(3) In section 548(b)(1)(A)—

(A) by striking "copy of the"; and

(B) by striking "sections 543(a)(2) and 543(c)(3)" and inserting "section 543(c)".

(e) ACQUISITION REQUIREMENT.—Section 543(b) of such Act is amended—

(1) in paragraph (1), by striking "(1) Not" and inserting "(1) Except as provided in paragraph (5), not"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) Agencies shall select only Energy Star products when available when acquiring energy-using products. For product groups where Energy Star labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficiency motors that meet a standard designated by the Secretary, and shall replace (not rewind) failed motors with motors meeting such standard. The Secretary shall designate such standard within 90 days of the enactment of paragraph, after considering recommendations by the National Electrical Manufacturers Association. The Secretary of Energy shall develop guidelines within 180 days after the enactment of this paragraph for exemptions to this section when equivalent products do not exist, are impractical, or do not meet the agency mission requirements.

"(ii) The Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency), with assistance from the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall create clear catalogue listings that designate Energy Star products in both print and electronic formats. After any existing federal inventories are exhausted. Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency) shall only replace inventories with energy-using products that are Energy Star, products that are rated in the top 25 percent of energy efficiency, or products that are exempted as designated by FEMP and defined in clause (i).

"(iii) Agencies shall incorporate energy-efficient criteria consistent with Energy Star and other FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

"(iv) The legislative branch shall be subject to this subparagraph to the same extent and in the same manner as are the Federal agencies referred to in section 521(1).

"(B) Not later than 6 months after the date of the enactment of this paragraph, the Secretary of Energy shall establish guidelines defining the circumstances under which an agency shall not be required to comply with subparagraph (A). Such circumstances may include the absence of Energy Star products, systems, or designs that serve the purpose of the agency, issues relating to the compatibility of a product, system, or design with existing buildings or equipment, and excessive cost compared to other available and appropriate products, systems, or designs.

"(C) Subparagraph (A) shall apply to agency acquisitions occurring on or after October 1, 2002.".

(f) METERING.—Section 543 of such Act (42 U.S.C. 8254) is amended by adding at the end the following new subsection:

"(f) METERING.—(1) By October 1, 2004, all Federal buildings including buildings owned by the legislative branch and the Federal court system and other energy-using structures shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

"(2) Not later than 6 months after the date of the enactment of this subsection, the Secretary, in consultation with the General Services Administration and representatives from the metering industry, energy services industry, national laboratories, colleges of higher education, and federal facilities energy managers, shall establish guidelines for agencies to carry out paragraph (1). Such guidelines shall take into consideration each of the following:

"(A) Cost.

"(B) Resources, including personnel, required to maintain, interpret, and report on data so that the meters are continually reviewed.

"(C) Energy management potential.

"(D) Energy savings.

"(E) Utility contract aggregation.

"(F) Savings from operations and maintenance.

"(3) A building shall be exempt from the requirement of this section to the extent that compliance is deemed impractical by the Secretary. A finding of impracticability shall be based on the same factors as identified in subsection (c) of this section.".

(g) RETENTION OF ENERGY SAVINGS.—Section 546 of such Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) RETENTION OF ENERGY SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only for energy efficiency or unconventional and renewable energy resources projects.".

(h) REPORTS.—Section 548 of such Act (42 U.S.C. 8258) is amended as follows:

(1) In subsection (a)—

(A) by inserting "in accordance with guidelines established by and" after "to the Secretary,";

(B) by striking "and" at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(D) by adding at the end the following new paragraph:

"(3) an energy emergency response plan developed by the agency.".

(2) In subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) all information transmitted to the Secretary under subsection (a).".

(3) By amending subsection (c) to read as follows:

"(c) AGENCY REPORTS TO CONGRESS.—Each agency shall annually report to the Congress, as part of the agency's annual budget request, on all of the agency's activities implementing any Federal energy management requirement.".

(i) INSPECTOR GENERAL ENERGY AUDITS.—Section 160(c) of the Energy Policy Act of 1992 (42 U.S.C. 8262f(c)) is amended by striking "is encouraged to conduct periodic" and inserting "shall conduct periodic".

(j) FEDERAL ENERGY MANAGEMENT REVIEWS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(g) PRIORITY RESPONSE REVIEWS.—Each agency shall—

"(1) not later than 9 months after the date of the enactment of this subsection, undertake a comprehensive review of all practicable measures for—

"(A) increasing energy and water conservation, and

"(B) using renewable energy sources; and

"(2) not later than 180 days after completing the review, develop plans to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.

The agency shall implement such measures as soon thereafter as is practicable, consistent with compliance with the requirements of this section.".

## SEC. 122. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced, established through a methodology set forth in the contract.

"(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.".

(b) EXPANSION OF DEFINITION OF ENERGY SAVINGS TO INCLUDE WATER AND REPLACEMENT FACILITIES.—

(1) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2)(A) The term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(ii) the increased efficient use of existing energy sources by solar and ground source geothermal resources, cogeneration or heat recovery (including by the use of a Stirling heat engine), excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(iii) the increased efficient use of existing water sources.

"(B) The term 'energy savings' also means, in the case of a replacement building or facility described in section 801(a)(3), a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, that would otherwise be utilized in one or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of the replacement building or facility.".

(2) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

"(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

"(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.".

(3) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.".

(4) CONFORMING AMENDMENT.—Section 801(a)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(C)) is

amended by inserting "or water" after "financing energy".

(c) Extension of Authority.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(d) Contracting and Auditing.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) A Federal agency shall engage in contracting and auditing to implement energy savings performance contracts as necessary and appropriate to ensure compliance with the requirements of this Act, particularly the energy efficiency requirements of section 543.".

### SEC. 123. CLARIFICATION AND ENHANCEMENT OF AUTHORITY TO ENTER UTILITY INCENTIVE PROGRAMS FOR ENERGY SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended as follows:

(1) In paragraph (3) by adding at the end the following: "Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.".

(2) By adding at the end of the following new paragraphs:

"(6) A utility incentive program may include a contract or contract term for a reduction in the energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in one or more federally owned buildings or other federally owned facilities by reason of the construction or operation of one or more replacement buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.

"(7) Federal agencies are encouraged to participate in State or regional demand side reduction programs, including those operated by wholesale market institutions such as independent system operators, regional transmission organizations and other entities. The availability of such programs, and the savings resulting from such participation, should be included in the evaluation of energy options for Federal facilities.".

### SEC. 124. FEDERAL CENTRAL AIR CONDITIONER AND HEAT PUMP EFFICIENCY.

(a) Requirement.—Federal agencies shall be required to acquire central air conditioners and heat pumps that meet or exceed the standards established under subsection (b) or (c) in the case of all central air conditioners and heat pumps acquired after the date of the enactment of this Act.

(b) Standards.—The standards referred to in subsection (a) are the following:

(1) For air-cooled air conditioners with cooling capacities of less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12.0.

(2) For air-source heat pumps with cooling capacities less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12 SEER, and a Heating Seasonal Performance Factor of 7.4.

(c) Modified Standards.—The Secretary of Energy may establish, after appropriate notice and comment, revised standards providing for reduced energy consumption or increased energy efficiency of central air conditioners and heat pumps acquired by the Federal Government, but may not establish standards less rigorous than those established by subsection (b).

(d) Definitions.—For purposes of this section, the terms "Energy Efficiency Ratio", "Seasonal Energy Efficiency Ratio", "Heating Seasonal Performance Factor", and "Coefficient of Performance" have the meanings used for those terms in Appendix M to Subpart B of Part 430 of title 10 of the Code of Federal Regulations, as in effect on May 24, 2001.

(e) Exemptions.—An agency shall be exempt from the requirements of this section with respect to air conditioner or heat pump purchases for particular uses where the agency head determines that purchase of a air conditioner or heat pump for such use would be impractical. A finding of impracticability shall be based on whether—

(1) the energy savings pay-back period for such purchase would be less than 10 years;

(2) space constraints or other technical factors would make compliance with this section cost-prohibitive; or

(3) in the case of the Departments of Defense and Energy, compliance with this section would be inconsistent with the proper discharge of national security functions.

### SEC. 125. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) Establishment.—The Secretary of Energy shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate government and industry building efficiency concepts, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health as well as flexibility and technological change to improve environmental sustainability.

(b) Participants.—The program established under subsection (a) shall be led by a university having demonstrated experience with the application of intelligent workplaces and advanced building systems in improving the quality of built environments. Such university shall also have the ability to combine the expertise from more than 12 academic fields, including electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $18,000,000 for fiscal year 2002, to remain available until expended, of which $6,000,000 shall be provided to the lead university described in subsection (b), and the remainder shall be provided equally to each of the other participants referred to in subsection (b).

### SEC. 126. USE OF INTERVAL DATA IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following new subsection:

"(h) Use of Interval Data in Federal Buildings.—Not later than January 1, 2003, each agency shall utilize, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity consumed in its Federal buildings, interval consumption data that measure on a real time or daily basis consumption of electricity in its Federal buildings. To meet the requirements of this subsection each agency shall prepare and submit at the earliest opportunity pursuant to section 548(a) to the Secretary, a plan describing how the agency intends to meet such requirements, including how it will designate personnel primarily responsible for achieving such requirements, and otherwise implement this subsection.".

### SEC. 127. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

### SEC. 128. CAPITOL COMPLEX.

(a) Energy Infrastructure.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(b) Authorization.—There is authorized to be appropriated to the Architect of the Capitol to carry out this section, not more than $2,000,000 for fiscal years after the enactment of this Act.

## Subtitle C—State Programs

### SEC. 131. AMENDMENTS TO STATE ENERGY PROGRAMS.

(a) State Energy Conservation Plans.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

"(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.".

(b) State Energy Efficiency Goals.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by inserting "Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of the enactment of Energy Advancement and Conservation Act of 2001, shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in the calendar year 2010 as compared to the calendar year 1990, and may contain interim goals." after "contain interim goals.".

(c) Authorization of Appropriations.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$75,000,000 for fiscal year 2002, $100,000,000 for fiscal years 2003 and 2004, $125,000,000 for fiscal year 2005".

### SEC. 132. REAUTHORIZATION OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.

Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended by striking "2003" and inserting "2010".

### SEC. 133. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$273,000,000 for fiscal year 2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005".

### SEC. 134. LIHEAP.

(a) Authorization of Appropriations.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.".

(b) GAO Study.—The Comptroller General of the United States shall conduct a study to determine—

(1) the extent to which Low-Income Home Energy Assistance (LIHEAP) and other government energy subsidies paid to consumers discourage or encourage energy conservation and energy efficiency investments when compared to structures of the same physical description and occupancy in compatible geographic locations;

(2) the extent to which education could increase the conservation of low-income households who opt to receive supplemental income instead of Low-Income Home Energy Assistance funds;

(3) the benefit in energy efficiency and energy savings that can be achieved through the annual maintenance of heating and cooling appliances in the homes of those receiving Low-Income Home Energy Assistance funds; and

(4) the loss of energy conservation that results from structural inadequacies in a structure that is unhealthy, not energy efficient, and environmentally unsound and that receives Low-Income Home Energy Assistance funds for weatherization.

### SEC. 135. HIGH PERFORMANCE PUBLIC BUILDINGS.

(a) Program Establishment and Administration.—

(1) Establishment.—There is established in the Department of Energy the High Performance Public Buildings Program (in this section referred to as the "Program").

(2) In general.—The Secretary of Energy may, through the Program, make grants—

(A) to assist units of local government in the production, through construction or renovation of buildings and facilities they own and operate, of high performance public buildings and facilities that are healthful, productive, energy efficient, and environmentally sound;

(B) to State energy offices to administer the program of assistance to units of local government pursuant to this section; and

(C) to State energy offices to promote participation by units of local government in the Program.

(3) Grants to assist units of local government.—Grants under paragraph (2)(A) for new public buildings shall be used to achieve energy efficiency performance that reduces energy use at least 30 percent below that of a public building constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results. Grants under paragraph (2)(A) for existing public buildings shall be used to achieve energy efficiency performance that reduces energy use below the public building baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline. Grants under paragraph (2)(A) shall be made to units of local government that have—

(A) demonstrated a need for such grants in order to respond appropriately to increasing population or to make major investments in renovation of public buildings; and

(B) made a commitment to use the grant funds to develop high performance public buildings in accordance with a plan developed and approved pursuant to paragraph (5)(A).

(4) Other grants.—

(A) Grants for administration.—Grants under paragraph (2)(B) shall be used to evaluate compliance by units of local government with the requirements of this section, and in addition may be used for—

(i) distributing information and materials to clearly define and promote the development of high performance public buildings for both new and existing facilities;

(ii) organizing and conducting programs for local government personnel, architects, engineers, and others to advance the concepts of high performance public buildings;

(iii) obtaining technical services and assistance in planning and designing high performance public buildings; and

(iv) collecting and monitoring data and information pertaining to the high performance public building projects.

(B) Grants to promote participation.—Grants under paragraph (2)(C) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with public building users, and communities, and coordinating public benefit programs.

(5) Implementation.—

(A) Plans.—A grant under paragraph (2)(A) shall be provided only to a unit of local government that, in consultation with its State office of energy, has developed a plan that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants are made.

(B) Supplementing grant funds.—State energy offices shall encourage qualifying units of local government to supplement their grant funds with funds from other sources in the implementation of their plans.

(b) Allocation of Funds.—

(1) In general.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be provided to State energy offices.

(2) Purposes.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be allocated as follows:

(A) Seventy percent shall be used to make grants under subsection (a)(2)(A).

(B) Fifteen percent shall be used to make grants under subsection (a)(2)(B).

(C) Fifteen percent shall be used to make grants under subsection (a)(2)(C).

(3) Other funds.—The Secretary of Energy may retain not to exceed $300,000 per year from amounts appropriated under subsection (c) to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance public buildings.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out this section such sums as may be necessary for each of the fiscal years 2002 through 2010.

(d) Report to Congress.—The Secretary of Energy shall conduct a biennial review of State actions implementing this section, and the Secretary shall report to Congress on the results of such reviews. In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by the States in establishing eligibility of units of local government for funding under this section, and may assess other aspects of the State program to determine whether they have been effectively implemented.

(e) Definitions.—For purposes of this section:

(1) High performance public building.—The term "high performance public building" means a public building which, in its design, construction, operation, and maintenance, maximizes use of unconventional and renewable energy resources and energy efficiency practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable, materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(2) Renewable energy.—The term "renewable energy" means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

(3) Unconventional and renewable energy resources.—The term "unconventional and renewable energy resources" means renewable energy, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.

## Subtitle D—Energy Efficiency for Consumer Products

### SEC. 141. ENERGY STAR PROGRAM.

(a) Amendment.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324:

**"SEC. 324A. ENERGY STAR PROGRAM.**

"(a) In General.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label; and

"(3) preserve the integrity of the Energy Star label.

For the purposes of carrying out this section, there is authorized to be appropriated for fiscal years 2002 through 2006 such sums as may be necessary, to remain available until expended.

"(b) STUDY OF CERTAIN PRODUCTS AND BUILDINGS.—Within 180 days after the date of the enactment of this section, the Secretary and the Administrator, consistent with the terms of agreements between the two agencies (including existing agreements with respect to which agency shall handle a particular product or building), shall determine whether the Energy Star label should be extended to additional products and buildings, including the following:

"(1) Air cleaners.
"(2) Ceiling fans.
"(3) Light commercial heating and cooling products.
"(4) Reach-in refrigerators and freezers.
"(5) Telephony.
"(6) Vending machines.
"(7) Residential water heaters.
"(8) Refrigerated beverage merchandisers.
"(9) Commercial ice makers.
"(10) School buildings.
"(11) Retail buildings.
"(12) Health care facilities.
"(13) Homes.
"(14) Hotels and other commercial lodging facilities.
"(15) Restaurants and other food service facilities.
"(16) Solar water heaters.
"(17) Building-integrated photovoltaic systems.
"(18) Reflective pigment coatings.
"(19) Windows.
"(20) Boilers.
"(21) Devices to extend the life of motor vehicle oil.

"(c) COOL ROOFING.—In determining whether the Energy Star label should be extended to roofing products, the Secretary and the Administrator shall work with the roofing products industry to determine the appropriate solar reflective index of roofing products.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

"Sec. 324A. Energy Star program.".

### SEC. 141A. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324A:

### "SEC. 324B. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

"(a) PROGRAM.—There is established at the Environmental Protection Agency and the Department of Energy a government-industry partnership program to identify and promote the purchase of renewable and alternative energy products, to recognize companies that purchase renewable and alternative energy products for the environmental and energy security benefits of such purchases, and to educate consumers about the environmental and energy security benefits of renewable and alternative energy. Responsibilities under the program shall be divided between the Environmental Protection Agency and the Department of Energy consistent with the terms of agreements between the two agencies. The Administrator of the Environmental Protection Agency and the Secretary of Energy—

"(1) establish an Energy Sun label for renewable and alternative energy products and technologies that the Administrator or the Secretary (consistent with the terms of agreements between the two agencies regarding responsibility for specific product categories) determine to have substantial environmental and energy security benefits and commercial marketability.

"(2) establish an Energy Sun Company program to recognize private companies that draw a substantial portion of their energy from renewable and alternative sources that provide substantial environmental and energy security benefits, as determined by the Administrator or the Secretary.

"(3) promote Energy Sun compliant products and technologies as the preferred products and technologies in the marketplace for reducing pollution and achieving energy security; and

"(4) work to enhance public awareness and preserve the integrity of the Energy Sun label.

For the purposes of carrying out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2002 through 2006.

"(b) STUDY OF CERTAIN PRODUCTS, TECHNOLOGIES, AND BUILDINGS.—Within 18 months after the enactment of this section, the Administrator and the Secretary, consistent with the terms of agreements between the two agencies, shall conduct a study to determine whether the Energy Sun label should be authorized for products, technologies, and buildings in the following categories:

"(1) Passive solar, solar thermal, concentrating solar energy, solar water heating, and related solar products and building technologies.
"(2) Solar photovoltaics and other solar electric power generation technologies.
"(3) Wind.
"(4) Geothermal.
"(5) Biomass.
"(6) Distributed energy (including, but not limited to, microturbines, combined heat and power, fuel cells, and stirling heat engines).
"(7) Green power or other renewables and alternative based electric power products (including green tag credit programs) sold to retail consumers of electricity.
"(8) Homes.
"(9) School buildings.
"(10) Retail buildings.
"(11) Health care facilities.
"(12) Hotels and other commercial lodging facilities.
"(13) Restaurants and other food service facilities.
"(14) Rest area facilities along interstate highways.
"(15) Sports stadia, arenas, and concert facilities.
"(16) Any other product, technology or building category, the accelerated recognition of which the Administrator or the Secretary determines to be necessary or appropriate for the achievement of the purposes of this section.

Nothing in this subsection shall be construed to limit the discretion of the Administrator or the Secretary under subsection (a)(1) to include in the Energy Sun program additional products, technologies, and buildings not listed in this subsection. Participation by private-sector entities in programs or studies authorized by this section shall be (A) voluntary, and (B) by permission of the Administrator or Secretary, on terms and conditions the Administrator or the Secretary (consistent with agreements between the agencies) deems necessary or appropriate to carry out the purposes and requirements of this section.

"(c) DEFINITION.—For the purposes of this section, the term 'renewable and alternative energy' shall have the same meaning as the term 'unconventional and renewable energy resources' in Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324A the following new item:

"Sec. 324B. Energy Sun renewable and alternative energy program.".

### SEC. 142. LABELING OF ENERGY EFFICIENT APPLIANCES.

(a) STUDY.—Section 324(e) of the Energy Policy and Conservation Act (42 U.S.C. 6294(e)) is amended as follows:

(1) By inserting "(1)" before "The Secretary, in consultation".

(2) By redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(3) By adding the following new paragraph at the end:

"(2) The Secretary shall make recommendations to the Commission within 180 days of the date of the enactment of this paragraph regarding labeling of consumer products that are not covered products in accordance with this section, where such labeling is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.".

(b) NONCOVERED PRODUCTS.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

"(F) Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to prescribe labeling rules under this section applicable to consumer products that are not covered products if it determines that labeling of such products is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.

"(G) Not later than 3 months after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the label that would improve the effectiveness of the label. Such rule making shall be completed within 15 months of the date of the enactment of this subparagraph.".

### SEC. 143. APPLIANCE STANDARDS.

(a) STANDARDS FOR HOUSEHOLD APPLIANCES IN STANDBY MODE.—(1) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY HOUSEHOLD APPLIANCES.—(1) In this subsection:

"(A) The term 'household appliance' means any device that uses household electric current, operates in a standby mode, and is identified by the Secretary as a major consumer of electricity in standby mode, except digital televisions, digital set top boxes, digital video recorders, any product recognized under the Energy Star program, any product that was on the date of the enactment of this Act subject to an energy conservation standard under this section, and any product regarding which the Secretary finds that the expected additional cost to the consumer of purchasing such product as a result of complying with a standard established under this section is not economically justified within the meaning of subsection (o).

"(B) The term 'standby mode' means a mode in which a household appliance consumes the least amount of electric energy that the household appliance is capable of consuming without being completely switched off (provided that, the amount of electric energy consumed in such mode is substantially less than the amount the household appliance would consume in its normal operational mode).

"(C) The term 'major consumer of electricity in standby mode' means a product for which a standard prescribed under this section would result in substantial energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under subsections (o) and (p) of this section for products that were, at the time of the enactment of this subsection, covered products under this section.

"(2)(A) Except as provided in subparagraph (B), a household appliance that is manufactured in, or imported for sale in, the United States on or after the date that is 2 years after the date of the enactment of this subsection shall not consume in standby mode more than 1 watt.

"(B) In the case of analog televisions, the Secretary shall prescribe, on or after the date that is 2 years after the date of the enactment of this subsection, in accordance with subsections (o) and (p) of section 325, an energy conservation standard that is technologically feasible and economically justified under section 325(o)(2)(A) (in lieu of the 1 watt standard under subparagraph (A)).

"(3)(A) A manufacturer or importer of a household appliance may submit to the Secretary an application for an exemption of the household appliance from the standard under paragraph (2).

"(B) The Secretary shall grant an exemption for a household appliance for which an application is made under subparagraph (A) if the applicant provides evidence showing that, and the Secretary determines that—

"(i) it is not technically feasible to modify the household appliance to enable the household appliance to meet the standard;

"(ii) the standard is incompatible with an energy efficiency standard applicable to the household appliance under another subsection; or

"(iii) the cost of electricity that a typical consumer would save in operating the household appliance meeting the standard would not equal the increase in the price of the household appliance that would be attributable to the modifications that would be necessary to enable the household appliance to meet the standard by the earlier of—

"(I) the date that is 7 years after the date of purchase of the household appliance; or

"(II) the end of the useful life of the household appliance.

"(C) If the Secretary determines that it is not technically feasible to modify a household appliance to meet the standard under paragraph (2), the Secretary shall establish a different standard for the household appliance in accordance with the criteria under subsection (l).

"(4)(A) Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish a test procedure for determining the amount of consumption of power by a household appliance operating in standby mode.

"(B) In establishing the test procedure, the Secretary shall consider—

"(i) international test procedures under development;

"(ii) test procedures used in connection with the Energy Star program; and

"(iii) test procedures used for measuring power consumption in standby mode in other countries.

"(5) FURTHER REDUCTION OF STANDBY POWER CONSUMPTION.—The Secretary shall provide technical assistance to manufacturers in achieving further reductions in standby mode electric energy consumption by household appliances.

"(v) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY DIGITAL TELEVISIONS, DIGITAL SET TOP BOXES, AND DIGITAL VIDEO RECORDERS.—The Secretary shall initiate on January 1, 2007 a rulemaking to prescribe, in accordance with subsections (o) and (p), an energy conservation standard of standby mode electric energy consumption by digital television sets, digital set top boxes, and digital video recorders. The Secretary shall issue a final rule prescribing such standards not later than 18 months thereafter. In determining whether a standard under this section is technologically feasible and economically justified under section 325(o)(2)(A), the Secretary shall consider the potential effects on market penetration by digital products covered under this section, and shall consider any recommendations by the FCC regarding such effects.".

(2) Section 325(o)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)(1)) is amended by inserting at the end of the paragraph the following: "Notwithstanding any provision of this part, the Secretary shall not amend a standard established under subsection (u) or (v) of this section.".

(b) STANDARDS FOR NONCOVERED PRODUCTS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended as follows:

(1) Inserting "(1)" before "After".

(2) Inserting the following at the end:

"(2) Not later than 1 year after the date of the enactment of the Energy Advancement and Conservation Act of 2001, the Secretary shall conduct a rulemaking to determine whether consumer products not classified as a covered product under section 322(a)(1) through (18) meet the criteria of section 322(b)(1) and is a major consumer of electricity. If the Secretary finds that a consumer product not classified as a covered product meets the criteria of section 322(b)(1), he shall prescribe, in accordance with subsections (o) and (p), an energy conservation standard for such consumer product, if such standard is reasonably probable to be technologically feasible and economically justified within the meaning of subsection (o)(2)(A). As used in this paragraph, the term 'major consumer of electricity' means a product for which a standard prescribed under this section would result in substantial aggregate energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under paragraphs (o) and (p) of this section for products that were, at the time of the enactment of this paragraph, covered products under this section.".

(c) CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING AND VENTILATION MAINTENANCE.—Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding the following new subsection after subsection (b):

"(c) HVAC MAINTENANCE.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of the enactment of this subsection, develop and implement a public education campaign to educate homeowners and small business owners concerning the energy savings resulting from regularly scheduled maintenance of air conditioning, heating, and ventilating systems. In developing and implementing this campaign, the Secretary shall consider support by the Department of public education programs sponsored by trade and professional and energy efficiency organizations. The public service information shall provide sufficient information to allow consumers to make informed choices from among professional, licensed (where State or local licensing is required) contractors. There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal years 2002 and 2003 in addition to amounts otherwise appropriated in this part.".

(d) EFFICIENCY STANDARDS FOR FURNACE FANS, CEILING FANS, AND COLD DRINK VENDING MACHINES.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding the following at the end thereof:

"(32) The term 'residential furnace fan' means an electric fan installed as part of a furnace for purposes of circulating air through the system air filters, the heat exchangers or heating elements of the furnace, and the duct work.

"(33) The terms 'residential central air conditioner fan' and 'heat pump circulation fan' mean an electric fan installed as part of a central air conditioner or heat pump for purposes of circulating air through the system air filters, the heat exchangers of the air conditioner or heat pump, and the duct work.

"(34) The term 'suspended ceiling fan' means a fan intended to be mounted to a ceiling outlet box, ceiling building structure, or to a vertical rod suspended from the ceiling, and which as blades which rotate below the ceiling and consists of an electric motor, fan blades (which rotate in a direction parallel to the floor), an optional lighting kit, and one or more electrical controls (integral or remote) governing fan speed and lighting operation.

"(35) The term 'refrigerated bottled or canned beverage vending machine' means a machine that cools bottled or canned beverages and dispenses them upon payment.".

(2) TESTING REQUIREMENTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding the following at the end thereof:

"(f) ADDITIONAL CONSUMER PRODUCTS.—The Secretary shall within 18 months after the date of the enactment of this subsection prescribe testing requirements for residential furnace fans, residential central air conditioner fans, heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of residential furnace fans, residential central air conditioner fans, heat pump circulation fans, and suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.".

(3) STANDARDS FOR ADDITIONAL CONSUMER PRODUCTS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding the following at the end thereof:

"(w) RESIDENTIAL FURNACE FANS, CENTRAL AIR AND HEAT PUMP CIRCULATION FANS, SUSPENDED CEILING FANS, AND VENDING MACHINES.—(1) The Secretary shall, within 18 months after the date of the enactment of this subsection, assess the current and projected future market for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. This assessment shall include an examination of the types of products sold, the number of products in use, annual sales of these products, energy used by these products sold, the number of products in use, annual sales of these products, energy used by these products, estimates of the potential energy savings from specific technical improvements to these products, and an examination of the cost-effectiveness of these improvements. Prior to the end of this time period, the Secretary shall hold an initial scoping workshop to discuss and receive input to plans for developing minimum efficiency standards for these products.

"(2) The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. In establishing these standards, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this section shall apply to products manufactured 36 months after the date such rule is published.".

(4) LABELING.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended by adding the following at the end thereof:

"(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in section 325(w), prescribe, by rule, labeling requirements for such products. These requirements shall take effect on the same date as the standards prescribed pursuant to section 325(w).".

(5) COVERED PRODUCTS.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended by redesignating paragraph (19) as paragraph (20) and by inserting after paragraph (18) the following:

"(19) Beginning on the effective date for standards established pursuant to subsection (v) of section 325, each product referred to in such subsection (v).".

### Subtitle E—Energy Efficient Vehicles

#### SEC. 151. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicle is a hybrid vehicle or is fueled by an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term "hybrid vehicle" means a motor vehicle—

(1) which draws propulsion energy from onboard sources of stored energy which are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

#### SEC. 152. RAILROAD EFFICIENCY.

(a) LOCOMOTIVE TECHNOLOGY DEMONSTRATION.—The Secretary of Energy shall establish a public-private research partnership with railroad carriers, locomotive manufacturers, and a world-class research and test center dedicated to the advancement of railroad technology, efficiency, and safety that is owned by the Federal Railroad Administration and operated in the private sector, for the development and demonstration of locomotive technologies that increase fuel economy and reduce emissions.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $25,000,000 for fiscal year 2002, $30,000,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 for carrying out this section.

#### SEC. 153. BIODIESEL FUEL USE CREDITS.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking "NOT" in the subsection heading; and

(2) by striking "not".

#### SEC. 154. MOBILE TO STATIONARY SOURCE TRADING.

Within 90 days after the enactment of this section, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's policies regarding the use of mobile to stationary source trading of emission credits under the Clean Air Act to determine whether such trading can provide both nonattainment and attainment areas with additional flexibility in achieving and maintaining healthy air quality and increasing use of alternative fuel and advanced technology vehicles, thereby reducing United States dependence on foreign oil.

### Subtitle F—Other Provisions

#### SEC. 161. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after the date of the enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in the manner specified in this section no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

#### SEC. 162. ADVANCED IDLE ELIMINATION SYSTEMS.

(a) DEFINITIONS.—

(1) ADVANCED IDLE ELIMINATION SYSTEM.—The term "advanced idle elimination system" means a device or system of devices that is installed at a truck stop or other location (for example, a loading, unloading, or transfer facility) where vehicles (such as trucks, trains, buses, boats, automobiles, and recreational vehicles) are parked and that is designed to provide to the vehicle the services (such as heat, air conditioning, and electricity) that would otherwise require the operation of the auxiliary or drive train engine or both while the vehicle is stationary and parked.

(2) EXTENDED IDLING.—The term "extended idling" means the idling of a motor vehicle for a period greater than 60 minutes.

(b) RECOGNITION OF BENEFITS OF ADVANCED IDLE ELIMINATION SYSTEMS.—Within 90 days after the date of the enactment of this subsection, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's mobile source air emissions models used under the Clean Air Act to determine whether such models accurately reflect the emissions resulting from extended idling of heavy-duty trucks and other vehicles and engines, and shall update those models as the Administrator deems appropriate. Additionally, within 90-days after the date of the enactment of this subsection, the Administrator shall commence a review as to the appropriate emissions reductions credit that should be allotted under the Clean Air Act for the use of advanced idle elimination systems, and whether such credits should be subject to an emissions trading system, and shall revise Agency regulations and guidance as the Administrator deems appropriate.

#### SEC. 163. STUDY OF BENEFITS AND FEASIBILITY OF OIL BYPASS FILTRATION TECHNOLOGY.

(a) STUDY.—The Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly conduct a study of oil bypass filtration technology in motor vehicle engines. The study shall analyze and quantify the potential benefits of such technology in terms of reduced demand for oil and the potential environmental benefits of the technology in terms of reduced waste and air pollution. The Secretary and the Administrator shall also examine the feasibility of using such technology in the Federal motor vehicle fleet.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly submit a report containing the results of the study conducted under subsection (a) to the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

#### SEC. 164. GAS FLARE STUDY.

(a) STUDY.—The Secretary of Energy shall conduct a study of the economic feasibility of installing small cogeneration facilities utilizing excess gas flares at petrochemical facilities to provide reduced electricity costs to customers living within 3 miles of the petrochemical facilities. The Secretary shall solicit public comment to assist in preparing the report required under subsection (b).

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Energy shall transmit a report to the Congress on the results of the study conducted under subsection (a).

### SEC. 165. TELECOMMUTING STUDY.

(a) Study Required.—The Secretary, in consultation with Commission, and the NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting in the United States.

(b) Required Subjects of Study.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) Report Required.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) Definitions.—As used in this section:

(1) Secretary.—The term "Secretary" means the Secretary of Energy.

(2) Commission.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) Telecommuting.—The term "telecommuting" means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

## TITLE II—AUTOMOBILE FUEL ECONOMY

### SEC. 201. AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" after "Nonpassenger Automobiles.—"; and

(2) by adding at the end the following:

"(2) The Secretary shall prescribe under paragraph (1) average fuel economy standards for automobiles (except passenger automobiles) manufactured in model years 2004 through 2010 that are calculated to ensure that the aggregate amount of gasoline projected to be used in those model years by automobiles to which the standards apply is at least 5 billion gallons less than the aggregate amount of gasoline that would be used in those model years by such automobiles if they achieved only the fuel economy required under the average fuel economy standard that applies under this subsection to automobiles (except passenger automobiles) manufactured in model year 2002.".

### SEC. 202. CONSIDERATION OF PRESCRIBING DIFFERENT AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

(a) In General.—The Secretary of Transportation shall, in prescribing average fuel economy standards under section 32902(a) of title 49, United States Code, for automobiles (except passenger automobiles) manufactured in model year 2004, consider the potential benefits of—

(1) establishing a weight-based system for automobiles, that is based on the inertia weight, curb weight, gross vehicle weight rating, or another appropriate measure of such automobiles; and

(2) prescribing different fuel economy standards for automobiles that are subject to the weight-based system.

(b) Specific Considerations.—In implementing this section the Secretary—

(1) shall consider any recommendations made in the National Academy of Sciences study completed pursuant to the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-346; 114 Stat. 2763 et seq.); and

(2) shall evaluate the merits of any weight-based system in terms of motor vehicle safety, energy conservation, and competitiveness of and employment in the United States automotive sector, and if a weight-based system is established by the Secretary a manufacturer may trade credits between or among the automobiles (except passenger automobiles) manufactured by the manufacturer.

### SEC. 203. DUAL FUELED AUTOMOBILES.

(a) Purposes.—The purposes of this section are—

(1) to extend the manufacturing incentives for dual fueled automobiles, as set forth in subsections (b) and (d) of section 32905 of title 49, United States Code, through the 2008 model year; and

(2) to similarly extend the limitation on the maximum average fuel economy increase for such automobiles, as set forth in subsection (a)(1) of section 32906 of title 49, United States Code.

(b) Amendments.—

(1) Manufacturing incentives.—Section 32905 of title 49, United States Code, is amended as follows:

(A) Subsections (b) and (d) are each amended by striking "model years 1993-2004" and inserting "model years 1993-2008".

(B) Subsection (f) is amended by striking "Not later than December 31, 2001, the Secretary" and inserting "Not later than December 31, 2005, the Secretary".

(C) Subsection (f)(1) is amended by striking "model year 2004" and inserting "model year 2008".

(D) Subsection (g) is amended by striking "Not later than September 30, 2000" and inserting "Not later than September 30, 2004".

(2) Maximum fuel economy increase.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended as follows:

(A) Subparagraph (A) is amended by striking "the model years 1993-2004" and inserting "model years 1993-2008".

(B) Subparagraph (B) is amended by striking "the model years 2005-2008" and inserting "model years 2009-2012".

### SEC. 204. FUEL ECONOMY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

**"§ 32917. Standards for executive agency automobiles**

"(a) Baseline Average Fuel Economy.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

"(b) Increase of Average Fuel Economy.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

"(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

"(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

"(c) Calculation of Average Fuel Economy.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

"(d) Definitions.—In this section:

"(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

"(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

"(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.".

### SEC. 205. HYBRID VEHICLES AND ALTERNATIVE VEHICLES.

(a) In General.—Section 303(b)(1) of the Energy Policy Act of 1992 is amended by adding the following at the end: "Of the total number of vehicles acquired by a Federal fleet in fiscal years 2004 and 2005, at least 5 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles and in fiscal year 2006 and thereafter at least 10 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles.".

(b) Definition.—Section 301 of such Act is amended by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and" and by adding at the end the following:

"(15) The term 'hybrid vehicle' means a motor vehicle which draws propulsion energy from onboard sources of stored energy which are both—

"(A) an internal combustion or heat engine using combustible fuel; and

"(B) a rechargeable energy storage system.".

### SEC. 206. FEDERAL FLEET PETROLEUM-BASED NONALTERNATIVE FUELS.

(a) In General.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13212 et seq.) is amended as follows:

(1) By adding at the end thereof the following:

### "SEC. 313. CONSERVATION OF PETROLEUM-BASED FUELS BY THE FEDERAL GOVERNMENT FOR LIGHT-DUTY MOTOR VEHICLES.

"(a) Purposes.—The purposes of this section are to complement and supplement the requirements of section 303 of this Act that Federal fleets, as that term is defined in section 303(b)(3), acquire in the aggregate a minimum percentage of alternative fuel vehicles, to encourage the manufacture and sale or lease of such vehicles nationwide, and to achieve, in the aggregate, a reduction in the amount of the petroleum-based fuels (other than the alternative fuels defined in this title) used by new light-duty motor vehicles acquired by the Federal Government in model years 2004 through 2010 and thereafter.

"(b) Implementation.—In furtherance of such purposes, such Federal fleets in the aggregate shall reduce the purchase of petroleum-based nonalternative fuels for such fleets beginning October 1, 2003, through September 30, 2009, from the amount purchased for such fleets over a comparable period since enactment of this Act, as determined by the Secretary, through the annual purchase, in accordance with section 304, and the use of alternative fuels for the light-duty motor vehicles of such Federal fleets, so as to achieve levels which reflect total reliance by such fleets on the consumptive use of alternative fuels consistent with the provisions of section 303(b) of this Act. The Secretary shall, within 120 days after the enactment of this section, promulgate, in consultation with the Administrator of the General Services Administration and the Director of the Office of Management and Budget and such other heads of entities referenced in section 303 within the executive branch as such Director may designate, standards for the full and prompt implementation of this section by such entities. The Secretary shall monitor compliance with this section and such standards by all such fleets and shall report annually to the Congress, based on reports by the heads of such fleets, on the extent to which the requirements of this section and such standards are being achieved. The report shall include information on annual reductions achieved of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels and in requiring their use.".

(2) By amending section 304(b) of such Act to read as follows:

"(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary or, as appropriate, the head of each Federal fleet subject to the provisions of this section and section 313 of this Act, such sums as may be necessary to achieve the purposes of section 313(a) and the provisions of this section. Such sums shall remain available until expended.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

"Sec. 313. Conservation of petroleum-based fuels by the Federal Government for light-duty motor vehicles.".

### SEC. 207. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study the feasibility and effects of reducing by model year 2010, by a significant percentage, the use of fuel for automobiles.

(b) Subjects of Study.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) Report.—The Secretary shall require the National Academy of Sciences to submit to the Secretary and the Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

## TITLE III—NUCLEAR ENERGY

### SEC. 301. LICENSE PERIOD.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. License Period.—

"(1) In general.—Each such"; and

(2) by adding at the end the following:

"(2) Combined licenses.—In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185 b. are met.".

### SEC. 302. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking "for or is issued" and all that follows through "1702" and inserting "to the Commission for, or is issued by the Commission, a license or certificate";

(2) by striking "483a" and inserting "9701"; and

(3) by striking ", of applicants for, or holders of, such licenses or certificates".

### SEC. 303. DEPLETED URANIUM HEXAFLUORIDE.

Section 1(b) of Public Law 105–204 is amended by striking "fiscal year 2002" and inserting "fiscal year 2005".

### SEC. 304. NUCLEAR REGULATORY COMMISSION MEETINGS.

If a quorum of the Nuclear Regulatory Commission gathers to discuss official Commission business the discussions shall be recorded, and the Commission shall notify the public of such discussions within 15 days after they occur. The Commission shall promptly make a transcript of the recording available to the public on request, except to the extent that public disclosure is exempted or prohibited by law. This section shall not apply to a meeting, within the meaning of that term under section 552b(a)(2) of title 5, United States Code.

### SEC. 305. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) Domestic Uranium Producer.—For purposes of this section, the term "domestic uranium producer" has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

### SEC. 306. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

There are authorized to be appropriated to the Secretary $800,000 for contracting with the Nation's sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of United States uranium conversion operations.

### SEC. 307. PADUCAH DECONTAMINATION AND DECOMMISSIONING PLAN.

The Secretary of Energy shall prepare and submit a plan to Congress within 180 days after the date of the enactment of this Act that establishes scope, cost, schedule, sequence of activities, and contracting strategy for—

(1) the decontamination and decommissioning of the Department of Energy's surplus buildings and facilities at the Paducah Gaseous Diffusion Plant that have no future anticipated reuse; and

(2) the remediation of Department of Energy Material Storage Areas at the Paducah Gaseous Diffusion Plant.

Such plan shall inventory all surplus facilities and buildings, and identify and rank health and safety risks associated with such facilities and buildings. Such plan shall inventory all Department of Energy Material Storage Areas, and identify and rank health and safety risks associated with such Department of Energy Material Storage Areas. The Department of Energy shall incorporate these risk factors in designing the sequence and schedule for the plan. Such plan shall identify funding requirements that are in addition to the expected outlays included in the Department of Energy's Environmental Management Plan for the Paducah Gaseous Diffusion Plan.

### SEC. 308. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) In General.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

### SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-10) is amended by adding at the end the following new subsection:

"(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C.2297h-10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy's HEU or Tritium programs, or the Department or Energy research reactor sales program, or any depleted uranium hexaflouride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexaflouride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds $U_3O_8$ per calendar year.".

## TITLE IV—HYDROELECTRIC ENERGY

### SEC. 401. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

"(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

"(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

"(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting "(a)" before the first sentence; and

(2) adding at the end the following:

"(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

"(A) will be no less effective than the fishway initially prescribed by the Secretary, and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

"(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

### SEC. 402. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

## TITLE V—FUELS

### SEC. 501. TANK DRAINING DURING TRANSITION TO SUMMERTIME RFG.

Not later than 60 days after the enactment of the Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to the regulations set forth in 40 CFR Section 80.78 and any associated regulations regarding the transition to high ozone season reformulated gasoline are necessary to ensure that the transition to high ozone season reformulated gasoline is conducted in a manner that minimizes disruptions to the general availability and affordability of gasoline, and maximizes flexibility with regard to the draining and inventory management of gasoline storage tanks located at refineries, terminals, wholesale and retail outlets, consistent with the goals of the Clean Air Act. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

### SEC. 502. GASOLINE BLENDSTOCK REQUIREMENTS.

Not later than 60 days after the enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to product transfer documentation, accounting, compliance calculation, and other requirements contained in the regulations of the Administrator set forth in section 80.102 of title 40 of the Code of Federal Regulations relating to gasoline blendstocks are necessary to facilitate the movement of gasoline and gasoline feedstocks among different regions throughout the country and to improve the ability of petroleum refiners and importers to respond to regional gasoline shortages and prevent unreasonable short-term price increases. The Administrator shall take into consideration the extent to which such requirements have been, or will be, rendered unnecessary or inefficient by reason of subsequent environmental safeguards that were not in effect at the time the regulations in section 80.102 of title 40 of the Code of Federal Regulations were promulgated. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

### SEC. 503. BOUTIQUE FUELS.

(a) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of all Federal, State, and local requirements regarding motor vehicle fuels, including requirements relating to reformulated gasoline, volatility (Reid Vapor Pressure), oxygenated fuel, diesel fuel and other requirements that vary from State to State, region to region, or locality to locality. The study shall analyze—

(1) the effect of the variety of such requirements on the price of motor vehicle fuels to the consumer;

(2) the availability and affordability of motor vehicle fuels in different States and localities;

(3) the effect of Federal, State, and local regulations, including multiple fuel requirements, on domestic refineries and the fuel distribution system;

(4) the effect of such requirements on local, regional, and national air quality requirements and goals;

(5) the effect of such requirements on vehicle emissions;

(6) the feasibility of developing national or regional fuel specifications for the contiguous United States that would—

(A) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(B) reduce price volatility and costs to consumers and producers;

(C) meet local, regional, and national air quality requirements and goals; and

(D) provide increased gasoline market liquidity;

(7) the extent to which the Environmental Protection Agency's Tier II requirements for conventional gasoline may achieve in future years the same or similar air quality results as State reformulated gasoline programs and State programs regarding gasoline volatility (RVP); and

(8) the feasibility of providing incentives to promote cleaner burning fuel.

(b) Report.—By December 31, 2001, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit a report to the Congress containing the results of the study conducted under subsection (a). Such report shall contain recommendations for legislative and administrative actions that may be taken to simplify the national distribution system for motor vehicle fuel, make such system more cost-effective, and reduce the costs and increase the availability of motor vehicle fuel to the end user while meeting the requirements of the Clean Air Act. Such recommendations shall take into account the need to provide lead time for refinery and fuel distribution system modifications necessary to assure adequate fuel supply for all States.

### SEC. 504. FUNDING FOR MTBE CONTAMINATION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Leaking Underground Storage Trust Fund not more than $200,000,000 to be used for taking such action, limited to assessment, corrective action, inspection of underground storage tank systems, and groundwater monitoring in connection with MTBE contamination, as the Administrator deems necessary to protect human health and the environment from releases of methyl tertiary butyl ether (MTBE) from underground storage tanks.

## TITLE VI—RENEWABLE ENERGY

### SEC. 601. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) Resource Assessment.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Secretary of Energy shall publish an assessment by the National Laboratories of all renewable energy resources available within the United States.

(b) Contents of Report.—The report published under subsection (a) shall contain each of the following:

(1) A detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources.

(2) Such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

### SEC. 602. RENEWABLE ENERGY PRODUCTION INCENTIVE.

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended as follows:

(1) In subsection (a) by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting ". The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.".

(2) In subsection (b)—

(A) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting "an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(B) By inserting "landfill gas," after "wind, biomass,".

(3) In subsection (c) by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "before October 1, 2013".

(4) In subsection (d) by inserting "or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility" after "eligible for such payments".

(5) In subsection (e)(1) by inserting "landfill gas," after "wind, biomass,".

(6) In subsection (f) by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(7) In subsection (g)—

(A) by striking "1993, 1994, and 1995" and inserting "2003 through 2023"; and

(B) by inserting "Funds may be appropriated pursuant to this subsection to remain available until expended." after "purposes of this section.".

### SEC. 603. STUDY OF ETHANOL FROM SOLID WASTE LOAN GUARANTEE PROGRAM.

The Secretary of Energy shall conduct a study of the feasibility of providing guarantees for loans by private banking and investment institutions for facilities for the processing and conversion of municipal solid waste and sewage sludge into fuel ethanol and other commercial byproducts, and not later than 90 days after the date of the enactment of this Act shall transmit to the Congress a report on the results of the study.

### SEC. 604. STUDY OF RENEWABLE FUEL CONTENT.

(a) Study.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of the feasibility of developing a requirement that motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2002 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of renewable fuel, measured in gasoline-equivalent gallons. As part of this study, the Administrator and Secretary shall evaluate the use of a banking and trading credit system and the feasibility and desirability of requiring an increasing percentage of renewable fuel to be phased in over a 15-year period.

(b) Report to Congress.—Not later than 6 months after the date of the enactment of this Act, the Administrator and the Secretary shall transmit to the Congress a report on the results of the study conducted under this section.

## TITLE VII—PIPELINES

### SEC. 701. PROHIBITION ON CERTAIN PIPELINE ROUTE.

No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

### SEC. 702. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following new subsection:

"(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

"(1) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section, or

"(2) the owner of the facility has given written consent to such eligibility.

Any transportation facility deemed eligible for inclusion on the National Register of Historic Places prior to the date of the enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.".

## TITLE VIII—MISCELLANEOUS PROVISIONS

### SEC. 801. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) Grant Authority.—The Secretary of Energy is authorized to make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced; and

(3) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) Qualified Institution.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher learning with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $275,000 for fiscal year 2002, to remain available until expended.

### SEC. 802. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) Report.—The Secretary of Energy, in consultation with the heads of other relevant Federal agencies, shall include in each report under section 801(c) of the Department of Energy Organization Act a section which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) Alternatives.—The information required under this section to be included in the reports under section 801(c) of the Department of Energy Organization Act shall include a specification of what legislative or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a cost/benefit analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the information required under this section. The information shall indicate, in detail, options and alternatives to—

(1) increase the use of renewable domestic energy sources, including conventional and nonconventional sources;

(2) conserve energy resources, including improving efficiencies and decreasing consumption; and

(3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

### SEC. 803. STUDY OF AIRCRAFT EMISSIONS.

The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly commence a study within 60 days after the enactment of this Act to investigate the impact of aircraft emissions on air quality in areas that are considered to be in nonattainment for the national ambient air quality standard for ozone. As part of this study, the Secretary and the Administrator shall focus on the impact of emissions by aircraft idling at airports and on the contribution of such emissions as a percentage of total emissions in the nonattainment area. Within 180 days of the commencement of the study, the Secretary and the Administrator shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the United States House of Representatives and to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the United States Senate containing the results of the study and recommendations with respect to a plan to maintain comprehensive data on aircraft emissions and methods by which such emissions may be reduced, without increasing individual aircraft noise, in order to assist in the attainment of the national ambient air quality standards.

## DIVISION B

### SEC. 2001. SHORT TITLE.

This division may be cited as the "Comprehensive Energy Research and Technology Act of 2001".

### SEC. 2002. FINDINGS.

The Congress finds that—

(1) the Nation's prosperity and way of life are sustained by energy use;

(2) the growing imbalance between domestic energy production and consumption means that the Nation is becoming increasingly reliant on imported energy, which has the potential to undermine the Nation's economy, standard of living, and national security;

(3) energy conservation and energy efficiency help maximize the use of available energy resources, reduce energy shortages, lower the Nation's reliance on energy imports, mitigate the impacts of high energy prices, and help protect the environment and public health;

(4) development of a balanced portfolio of domestic energy supplies will ensure that future generations of Americans will have access to the energy they need;

(5) energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will help diversify the Nation's energy portfolio with few adverse environmental impacts and are vital to delivering clean energy to fuel the Nation's economic growth;

(6) development of reliable, affordable, and environmentally sound energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will require maintenance of a vibrant fundamental scientific knowledge base and continued scientific and technological innovations that can be accelerated by Federal funding, whereas commercial deployment of such systems and technologies are the responsibility of the private sector;

(7) Federal funding should focus on those programs, projects, and activities that are long-term, high-risk, noncommercial, and well-managed, and that provide the potential for scientific and technological advances; and

(8) public-private partnerships should be encouraged to leverage scarce taxpayer dollars.

### SEC. 2003. PURPOSES.

The purposes of this division are to—

(1) protect and strengthen the Nation's economy, standard of living, and national security by reducing dependence on imported energy;

(2) meet future needs for energy services at the lowest total cost to the Nation, including environmental costs, giving balanced and comprehensive consideration to technologies that improve the efficiency of energy end uses and that enhance energy supply;

(3) reduce the air, water, and other environmental impacts (including emissions of greenhouse gases) of energy production, distribution, transportation, and use through the development of environmentally sustainable energy systems;

(4) consider the comparative environmental impacts of the energy saved or produced by specific programs, projects, or activities;

(5) maintain the technological competitiveness of the United States and stimulate economic growth through the development of advanced energy systems and technologies;

(6) foster international cooperation by developing international markets for domestically produced sustainable energy technologies, and by transferring environmentally sound, advanced energy systems and technologies to developing countries to promote sustainable development;

(7) provide sufficient funding of programs, projects, and activities that are performance-based and modeled as public-private partnerships, as appropriate; and

(8) enhance the contribution of a given program, project, or activity to fundamental scientific knowledge.

### SEC. 2004. GOALS.

(a) IN GENERAL.—Subject to subsection (b), in order to achieve the purposes of this division under section 2003, the Secretary should conduct a balanced energy research, development, demonstration, and commercial application portfolio of programs guided by the following goals to meet the purposes of this division under section 2003.

(1) ENERGY CONSERVATION AND ENERGY EFFICIENCY.—

(A) For the Building Technology, State and Community Sector, the program should develop technologies, housing components, designs, and production methods that will, by 2010—

(i) reduce the monthly energy cost of new housing by 20 percent, compared to the cost as of the date of the enactment of this Act;

(ii) cut the environmental impact and energy use of new housing by 50 percent, compared to the impact and use as of the date of the enactment of this Act; and

(iii) improve durability and reduce maintenance costs by 50 percent compared to the durability and costs as of the date of the enactment of this Act.

(B) For the Industry Sector, the program should, in cooperation with the affected industries, improve the energy intensity of the major energy-consuming industries by at least 25 percent by 2010, compared to the energy intensity as of the date of the enactment of this Act.

(C) For Power Technologies, the program should, in cooperation with the affected industries—

(i) develop a microturbine (40 to 300 kilowatt) that is more than 40 percent more efficient by 2006, and more than 50 percent more efficient by 2010, compared to the efficiency as of the date of the enactment of this Act; and

(ii) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 30 to 50 percent while increasing efficiency 5 to 10 percent by 2007, compared to such emissions as of the date of the enactment of this Act.

(D) For the Transportation Sector, the program should, in cooperation with affected industries—

(i) develop a production prototype passenger automobile that has fuel economy equivalent to 80 miles per gallon of gasoline by 2004;

(ii) develop class 7 and 8 heavy duty trucks and buses with ultra low emissions and the ability to use an alternative fuel that has an average fuel economy equivalent to—

(I) 10 miles per gallon of gasoline by 2007; and

(II) 13 miles per gallon of gasoline by 2010;

(iii) develop a production prototype of a passenger automobile with zero equivalent emissions that has an average fuel economy of 100 miles per gallon of gasoline by 2010; and

(iv) improve, by 2010, the average fuel economy of trucks—

(I) in classes 1 and 2 by 300 percent; and

(II) in classes 3 through 6 by 200 percent, compared to the fuel economy as of the date of the enactment of this Act.

(2) RENEWABLE ENERGY.—

(A) For Hydrogen Research, to carry out the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, as amended by subtitle A of title II of this division.

(B) For bioenergy:

(i) The program should reduce the cost of bioenergy relative to other energy sources to enable the United States to triple bioenergy use by 2010.

(ii) For biopower systems, the program should reduce the cost of such systems to enable commercialization of integrated power-generating technologies that employ gas turbines and fuel cells integrated with bioenergy gasifiers within 5 years after the date of the enactment of this Act.

(iii) For biofuels, the program should accelerate research, development, and demonstration on advanced enzymatic hydrolysis technology for making ethanol from cellulosic feedstock, with the goal that between 2010 and 2015 ethanol produced from energy crops would be fully competitive in terms of price with gasoline as a neat fuel, in either internal combustion engines or fuel cell vehicles.

(C) For Geothermal Technology Development, the program should focus on advanced concepts for the long term. The first priority should be high-grade enhanced geothermal systems; the second priority should be lower grade, hot dry rock, and geopressured systems; and the third priority should be support of field demonstrations of enhanced geothermal systems technology, including sites in lower grade areas to demonstrate the benefits of reservoir concepts to different conditions.

(D) For Hydropower, the program should provide a new generation of turbine technologies that will increase generating capacity and will be less damaging to fish and aquatic ecosystems.

(E) For Concentrating Solar Power, the program should strengthen ongoing research, development, and demonstration combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles, with the goal of making solar-only power (including baseload solar power) widely competitive with fossil fuel power by 2015. The program should limit or halt its research and development on power-tower and power-trough technologies because further refinements to these concepts will not further their deployment, and should assess the market prospects for solar dish/engine technologies to determine whether continued research and development is warranted.

(F) For Photovoltaic Energy Systems, the program should pursue research, development, and demonstration that will, by 2005, increase the efficiency of thin film modules from the current 7 percent to 11 percent in multi-million watt production; reduce the direct manufacturing cost of photovoltaic modules by 30 percent from the current $2.50 per watt to $1.75 per watt by 2005; and establish greater than a 20-year lifetime of photovoltaic systems by improving the reliability and lifetime of balance-of-system components and reducing recurring cost by 40 percent. The program's top priority should be the development of sound manufacturing technologies for thin-film modules, and the program should make a concerted effort to integrate fundamental research and basic engineering research.

(G) For Solar Building Technology Research, the program should complete research and development on new polymers and manufacturing processes to reduce the cost of solar water heating by 50 percent by 2004, compared to the cost as of the date of the enactment of this Act.

(H) For Wind Energy Systems, the program should reduce the cost of wind energy to three cents per kilowatt-hour at Class 6 (15 miles-per-hour annual average) wind sites by 2004, and 4 cents per kilowatt-hour in Class 4 (13 miles-per-hour annual average) wind sites by 2015, and further if required so that wind power can be widely competitive with fossil-fuel-based electricity in a restructured electric industry. Program research on advanced wind turbine technology should focus on turbulent flow studies, durable materials to extend turbine life, blade efficiency, and higher efficiency operation in low quality wind regimes.

(I) For Electric Energy Systems and Storage, including High Temperature Superconducting Research and Development, Energy Storage Systems, and Transmission Reliability, the program should develop high capacity superconducting transmission lines and generators, highly reliable energy storage systems, and distributed generating systems to accommodate multiple types of energy sources under common interconnect standards.

(J) For the International Renewable Energy and Renewable Energy Production Incentive programs, and Renewable Program Support, the program should encourage the commercial application of renewable energy technologies by developed and developing countries, State and local governmental entities and nonprofit electric cooperatives, and by the competitive domestic market.

(3) NUCLEAR ENERGY.—

(A) For university nuclear science and engineering, the program should carry out the provisions of subtitle A of title III of this division.

(B) For fuel cycle research, development, and demonstration, the program should carry out the provisions of subtitle B of title III of this division.

(C) For the Nuclear Energy Research Initiative, the program should accomplish the objectives of section 2341(b) of this Act.

(D) For the Nuclear Energy Plant Optimization Program, the program should accomplish the objectives of section 2342(b) of this Act.

(E) For Nuclear Energy Technologies, the program should carry out the provisions of section 2343 of this Act.

(F) For Advanced Radioisotope Power Systems, the program should ensure that the United States has adequate capability to power future satellite and space missions.

(4) FOSSIL ENERGY.—

(A) For core fossil energy research and development, the program should achieve the goals outlined by the Department's Vision 21 Program. This research should address fuel-flexible gasification and turbines, fuel cells, advanced-combustion systems, advanced fuels and chemicals, advanced modeling and systems analysis, materials and heat exchangers, environmental control technologies, gas-stream purification, gas-separation technology, and sequestration research and development focused on cost-effective novel concepts for capturing, reusing or storing, or otherwise mitigating carbon and other greenhouse gas emissions.

(B) For offshore oil and natural gas resources, the program should investigate and develop technologies to—

(i) extract methane hydrates in coastal waters of the United States, in accordance with the provisions of the Methane Hydrate Research and Development Act of 2000; and

(ii) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico. Research and development on ultra-deepwater resource recovery shall focus on improving the safety and efficiency of such recovery and of sub-sea production technology used for such recovery, while lowering costs.

(C) For transportation fuels, the program should support a comprehensive transportation fuels strategy to increase the price elasticity of oil supply and demand by focusing research on reducing the cost of producing transportation fuels from natural gas and indirect liquefaction of coal.

(5) SCIENCE.—The Secretary, through the Office of Science, should—

(A) develop and maintain a robust portfolio of fundamental scientific and energy research, including High Energy and Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (including Materials Sciences, Chemical Sciences, Engineering and Geosciences, and Energy Biosciences), Advanced Scientific Computing, Energy Research and Analysis, Multiprogram Energy Laboratories-Facilities Support, Fusion Energy Sciences, and Facilities and Infrastructure;

(B) maintain, upgrade, and expand, as appropriate, and in accordance with the provisions of this division, the scientific user facilities maintained by the Office of Science, and ensure that they are an integral part of the Department's mission for exploring the frontiers of fundamental energy sciences; and

(C) ensure that its fundamental energy sciences programs, where appropriate, help inform the applied research and development programs of the Department.

(b) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance-based goals, or that modifies the goals under subsection (a), as appropriate, for 2005, 2010, 2015, and 2020 for each of the programs authorized by this division that would enable each such program to meet the purposes of this division under section 2003. Such assessment shall be based on the latest scientific and technical knowledge, and shall also take into consideration, as appropriate, the comparative environmental impacts (including emissions of greenhouse gases) of the energy saved or produced by specific programs.

(c) CONSULTATION.—In establishing the measurable cost and performance-based goals under subsection (b), the Secretary shall consult with the private sector, institutions of higher learning, national laboratories, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

(d) SCHEDULE.—The Secretary shall—

(1) issue and publish in the Federal Register a set of draft measurable cost and performance-based goals for the programs authorized by this division for public comment—

(A) in the case of a program established before the date of the enactment of this Act, not later than 120 days after the date of the enactment of this Act; and

(B) in the case of a program not established before the date of the enactment of this Act, not later than 120 days after the date of establishment of the program;

(2) not later than 60 days after the date of publication under paragraph (1), after taking into consideration any public comments received, transmit to the Congress and publish in the Federal Register the final measurable cost and performance-based goals; and

(3) update all such cost and performance-based goals on a biennial basis.

### SEC. 2005. DEFINITIONS.

For purposes of this division, except as otherwise provided—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "appropriate congressional committees" means—

(A) the Committee on Science and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate;

(3) the term "Department" means the Department of Energy; and

(4) the term "Secretary" means the Secretary of Energy.

### SEC. 2006. AUTHORIZATIONS.

Authorizations of appropriations under this division are for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities.

### SEC. 2007. BALANCE OF FUNDING PRIORITIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the funding of the various programs authorized by titles I through IV of this division should remain in the same proportion to each other as provided in this division, regardless of the total amount of funding made available for those programs.

(b) REPORT TO CONGRESS.—If for fiscal year 2002, 2003, or 2004 the amounts appropriated in general appropriations Acts for the programs authorized in titles I through IV of this division are not in the same proportion to one another as are the authorizations for such programs in this division, the Secretary and the Administrator shall, within 60 days after the date of the enactment of the last general appropriations Act appropriating amounts for such programs, transmit to the appropriate congressional committees a report describing the programs, projects, and activities that would have been funded if the proportions provided for in this division had been maintained in the appropriations. The amount appropriated for the program receiving the highest percentage of its authorized funding for a fiscal year shall be used as the baseline for calculating the proportional deficiencies of appropriations for other programs in that fiscal year.

## TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

### Subtitle A—Alternative Fuel Vehicles

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Alternative Fuel Vehicle Acceleration Act of 2001".

**SEC. 2102. DEFINITIONS.**

For the purposes of this subtitle, the following definitions apply:

(1) ALTERNATIVE FUEL VEHICLE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "alternative fuel vehicle" means a motor vehicle that is powered—

(i) in whole or in part by electricity, including electricity supplied by a fuel cell;

(ii) by liquefied natural gas;

(iii) by compressed natural gas;

(iv) by liquefied petroleum gas;

(v) by hydrogen;

(vi) by methanol or ethanol at no less than 85 percent by volume; or

(vii) by propane.

(B) EXCLUSIONS.—The term "alternative fuel vehicle" does not include—

(i) any vehicle designed to operate solely on gasoline or diesel derived from fossil fuels, regardless of whether it can also be operated on an alternative fuel; or

(ii) any vehicle that the Secretary determines, by rule, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) PILOT PROGRAM.—The term "pilot program" means the competitive grant program established under section 2103.

(3) ULTRA-LOW SULFUR DIESEL VEHICLE.—The term "ultra-low sulfur diesel vehicle" means a vehicle powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel which contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of ultra-low sulfur diesel vehicles of the same type that are commercially available.

**SEC. 2103. PILOT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot program to provide not more than 15 grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—Grants under this section may be used for the following purposes:

(1) The acquisition of alternative fuel vehicles, including—

(A) passenger vehicles;

(B) buses used for public transportation or transportation to and from schools;

(C) delivery vehicles for goods or services;

(D) ground support vehicles at public airports, including vehicles to carry baggage or push airplanes away from terminal gates; and

(E) motorized two-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of ultra-low sulfur diesel vehicles.

(3) Infrastructure necessary to directly support an alternative fuel vehicle project funded by the grant, including fueling and other support equipment.

(4) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the pilot program. At a minimum, the Secretary shall require that applications be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and shall include—

(A) at least one project to enable passengers or goods to be transferred directly from one alternative fuel vehicle or ultra-low sulfur diesel vehicle to another in a linked transportation system;

(B) a description of the projects proposed in the application, including how they meet the requirements of this subtitle;

(C) an estimate of the ridership or degree of use of the projects proposed in the application;

(D) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the projects proposed in the application, and a plan to collect and disseminate environmental data, related to the projects to be funded under the grant, over the life of the projects;

(E) a description of how the projects proposed in the application will be sustainable without Federal assistance after the completion of the term of the grant;

(F) a complete description of the costs of each project proposed in the application, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(G) a description of which costs of the projects proposed in the application will be supported by Federal assistance under this subtitle; and

(H) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the projects, and a commitment by the applicant to use such fuel in carrying out the projects.

(2) PARTNERS.—An applicant under paragraph (1) may carry out projects under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall consider each applicant's previous experience with similar projects and shall give priority consideration to applications that—

(1) are most likely to maximize protection of the environment;

(2) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subtitle is completed; and

(3) exceed the minimum requirements of subsection (c)(1)(A).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel vehicles through the pilot program, and shall ensure a broad geographic distribution of project sites.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) PUBLICATION.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due within 6 months of the publication of the notice.

(2) SELECTION.—Not later than 6 months after the date by which applications for grants are due, the Secretary shall select by competitive, peer review all applications for projects to be awarded a grant under the pilot program.

(g) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

**SEC. 2104. REPORTS TO CONGRESS.**

(a) INITIAL REPORT.—Not later than 2 months after the date grants are awarded under this subtitle, the Secretary shall transmit to the appropriate congressional committees a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) EVALUATION.—Not later than 3 years after the date of the enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall transmit to the appropriate congressional committees a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fuel vehicles and ultra-low sulfur diesel vehicles.

**SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary $200,000,000 to carry out this subtitle, to remain available until expended.

## Subtitle B—Distributed Power Hybrid Energy Systems

**SEC. 2121. FINDINGS.**

The Congress makes the following findings:

(1) Our ability to take advantage of our renewable, indigenous resources in a cost-effective manner can be greatly advanced through systems that compensate for the intermittent nature of these resources through distributed power hybrid systems.

(2) Distributed power hybrid systems can—

(A) shelter consumers from temporary energy price volatility created by supply and demand mismatches;

(B) increase the reliability of energy supply; and

(C) address significant local differences in power and economic development needs and resource availability that exist throughout the United States.

(3) Realizing these benefits will require a concerted and integrated effort to remove market barriers to adopting distributed power hybrid systems by—

(A) developing the technological foundation that enables designing, testing, certifying, and operating distributed power hybrid systems; and

(B) providing the policy framework that reduces such barriers.

(4) While many of the individual distributed power hybrid systems components are either available or under development in existing private and public sector programs, the capabilities to integrate these components into workable distributed power hybrid systems that maximize benefits to consumers in a safe manner often are not coherently being addressed.

**SEC. 2122. DEFINITIONS.**

For purposes of this subtitle—

(1) the term "distributed power hybrid system" means a system using 2 or more distributed power sources, operated together with associated supporting equipment, including storage equipment, and software necessary to provide electric power onsite and to an electric distribution system; and

(2) the term "distributed power source" means an independent electric energy source of usually 10 megawatts or less located close to a residential, commercial, or industrial load center, including—

(A) reciprocating engines;

(B) turbines;

(C) microturbines;

(D) fuel cells;

(E) solar electric systems;

(F) wind energy systems;

(G) biopower systems;

(H) geothermal power systems; or

(I) combined heat and power systems.

**SEC. 2123. STRATEGY.**

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and transmit to the Congress a distributed power hybrid systems strategy showing—

(1) needs best met with distributed power hybrid systems configurations, especially systems including one or more solar or renewable power sources; and

(2) technology gaps and barriers (including barriers to efficient connection with the power grid) that hamper the use of distributed power hybrid systems.

(b) ELEMENTS.—The strategy shall provide for development of—

(1) system integration tools (including databases, computer models, software, sensors, and controls) needed to plan, design, build, and operate distributed power hybrid systems for maximum benefits;

(2) tests of distributed power hybrid systems, power parks, and microgrids, including field tests and cost-shared demonstrations with industry;

(3) design tools to characterize the benefits of distributed power hybrid systems for consumers, to reduce testing needs, to speed commercialization, and to generate data characterizing grid operations, including interconnection requirements;

(4) precise resource assessment tools to map local resources for distributed power hybrid systems; and

(5) a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of distributed energy resources, focused on filling gaps in distributed power hybrid systems technologies identified under subsection (a)(2), which may include—

(A) integration of a wide variety of advanced technologies into distributed power hybrid systems;

(B) energy storage devices;

(C) environmental control technologies;

(D) interconnection standards, protocols, and equipment; and

(E) ancillary equipment for dispatch and control.

(c) IMPLEMENTATION AND INTEGRATION.—The Secretary shall implement the strategy transmitted under subsection (a) and the research program under subsection (b)(5). Activities pursuant to the strategy shall be integrated with other activities of the Department's Office of Power Technologies.

**SEC. 2124. HIGH POWER DENSITY INDUSTRY PROGRAM.**

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency, reliability, and environmental responsibility in high power density industries, such as data centers, server farms, telecommunications facilities, and heavy industry.

(b) AREAS.—In carrying out this section, the Secretary shall consider technologies that provide—

(1) significant improvement in efficiency of high power density facilities, and in data and telecommunications centers, using advanced thermal control technologies;

(2) significant improvements in air-conditioning efficiency in facilities such as data centers and telecommunications facilities;

(3) significant advances in peak load reduction; and

(4) advanced real time metering and load management and control devices.

(c) IMPLEMENTATION AND INTEGRATION.—Activities pursuant to this program shall be integrated with other activities of the Department's Office of Power Technologies.

**SEC. 2125. MICRO-COGENERATION ENERGY TECHNOLOGY.**

The Secretary shall make competitive, merit-based grants to consortia of private sector entities for the development of micro-cogeneration energy technology. The consortia shall explore the creation of small-scale combined heat and power through the use of residential heating appliances. There are authorized to be appropriated to the Secretary $20,000,000 to carry out this section, to remain available until expended.

**SEC. 2126. PROGRAM PLAN.**

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to the Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the distributed energy resources, power transmission, and high power density industries to prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

**SEC. 2127. REPORT.**

Two years after date of the enactment of this Act and at 2-year intervals thereafter, the Secretary, jointly with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle.

**SEC. 2128. VOLUNTARY CONSENSUS STANDARDS.**

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the National Institute of Standards and Technology, shall work with the Institute of Electrical and Electronic Engineers and other standards development organizations toward the development of voluntary consensus standards for distributed energy systems for use in manufacturing and using equipment and systems for connection with electric distribution systems, for obtaining electricity from, or providing electricity to, such systems.

## Subtitle C—Secondary Electric Vehicle Battery Use

**SEC. 2131. DEFINITIONS.**

For purposes of this subtitle, the term—

(1) "battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity; and

(2) "associated equipment" means equipment located at the location where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

**SEC. 2132. ESTABLISHMENT OF SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.**

(a) PROGRAM.—The Secretary shall establish and conduct a research, development, and demonstration program for the secondary use of batteries where the original use of such batteries was in transportation applications. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary application, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including longevity of useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including disposal and reuse of batteries; and

(3) coordinated with ongoing secondary battery use programs underway at the national laboratories and in industry.

(b) SOLICITATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(2)(A) Proposals submitted in response to a solicitation under this section shall include—

(i) a description of the project, including the batteries to be used in the project, the proposed locations and applications for the batteries, the number of batteries to be demonstrated, and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently used;

(ii) the contribution, if any, of State or local governments and other persons to the demonstration project;

(iii) the type of associated equipment to be demonstrated and the type of supporting infrastructure to be demonstrated; and

(iv) any other information the Secretary considers appropriate.

(B) If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

(c) SELECTION OF PROPOSALS.—(1)(A) The Secretary shall, not later than 3 months after the closing date established by the Secretary for receipt of proposals under subsection (b), select at least 5 proposals to receive financial assistance under this section.

(B) No one project selected under this section shall receive more than 25 percent of the funds authorized under this section. No more than 3 projects selected under this section shall demonstrate the same battery type.

(2) In selecting a proposal under this section, the Secretary shall consider—

(A) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including the reporting requirements set forth in paragraph (3)(B);

(B) the geographic and climatic diversity of the projects selected;

(C) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(D) the suitability of the batteries for their intended uses;

(E) the technical performance of the battery, including the expected additional useful life and the battery's ability to retain energy;

(F) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(G) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will—

(i) permit a reduction of the Federal cost share per project; or

(ii) otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(H) such other criteria as the Secretary considers appropriate.

(3) CONDITIONS.—The Secretary shall require that—

(A) as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for 3 years after the beginning of the demonstration project;

(B) the proposer provide to the Secretary such information regarding the operation, maintenance, performance, and use of the batteries as the Secretary may request during the period of the demonstration project; and

(C) the proposer provide at least 50 percent of the costs associated with the proposal.

### SEC. 2133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, from amounts authorized under section 2161(a), for purposes of this subtitle—

(1) $1,000,000 for fiscal year 2002;

(2) $7,000,000 for fiscal year 2003; and

(3) $7,000,000 for fiscal year 2004.

Such appropriations may remain available until expended.

## Subtitle D—Green School Buses

### SEC. 2141. SHORT TITLE.

This subtitle may be cited as the "Clean Green School Bus Act of 2001".

### SEC. 2142. ESTABLISHMENT OF PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) REQUIREMENTS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) SOLICITATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) BUSES.—Funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) for buses manufactured in model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter,

except that under no circumstances shall buses be acquired under this section that emit nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

(h) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) Definitions.—For purposes of this section—

(1) the term "alternative fuel school bus" means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term "ultra-low sulfur diesel school bus" means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

### SEC. 2143. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) Cost Sharing.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) Funding.—No more than $25,000,000 of the amounts authorized under section 2144 may be used for carrying out this section for the period encompassing fiscal years 2002 through 2006.

(d) Reports to Congress.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

### SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this subtitle, to remain available until expended—

(1) $40,000,000 for fiscal year 2002;
(2) $50,000,000 for fiscal year 2003;
(3) $60,000,000 for fiscal year 2004;
(4) $70,000,000 for fiscal year 2005; and
(5) $80,000,000 for fiscal year 2006.

## Subtitle E—Next Generation Lighting Initiative

### SEC. 2151. SHORT TITLE.

This subtitle may be cited as "Next Generation Lighting Initiative Act".

### SEC. 2152. DEFINITION.

In this subtitle, the term "Lighting Initiative" means the "Next Generation Lighting Initiative" established under section 2153(a).

### SEC. 2153. NEXT GENERATION LIGHTING INITIATIVE.

(a) Establishment.—The Secretary is authorized to establish a lighting initiative to be known as the "Next Generation Lighting Initiative" to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

(b) Research Objectives.—The research objectives of the Lighting Initiative shall be to develop, by 2011, advanced lighting technologies that, compared to incandescent and fluorescent lighting technologies as of the date of the enactment of this Act, are—

(1) longer lasting;
(2) more energy-efficient; and
(3) cost-competitive.

### SEC. 2154. STUDY.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, as appropriate, shall complete a study on strategies for the development and commercial application of advanced lighting technologies. The Secretary shall request a review by the National Academies of Sciences and Engineering of the study under this subsection, and shall transmit the results of the study to the appropriate congressional committees.

(b) Requirements.—The study shall—

(1) develop a comprehensive strategy to implement the Lighting Initiative; and

(2) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by advanced lighting technologies into the incandescent and fluorescent lighting market by the year 2012.

(c) Implementation.—As soon as practicable after the review of the study under subsection (a) is transmitted to the Secretary by the National Academies of Sciences and Engineering, the Secretary shall adapt the implementation of the Lighting Initiative taking into consideration the recommendations of the National Academies of Sciences and Engineering.

### SEC. 2155. GRANT PROGRAM.

(a) In General.—Subject to section 2603 of this Act, the Secretary may make merit-based competitive grants to firms and research organizations that conduct research, development, and demonstration projects related to advanced lighting technologies.

(b) Annual Review.—

(1) In general.—An annual independent review of the grant-related activities of firms and research organizations receiving a grant under this section shall be conducted by a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.), or, at the request of the Secretary, a committee appointed by the National Academies of Sciences and Engineering.

(2) Requirements.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and progress toward commercialization of the grant-related activities of firms or research organizations during each fiscal year of the grant program.

(c) Technical and Financial Assistance.—The national laboratories and other Federal agencies, as appropriate, shall cooperate with and provide technical and financial assistance to firms and research organizations conducting research, development, and demonstration projects carried out under this subtitle.

## Subtitle F—Department of Energy Authorization of Appropriations

### SEC. 2161. AUTHORIZATION OF APPROPRIATIONS.

(a) Operation and Maintenance.—In addition to amounts authorized to be appropriated under section 2105, section 2125, and section 2144, there are authorized to be appropriated to the Secretary for subtitle B, subtitle C, subtitle E, and for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector (Nongrants), Industry Sector, Transportation Sector, Power Technologies, and Policy and Management) $625,000,000 for fiscal year 2002, $700,000,000 for fiscal year 2003, and $800,000,000 for fiscal year 2004, to remain available until expended.

(b) Limits on Use of Funds.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Building Technology, State and Community Sector—

(A) Residential Building Energy Codes;
(B) Commercial Building Energy Codes;
(C) Lighting and Appliance Standards;
(D) Weatherization Assistance Program; or
(E) State Energy Program; or

(2) Federal Energy Management Program.

## Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

### SEC. 2171. SHORT TITLE.

This subtitle may be cited as the "Environmental Protection Agency Office of Air and Radiation Authorization Act of 2001".

### SEC. 2172. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for Office of Air and Radiation Climate Change Protection Programs $121,942,000 for fiscal year 2002, $126,800,000 for fiscal year 2003, and $131,800,000 for fiscal year 2004 to remain available until expended, of which—

(1) $52,731,000 for fiscal year 2002, $54,800,000 for fiscal year 2003, and $57,000,000 for fiscal year 2004 shall be for Buildings;

(2) $32,441,000 for fiscal year 2002, $33,700,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 shall be for Transportation;

(3) $27,295,000 for fiscal year 2002, $28,400,000 for fiscal year 2003, and $29,500,000 for fiscal year 2004 shall be for Industry;

(4) $1,700,000 for fiscal year 2002, $1,800,000 for fiscal year 2003, and $1,900,000 for fiscal year 2004 shall be for Carbon Removal;

(5) $2,500,000 for fiscal year 2002, $2,600,000 for fiscal year 2003, and $2,700,000 for fiscal year 2004 shall be for State and Local Climate; and

(6) $5,275,000 for fiscal year 2002, $5,500,000 for fiscal year 2003, and $5,700,000 for fiscal year 2004 shall be for International Capacity Building.

### SEC. 2173. LIMITS ON USE OF FUNDS.

(a) Production or Provision of Articles or Services.—None of the funds authorized to be appropriated by this subtitle may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the United States.

(b) Requests for Proposals.—None of the funds authorized to be appropriated by this subtitle may be used by the Environmental Protection Agency to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

### SEC. 2174. COST SHARING.

(a) Research and Development.—Except as otherwise provided in this subtitle, for research and development programs carried out under this subtitle, the Administrator shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Administrator may reduce or eliminate the non-Federal requirement under this subsection if the Administrator determines that the research and development is of a basic or fundamental nature.

(b) Demonstration and Commercial Application.—Except as otherwise provided in this subtitle, the Administrator shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Administrator may reduce the non-Federal requirement under this subsection if the Administrator determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Administrator may include personnel, services, equipment, and other resources.

### SEC. 2175. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATIONS OF ENERGY TECHNOLOGY.

The Administrator shall provide funding for scientific or energy demonstration or commercial application of energy technology programs, projects, or activities of the Office of Air and Radiation only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

### SEC. 2176. REPROGRAMMING.

(a) AUTHORITY.—The Administrator may use amounts appropriated under this subtitle for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Administrator has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity,

whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Administrator.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this subtitle exceed the total amount authorized to be appropriated by this subtitle.

(2) Funds appropriated pursuant to this subtitle may not be used for an item for which Congress has declined to authorize funds.

### SEC. 2177. BUDGET REQUEST FORMAT.

The Administrator shall provide to the appropriate congressional committees, to be transmitted at the same time as the Environmental Protection Agency's annual budget request submission, a detailed justification for budget authorization for the programs, projects, and activities for which funds are authorized by this subtitle. Each such document shall include, for the fiscal year for which funding is being requested and for the 2 previous fiscal years—

(1) a description of, and funding requested or allocated for, each such program, project, or activity;

(2) an identification of all recipients of funds to conduct such programs, projects, and activities; and

(3) an estimate of the amounts to be expended by each recipient of funds identified under paragraph (2).

### SEC. 2178. OTHER PROVISIONS.

(a) ANNUAL OPERATING PLAN AND REPORTS.—The Administrator shall provide simultaneously to the Committee on Science of the House of Representatives—

(1) any annual operating plan or other operational funding document, including any additions or amendments thereto; and

(2) any report relating to the environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology programs, projects, or activities of the Environmental Protection Agency,

provided to any committee of Congress.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Office of Air and Radiation.

## Subtitle H—National Building Performance Initiative

### SEC. 2181. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) INTERAGENCY GROUP.—Not later than 3 months after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation and research and development and related issues. The National Institute of Standards and Technology shall provide necessary administrative support for the Interagency Group.

(b) PLAN.—Not later than 9 months after the date of the enactment of this Act, the Interagency Group shall transmit to the Congress a multiyear implementation plan describing the Federal role in reducing the costs, including energy costs, of using, owning, and operating commercial, institutional, residential, and industrial buildings by 30 percent by 2020. The plan shall include—

(1) research, development, and demonstration of systems and materials for new construction and retrofit, on the building envelope and components; and

(2) the collection and dissemination in a usable form of research results and other pertinent information to the design and construction industry, government officials, and the general public.

(c) NATIONAL BUILDING PERFORMANCE ADVISORY COMMITTEE.—A National Building Performance Advisory Committee shall be established to advise on creation of the plan, review progress made under the plan, advise on any improvements that should be made to the plan, and report to the Congress on actions that have been taken to advance the Nation's capability in furtherance of the plan. The members shall include representatives of a broad cross-section of interests such as the research, technology transfer, architectural, engineering, and financial communities; materials and systems suppliers; State, county, and local governments; the residential, multifamily, and commercial sectors of the construction industry; and the insurance industry.

(d) REPORT.—The Interagency Group shall, within 90 days after the end of each fiscal year, transmit a report to the Congress describing progress achieved during the preceding fiscal year by government at all levels and by the private sector, toward implementing the plan developed under subsection (b), and including any amendments to the plan.

## TITLE II—RENEWABLE ENERGY

## Subtitle A—Hydrogen

### SEC. 2201. SHORT TITLE.

This subtitle may be cited as the "Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001".

### SEC. 2202. PURPOSES.

Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are—

"(1) to direct the Secretary to conduct research, development, and demonstration activities leading to the production, storage, transportation, and use of hydrogen for industrial, commercial, residential, transportation, and utility applications;

"(2) to direct the Secretary to develop a program of technology assessment, information dissemination, and education in which Federal, State, and local agencies, members of the energy, transportation, and other industries, and other entities may participate; and

"(3) to develop methods of hydrogen production that minimize adverse environmental impacts, with emphasis on efficient and cost-effective production from renewable energy resources.".

### SEC. 2203. DEFINITIONS.

Section 102(c) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated by paragraph (1) of this section, the following new paragraph:

"(1) 'advisory committee' means the advisory committee established under section 108;".

### SEC. 2204. REPORTS TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

### "SEC. 103. REPORTS TO CONGRESS.

"(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, and biennially thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs and activities authorized under this Act.

"(b) CONTENTS.—A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary—

"(1) an assessment of the extent to which the program is meeting the purposes specified in section 102(b);

"(2) a determination of the effectiveness of the technology assessment, information dissemination, and education program established under section 106;

"(3) an analysis of Federal, State, local, and private sector hydrogen-related research, development, and demonstration activities to identify productive areas for increased intergovernmental and private-public sector collaboration; and

"(4) recommendations of the advisory committee for any improvements needed in the programs and activities authorized by this Act.".

### SEC. 2205. HYDROGEN RESEARCH AND DEVELOPMENT.

Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

### "SEC. 104. HYDROGEN RESEARCH AND DEVELOPMENT.

"(a) Establishment of Program.—The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, commercial, residential, transportation, and utility applications.

"(b) Elements.—In conducting the program authorized by this section, the Secretary shall—

"(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen as an energy carrier into the marketplace;

"(2) initiate or accelerate existing research and development in critical technical issues that will contribute to the development of more economical hydrogen production, storage, transportation, and use, including critical technical issues with respect to production (giving priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

"(3) survey private sector and public sector hydrogen research and development activities worldwide, and take steps to ensure that research and development activities under this section do not—

"(A) duplicate any available research and development results; or

"(B) displace or compete with the privately funded hydrogen research and development activities of United States industry.

"(c) Evaluation of Technologies.—The Secretary shall evaluate, for the purpose of determining whether to undertake or fund research and development activities under this section, any reasonable new or improved technology that could lead or contribute to the development of economical hydrogen production, storage, transportation, and use.

"(d) Research and Development Support.—The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this Act, consistent with section 106 of this Act.

"(e) Competitive Peer Review.—The Secretary shall carry out or fund research and development activities under this section only on a competitive basis using peer review.

"(f) Cost Sharing.—For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.".

### SEC. 2206. DEMONSTRATIONS.

Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) in subsection (a), by striking ", preferably in self-contained locations,";

(2) in subsection (b), by striking "at self-contained sites" and inserting ", which shall include a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications"; and

(3) in subsection (c), by inserting "Non-Federal Funding Requirement.—" after "(c)".

### SEC. 2207. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

### "SEC. 106. TECHNOLOGY ASSESSMENT, INFORMATION DISSEMINATION, AND EDUCATION PROGRAM.

"(a) Program.—The Secretary shall, in consultation with the advisory committee, conduct a program designed to accelerate wider application of hydrogen production, storage, transportation, and use technologies, including application in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects.

"(b) Information.—The Secretary, in carrying out the program authorized by subsection (a), shall—

"(1) undertake an update of the inventory and assessment, required under section 106(b)(1) of this Act as in effect before the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, of hydrogen technologies and their commercial capability to economically produce, store, transport, or use hydrogen in industrial, commercial, residential, transportation, and utility sector; and

"(2) develop, with other Federal agencies as appropriate and industry, an information exchange program to improve technology transfer for hydrogen production, storage, transportation, and use, which may consist of workshops, publications, conferences, and a database for the use by the public and private sectors.".

### SEC. 2208. COORDINATION AND CONSULTATION.

Section 107 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1) shall establish a central point for the coordination of all hydrogen research, development, and demonstration activities of the Department; and"; and

(2) by amending subsection (c) to read as follows:

"(c) Consultation.—The Secretary shall consult with other Federal agencies as appropriate, and the advisory committee, in carrying out the Secretary's authorities pursuant to this Act.".

### SEC. 2209. ADVISORY COMMITTEE.

Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

### "SEC. 108. ADVISORY COMMITTEE.

"(a) Establishment.—The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to establish an advisory committee consisting of experts drawn from domestic industry, academia, Governmental laboratories, and financial, environmental, and other organizations, as appropriate, to review and advise on the progress made through the programs and activities authorized under this Act.

"(b) Cooperation.—The heads of Federal agencies shall cooperate with the advisory committee in carrying out this section and shall furnish to the advisory committee such information as the advisory committee reasonably deems necessary to carry out this section.

"(c) Review.—The advisory committee shall review and make any necessary recommendations to the Secretary on—

"(1) the implementation and conduct of programs and activities authorized under this Act; and

"(2) the economic, technological, and environmental consequences of the deployment of hydrogen production, storage, transportation, and use systems.

"(d) Responsibilities of the Secretary.—The Secretary shall consider, but need not adopt, any recommendations of the advisory committee under subsection (c). The Secretary shall provide an explanation of the reasons that any such recommendations will not be implemented and include such explanation in the report to Congress under section 103(a) of this Act.".

### SEC. 2210. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

### "SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

"(a) Research and Development; Advisory Committee.—There are authorized to be appropriated to the Secretary to carry out sections 104 and 108—

"(1) $40,000,000 for fiscal year 2002;

"(2) $45,000,000 for fiscal year 2003;

"(3) $50,000,000 for fiscal year 2004;

"(4) $55,000,000 for fiscal year 2005; and

"(5) $60,000,000 for fiscal year 2006.

"(b) Demonstration.—There are authorized to be appropriated to the Secretary to carry out section 105—

"(1) $20,000,000 for fiscal year 2002;

"(2) $25,000,000 for fiscal year 2003;

"(3) $30,000,000 for fiscal year 2004;

"(4) $35,000,000 for fiscal year 2005; and

"(5) $40,000,000 for fiscal year 2006.".

### SEC. 2211. REPEAL.

(a) Repeal.—Title II of the Hydrogen Future Act of 1996 is repealed.

(b) Conforming Amendment.—Section 2 of the Hydrogen Future Act of 1996 is amended by striking "titles II and III" and inserting "title III".

## Subtitle B—Bioenergy

### SEC. 2221. SHORT TITLE.

This subtitle may be cited as the "Bioenergy Act of 2001".

### SEC. 2222. FINDINGS.

Congress finds that bioenergy has potential to help—

(1) meet the Nation's energy needs;

(2) reduce reliance on imported fuels;

(3) promote rural economic development;

(4) provide for productive utilization of agricultural residues and waste materials, and forestry residues and byproducts; and

(5) protect the environment.

### SEC. 2223. DEFINITIONS.

For purposes of this subtitle—

(1) the term "bioenergy" means energy derived from any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal and other organic wastes;

(2) the term "biofuels" includes liquid or gaseous fuels, industrial chemicals, or both;

(3) the term "biopower" includes the generation of electricity or process steam or both; and

(4) the term "integrated bioenergy research and development" includes biopower and biofuels applications.

### SEC. 2224. AUTHORIZATION.

The Secretary is authorized to conduct environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities related to bioenergy, including biopower energy systems, biofuels energy systems, and integrated bioenergy research and development.

### SEC. 2225. AUTHORIZATION OF APPROPRIATIONS.

(a) BIOPOWER ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for Biopower Energy Systems programs, projects, and activities—

(1) $45,700,000 for fiscal year 2002;

(2) $52,500,000 for fiscal year 2003;

(3) $60,300,000 for fiscal year 2004;

(4) $69,300,000 for fiscal year 2005; and

(5) $79,600,000 for fiscal year 2006.

(b) BIOFUELS ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for biofuels energy systems programs, projects, and activities—

(1) $53,500,000 for fiscal year 2002;

(2) $61,400,000 for fiscal year 2003;

(3) $70,600,000 for fiscal year 2004;

(4) $81,100,000 for fiscal year 2005; and

(5) $93,200,000 for fiscal year 2006.

(c) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, $49,000,000 for each of the fiscal years 2002 through 2006. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

(d) INTEGRATED APPLICATIONS.—Amounts authorized to be appropriated under this subtitle may be used to assist in the planning, design, and implementation of projects to convert rice straw and barley grain into biopower or biofuels.

## Subtitle C—Transmission Infrastructure Systems

### SEC. 2241. TRANSMISSION INFRASTRUCTURE SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems. Such program shall include advanced energy technologies and systems, high capacity superconducting transmission lines and generators, advanced grid reliability and efficiency technologies development, technologies contributing to significant load reductions, advanced metering, load management and control technologies, and technology transfer and education.

(b) TECHNOLOGY.—In carrying out this subtitle, the Secretary may include research, development, and demonstration on and commercial application of improved transmission technologies including the integration of the following technologies into improved transmission systems:

(1) High temperature superconductivity.

(2) Advanced transmission materials.

(3) Self-adjusting equipment, processes, or software for survivability, security, and failure containment.

(4) Enhancements of energy transfer over existing lines.

(5) Any other infrastructure technologies, as appropriate.

### SEC. 2242. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the transmission infrastructure systems industry to select and prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

### SEC. 2243. REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary, in consultation with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

## Subtitle D—Department of Energy Authorization of Appropriations

### SEC. 2261. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for Renewable Energy operation and maintenance, including activities under subtitle C, Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, Energy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction, and including amounts authorized under the amendment made by section 2210 and amounts authorized under section 2225, $535,000,000 for fiscal year 2002, $639,000,000 for fiscal year 2003, and $683,000,000 for fiscal year 2004, to remain available until expended.

(b) WAVE POWERED ELECTRIC GENERATION.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), the Secretary shall carry out a research program, in conjunction with other appropriate Federal agencies, on wave powered electric generation.

(c) ASSESSMENT OF RENEWABLE ENERGY RESOURCES.—

(1) IN GENERAL.—Using funds authorized in subsection (a), of this section, the Secretary shall transmit to the Congress, within 1 year after the date of the enactment of this Act, an assessment of all renewable energy resources available within the United States.

(2) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric, and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy resources.

(3) AVAILABILITY.—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(4) SUNSET.—This subsection shall expire at the end of fiscal year 2004.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Departmental Energy Management Program; or

(2) Renewable Indian Energy Resources.

# TITLE III—NUCLEAR ENERGY

## Subtitle A—University Nuclear Science and Engineering

### SEC. 2301. SHORT TITLE.

This subtitle may be cited as "Department of Energy University Nuclear Science and Engineering Act".

### SEC. 2302. FINDINGS.

The Congress finds the following:

(1) United States university nuclear science and engineering programs are in a state of serious decline, with nuclear engineering enrollment at a 35-year low. Since 1980, the number of nuclear engineering university programs has declined nearly 40 percent, and over two-thirds of the faculty in these programs are 45 years of age or older. Also, since 1980, the number of university research and training reactors in the United States has declined by over 50 percent. Most of these reactors were built in the late 1950s and 1960s with 30-year to 40-year operating licenses, and many will require relicensing in the next several years.

(2) A decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future nuclear waste storage issues, operate existing and design future fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(3) The Department of Energy's Office of Nuclear Energy, Science and Technology, a principal Federal agency for civilian research in nuclear science and engineering, is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences and engineering.

### SEC. 2303. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall support a program to maintain the Nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research, development, and demonstration and commercial application of energy technology.

(b) DUTIES OF THE OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY.—In carrying out the program under this subtitle, the Director of the Office of Nuclear Energy, Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative;

(5) assist universities in maintaining reactor infrastructure; and

(6) support communication and outreach related to nuclear science and engineering.

(c) Maintaining University Research and Training Reactors and Associated Infrastructure.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall provide for the following university research and training reactor infrastructure maintenance and research activities:

(1) Refueling of university research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the United States nuclear industry, assistance, where necessary, in relicensing and upgrading university training reactors as part of a student training program.

(3) A university reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) University-DOE Laboratory Interactions.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall develop—

(1) a sabbatical fellowship program for university faculty to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary may under subsection (b)(1) provide for fellowships for students to spend time at Department of Energy laboratories in the areas of nuclear science and technology under the mentorship of laboratory staff.

(e) Operations and Maintenance.—To the extent that the use of a university research reactor is funded under this subtitle, funds authorized under this subtitle may be used to supplement operation of the research reactor during the investigator's proposed effort. The host institution shall provide at least 50 percent of the cost of the reactor's operation.

(f) Merit Review Required.—All grants, contracts, cooperative agreements, or other financial assistance awards under this subtitle shall be made only after independent merit review.

(g) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a 5-year plan on how the programs authorized in this subtitle will be implemented. The plan shall include a review of the projected personnel needs in the fields of nuclear science and engineering and of the scope of nuclear science and engineering education programs at the Department and other Federal agencies.

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS.

(a) Total Authorization.—The following sums are authorized to be appropriated to the Secretary, to remain available until expended, for the purposes of carrying out this subtitle:

(1) $30,200,000 for fiscal year 2002.
(2) $41,000,000 for fiscal year 2003.
(3) $47,900,000 for fiscal year 2004.
(4) $55,600,000 for fiscal year 2005.
(5) $64,100,000 for fiscal year 2006.

(b) Graduate and Undergraduate Fellowships.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(1):

(1) $3,000,000 for fiscal year 2002.
(2) $3,100,000 for fiscal year 2003.
(3) $3,200,000 for fiscal year 2004.
(4) $3,200,000 for fiscal year 2005.
(5) $3,200,000 for fiscal year 2006.

(c) Junior Faculty Research Initiation Grant Program.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(2):

(1) $5,000,000 for fiscal year 2002.
(2) $7,000,000 for fiscal year 2003.
(3) $8,000,000 for fiscal year 2004.
(4) $9,000,000 for fiscal year 2005.
(5) $10,000,000 for fiscal year 2006.

(d) Nuclear Engineering Education Research Program.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(3):

(1) $8,000,000 for fiscal year 2002.
(2) $12,000,000 for fiscal year 2003.
(3) $13,000,000 for fiscal year 2004.
(4) $15,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(e) Communication and Outreach Related to Nuclear Science and Engineering.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $200,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) Refueling of University Research Reactors and Instrumentation Upgrades.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,500,000 for fiscal year 2005.
(5) $8,000,000 for fiscal year 2006.

(g) Relicensing Assistance.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(2):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

(h) Reactor Research and Training Award Program.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(3):

(1) $6,000,000 for fiscal year 2002.
(2) $10,000,000 for fiscal year 2003.
(3) $14,000,000 for fiscal year 2004.
(4) $18,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) University-DOE Laboratory Interactions.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(d):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

## Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

### SEC. 2321. PROGRAM.

(a) In General.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of proliferation-resistant fuel recycling technologies as an alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) Reports.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program, as part of the Department's annual budget submission.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

## Subtitle C—Department of Energy Authorization of Appropriations

### SEC. 2341. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) Program.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Research Initiative for grants to be competitively awarded and subject to peer review for research relating to nuclear energy.

(b) Objectives.—The program shall be directed toward accomplishing the objectives of—

(1) developing advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical and scientific obstacles to the expanded use of nuclear energy in the United States;

(2) advancing the state of nuclear technology to maintain a competitive position in foreign markets and a future domestic market;

(3) promoting and maintaining a United States nuclear science and engineering infrastructure to meet future technical challenges;

(4) providing an effective means to collaborate on a cost-shared basis with international agencies and research organizations to address and influence nuclear technology development worldwide; and

(5) promoting United States leadership and partnerships in bilateral and multilateral nuclear energy research.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

### SEC. 2342. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) Program.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Plant Optimization research and development program jointly with industry and cost-shared by industry by at least 50 percent and subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) Objectives.—The program shall be directed toward accomplishing the objectives of—

(1) managing long-term effects of component aging; and

(2) improving the efficiency and productivity of existing nuclear power stations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 and 2004.

### SEC. 2343. NUCLEAR ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial application.

(b) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including—

(1) economics competitive with any other generators;

(2) enhanced safety features, including passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of the enactment of this Act;

(4) highly proliferation-resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of the enactment of this Act.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, and international, professional, and technical organizations.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall transmit to the appropriate congressional committees a report describing the activities of the Secretary under this section, and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system concept recommended under subparagraph (C) for demonstration through a public/private partnership;

(G) an evaluation of opportunities for siting demonstration facilities on Department of Energy land; and

(H) a recommendation for appropriate involvement of other Federal agencies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section and to carry out the recommendations in the report transmitted under subsection (d)—

(1) $20,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

### SEC. 2344. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary to carry out activities authorized under this title for nuclear energy operation and maintenance, including amounts authorized under sections 2304(a), 2321(c), 2341(c), 2342(c), and 2343(e), and including Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction, $191,200,000 for fiscal year 2002, $199,000,000 for fiscal year 2003, and $207,000,000 for fiscal year 2004, to remain available until expended.

(b) CONSTRUCTION.—There are authorized to be appropriated to the Secretary—

(1) $950,000 for fiscal year 2002, $2,200,000 for fiscal year 2003, $1,246,000 for fiscal year 2004, and $1,699,000 for fiscal year 2005 for completion of construction of Project 99-E-200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory; and

(2) $500,000 for fiscal year 2002, $500,000 for fiscal year 2003, $500,000 for fiscal year 2004, and $500,000 for fiscal year 2005, for completion of construction of Project 95-E-201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory.

(c) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Nuclear Energy Isotope Support and Production;

(2) Argonne National Laboratory-West Operations;

(3) Fast Flux Test Facility; or

(4) Nuclear Facilities Management.

## TITLE IV—FOSSIL ENERGY

### Subtitle A—Coal

### SEC. 2401. COAL AND RELATED TECHNOLOGIES PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $172,000,000 for fiscal year 2002, $179,000,000 for fiscal year 2003, and $186,000,000 for fiscal year 2004, to remain available until expended, for other coal and related technologies research and development programs, which shall include—

(1) Innovations for Existing Plants;

(2) Integrated Gasification Combined Cycle;

(3) advanced combustion systems;

(4) Turbines;

(5) Sequestration Research and Development;

(6) innovative technologies for demonstration;

(7) Transportation Fuels and Chemicals;

(8) Solid Fuels and Feedstocks;

(9) Advanced Fuels Research; and

(10) Advanced Research.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this section after September 30, 2002, unless the Secretary has transmitted to the Congress the report required by this subsection and 1 month has elapsed since that transmission. The report shall include a plan containing—

(1) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(2) a detailed list of technical milestones for each coal and related technology that will be pursued;

(3) a description of how the programs authorized in this section will be carried out so as to complement and not duplicate activities authorized under division E.

(c) GASIFICATION.—The Secretary shall fund at least one gasification project with the funds authorized under this section.

### Subtitle B—Oil and Gas

### SEC. 2421. PETROLEUM-OIL TECHNOLOGY.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on petroleum-oil technology. The program shall address—

(1) Exploration and Production Supporting Research;

(2) Oil Technology Reservoir Management/Extension; and

(3) Effective Environmental Protection.

### SEC. 2422. GAS.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on natural gas technologies. The program shall address—

(1) Exploration and Production;

(2) Infrastructure; and

(3) Effective Environmental Protection.

### SEC. 2423. NATURAL GAS AND OIL DEPOSITS REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

### SEC. 2424. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 $10,000,000, to be divided equally between grants for research on Eastern oil shale and grants for research on Western oil shale.

### Subtitle C—Ultra-Deepwater and Unconventional Drilling

### SEC. 2441. SHORT TITLE.

This subtitle may be cited as the "Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001".

### SEC. 2442. DEFINITIONS.

For purposes of this subtitle—

(1) the term "deepwater" means water depths greater than 200 meters but less than 1,500 meters;

(2) the term "Fund" means the Ultra-Deepwater and Unconventional Gas Research Fund established under section 2450;

(3) the term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term "Research Organization" means the Research Organization created pursuant to section 2446(a);

(5) the term "ultra-deepwater" means water depths greater than 1,500 meters; and

(6) the term "unconventional" means located in heretofore inaccessible or uneconomic formations on land.

### SEC. 2443. ULTRA-DEEPWATER PROGRAM.

The Secretary shall establish a program of research, development, and demonstration of ultra-deepwater natural gas and other petroleum exploration and production technologies, in areas currently available for

Outer Continental Shelf leasing. The program shall be carried out by the Research Organization as provided in this subtitle.

### SEC. 2444. NATIONAL ENERGY TECHNOLOGY LABORATORY.

The National Energy Technology Laboratory and the United States Geological Survey, when appropriate, shall carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including methane hydrates. Such Laboratory shall also conduct a program of research, development, and demonstration of new technologies for the reduction of greenhouse gas emissions from unconventional and ultra-deepwater natural gas or other petroleum exploration and production activities, including sub-sea floor carbon sequestration technologies.

### SEC. 2445. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall, within 3 months after the date of the enactment of this Act, establish an Advisory Committee consisting of 7 members, each having extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry who are not Federal Government employees or contractors. A minimum of 4 members shall have extensive knowledge of ultra-deepwater natural gas or other petroleum exploration and production technologies, a minimum of 2 members shall have extensive knowledge of unconventional natural gas or other petroleum exploration and production technologies, and at least 1 member shall have extensive knowledge of greenhouse gas emission reduction technologies, including carbon sequestration.

(b) FUNCTION.—The Advisory Committee shall advise the Secretary on the selection of an organization to create the Research Organization and on the implementation of this subtitle.

(c) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) ADMINISTRATIVE COSTS.—The costs of activities carried out by the Secretary and the Advisory Committee under this subtitle shall be paid or reimbursed from the Fund.

(e) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

### SEC. 2446. RESEARCH ORGANIZATION.

(a) SELECTION OF RESEARCH ORGANIZATION.—The Secretary, within 6 months after the date of the enactment of this Act, shall solicit proposals from eligible entities for the creation of the Research Organization, and within 3 months after such solicitation, shall select an entity to create the Research Organization.

(b) ELIGIBLE ENTITIES.—Entities eligible to create the Research Organization shall—

(1) have been in existence as of the date of the enactment of this Act;

(2) be entities exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) be experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration.

(c) PROPOSALS.—A proposal from an entity seeking to create the Research Organization shall include a detailed description of the proposed membership and structure of the Research Organization.

(d) FUNCTIONS.—The Research Organization shall—

(1) award grants on a competitive basis to qualified—

(A) research institutions;

(B) institutions of higher education;

(C) companies; and

(D) consortia formed among institutions and companies described in subparagraphs (A) through (C) for the purpose of conducting research, development, and demonstration of unconventional and ultra-deepwater natural gas or other petroleum exploration and production technologies; and

(2) review activities under those grants to ensure that they comply with the requirements of this subtitle and serve the purposes for which the grant was made.

### SEC. 2447. GRANTS.

(a) TYPES OF GRANTS.—

(1) UNCONVENTIONAL.—The Research Organization shall award grants for research, development, and demonstration of technologies to maximize the value of the Government's natural gas and other petroleum resources in unconventional reservoirs, and to develop technologies to increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of unconventional reservoirs, while improving safety and minimizing environmental impacts.

(2) ULTRA-DEEPWATER.—The Research Organization shall award grants for research, development, and demonstration of natural gas or other petroleum exploration and production technologies to—

(A) maximize the value of the Federal Government's natural gas and other petroleum resources in the ultra-deepwater areas;

(B) increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of ultra-deepwater reservoirs; and

(C) improve safety and minimize the environmental impacts of ultra-deepwater developments.

(3) ULTRA-DEEPWATER ARCHITECTURE.—The Research Organization shall award a grant to one or more consortia described in section 2446(d)(1)(D) for the purpose of developing and demonstrating the next generation architecture for ultra-deepwater production of natural gas and other petroleum in furtherance of the purposes stated in paragraph (2)(A) through (C).

(b) CONDITIONS FOR GRANTS.—Grants provided under this section shall contain the following conditions:

(1) If the grant recipient consists of more than one entity, the recipient shall provide a signed contract agreed to by all participating members clearly defining all rights to intellectual property for existing technology and for future inventions conceived and developed using funds provided under the grant, in a manner that is consistent with applicable laws.

(2) There shall be a repayment schedule for Federal dollars provided for demonstration projects under the grant in the event of a successful commercialization of the demonstrated technology. Such repayment schedule shall provide that the payments are made to the Secretary with the express intent that these payments not impede the adoption of the demonstrated technology in the marketplace. In the event that such impedance occurs due to market forces or other factors, the Research Organization shall renegotiate the grant agreement so that the acceptance of the technology in the marketplace is enabled.

(3) Applications for grants for demonstration projects shall clearly state the intended commercial applications of the technology demonstrated.

(4) The total amount of funds made available under a grant provided under subsection (a)(3) shall not exceed 50 percent of the total cost of the activities for which the grant is provided.

(5) The total amount of funds made available under a grant provided under subsection (a)(1) or (2) shall not exceed 50 percent of the total cost of the activities covered by the grant, except that the Research Organization may elect to provide grants covering a higher percentage, not to exceed 90 percent, of total project costs in the case of grants made solely to independent producers.

(6) An appropriate amount of funds provided under a grant shall be used for the broad dissemination of technologies developed under the grant to interested institutions of higher education, industry, and appropriate Federal and State technology entities to ensure the greatest possible benefits for the public and use of government resources.

(7) Demonstrations of ultra-deepwater technologies for which funds are provided under a grant may be conducted in ultra-deepwater or deepwater locations.

(c) ALLOCATION OF FUNDS.—Funds available for grants under this subtitle shall be allocated as follows:

(1) 15 percent shall be for grants under subsection (a)(1).

(2) 15 percent shall be for grants under subsection (a)(2).

(3) 60 percent shall be for grants under subsection (a)(3).

(4) 10 percent shall be for carrying out section 2444.

### SEC. 2448. PLAN AND FUNDING.

(a) TRANSMITTAL TO SECRETARY.—The Research Organization shall transmit to the Secretary an annual plan proposing projects and funding of activities under each paragraph of section 2447(a).

(b) REVIEW.—The Secretary shall have 1 month to review the annual plan, and shall approve the plan, if it is consistent with this subtitle. If the Secretary approves the plan, the Secretary shall provide funding as proposed in the plan.

(c) DISAPPROVAL.—If the Secretary does not approve the plan, the Secretary shall notify the Research Organization of the reasons for disapproval and shall withhold funding until a new plan is submitted which the Secretary approves. Within 1 month after notifying the Research Organization of a disapproval, the Secretary shall notify the appropriate congressional committees of the disapproval.

### SEC. 2449. AUDIT.

The Secretary shall retain an independent, commercial auditor to determine the extent to which the funds authorized by this subtitle have been expended in a manner consistent with the purposes of this subtitle. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to the appropriate congressional committees, along with a plan to remedy any deficiencies cited in the report.

### SEC. 2450. FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Ultra-Deepwater and Unconventional Gas Research Fund" which shall be available for obligation to the extent provided in advance in appropriations Acts for allocation under section 2447(c).

(b) Funding Sources.—

(1) Loans from Treasury.—There are authorized to be appropriated to the Secretary $900,000,000 for the period encompassing fiscal years 2002 through 2009. Such amounts shall be deposited by the Secretary in the Fund, and shall be considered loans from the Treasury. Income received by the United States in connection with any ultra-deepwater oil and gas leases shall be deposited in the Treasury and considered as repayment for the loans under this paragraph.

(2) Additional Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for the fiscal years 2002 through 2009, to be deposited in the Fund.

(3) Oil and Gas Lease Income.—To the extent provided in advance in appropriations Acts, not more than 7.5 percent of the income of the United States from Federal oil and gas leases may be deposited in the Fund for fiscal years 2002 through 2009.

#### SEC. 2451. SUNSET.

No funds are authorized to be appropriated for carrying out this subtitle after fiscal year 2009. The Research Organization shall be terminated when it has expended all funds made available pursuant to this subtitle.

### Subtitle D—Fuel Cells

#### SEC. 2461. FUEL CELLS.

(a) In General.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells. The program shall address—

(1) Advanced Research;

(2) Systems Development;

(3) Vision 21-Hybrids; and

(4) Innovative Concepts.

(b) Manufacturing Production and Processes.—In addition to the program under subsection (a), the Secretary, in consultation other Federal agencies, as appropriate, shall establish a program for the demonstration of fuel cell technologies, including fuel cell proton exchange membrane technology, for commercial, residential, and transportation applications. The program shall specifically focus on promoting the application of and improved manufacturing production and processes for fuel cell technologies.

(c) Authorization of Appropriations.—Within the amounts authorized to be appropriated under section 2481(a), there are authorized to be appropriated to the Secretary for the purpose of carrying out subsection (b), $28,000,000 for each of fiscal years 2002 through 2004.

### Subtitle E—Department of Energy Authorization of Appropriations

#### SEC. 2481. AUTHORIZATION OF APPROPRIATIONS.

(a) Operation and Maintenance.—There are authorized to be appropriated to the Secretary for operation and maintenance for subtitle B and subtitle D, and for Fossil Energy Research and Development Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes $282,000,000 for fiscal year 2002, $293,000,000 for fiscal year 2003, and $305,000,000 for fiscal year 2004, to remain available until expended.

(b) Limits on Use of Funds.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Gas Hydrates.

(2) Fossil Energy Environmental Restoration; or

(3) research, development, demonstration, and commercial application on coal and related technologies, including activities under subtitle A.

## TITLE V—SCIENCE

### Subtitle A—Fusion Energy Sciences

#### SEC. 2501. SHORT TITLE.

This subtitle may be cited as the "Fusion Energy Sciences Act of 2001".

#### SEC. 2502. FINDINGS.

The Congress finds that—

(1) economic prosperity is closely linked to an affordable and ample energy supply;

(2) environmental quality is closely linked to energy production and use;

(3) population, worldwide economic development, energy consumption, and stress on the environment are all expected to increase substantially in the coming decades;

(4) the few energy options with the potential to meet economic and environmental needs for the long-term future should be pursued as part of a balanced national energy plan;

(5) fusion energy is an attractive long-term energy source because of the virtually inexhaustible supply of fuel, and the promise of minimal adverse environmental impact and inherent safety;

(6) the National Research Council, the President's Committee of Advisers on Science and Technology, and the Secretary of Energy Advisory Board have each recently reviewed the Fusion Energy Sciences Program and each strongly supports the fundamental science and creative innovation of the program, and has confirmed that progress toward the goal of producing practical fusion energy has been excellent, although much scientific and engineering work remains to be done;

(7) each of these reviews stressed the need for a magnetic fusion burning plasma experiment to address key scientific issues and as a necessary step in the development of fusion energy;

(8) the National Research Council has also called for a broadening of the Fusion Energy Sciences Program research base as a means to more fully integrate the fusion science community into the broader scientific community; and

(9) the Fusion Energy Sciences Program budget is inadequate to support the necessary science and innovation for the present generation of experiments, and cannot accommodate the cost of a burning plasma experiment constructed by the United States, or even the cost of key participation by the United States in an international effort.

#### SEC. 2503. PLAN FOR FUSION EXPERIMENT.

(a) Plan for United States Fusion Experiment.—The Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, shall develop a plan for United States construction of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences, and shall transmit the plan and the review to the Congress by July 1, 2004.

(b) Requirements of Plan.—The plan described in subsection (a) shall—

(1) address key burning plasma physics issues; and

(2) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) United States Participation in an International Experiment.—In addition to the plan described in subsection (a), the Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost effective relative to the cost and scientific benefits of a domestic experiment described in subsection (a). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academies of Sciences and Engineering of a plan developed under this subsection, and shall transmit the plan and the review to the Congress not later than July 1, 2004.

(d) Authorization of Research and Development.—The Secretary, through the Fusion Energy Sciences Program, may conduct any research and development necessary to fully develop the plans described in this section.

#### SEC. 2504. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in full consultation with FESAC, shall develop and transmit to the Congress a plan for the purpose of ensuring a strong scientific base for the Fusion Energy Sciences Program and to enable the experiments described in section 2503. Such plan shall include as its objectives—

(1) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(2) to ensure a strengthened fusion science theory and computational base;

(3) to ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(4) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(5) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in section 2503;

(6) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development;

(7) to develop a roadmap for a fusion-based energy source that shows the important scientific questions, the evolution of confinement configurations, the relation between these two features, and their relation to the fusion energy goal;

(8) to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science;

(9) to ensure that the National Science Foundation, and other agencies, as appropriate, play a role in extending the reach of fusion science and in sponsoring general plasma science; and

(10) to ensure that there be continuing broad assessments of the outlook for fusion energy and periodic external reviews of fusion energy sciences.

### SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the development and review, but not for implementation, of the plans described in this subtitle and for activities of the Fusion Energy Sciences Program $320,000,000 for fiscal year 2002 and $335,000,000 for fiscal year 2003, of which up to $15,000,000 for each of fiscal year 2002 and fiscal year 2003 may be used to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science.

## Subtitle B—Spallation Neutron Source

### SEC. 2521. DEFINITION.

For the purposes of this subtitle, the term "Spallation Neutron Source" means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

### SEC. 2522. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Construction Funding.—There are authorized to be appropriated to the Secretary for construction of the Spallation Neutron Source—

(1) $276,300,000 for fiscal year 2002;

(2) $210,571,000 for fiscal year 2003;

(3) $124,600,000 for fiscal year 2004;

(4) $79,800,000 for fiscal year 2005; and

(5) $41,100,000 for fiscal year 2006 for completion of construction.

(b) Authorization of Other Project Funding.—There are authorized to be appropriated to the Secretary for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment not related to construction) of the Spallation Neutron Source $15,353,000 for fiscal year 2002 and $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

### SEC. 2523. REPORT.

The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

### SEC. 2524. LIMITATIONS.

The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source may not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

## Subtitle C—Facilities, Infrastructure, and User Facilities

### SEC. 2541. DEFINITION.

For purposes of this subtitle—

(1) the term "nonmilitary energy laboratory" means—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Lawrence Berkeley National Laboratory;

(F) Oak Ridge National Laboratory;

(G) Pacific Northwest National Laboratory;

(H) Princeton Plasma Physics Laboratory;

(I) Stanford Linear Accelerator Center;

(J) Thomas Jefferson National Accelerator Facility; or

(K) any other facility of the Department that the Secretary, in consultation with the Director, Office of Science and the appropriate congressional committees, determines to be consistent with the mission of the Office of Science; and

(2) the term "user facility" means—

(A) an Office of Science facility at a nonmilitary energy laboratory that provides special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of the Nation's universities, industry, private laboratories, Federal laboratories, and others, including research institutions or individuals from other nations where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest; and

(B) any other Office of Science funded facility designated by the Secretary as a user facility.

### SEC. 2542. FACILITY AND INFRASTRUCTURE SUPPORT FOR NONMILITARY ENERGY LABORATORIES.

(a) Facility Policy.—The Secretary shall develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) Plan.—The Secretary shall prepare a comprehensive 10-year plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at each nonmilitary energy laboratory. Such plan shall provide for facilities work in accordance with the following priorities:

(1) Providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies.

(2) Providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration, if feasible.

(3) Providing engineering design and construction services for those facilities that require modification or additions in order to meet the needs of new or expanded programs.

(c) Report.—

(1) Transmittal.—Within 1 year after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a report containing the plan prepared under subsection (b).

(2) Contents.—For each nonmilitary energy laboratory, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

(3) Additional elements.—The report shall also—

(A) include a plan for new facilities and facility modifications at each nonmilitary energy laboratory that will be required to meet the Department's changing missions of the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations;

(B) address the coordination of modernization and consolidation of facilities among the nonmilitary energy laboratories in order to meet changing mission requirements; and

(C) provide for annual reports to the appropriate congressional committees on accomplishments, conformance to schedules, commitments, and expenditures.

### SEC. 2543. USER FACILITIES.

(a) Notice Requirement.—When the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) Competition Requirement.—When the Department considers the participation of a university or other potential user in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a participant.

(c) Prohibition.—The Department may not redesignate a user facility, as defined by section 2541(b) as something other than a user facility for avoid the requirements of subsections (a) and (b).

## Subtitle D—Advisory Panel on Office of Science

### SEC. 2561. ESTABLISHMENT.

The Director of the Office of Science and Technology Policy, in consultation with the Secretary, shall establish an Advisory Panel on the Office of Science comprised of knowledgeable individuals to—

(1) address concerns about the current status and the future of scientific research supported by the Office;

(2) examine alternatives to the current organizational structure of the Office within the Department, taking into consideration existing structures for the support of scientific research in other Federal agencies and the private sector; and

(3) suggest actions to strengthen the scientific research supported by the Office that might be taken jointly by the Department and Congress.

### SEC. 2562. REPORT.

Within 6 months after the date of the enactment of this Act, the Advisory Panel shall transmit its findings and recommendations in a report to the Director of the Office of Science and Technology Policy and the Secretary. The Director and the Secretary shall jointly—

(1) consider each of the Panel's findings and recommendations, and comment on each as they consider appropriate; and

(2) transmit the Panel's report and the comments of the Director and the Secretary on the report to the appropriate congressional committees within 9 months after the date of the enactment of this Act.

## Subtitle E—Department of Energy Authorization of Appropriations

### SEC. 2581. AUTHORIZATION OF APPROPRIATIONS.

(a) Operation and maintenance.—Including the amounts authorized to be appropriated for fiscal year 2002 under section 2505 for Fusion Energy Sciences and under section 2522(b) for the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for the Office of Science (also including subtitle C, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the Spallation Neutron

Source), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction) operation and maintenance $3,299,558,000 for fiscal year 2002, to remain available until expended.

(b) Research Regarding Precious Metal Catalysis.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), $5,000,000 for fiscal year 2002 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis, either directly though national laboratories, or through the award of grants, cooperative agreements, or contracts with public or nonprofit entities.

(c) Construction.—In addition to the amounts authorized to be appropriated under section 2522(a) for construction of the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for Science—

(1) $19,400,000 for fiscal year 2002, $14,800,000 for fiscal year 2003, and $8,900,000 for fiscal year 2004 for completion of constuction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $11,405,000 for fiscal year 2002 for completion of construction of Project 01-E-300, Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory;

(3) $4,000,000 for fiscal year 2002, $8,000,000 for fiscal year 2003, and $2,000,000 for fiscal year 2004 for completion of construction of Project 02-SC-002, Project Engineering Design (PED), Various Locations;

(4) $3,183,000 for fiscal year 2002 for completion of construction of Project 02-SC-002, Multiprogram Energy Laboratories Infrastructure Project Engineering Design (PED), Various Locations; and

(5) $18,633,000 for fiscal year 2002 and $13,029,000 for fiscal year 2003 for completion of construction of Project MEL-001, Multiprogram Energy Laboratories, Infrastructure, Various Locations.

(d) Limits on Use of Funds.—None of the funds authorized to be appropriated in subsection (c) may be used for construction at any national security laboratory as defined in section 3281(1) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(1)) or at any nuclear weapons production facility as defined in section 3281(2) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(2)).

## TITLE VI—MISCELLANEOUS

## Subtitle A—General Provisions for the Department of Energy

### SEC. 2601. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY PROGRAMS, PROJECTS, AND ACTIVITIES.

(a) Authorized Activities.—Except as otherwise provided in this division, research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division may be carried out under the procedures of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other Act under which the Secretary is authorized to carry out such programs, projects, and activities, but only to the extent the Secretary is authorized to carry out such activities under each such Act.

(b) Authorized Agreements.—Except as otherwise provided in this division, in carrying out research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division, the Secretary may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, and any other form of agreement available to the Secretary.

(c) Definition.—For purposes of this section, the term "joint venture" has the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301), except that such term may apply under this section to research, development, demonstration, and commercial application of energy technology joint ventures.

(d) Protection of Information.—Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to research, development, demonstration, and commercial application of energy technology programs, projects, and activities for which appropriations are authorized under this division.

(e) Inventions.—An invention conceived and developed by any person using funds provided through a grant under this division shall be considered a subject invention for the purposes of chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act).

(f) Outreach.—The Secretary shall ensure that each program authorized by this division includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, universities, facility planners and managers, State and local governments, and other entities.

(g) Guidelines and Procedures.—The Secretary shall provide guidelines and procedures for the transition, where appropriate, of energy technologies from research through development and demonstration to commercial application of energy technology. Nothing in this section shall preclude the Secretary from—

(1) entering into a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary under this section that relates to research, development, demonstration, and commercial application of energy technology; or

(2) extending a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980, grant, joint venture, or any other form of agreement available to the Secretary that relates to research, development, and demonstration to cover commercial application of energy technology.

(h) Application of Section.—This section shall not apply to any contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary that is in effect as of the date of the enactment of this Act.

### SEC. 2602. LIMITS ON USE OF FUNDS.

(a) Management and Operating Contracts.—

(1) Competitive procedure requirement.—None of the funds authorized to be appropriated to the Secretary by this division may be used to award a management and operating contract for a federally owned or operated nonmilitary energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(2) Congressional notice.—At least 2 months before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the appropriate congressional committees a report notifying the committees of the waiver and setting forth the reasons for the waiver.

(b) Production or Provision of Articles or Services.—None of the funds authorized to be appropriated to the Secretary by this division may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

(c) Requests for Proposals.—None of the funds authorized to be appropriated to the Secretary by this division may be used by the Department to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

### SEC. 2603. COST SHARING.

(a) Research and Development.—Except as otherwise provided in this division, for research and development programs carried out under this division, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) Demonstration and Commercial Application.—Except as otherwise provided in this division, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this division to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this division.

(c) Calculation of Amount.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

### SEC. 2604. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY.

Except as otherwise provided in this division, the Secretary shall provide funding for scientific or energy demonstration and commercial application of energy technology programs, projects, or activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

### SEC. 2605. REPROGRAMMING.

(a) Authority.—The Secretary may use amounts appropriated under this division for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Secretary has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity, whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Secretary.

(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Limitations.—(1) In no event may the total amount of funds obligated by the Secretary pursuant to this division exceed the total amount authorized to be appropriated to the Secretary by this division.

(2) Funds appropriated to the Secretary pursuant to this division may not be used for an item for which Congress has declined to authorize funds.

## Subtitle B—Other Miscellaneous Provisions

### SEC. 2611. NOTICE OF REORGANIZATION.

The Secretary shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department.

### SEC. 2612. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the project exceeds $5,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the appropriate congressional committees explaining the project and the reasons for the estimate or revision.

### SEC. 2613. LIMITS ON CONSTRUCTION PROJECTS.

(a) Limitation.—Except as provided in subsection (b), construction on a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) Notice.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the appropriate congressional committees a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) Exclusion.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) Exception.—Subsections (a) and (b) shall not apply to any construction project that has a current estimated cost of less than $5,000,000.

### SEC. 2614. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than $5,000,000.

(b) Authority for Construction Design.—(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian environmental research and development, scientific or energy research, development, and demonstration, or commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds $250,000, funds for such design must be specifically authorized by law.

### SEC. 2615. NATIONAL ENERGY POLICY DEVELOPMENT GROUP MANDATED REPORTS.

(a) The Secretary's Review of Energy Efficiency Renewable Energy, and Alternative Energy Research and Development.—Upon completion of the Secretary's review of current funding and historic performance of the Department's energy efficiency, renewable energy, and alternative energy research and development programs in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Secretary shall transmit a report containing the results of such review to the appropriate congressional committees.

(b) Review and Recommendations on Using the Nation's Energy Resources More Efficiently.—Upon completion of the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology reviewing and making recommendations on using the Nation's energy resources more efficiently, in response to the recommendation of the May 16, 2001, Report of the National Energy Policy Development Group, the Director of the Office of Science and Technology Policy shall transmit a report containing the results of such review and recommendations to the appropriate congressional committees.

### SEC. 2616. PERIODIC REVIEWS AND ASSESSMENTS.

The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to ensure that there be periodic reviews and assessments of the programs authorized by this division, as well as the measurable cost and performance-based goals for such programs as established under section 2004, and the progress on meeting such goals. Such reviews and assessments shall be conducted at least every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the appropriate congressional committees reports containing the results of such reviews and assessments.

## DIVISION C

### SEC. 4101. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

### SEC. 4102. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the period at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

### SEC. 4103. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) Single Family Housing Mortgage Insurance.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting "or paragraph (10)"; and

(2) by striking "20 percent" and inserting "30 percent".

(b) Multifamily Housing Mortgage Insurance.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) Cooperative Housing Mortgage Insurance.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) Rehabilitation and Neighborhood Conservation Housing Mortgage Insurance.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking "20 per centum" and inserting "30 percent".

(e) Low-Income Multifamily Housing Mortgage Insurance.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) Elderly Housing Mortgage Insurance.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking "20 per centum" and inserting "30 percent".

(g) Condominium Housing Mortgage Insurance.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

### SEC. 4104. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.".

### SEC. 4105. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000,, or any revision thereto, applicable at the time of installation.".

### SEC. 4106. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m–290m-3) is amended by adding at the end the following:

### "SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

## DIVISION E

### SEC. 5000. SHORT TITLE.

This division may be cited as the "Clean Coal Power Initiative Act of 2001".

### SEC. 5001. FINDINGS.

Congress finds that—

(1) reliable, affordable, increasingly clean electricity will continue to power the growing United States economy;

(2) an increasing use of electrotechnologies, the desire for continuous environmental improvement, a more competitive electricity market, and concerns about rising energy prices add importance to the need for reliable, affordable, increasingly clean electricity;

(3) coal, which, as of the date of the enactment of this Act, accounts for more than ½ of all electricity generated in the United States, is the most abundant fossil energy resource of the United States;

(4) coal comprises more than 85 percent of all fossil resources in the United States and exists in quantities sufficient to supply the United States for 250 years at current usage rates;

(5) investments in electricity generating facility emissions control technology over the past 30 years have reduced the aggregate emissions of pollutants from coal-based generating facilities by 21 percent, even as coal use for electricity generation has nearly tripled;

(6) continuous improvement in efficiency and environmental performance from electricity generating facilities would allow continued use of coal and preserve less abundant energy resources for other energy uses;

(7) new ways to convert coal into electricity can effectively eliminate health-threatening emissions and improve efficiency by as much as 50 percent, but initial deployment of new coal generation methods and equipment entails significant risk that generators may be unable to accept in a newly competitive electricity market; and

(8) continued environmental improvement in coal-based generation and increasing the production and supply of power generation facilities with less air emissions, with the ultimate goal of near-zero emissions, is important and desirable.

### SEC. 5002. DEFINITIONS.

In this division:

(1) Cost and performance goals.—The term "cost and performance goals" means the cost and performance goals established under section 5004.

(2) Secretary.—The term "Secretary" means the Secretary of Energy.

### SEC. 5003. CLEAN COAL POWER INITIATIVE.

(a) In General.—The Secretary shall carry out a program under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XIII of the Energy Policy Act of 1992 (42 U.S.C. 13331 et seq.),

to achieve cost and performance goals established by the Secretary under section 5004.

### SEC. 5004. COST AND PERFORMANCE GOALS.

(a) Review and Assessment.—The Secretary shall perform an assessment that establishes measurable cost and performance goals for 2005, 2010, 2015, and 2020 for the programs authorized by this division. Such assessment shall be based on the latest scientific, economic, and technical knowledge.

(b) Consultation.—In establishing the cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of advanced coal-based equipment;

(6) institutions of higher learning, national laboratories, and professional and technical societies;

(7) organizations representing workers;

(8) organizations formed to—

(A) promote the use of coal;

(B) further the goals of environmental protection; and

(C) promote the production and generation of coal-based power from advanced facilities; and

(9) other appropriate Federal and State agencies.

(c) Timing.—The Secretary shall—

(1) not later than 120 days after the date of the enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of the enactment of this Act, after taking into consideration any public comments received, submit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the final cost and performance goals.

### SEC. 5005. AUTHORIZATION OF APPROPRIATIONS.

(a) Clean Coal Power Initiative.—Except as provided in subsection (b), there are authorized to be appropriated to the Secretary to carry out the Clean Coal Power Initiative under section 5003 $200,000,000 for each of the fiscal years 2002 through 2011, to remain available until expended.

(b) Limit on use of Funds.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this Act after September 30, 2002, unless the Secretary has transmitted to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection and 1 month has elapsed since that transmission. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued;

(4) recommendations for a mechanism for recoupment of Federal funding for successful commercial projects; and

(5) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(c) Applicability.—Subsection (b) shall not apply to any project begun before September 30, 2002.

### SEC. 5006. PROJECT CRITERIA.

(a) In General.—The Secretary shall not provide funding under this division for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION.—(A) In allocating the funds authorized under section 5005(a), the Secretary shall ensure that at least 80 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction and hybrid gasification/combustion.

(B) The Secretary shall set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit no more than .05 lbs of NOx per million BTU;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of 60 percent (higher heating value).

(2) OTHER PROJECTS.—For projects not described in paragraph (1), the Secretary shall set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NOx per million BTU;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of 45 percent (higher heating value).

(c) FINANCIAL CRITERIA.—The Secretary shall not provide a funding award under this division unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of the enactment of this Act.

(e) FEDERAL SHARE.—The Federal share of the cost of a coal or related technology project funded by the Secretary shall not exceed 50 percent.

(f) APPLICABILITY.—Neither the use of any particular technology, nor the achievement of any emission reduction, by any facility receiving assistance under this title shall be taken into account for purposes of making any determination under the Clean Air Act in applying the provisions of that Act to a facility not receiving assistance under this title, including any determination concerning new source performance standards, lowest achievable emission rate, best available control technology, or any other standard, requirement, or limitation.

**SEC. 5007. STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter through 2016, the Secretary, in cooperation with other appropriate Federal agencies, shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report containing the results of a study to—

(1) identify efforts (and the costs and periods of time associated with those efforts) that, by themselves or in combination with other efforts, may be capable of achieving the cost and performance goals;

(2) develop recommendations for the Department of Energy to promote the efforts identified under paragraph (1); and

(3) develop recommendations for additional authorities required to achieve the cost and performance goals.

(b) EXPERT ADVICE.—In carrying out this section, the Secretary shall give due weight to the expert advice of representatives of the entities described in section 5004(b).

**SEC. 5008. CLEAN COAL CENTERS OF EXCELLENCE.**

As part of the program authorized in section 5003, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can show the greatest potential for advancing new clean coal technologies.

## DIVISION D

**SEC. 6001. SHORT TITLE.**

This division may be cited as the "Energy Security Act".

## TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

**SEC. 6101. STUDY OF EXISTING RIGHTS-OF-WAY ON FEDERAL LANDS TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.**

(a) IN GENERAL.—Within 1 year after the date of the enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission regarding—

(1) whether the right-of-way can be used to support new or additional capacity; and

(2) what modifications or other changes, if any, would be necessary to accommodate such additional capacity.

(b) CONSULTATIONS AND CONSIDERATIONS.—In performing the review, the head of each agency shall—

(1) consult with agencies of State, tribal, or local units of government as appropriate; and

(2) consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities, and set forth those considerations in the report.

**SEC. 6102. INVENTORY OF ENERGY PRODUCTION POTENTIAL OF ALL FEDERAL PUBLIC LANDS.**

(a) INVENTORY REQUIREMENT.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall conduct an inventory of the energy production potential of all Federal public lands other than national park lands and lands in any wilderness area, with respect to wind, solar, coal, and geothermal power production.

(b) LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall not include in the inventory under this section the matters to be identified in the inventory under section 604 of the Energy Act of 2000 (43 U.S.C. 6217).

(2) WIND AND SOLAR POWER.—The inventory under this section—

(A) with respect to wind power production shall be limited to sites having a mean average wind speed—

(i) exceeding 12.5 miles per hour at a height of 33 feet; and

(ii) exceeding 15.7 miles per hour at a height of 164 feet; and

(B) with respect to solar power production shall be limited to areas rated as receiving 450 watts per square meter or greater.

(c) EXAMINATION OF RESTRICTIONS AND IMPEDIMENTS.—The inventory shall identify the extent and nature of any restrictions or impediments to the development of such energy production potential.

(d) GEOTHERMAL POWER.—The inventory shall include an update of the 1978 Assessment of Geothermal Resources by the United States Geological Survey.

(e) COMPLETION AND UPDATING.—The Secretary—

(1) shall complete the inventory by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory regularly thereafter.

(f) REPORTS.—The Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and make publicly available—

(1) a report containing the inventory under this section, by not later than 2 years after the effective date of this section; and

(2) each update of such inventory.

**SEC. 6103. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.**

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after date of the enactment of this Act, each agency shall provide a report to the Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to the Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

### SEC. 6104. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects.

(b) TASK FORCE MEMBERS.—The task force shall include a representative of each of the Bureau of Land Management, the United States Fish and Wildlife Service, the Army Corps of Engineers, the Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and such other agencies as the Secretary of Energy and the Federal Energy Regulatory Commission consider appropriate.

(c) TERMS OF AGREEMENT.—The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission.

(d) SUBMITTAL OF AGREEMENT.—The Secretary of Energy shall submit a final interagency agreement under this section to the Congress by not later than 6 months after the effective date of this section.

### SEC. 6105. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that Federal land managing agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, and other public lands and resources managed by such Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, and other public lands and managed by the Secretaries.

### SEC. 6106. EFFICIENT INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission shall jointly undertake a study of the location and extent of anticipated demand growth for natural gas consumption in the Western States, herein defined as the area covered by the Western System Coordinating Council.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of natural gas demand forecasts by Western State officials, such as the California Energy Commission and the California Public Utilities Commission, which indicate the forecasted levels of demand for natural gas and the geographic distribution of that forecasted demand.

(2) A review of the locations of proposed new natural gas-fired electric generation facilities currently in the approval process in the Western States, and their forecasted impact on natural gas demand.

(3) A review of the locations of existing interstate natural gas transmission pipelines, and interstate natural gas pipelines currently in the planning stage or approval process, throughout the Western States.

(4) A review of the locations and capacity of intrastate natural gas pipelines in the Western States.

(5) Recommendations for the coordination of the development of the natural gas infrastructure indicated in paragraphs (1) through (4).

(c) REPORT.—The Secretary shall report the findings and recommendations resulting from the study required by this section to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act. The Chairman of the Federal Energy Regulatory Commission shall report on how the Commission will factor these results into its review of applications of interstate pipelines within the Western States to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

## TITLE II—OIL AND GAS DEVELOPMENT

## Subtitle A—Offshore Oil and Gas

### SEC. 6201. SHORT TITLE.

This subtitle may be referred to as the "Royalty Relief Extension Act of 2001".

### SEC. 6202. LEASE SALES IN WESTERN AND CENTRAL PLANNING AREA OF THE GULF OF MEXICO.

(a) IN GENERAL.—For all tracts located in water depths of greater than 200 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act occurring within 2 years after the date of the enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters.

(2) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters.

(3) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Except as expressly provided in this section, nothing in this section is intended to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) to provide royalty suspension.

### SEC. 6203. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

### SEC. 6204. ANALYSIS OF GULF OF MEXICO FIELD SIZE DISTRIBUTION, INTERNATIONAL COMPETITIVENESS, AND INCENTIVES FOR DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Energy shall enter into appropriate arrangements with the National Academy of Sciences to commission the Academy to perform the following:

(1) Conduct an analysis and review of existing Gulf of Mexico oil and natural gas resource assessments, including—

(A) analysis and review of assessments recently performed by the Minerals Management Service, the 1999 National Petroleum Council Gas Study, the Department of Energy's Offshore Marginal Property Study, and the Advanced Resources International, Inc. Deepwater Gulf of Mexico model; and

(B) evaluation and comparison of the accuracy of assumptions of the existing assessments with respect to resource field size distribution, hydrocarbon potential, and scenarios for leasing, exploration, and development.

(2) Evaluate the lease terms and conditions offered by the Minerals Management Service for Lease Sale 178, and compare the financial incentives offered by such terms and conditions to financial incentives offered by the terms and conditions that apply under leases for other offshore areas that are competing for the same limited offshore oil and gas exploration and development capital, including offshore areas of West Africa and Brazil.

(3) Recommend what level of incentives for all water depths are appropriate in order to ensure that the United States optimizes the domestic supply of oil and natural gas from the offshore areas of the Gulf of Mexico that are not subject to current leasing moratoria. Recommendations under this paragraph should be made in the context of the importance of the oil and natural gas resources of the Gulf of Mexico to the future energy and economic needs of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, summarizing the findings of the National Academy of Sciences pursuant to subsection (a) and providing recommendations of the Secretary for new policies or other actions that could help to further increase oil and natural gas production from the Gulf of Mexico.

## Subtitle B—Improvements to Federal Oil and Gas Management

### SEC. 6221. SHORT TITLE.

This subtitle may be cited as the "Federal Oil and Gas Lease Management Improvement Demonstration Program Act of 2001".

### SEC. 6222. STUDY OF IMPEDIMENTS TO EFFICIENT LEASE OPERATIONS.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall jointly undertake a study of the impediments to efficient oil and gas leasing and operations on Federal onshore lands in order to identify means by which unnecessary impediments to the expeditious exploration and production of oil and natural gas on such lands can be removed.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of the process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, the reasons for any delays in acting upon such offers, and any recommendations for expediting the response to such offers.

(2) A review of the approval process for applications for permits to drill, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any

other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(3) A review of the approval process for surface use plans of operation, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(4) A review of the process for administrative appeal of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, any reasons for delays in hearing or deciding such appeals, and any recommendations for expediting the appeals process.

(c) Report.—The Secretaries shall report the findings and recommendations resulting from the study required by this section to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

### SEC. 6223. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) In General.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and natural gas leasing on Federal land.

(b) Preparation of Leasing Plan or Analysis.—In preparing a management plan or leasing analysis for oil or natural gas leasing on Federal lands administered by the Bureau of Land Management or the Forest Service, the Secretary concerned shall—

(1) identify and review the restrictions on surface use and operations imposed under the laws (including regulations) of the State in which the lands are located;

(2) consult with the appropriate State agency regarding the reasons for the State restrictions identified under paragraph (1);

(3) identify any differences between the State restrictions identified under paragraph (1) and any restrictions on surface use and operations that would apply under the lease; and

(4) prepare and provide upon request a written explanation of such differences.

(c) Rejection of Offer To Lease.—

(1) In general.—If the Secretary rejects an offer to lease Federal lands for oil or natural gas development on the ground that the land is unavailable for oil and natural gas leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) Previous resource management decision.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) Segregation of available land from unavailable land.—The Secretary may not reject an offer to lease Federal land for oil and natural gas development that is available for such leasing on the ground that the offer includes land unavailable for leasing. The Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) Disapproval or Required Modification of Surface Use Plans of Operations and Application for Permit To Drill.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill with respect to oil or natural gas development on Federal lands.

(e) Preservation of Federal Authority.—Nothing in this section or in any identification, review, or explanation prepared under this section shall be construed—

(1) to limit the authority of the Federal Government to impose lease stipulations, restrictions, requirements, or other terms that are different than those that apply under State law; or

(2) to affect the procedures that apply to judicial review of actions taken under this subsection.

### SEC. 6224. LIMITATION ON COST RECOVERY FOR APPLICATIONS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

### SEC. 6225. CONSULTATION WITH SECRETARY OF AGRICULTURE.

Section 17(h) of the Mineral Leasing Act (30 U.S.C. 226(h)) is amended to read as follows:

"(h)(1) In issuing any lease on National Forest System lands reserved from the public domain, the Secretary of the Interior shall consult with the Secretary of Agriculture in determining stipulations on surface use under the lease.

"(2)(A) A lease on lands referred to in paragraph (1) may not be issued if the Secretary of Agriculture determines, after consultation under paragraph (1) and consultation with the Regional Forester having administrative jurisdiction over the National Forest System Lands concerned, that the terms and conditions of the lease, including any prohibition on surface occupancy for lease operations, will not be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

"(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

"(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

"(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

"(B) an explanation why such a statement by the Regional Forester is not included.

## Subtitle C—Miscellaneous

### SEC. 6231. OFFSHORE SUBSALT DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) Suspension of Operations for Subsalt Exploration.—Notwithstanding any other provision of law or regulation, to prevent waste caused by the drilling of unnecessary wells and to facilitate the discovery of additional hydrocarbon reserves, the Secretary may grant a request for a suspension of operations under any lease to allow the reprocessing and reinterpretation of geophysical data to identify and define drilling objectives beneath allocthonus salt sheets.".

### SEC. 6232. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) Applicability of Section.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other mineral leasing law, in the period beginning on the date of the enactment of this Act through September 30, 2006.

(b) Terms and Conditions.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall, on the demand of the Secretary of the Interior, be paid in oil or gas. If the Secretary of the Interior makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind (other than oil or gas taken under section 27(a)(3) of the Outer Continental Shlef Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process any oil or gas royalty taken in kind.

(4) The Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas,

(B) processing the gas, or

(C) disposing of the oil or gas.

(5) The Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(c) Reimbursement of Cost.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) Benefit to the United States Required.—The Secretary may receive oil or gas royalties in kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those that would be realized under a comparable royalty in value program.

(e) Report to Congress.—For each of the fiscal years 2002 through 2006 in which the United States takes oil or gas royalties in kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in kind and sold to refineries under subsection (h), the Secretary of the Interior shall provide a report to the Congress describing—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing amounts received by the United States derived from such royalties in kind to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts received by the United States derived from taking royalties in kind, and costs and savings incurred by the United States associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) Deduction of Expenses.—

(1) In general.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) Accounting for deductions.—If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) Consultation With States.—The Secretary of the Interior—

(1) shall consult with a State before conducting a royalty in kind program under this title within the State, and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) Provisions for Small Refineries.—

(1) Preference.—If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) Proration among refineries in production area.—In disposing of oil under this subsection, the Secretary of the Interior may, at the discretion of the Secretary, prorate such oil among such refineries in the area in which the oil is produced.

(i) Disposition to Federal Agencies.—

(1) Onshore royalty.—Any royalty oil or gas taken by the Secretary in kind from onshore oil and gas leases may be sold at not less than the market price to any department or agency of the United States.

(2) Offshore royalty.—Any royalty oil or gas taken in kind from Federal oil and gas leases on the Outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) Preference for Federal Low-Income Energy Assistance Programs.—In disposing of royalty oil or gas taken in kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

### SEC. 6233. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart, is less than $15 per barrel for 180 consecutive pricing days or when the price of natural gas delivered at Henry Hub, Louisiana, is less than $2.00 per million British thermal units for 180 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

### SEC. 6234. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 37 the following:

"REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

"Sec. 38. (a) In General.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary may provide reimbursement under subsection (b) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily; and

"(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.".

(b) Application.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

### SEC. 6235. ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) Findings.—The Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) Encouragement of State and Provincial Prohibitions.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

## TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

### SEC. 6301. ROYALTY REDUCTION AND RELIEF.

(a) Royalty Reduction.—Section 5(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) is amended by striking "not less than 10 per centum or more than 15 per centum" and inserting "not more than 8 per centum".

(b) Royalty Relief:—

(1) In general.—Notwithstanding section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) and any provision of any lease under that Act, no royalty is required to be paid—

(A) under any qualified geothermal energy lease with respect to commercial production of heat or energy from a facility that begins such production in the 5-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) 3-year application.—Paragraph (1) applies only to commercial production of heat or energy from a facility in the first 3 years of such production.

(c) Definitions.—In this section:

(1) Qualified expansion geothermal energy.—The term "qualified expansion geothermal energy"—

(A) subject to subparagraph (B), means geothermal energy produced from a generation facility for which the rated capacity is increased by more than 10 percent as a result of expansion of the facility carried out in the 5-year period beginning on the date of the enactment of this Act; and

(B) does not include the rated capacity of the generation facility on the date of the enactment of this Act.

(2) Qualified geothermal energy lease.—The term "qualified geothermal energy lease" means a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)—

(A) that was executed before the end of the 5-year period beginning on the date of the enactment of this Act; and

(B) under which no commercial production of any form of heat or energy occurred before the date of the enactment of this Act.

### SEC. 6302. EXEMPTION FROM ROYALTIES FOR DIRECT USE OF LOW TEMPERATURE GEOTHERMAL ENERGY RESOURCES.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting "(a) In General.—" after "Sec. 5."; and

(4) by adding at the end the following new subsection:

"(b) Exemption for Use of Low Temperature Resources.—

"(1) In general.—In lieu of any royalty or rental under subsection (a), a lease for qualified development and direct utilization of low temperature geothermal resources shall provide for payment by the lessee of an annual fee of not less than $100, and not more than $1,000, in accordance with the schedule issued under paragraph (2).

"(2) Schedule.—The Secretary shall issue a schedule of fees under this section under which a fee is based on the scale of development and utilization to which the fee applies.

"(3) Definitions.—In this subsection:

"(A) Low temperature geothermal resources.—The term 'low temperature geothermal resources' means geothermal steam and associated geothermal resources having a temperature of less than 195 degrees Fahrenheit.

"(B) Qualified development and direct utilization.—The term 'qualified development and direct utilization' means development and utilization in which all products of geothermal resources, other than any heat utilized, are returned to the geothermal formation from which they are produced.".

### SEC. 6303. AMENDMENTS RELATING TO LEASING ON FOREST SERVICE LANDS.

The Geothermal Steam Act of 1970 is amended—

(1) in section 15(b) (30 U.S.C. 1014(b))—

(A) by inserting "(1)" after "(b)"; and

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) in the first sentence—

(i) by striking "with the consent of, and" and inserting "after consultation with the Secretary of Agriculture and"; and

(ii) by striking "the head of that Department" and inserting "the Secretary of Agriculture"; and

(2) by adding at the end the following:

"(2)(A) A geothermal lease for lands withdrawn or acquired in aid of functions of the Department of Agriculture may not be issued if the Secretary of Agriculture, after the consultation required by paragraph (1) and consultation with any Regional Forester having administrative jurisdiction over the lands concerned, determines that no terms or conditions, including a prohibition on surface occupancy for lease operations, would be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

"(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

"(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

"(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

"(B) an explanation why such a statement by the Regional Forester is not included.

### SEC. 6304. DEADLINE FOR DETERMINATION ON PENDING NONCOMPETITIVE LEASE APPLICATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall, with respect to each application pending on the date of the enactment of this Act for a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), issue a final determination of—

(1) whether or not to conduct a lease sale by competitive bidding; and

(2) whether or not to award a lease without competitive bidding.

### SEC. 6305. OPENING OF PUBLIC LANDS UNDER MILITARY JURISDICTION.

(a) In General.—Except as otherwise provided in the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other provisions of Federal law applicable to development of geothermal energy resources within public lands, all public lands under the jurisdiction of a Secretary of a military department shall be open to the operation of such laws and development and utilization of geothermal steam and associated geothermal resources, as that term is defined in section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001), without the necessity for further action by the Secretary or the Congress.

(b) Conforming Amendment.—Section 2689 of title 10, United States Code, is amended by striking "including public lands," and inserting "other than public lands,".

(c) Treatment of Existing Leases.—Upon the expiration of any lease in effect on the date of the enactment of this Act of public lands under the jurisdiction of a military department for the development of any geothermal resource, such lease may, at the option of the lessee—

(1) be treated as a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), and be renewed in accordance with such Act; or

(2) be renewed in accordance with the terms of the lease, if such renewal is authorized by such terms.

(d) Regulations.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary. Such regulations shall contain guidelines to assist in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to geothermal energy resources development and utilization.

(e) Closure for Purposes of National Defense or Security.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to geothermal energy resources leasing pursuant to this section.

### SEC. 6306. APPLICATION OF AMENDMENTS.

The amendments made by this title apply with respect to any lease executed before, on, or after the date of the enactment of this Act.

### SEC. 6307. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to the Congress regarding the status of all moratoria on and withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of known geothermal resources areas (as that term is defined in section 2 of that Act (30 U.S.C. 1001), specifying for each such area whether the basis for such moratoria or withdrawal still applies.

### SEC. 6308. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

"Sec. 38. (a) In General.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary shall may provide reimbursement under subsection (a) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily; and

"(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.".

(b) Application.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

## TITLE IV—HYDROPOWER

### SEC. 6401. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) In General.—The Secretary of the Interior shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) Content.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) Report.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of the enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

### SEC. 6402. INSTALLATION OF POWERFORMER AT FOLSOM POWER PLANT, CALIFORNIA.

(a) In General.—The Secretary of the Interior may install a powerformer at the Bureau of Reclamation Folsom power plant in Folsom, California, to replace a generator and transformer that are due for replacement due to age.

(b) Reimbursable Costs.—Costs incurred by the United States for installation of a powerformer under this section shall be treated as reimbursable costs and shall bear interest at current long-term borrowing rates of the United States Treasury at the time of acquisition.

(c) Local Cost Sharing.—In addition to reimbursable costs under subsection (b), the Secretary shall seek contributions from power users toward the costs of the powerformer and its installation.

### SEC. 6403. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) In General.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to maximize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such maximization.

(b) Report.—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a).

(c) Cooperation by Federal Power Marketing Administrations.—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in—

(1) determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be maximized; and

(2) implementing measures identified under subsection (a)(2).

(d) Limitation on Implementation of Measures.—Implementation under subsections (a)(2) and (b)(2) shall be limited to those measures that can be implemented within the constraints imposed on Department of the Interior facilities by other uses required by law.

### SEC. 6404. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) In General.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) Consent of Affected Irrigation Customers Required.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) Existing Obligations Not Affected.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

## TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

### SEC. 6501. SHORT TITLE.

This title may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2001".

### SEC. 6502. DEFINITIONS.

In this title:

(1) Coastal plain.—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) Secretary.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

### SEC. 6503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) In General.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) Repeal.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) Compliance With Requirements Under Certain Other Laws.—

(1) Compatibility.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) Adequacy of the department of the interior's legislative environmental impact statement.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) Compliance with nepa for other actions.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) Relationship to State and Local Authority.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) Special Areas.—

(1) In general.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 6502(1).

(2) Management.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) Exclusion from leasing or surface occupancy.—The Secretary may exclude any

Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) Directional drilling.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) Limitation on Closed Areas.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) Regulations.—

(1) In general.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) Revision of regulations.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

### SEC. 6504. LEASE SALES.

(a) In General.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) Procedures.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) Lease Sale Bids.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) Acreage Minimum in First Sale.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) Timing of Lease Sales.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

### SEC. 6505. GRANT OF LEASES BY THE SECRETARY.

(a) In General.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 6504 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) Subsequent Transfers.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

### SEC. 6506. LEASE TERMS AND CONDITIONS.

(a) In General.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 6503(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) Project Labor Agreements.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

### SEC. 6507. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) No Significant Adverse Effect Standard To Govern Authorized Coastal Plain Activities.—The Secretary shall, consistent with the requirements of section 6503, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) Site-Specific Assessment and Mitigation.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) Regulations To Protect Coastal Plain Fish and Wildlife Resources, Subsistence Users, and the Environment.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) Considerations.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) Facility Consolidation Planning.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) Objectives.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

### SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) Venue.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) Limitation on scope of certain review.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this division and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this division shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) Limitation on Other Review.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

### SEC. 6509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) Exemption.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) Terms and Conditions.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) Regulations.—The Secretary shall include in regulations under section 6503(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

### SEC. 6510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

### SEC. 6511. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) Financial Assistance Authorized.—

(1) In general.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) Eligible entities.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) Use of Assistance.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) Application.—

(1) In general.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) North slope borough communities.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) Application assistance.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in

developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

### SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of this Act, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Renewable Energy Technology Investment Fund".

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Royalties Conservation Fund".

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

## TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR

### SEC. 6601. ENERGY CONSERVATION BY THE DEPARTMENT OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) conduct a study to identify, evaluate, and recommend opportunities for conserving energy by reducing the amount of energy used by facilities of the Department of the Interior; and

(2) wherever feasible and appropriate, reduce the use of energy from traditional sources by encouraging use of alternative energy sources, including solar power and power from fuel cells, throughout such facilities and the public lands of the United States.

(b) REPORTS.—The Secretary shall submit to the Congress—

(1) by not later than 90 days after the date of the enactment of this Act, a report containing the findings, conclusions, and recommendations of the study under subsection (a)(1); and

(2) by not later than December 31 each year, an annual report describing progress made in—

(A) conserving energy through opportunities recommended in the report under paragraph (1); and

(B) encouraging use of alternative energy sources under subsection (a)(2).

### SEC. 6602. AMENDMENT TO BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the "Buy Indian Act") is amended by inserting "energy products, and energy by-products," after "printing,".

## TITLE VII—COAL

### SEC. 6701. LIMITATION ON FEES WITH RESPECT TO COAL LEASE APPLICATIONS AND DOCUMENTS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating coal leases.

### SEC. 6702. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

"(i) will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resources.".

### SEC. 6703. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) IN GENERAL.—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

"(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

"(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

"(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

"(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

"(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

"(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

"(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.".

(b) AUTHORITY TO WAIVE, SUSPEND, OR REDUCE ADVANCE ROYALTIES.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

### SEC. 6704. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking "and not later than three years after a lease is issued,".

## TITLE VIII—INSULAR AREAS ENERGY SECURITY

### SEC. 6801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (Public Law 96–597; 94 Stat. 3480–3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

"(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

"(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas.";

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

"(A) updating the contents required by subsection (c);

"(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

"(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

"(2) Not later than May 31, 2003, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection."; and

(4) by amending subsection (g)(4) to read as follows:

"(4) POWER LINE GRANTS FOR TERRITORIES.—

"(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

"(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

"(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

"(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

"(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

"(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

"(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

"(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

"(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

"(C) PRIORITY.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

"(i) have the greatest impact on reducing future disaster losses; and

"(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

"(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

"(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.".

## DIVISION F

### SEC. 7101. BUY AMERICAN.

No funds authorized under this Act shall be available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

## DIVISION G

### SEC. 8101. SENSE OF THE SENATE.

Be it *Resolved*, That it is the sense of the Senate that the U.S. Senate should promptly consider tax policies, which encourage conservation, efficiency, alternative source, technology development, and domestic production, including renewables, to reduce the United States dependence on foreign energy sources.

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**SA 1692.** Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:

### MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,668,957,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed $176,184,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under division A of Public Law 106–246, $26,400,000 are rescinded.

### MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,148,633,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed $37,332,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under division A of Public Law 106–246, $19,588,000 are rescinded.

### MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,148,269,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed

$83,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under previous Military Construction Acts, $4,000,000 are rescinded.

### MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $881,058,000, to remain available until September 30, 2006: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $88,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division A of Public Law 106–246, $55,030,000 are rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division B of Public Law 106–246, $10,250,000 are rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under previous Military Construction Acts, $4,000,000 are rescinded.

### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $378,549,000, to remain available until September 30, 2006.

### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $222,767,000, to remain available until September 30, 2006.

### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,404,000, to remain available until September 30, 2006.

### MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,641,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated for "Military Construction, Naval Reserve" under division A of Public Law 106–246, $925,000 are rescinded.

### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,732,000, to remain available until September 30, 2006.

### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $162,600,000, to remain available until expended.

### FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,742,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $1,108,991,000; in all $1,421,733,000.

### FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,600,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $918,095,000; in all $1,230,695,000.

### FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $550,703,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $869,121,000; in all $1,419,824,000.

### FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $250,000 to remain available until September 30, 2006; for Operation and Maintenance, $43,762,000; in all $44,012,000.

### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

### HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) $10,119,000, to remain available until expended.

### BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $682,200,000, to remain available until expended.

## GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 126. In addition to the amounts provided in Public Law 107–20, of the funds appropriated under the heading "Military Construction, Air Force" in this Act, $8,000,000 is to remain available until September 30, 2005: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.

SEC. 127. Not later than 90 days after the enactment of this bill, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.

This Act may be cited as the "Military Construction Appropriations Act, 2002".

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**SA 1693.** Mrs. HUTCHISON (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Insert at the appropriate place in the bill the following new item:

Of the funds available under the heading "Military Construction, Defense-wide", for the Pine Bluff Ammunition Demilitarization Facility (Phase VI) the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

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**SA 1694.** Mr. LEVIN (for Mr. KERRY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . SMALL BUSINESS PROCUREMENT COMPETITION.**

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after "bundled contract" the following: ", the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more";

(2) by striking "In the" and inserting the following:

"(A) IN GENERAL.—In the"; and

(3) by adding at the end the following:

"(B) CONTRACTING GOALS.—

"(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

"(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.".

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

"(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

"(II) no other concern will perform a greater proportion of the work on that contract; and

"(III) no other concern that is not a small business concern will perform work on the contract.".

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking "and" at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

"(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and".

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

"(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

"(ii) no other concern will perform a greater proportion of the work on that contract; and

"(iii) no other concern that is not a small business concern will perform work on the contract.".

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Administrator" means the Administrator of the Small Business Administration;

(B) the term "Federal agency" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term "Program" means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term "small business-only joint ventures" means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the "Small Business Procurement Competition Program".

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

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**SA 1695.** Mr. WARNER (for Mr. BOND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 270, line 9, strike "(A)" and all that follows through "(4)" on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting ", and whether contract bundling played a role in the failure," after "agency goals"; and

(2) by adding at the end the following:

"(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.".

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

"(p) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

"(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

"(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.".

On page 290, between lines 3 and 4, insert the following:

### SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

"(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

"(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

"(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

"(ii) files reports with the Securities and Exchange Commission as a small business issuer.".

"(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

"(i) an individual that is not a United States citizen; and

"(ii) any other person that is not organized under the laws of any State or the United States.".

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**SA 1696.** Mr. LEVIN (for Mr. DAYTON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title III, add the following:

### SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

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**SA 1697.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities on the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 18, line 13, increase the amount by $20,000,000.

On page 32, line 4, reduced the amount by $20,000,000.

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**SA 1698.** Mr. LEVIN (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities on the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In the section heading of section 1007, strike "**SENIOR FINANCIAL MANAGEMENT OVERSIGHT COUNCIL**" and insert "**FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE**".

In section 1007, strike the subsection caption for subsection (a) and insert the following: "ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—".

In section 1007(a)(1), strike "Senior Financial Management Oversight Council" and insert "Financial Management Modernization Executive Committee".

In section 1007(a)(2), strike "Council" and insert "Committee".

In section 1007(a)(2), insert after "(Personnel and Readiness)," the following: "the chief information officer of the Department of Defense,".

In section 1007(a)(3), strike "Council" and insert "Committee".

In section 1007(a), add at the end the following:

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

In section 1007(b), in the matter preceding paragraph (1), strike "Senior Financial Management Oversight Council" and insert "Financial Management Modernization Executive Committee".

In section 1007(b), add at the end the following:

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

In section 1007(c)(1), strike "of all" and all that follows through the end and insert "of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.".

In section 1007(c)(2), strike "to financial statements before other actions are initiated." and insert "to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.".

In section 1007(c), strike paragraphs (3), (4), and (5) and insert the following:

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

In section 1007, strike subsection (d) and insert the following:

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

"(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.".

(2)(A) The section heading of such section is amended to read as follows:

**"§ 2222. Annual financial management improvement plan".**

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

"2222. Annual financial management improvement plan.".

(e) Additional Elements for Financial Management Improvement Plan in 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) Additional Elements for Financial Management Improvement Plan After 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

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**SA 1699.** Mr. WARNER (for Mr. Bunning) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

### SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) Determination of Advisability of Amendment.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) Report.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

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**SA 1700.** Mr. LEVIN (for Mrs. Carnahan) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

### SEC. 1066. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

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**SA 1701.** Mr. WARNER (for Mr. Allard) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike sections 3172 through 3178 and insert the following:

### SEC. 3172. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) Purposes.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

### SEC. 3173. DEFINITIONS.

In this subtitle:

(1) Cleanup and closure.—The term "cleanup and closure" means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) Coalition.—The term "Coalition" means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) Hazardous substance.—The term "hazardous substance" means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) Pollutant or contaminant.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) Refuge.—The term "refuge" means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) Response action.—The term "response action" has the meaning given the term "response" in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term "RFCA" means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) Rocky flats.—

(A) In general.—The term "Rocky Flats" means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled "Rocky Flats Environmental Technology Site", dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) Exclusions.—The term "Rocky Flats" does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) Rocky flats trustees.—The term "Rocky Flats Trustees" means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) Secretary.—The term "Secretary" means the Secretary of Energy.

### SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) Federal Ownership.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) Lindsay Ranch.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) Prohibition on Annexation.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) Prohibition on Through Roads.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) Transportation Right-of-Way.—

(1) In general.—

(A) Availability of land.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) Boundaries.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) Easement or sale.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) Compliance with applicable law.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) Conditions.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

### SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) In General.—

(1) Memorandum of understanding.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) Required elements.—

(i) In general.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) No reduction in funds.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) Deadline.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) Exclusions.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) Condition.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) Cost; improvements.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) Property and Facilities Excluded From Transfers.—

(1) In general.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) Consultation.—

(A) Identification of property.—

(i) In general.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) Amendment to memorandum of understanding.—

(I) In general.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) Council on environmental quality.—In the event the Secretary and the Secretary of the Interior cannot agree on the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) Management of property.—

(i) In general.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) Conflict.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) Access.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) Administration.—

(1) In general.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) Conflict.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) Continuing actions.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) Liability.—

(1) In general.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) Response actions.—

(A) In general.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii)(I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) Recovery from third party.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

### SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) Ongoing Cleanup and Closure.—

(1) In general.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) No restriction on use of new technologies.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) Rules of Construction.—

(1) No relief from obligations under other law.—

(A) In general.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) No effect on RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) Required cleanup levels.—

(A) In general.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) No effect from establishment as national wildlife refuge.—

(i) In general.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) Cleanup levels.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) No effect on obligations for measures to control contamination.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) Payment of Response Action Costs.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) Consultation.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

### SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) Establishment.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) Composition.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) Notice.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) Administration and Purposes.—

(1) In general.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) Refuge purposes.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) Management.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

### SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) In General.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) Other Participants.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) Dissolution of Coalition.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) Contents.—In addition to the requirements under section 4(e) of the National

Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

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**SA 1702.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of section 501 add the following:

(e) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL OR ADMIRAL.—(1) Section 528 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

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**SA 1703.** Mr. WARNER (for Mr. ALLARD (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title IX, add the following:

## Subtitle B—Organization and Management of Space Activities

### SEC 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY OF SECRETARY OF DEFENSE TO ESTABLISH POSITION.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) NATURE OF POSITION.—

(1) IN GENERAL.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

### "§ 137. Under Secretary of Defense for Space, Intelligence, and Information

"(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

"(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

"(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

"(3) The deployment and use of space assets.

"(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

"(5) The coordination of military intelligence activities within the Department.

"(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

"(7) The coordination of space activities of the Department with commercial and civilian space activities.

"(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

"(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of that title is amended by striking "nine Assistant Secretaries of Defense" and inserting "ten Assistant Secretaries of Defense".

(3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—Section 138(b) of that title is amended by adding at the end the following new paragraph:

"(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.".

(4) CONFORMING AMENDMENTS.—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

"(6) The Under Secretary of Defense for Space, Intelligence, and Information.".

(5) PAY LEVELS.—(A) Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness" the following:

"Under Secretary of Defense for Space, Intelligence, and Information.".

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking "(9)" and inserting "(10)".

(6) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Space, Intelligence, and Information.";

and

(B) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) REPORT.—(1) Not later than 30 days before an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

### SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

### "CHAPTER 135—SPACE PROGRAMS

"Sec.

"2271. Responsibility for space programs.

### "§ 2271. Responsibility for space programs

"(a) Responsibility of Secretary of Air Force as Executive Agent.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

"(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

"(2) Efficient execution of the programs, projects, and activities.

"(b) Responsibility of Under Secretary of Air Force as Acquisition Executive.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

"(c) Responsibility of Under Secretary of Air Force as Director of NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

"(d) Coordination of Duties of Under Secretary of Air Force.—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

"(e) Space Career Field.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

"(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

"(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

"(B) management of the space career field under paragraph (1).

"(f) Joint Program Management.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

"(1) To carry out the space development and acquisition programs of the Department of Defense; and

"(2) To the Office of the National Security Space Architect.".

(b) Clerical Amendment.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

**"135. Space Programs ........................ 2271".**

### SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) Requirement.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) Commencement.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

### SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

(a) Comptroller General Assessment.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) Reports.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

### SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

(a) In General.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 8584. Commander of Air Force Space Command

"(a) Grade.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

"(b) Limitation on Concurrent Command Assignments.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8584. Commander of Air Force Space Command.".

### SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

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**SA 1704.** Mr. WARNER (for Mr. Lugar (for himself, Mr. Levin, Ms. Landrieu, Mr. Bingaman, Mr. Domenici, and Mr. Hagel)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 1202(c)(1), strike "Subject to paragraphs (2) and (3)," and insert "Subject to paragraph (2),".

In section 1202(c)(3), strike "in any of the paragraphs" and insert "in paragraph (7), (10) or (11)".

Strike section 1203 and insert the following:

### SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting "(a) Limitation.—" before "No fiscal year";

(2) in subsection (a), as so designated, by inserting before the period at the end the following: "until the Secretary of Defense submits to Congress a certification that there has been—

"(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

"(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

"(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

"(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

"(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

"(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility."; and

(3) by adding at the end the following new subsection:

"(b) Omission of Certain Information.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.".

In section 1204(b), strike "Executive" in the subsection caption and insert "Implementing".

In section 1204(b), strike "executive" and insert "implementing".

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**SA 1705.** Mr. LEVIN (for Mr. Feingold) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

### SEC. 124. ADDITIONAL MATTER RELATING TO V-22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V–22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V–22 Osprey aircraft, including a justification of each such waiver.

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**SA 1706.** Mr. WARNER (for Ms. Collins) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 31, between lines 15 and 16, insert the following:

### SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking "$10,873,712,000" and inserting "$10,874,712,000".

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**SA 1707.** Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

### SEC. ___. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking "22 acres" and inserting "20.9 acres";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

"(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

"(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

"(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

"(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

"(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

### "SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.".

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**SA 1708.** Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

The table in section 2101(a) is amended in the item relating to Fort Sill, Oklahoma, by striking "$18,600,000" in the amount column and inserting "$40,100,000".

The table in section 2101(a) is amended by striking the amount identified as the total in the amount column and inserting "$1,279,500,000".

Section 2104(b)(4) is amended by striking "and" at the end.

Section 2104(b)(5) is amended by striking the period at the end and inserting "; and".

Section 2104(b) is amended by inserting after paragraph (5) the following:

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

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**SA 1709.** Mr. LEVIN (for Mrs. LINCOLN (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title I, add the following:

### SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

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**SA 1710.** Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

### SEC. 335. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking "September 30, 1999" and inserting "September 30, 2003".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "January 1, 2000" and inserting "January 1, 2003"; and

(2) in paragraph (2), by striking "March 1, 2000" and inserting "March 1, 2003".

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**SA 1711.** Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

### SEC. 2827. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the "City"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of

the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

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**SA 1712.** Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

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**SA 1713.** Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2827. LAND CONVEYANCE, FORT DES MOINES, IOWA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the "Memorial Park"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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**SA 1714.** Mr. WARNER (for Mr. SHELBY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting "the regular component or" after "enlist in".

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: ", except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

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**SA 1715.** Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 1113 and insert the following:

**SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.**

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1), by striking "Subject to paragraph (2), the" and inserting "The";

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

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**SA 1716.** Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 3151(d), strike paragraphs (1) and (2) and insert the following:

(1) IN GENERAL.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A–506) is amended to read as follows:

"(e) SURVIVORS.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

"(A) If such living survivors of the covered employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

"(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(2) URANIUM EMPLOYEES.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

"(e) SURVIVORS.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

"(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

"(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

In section 3151(g)(1) in the matter preceding subparagraph (A), insert ", with the cooperation of the Department of Energy and the Department of Labor," after "shall".

In section 3151(g), strike paragraph (2) and insert the following:

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

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**SA 1717.** Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

### SEC. 335. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operation sustainment.

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**SA 1718.** Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

### SEC. 2827. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES REQUIRED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the "Historical Society") all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated "November–33".

(B) The parcel consisting of the missile alert facility and launch control center designated "Oscar-O".

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORIC SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

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**SA 1719.** Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

### SEC. 1066. DEADLINE FOR COLLECTION OF PROCEEDS OF AUCTION OF CERTAIN SPECTRUM FREQUENCY.

Section 3007 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 269; 47 U.S.C. 309 note) is amended—

(1) by striking "The Commission" and inserting "(a) IN GENERAL.—The Federal Communications Commission"; and

(2) by adding at the end the following new subsection:

"(b) CERTAIN FREQUENCIES.—

"(1) DEADLINE.—Notwithstanding any other provision of this title, in the case of the bands of frequencies specified in paragraph (2), the Commission shall conduct competitive bidding for such frequencies in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 not later than September 30, 2004.

"(2) SPECIFIED FREQUENCIES.—The frequencies specified in this paragraph are as follows:

"(A) The band of frequencies located at 1,710–1,755 megahertz.

"(B) The band of frequencies located at 2,110–2,150 megahertz.".

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**SA 1720.** Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

### SEC. 1009. FUNDING FOR COSTS OF MODERNIZING AND RELOCATING USE OF DEPARTMENT OF DEFENSE FREQUENCY SPECTRUM.

(a) ESTABLISHMENT OF WORKING CAPITAL ACCOUNT.—There is established on the books of the Treasury an account to be known as the "Federal Spectrum Relocation Working Capital Account" (in this section referred to as the "Account").

(b) FREQUENCIES SUBJECT TO REIMBURSEMENT.—Section 113(g) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(g)) is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) IN GENERAL.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and incurs costs as a result of relocating, replacing, or modifying the Federal entity's operations because of the reallocation of frequencies from Federal use to non-Federal use is eligible for reimbursement for such costs from the Federal Spectrum Relocation Working Capital Account in accordance with section 1009(d)(1)(A) of the National Defense Authorization Act for Fiscal Year 2002.

"(2) COVERED FREQUENCIES.—The bands of frequencies specified in this paragraph are as follows:

"(A) The 216–220 megahertz band, 1432–1435 megahertz band, 1710–1755 megahertz band, and 2385–2390 megahertz band of frequencies.

"(B) Any other band of frequencies reallocated from Federal use to non-Federal use after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002.".

(c) AUCTION OF FREQUENCIES; DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new subparagraphs:

"(D) MINIMUM CASH PROCEEDS OF AUCTIONS.—In conducting an auction for a frequency under this section that were reallocated from a Federal Agency, the Commission shall ensure that the cash proceeds of the auction are sufficient to reimburse the Federal entity concerned in replacing, modifying, and relocating the equipment and facilities of the Federal Government station operating on the frequency in accordance with section 1009(d)(1)(A) of the National Defense Authorization Act for Fiscal Year 2002.

"(E) DISPOSITION OF CASH PROCEEDS.—Any cash proceeds of an auction covered by subparagraph (D) shall be deposited in the Federal Spectrum Relocation Working Capital Account established under section 1009 of the National Defense Authorization Act for Fiscal Year 2002, and shall be available in accordance with that section, including any conditions and limitations under that section.".

(d) AVAILABILITY OF AMOUNTS IN ACCOUNT.—(1) Subject to paragraph (2), amounts in the Account shall be available to the Federal entity for purposes of—

(A) reimbursing the Federal entity for costs incurred by the entity in—

(i) the modernization of the equipment and facilities of the Federal Government station that operate on the frequency; and

(ii) the relocation of such equipment or facilities, as so modernized, to a suitable replacement frequency or frequencies; and

(B) paying the costs of research to develop more efficient use of the radio frequency spectrum.

(2) The first $19,000,000,000 of the amount in the Account shall be available under paragraph (1) subject to applicable provisions of appropriations Acts.

(e) TREATMENT OF AMOUNTS MADE AVAILABLE.—Any amount made available to a Federal entity under subsection (d)(1)(A) to reimburse the entity for costs described in that subsection shall be deposited in the account or appropriation providing the funds to pay the costs for which reimbursement is made under that subsection. Any amounts so deposited shall be merged with amounts in the account or appropriation concerned, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the account or appropriation.

(f) REVERSION TO TREASURY.—Any amount deposited in the Account that remains available for deposit under subsection (e) on the date that is 15 years after the deposit of such amount in the Account shall be deposited as of the date in the General Fund of the Treasury under chapter 33 of title 31, United States Code.

**SA 1721.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**SEC. . ENGINEERED REFUELING OVERHAUL OF U.S.S. ALBUQUERQUE AT PORTSMOUTH NAVAL SHIPYARD, NEW HAMPSHIRE.**

(a) FUNDING.—Notwithstanding any other provision of this Act, of the amount authorized to be appropriated by section 301(2) for the Navy for operation and maintenance, $16,248,000 shall be available for the purpose of the continuation of the ongoing engineered refueling overhaul of the U.S.S. Albuquerque (SSN-706) at Portsmouth Naval Shipyard, New Hampshire.

(b) AVAILABILITY OF FUNDS.—The amount available under subsection (a) for the purpose described in that subsection shall remain available until expended.

**SA 1722.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301(a), in the table, strike the items relating to MacDill Air Force Base, Florida, and Tyndall Air Force Base, Florida, and insert the following new item:

| | | |
|---|---|---|
| | Tyndall Air Force Base | $17,250,000 |

In section 2301(a), in the table, strike the amount specified as the total in the amount column and insert "$803,570,000.

In section 2304(a), in the matter preceding paragraph (1), strike "$2,579,791,000" and insert "$2,571,991,000".

In section 2304(a), strike "$816,070,000" and insert "$808,270,000".

In section 2601(2), strike "$33,641,000" and insert "$42,241,000".

**SA 1723.** Mr. REID (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 147, to designate the month of September of 2001, as "National Alcohol and Drug Addiction Recovery Month"; as follows:

In the preamble, strike the second Whereas clause and insert the following:

Whereas, according to a 1992 NIDA study, the direct and indirect costs in the United States for alcohol and drug addiction was $246 billion, in that year.

**SA 1724.** Mr. HELMS (for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following new title:

## TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

### SEC. 1401. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2001".

### SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled

under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) Authority To Initially Waive Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) Authority To Extend Waiver of Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 1404 and 1406 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) Termination of Prohibitions of This Title.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court, and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

### SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

### SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of Measures To Achieve Enhanced Protection for Members of the Armed Forces of the United States.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

### SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

### SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

### SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

### SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

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**SA 1725.** Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1724 submitted by Mr. HELMS and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 1, strike "vital national interests" and insert "national security interests".

On page 6, lines 1 and 2, strike "national interests" and insert "national security interests".

On page 7, line 13, strike "an official" and insert "any".

On page 8, lines 17 and 18, strike "an official" and insert "any".

On page 10, line 5, strike "national interest" and insert "national security interests".

On page 11, strike lines 3 through 9.

On page 11, beginning on line 14, strike "and shall not apply" and all that follows through "conflict" on line 20.

On page 16, line 19, strike "national interests" and insert "national security interests".

On page 18, line 14, strike "NATIONAL INTEREST" and insert "NATIONAL SECURITY INTERESTS".

On page 18, lines 18 and 19, strike "national interest" and insert "national security interests".

Beginning on page 23, strike line 3 and all that follows through line 16 on page 24.

On page 16 (3) strike all text under (3).

On page 26, beginning on line 8, strike "other persons" and all that follows through "Court" on line 11 and insert "other United States citizens".

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on September 26, 2001, in SD–106 at 9 a.m. The purpose of this hearing will be to discuss the Administration perspective with regard to the new federal farm bill followed by a nomination hearing.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, October 3, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Harold Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources. Attn. Sam Fowler, U.S. Senate, Washington, DC 20510.

For further information, please call Sam Fowler on 202/224–7571.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 26, 2001. The purpose of this hearing will be to discuss the administration perspective with regard to the new Federal Farm Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 26, 2001, to conduct an oversight hearing on "The Administration's National Money Laundering Strategy for 2001."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 26, at 9:30 a.m., to conduct an oversight hearing. The committee will receive testimony on critical energy infrastructure security and the energy industry's response to the events of September 11, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Psychological Trauma and Terrorism: Assuring That Americans Receive the Support They Need, during the session of the Senate on Wednesday, September 26, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Madam President, I ask unanimous consent that John Kem, an Appropriations Committee detailee, be granted the privilege of the floor during consideration of the military construction appropriations bill and conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

### CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on S. 1438 occur at 10 a.m. on Tuesday, October 2, with the mandatory quorum being waived; further, that Senators be permitted to file first-degree amendments until 1 p.m. Monday, October 1, and second-degree amendments until 9:45 a.m. Tuesday, October 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the majority leader has been extremely patient on this Defense bill. We tried for days to get a finite list of amendments. Two Senators held us up from doing this and held us up from moving forward on a bill that deals with what this country is all about today, problems that our military can only solve.

In Nevada and all over the country, Guard and Reserve units are being called up. This bill has many provisions for them. It has funds for active duty forces, pay raises for those who are on active duty, and many other provisions. It is a very important bill.

I am glad the majority leader has made the decision to move forward with invoking cloture, and we will do that. This bill is far too important. Ninety-eight Senators are ready to move forward on the legislation and two are not. It is just too bad we are not today celebrating the completion of this bill, rather than having to wait now until next Tuesday to invoke cloture and then, as you know, the rule allows several more days if people decide to use the time.

It is too bad this has had to occur. This country is going to do everything it can to support the service men and women of this country. Invoking cloture is one way we can show our support for this legislation. As soon as we do that, we need to move forward and complete the legislation as quickly as possible.

## ORDERS FOR FRIDAY, SEPTEMBER 28, 2001, AND MONDAY, OCTOBER 1, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. Friday, September 28, for a pro forma session, and that following the pro forma session, the Senate stand in adjournment until 12 noon, Monday, October 1. Further, on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, as has been indicated, the Senate will convene on Friday for a pro forma session and then adjourn until Monday, October 1, at 12 noon. There will be no rollcall votes on the Monday we come back. The Senate will resume consideration of the DOD authorization bill on Monday at 2 p.m. Cloture was filed, as I just indicated, on the DOD authorization bill. The cloture vote will occur on Tuesday at 10 a.m. All first-degree amendments, I repeat, must be filed by 1 p.m. on Monday, and second-degree amendments must be filed prior to 9:45 a.m. on Tuesday.

## ADJOURNMENT UNTIL 10 A.M. FRIDAY, SEPTEMBER 28, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:09 p.m., adjourned until Friday, September 28, 2001, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 2001:

### DEPARTMENT OF TRANSPORTATION

JOSEPH M. CLAPP, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

### DEPARTMENT OF STATE

ROY L. AUSTIN, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TRINIDAD AND TOBAGO.

FRANKLIN PIERCE HUDDLE, JR., OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

KEVIN JOSEPH MCGUIRE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

PAMELA HYDE SMITH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY ANDPLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

MICHAEL E. MALINOWSKI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

HANS H. HERTELL, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

MATTIE R. SHARPLESS, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

RALPH LEO BOYCE, JR., OF VIRGINIA, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

CLIFFORD G. BOND, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION).

KEVIN E. MOLEY, OF ARIZONA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

PATRICIA DE STACY HARRISON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

CHARLOTTE L. BEERS, OF TEXAS, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

### DEPARTMENT OF DEFENSE

MICHAEL PARKER, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

### DELTA REGIONAL AUTHORITY

P. H. JOHNSON, OF MISSISSIPPI, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

### MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL EDWIN J. ARNOLD, JR., UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

BRIGADIER GENERAL CARL A. STROCK, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

### DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

### NUCLEAR REGULATORY COMMISSION

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2006.

### DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

*To be general*

GEN. PETER PACE, 7426

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### DEPARTMENT OF AGRICULTURE

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

ELSA A. MURANO, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

HILDA GAY LEGG, OF KENTUCKY, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

AIR FORCE NOMINATION OF LT. GEN. CHARLES F. WALD.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

AIR FORCE NOMINATION OF COLONEL WILLIAM P. ARD.
AIR FORCE NOMINATION OF COLONEL ROSANNE BAILEY.
AIR FORCE NOMINATION OF COLONEL BRADLEY S. BAKER.
AIR FORCE NOMINATION OF COLONEL MARK G. BEESLEY.
AIR FORCE NOMINATION OF COLONEL TED F. BOWLDS.
AIR FORCE NOMINATION OF COLONEL JOHN T. BRENNAN.
AIR FORCE NOMINATION OF COLONEL ROGER W. BURG.
AIR FORCE NOMINATION OF COLONEL PATRICK A. BURNS.
AIR FORCE NOMINATION OF COLONEL KURT A. CICHOWSKI.
AIR FORCE NOMINATION OF COLONEL MARIA I. CRIBBS.
AIR FORCE NOMINATION OF COLONEL ANDREW S. DICHTER.
AIR FORCE NOMINATION OF COLONEL JAN D. EAKLE.
AIR FORCE NOMINATION OF COLONEL DAVID M. EDGINGTON.
AIR FORCE NOMINATION OF COLONEL SILVANUS T. GILBERT III.
AIR FORCE NOMINATION OF COLONEL STEPHEN M. GOLDFEIN.
AIR FORCE NOMINATION OF COLONEL DAVID S. GRAY.
AIR FORCE NOMINATION OF COLONEL WENDELL L. GRIFFIN.
AIR FORCE NOMINATION OF COLONEL RONALD J. HAECKEL.
AIR FORCE NOMINATION OF COLONEL IRVING L. HALTER JR.
AIR FORCE NOMINATION OF COLONEL RICHARD S. HASSAN.
AIR FORCE NOMINATION OF COLONEL WILLIAM L. HOLLAND.
AIR FORCE NOMINATION OF COLONEL GILMARY M. HOSTAGE III.
AIR FORCE NOMINATION OF COLONEL JAMES P. HUNT.
AIR FORCE NOMINATION OF COLONEL JOHN C. KOZIOL.
AIR FORCE NOMINATION OF COLONEL WILLIAM T. LORD.
AIR FORCE NOMINATION OF COLONEL ARTHUR B. MORRILL III.
AIR FORCE NOMINATION OF COLONEL LEONARD E. PATTERSON.
AIR FORCE NOMINATION OF COLONEL JEFFREY A. REMINGTON.
AIR FORCE NOMINATION OF COLONEL EDWARD A. RICE JR.
AIR FORCE NOMINATION OF COLONEL DAVID J. SCOTT.
AIR FORCE NOMINATION OF COLONEL WINFIELD W. SCOTT III.
AIR FORCE NOMINATION OF COLONEL MARK D. SHACKELFORD.
AIR FORCE NOMINATION OF COLONEL GLENN F. SPEARS.
AIR FORCE NOMINATION OF COLONEL DAVID L. STRINGER.
AIR FORCE NOMINATION OF COLONEL HENRY L. TAYLOR.
AIR FORCE NOMINATION OF COLONEL RICHARD E. WEBBER.
AIR FORCE NOMINATION OF COLONEL ROY M. WORDEN.
AIR FORCE NOMINATION OF COLONEL RONALD D. YAGGI.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

AIR FORCE NOMINATION OF BRIGADIER GENERAL RONALD J. BATH.
AIR FORCE NOMINATION OF BRIGADIER GENERAL FREDERICK H. FORSTE
AIR FORCE NOMINATION OF BRIGADIER GENERAL JUAN A. GARCIA.
AIR FORCE NOMINATION OF BRIGADIER GENERAL MICHAEL J. HAUGEN.
AIR FORCE NOMINATION OF BRIGADIER GENERAL DANIEL JAMES III.
AIR FORCE NOMINATION OF BRIGADIER GENERAL STEVEN R. MCCAMY.
AIR FORCE NOMINATION OF BRIGADIER GENERAL JERRY W. RAGSDALE.
AIR FORCE NOMINATION OF BRIGADIER GENERAL WILLIAM N. SEARCY.
AIR FORCE NOMINATION OF BRIGADIER GENERAL GILES E. VANDERHOOF
AIR FORCE NOMINATION OF COLONEL HIGINIO S. CHAVEZ.
AIR FORCE NOMINATION OF COLONEL BARRY K. COLN.
AIR FORCE NOMINATION OF COLONEL ALAN L. COWLES.
AIR FORCE NOMINATION OF COLONEL JAMES B. CRAWFORD III.
AIR FORCE NOMINATION OF COLONEL MARIE T. FIELD.
AIR FORCE NOMINATION OF COLONEL MANUEL A. GUZMAN.
AIR FORCE NOMINATION OF COLONEL ROGER P. LEMPKE.
AIR FORCE NOMINATION OF COLONEL GEORGE R. NIEMANN.

AIR FORCE NOMINATION OF COLONEL FRANK PONTELANDOLFO JR.
AIR FORCE NOMINATION OF COLONEL GENE L. RAMSAY.
AIR FORCE NOMINATION OF COLONEL TERRY L. SCHERLING.
AIR FORCE NOMINATION OF COLONEL DAVID A. SPRENKLE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

AIR FORCE NOMINATION OF GEN. JOHN W. HANDY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

AIR FORCE NOMINATION OF MAJ. GEN. TEED M. MOSELEY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

*To be general*

AIR FORCE NOMINATION OF LT. GEN. ROBERT H. FOGLESONG.

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3037:

*To be major general*

ARMY NOMINATION OF BRIG. GEN. THOMAS J. ROMIG.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

ARMY NOMINATION OF MAJ. GEN. COLBY M. BROADWATER III.

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

NAVY NOMINATION OF REAR ADM. (LH) JOSEPH D. BURNS.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

NAVY NOMINATION OF VICE ADM. SCOTT A. FRY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

NAVY NOMINATION OF REAR ADM. (LH) RAND H. FISHER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

NAVY NOMINATION OF ADM. JAMES O. ELLIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

NAVY NOMINATION OF VICE ADM. GREGORY G. JOHNSON.
AIR FORCE NOMINATION OF PATRICK J.* FLETCHER.
ARMY NOMINATION OF CHRISTOPHER P. AIKEN.
ARMY NOMINATION OF RODNEY D. MCKITRICK II.
ARMY NOMINATION OF RANDY J. SMEENK.
ARMY NOMINATIONS BEGINNING DANIEL T. LESLIE AND ENDING WILLIAM C. WILLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATIONS BEGINNING ANGELO RIDDICK AND ENDING HEKYUNG L. JUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATIONS BEGINNING JEFFREY S. CAIN AND ENDING RYUNG SUH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATION OF SHAOFAN K. XU.
ARMY NOMINATIONS BEGINNING ALBERT J ABBADESSA AND ENDING * X5391, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2001.
ARMY NOMINATIONS BEGINNING ROGER L ARMSTEAD AND ENDING CARL S YOUNG JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2001.
MARINE CORPS NOMINATION OF RICHARD W. BRITTON.
MARINE CORPS NOMINATION OF SAMUEL E. FERGUSON.
MARINE CORPS NOMINATION OF CURTIS W. MARSH.
NAVY NOMINATION OF RAYMOND E MOSES JR.
NAVY NOMINATIONS BEGINNING JOHNNY R ADAMS AND ENDING TIMOTHY J ZIOLKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
NAVY NOMINATION OF SANDRA P. MORIGUCHI.

# EXTENSIONS OF REMARKS

## HEROIC ACTS BY SAILORS OF THE USS JOHN S. McCAIN

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. UNDERWOOD. Mr. Speaker, during the USS *John S. McCain* recent visit to the island of Saipan in the Commonwealth of the Northern Mariana Islands (CNMI), a sailor and his friends saved the lives of two women at the Grotto, a popular swimming and diving spot on the island.

A sunken pool located on Saipan's northern coast, the grotto is connected to the sea by an underwater passage. The strong current regularly flows turbulently up and around the rocks making it very dangerous when the tide comes in. As Firecontrolman Petty Officer 3rd Class Luke Ishizaki, and his friends Derek Hendricks and Petty Officer lst Class Robert Baumgarten were swimming, they noticed tourists Hsieh Yi Fan and Shih Pei Chi swept off their feet by huge waves.

Ishizaki jumped in the water grabbing onto a safety rope attached to a large rock. Hendricks and Baumgarten also attempted to help but were unable due to the strong current. Locking his legs around the safety line, Ishizaki was able to grab one woman by the wrist and hold onto the other with his arms preventing them from being swept away by the current. Before settling down, the waves bashed Ishizaki and the tourists against the rocks several times. Had he failed to hold onto the rope, all three would have lost their lives.

Ishizaki and the women suffered cuts and bruises but were not seriously hurt. Upon being brought to safety, Baumgarten and Hendricks constantly attended to the women to prevent them from going into shock. Upon determining that they were well enough to leave, another sailor, Sonar Technician Petty Officer 3rd Class Jay Arnold drove the women to their hotel. The men were later to be informed that a diver was killed on this spot earlier that day.

Luke Ishizaki is from Guam and grew up in my neighborhood of Yona. He believes that the training he received from the United States Navy contributed to his quick and calculated response to this life-threatening situation. He also credits his experience as a swimmer in the reefs of Guam as well as his training and involvement in Martial Arts as key factors that led him to perform this selfless and heroic act.

Mr. Speaker, I take great pride and pleasure in commending the acts of Luke Ishizaki and his friends. These men are the embodiment of what is excellent and admirable in our society. They are worthy role models for this and future generations. Si Yu'os Ma'ase pot todu i bidan-miyu!

## TRIBUTE TO HEROES OF BROOKWOOD, ALABAMA

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. BACHUS. Mr. Speaker, this is a time of heroes for America. The world has applauded the heroism and dedication of the rescue workers in New York and at the Pentagon. Now, sadly, Alabama has its own heroes deserving of our recognition and applause.

When three Alabama coal miners became trapped a mile underground last Sunday, ten of their colleagues—fully aware of the danger—rushed into the mine to rescue them. Tragically, all 13 miners died.

We stand in awe of such demonstrated bravery, valor and personal sacrifice. But on the other hand, none of us should really be surprised because, after all, they were coal miners. Those who died trying to rescue their fallen comrades were upholding a proud tradition of American coal miners. They put their own lives at risk to save each other from disaster. Those who rushed to the aid of their fellow miners were doing what coal miners have done for ages.

Our prayers and thoughts go out to their families. I am mindful of a James Michener quote contemplating American heroism—brave acts by Americans whose fate pulls them from ordinary lives and places them in extraordinary circumstances: "Where do we get such men?" Men at ground zero in New York, at the Pentagon, and in the mine in Alabama, grace us all by their response and sacrifice in times of peril.

Mr. Speaker, this tragedy should give us renewed respect and appreciation for our nation's coal miners. They are true patriots. They literally provide the fuel for our economy and our strength. God bless them all.

## PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. OWENS. Mr. Speaker, due to an emergency in my district I unexpectedly missed two votes yesterday. If present I would have voted yea on rollcall vote Nos. 349 and 350.

## TRIBUTE TO KGTF GENERAL MANAGER GERALDINE "GINGER" S. UNDERWOOD

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate a superb and admirable woman, Geraldine "Ginger" Underwood, upon her retirement after 29 years of service to the people of Guam.

I can truly speak of Ginger's accomplishments for I have known her for many years. The daughter of Thomas Sapp and Marie Garcia, Ginger is a product of Guam's educational system. She attended Wettengel Elementary and Tamuning Elementary as well as St. Anthony School. She later attended Dededo Junior High and graduated from John F. Kennedy High School. She went on to earn a degree from the University of Guam.

Ginger started out her career in government service with the Guam Telephone Authority. Having been employed at this agency from 1972 until 1983, Ginger held various positions namely as a telephone operator, claims adjuster, customer service representative, service office division manager, and directory manager.

Most noteworthy, however, was, her accomplishments at the Guam Educational Telecommunications Corporation—the Guam Public Television, KGTF Channel 12. She started out in 1984 as a private secretary. Prior to serving as the television station's administrative officer, she was its acting general manager. In 1995, she gained the position she holds today by becoming KGTF's general manager.

Upon taking KGTF's top post, Ginger spearheaded office improvements and facilitated a more productive work environment. Under her direction, the station purchase and installed a digital ready (DTV) tower and antenna. Shelves to house thousands of tapes were made available for the Programming Department. An employee lounge room was constructed for employees and guests. Televisions were placed in every office department in order to familiarize employees with KGTF TV programs and services. The station facility was beautified by tree-planting and landscaping projects. Ginger also made sure that rusted shipping containers used as hiding places by students skipping school were removed from the KGTF yard.

As general manager, Ginger was given the opportunity to attend national conferences on public broadcasting. She also used her position at KGTF to gain involvement in a wide variety of community and fundraising activities. KGTF's major fundraisers include the annual KGTF/MWR Fourth of July Carnival, quarterly pledge drives, island-wide Read-a-Thons, golf

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tournaments and international wine, cheese and food tasting festivals. Her participation in community events such as the Annual Halloween Carnival, the Junior Achievement Fair, the Guma Mami Art Auction, and the Islandwide Easter Egg Hunt have made her a highly recognized community figure.

Under her leadership, PBS programming and activities gained wide popularity and acceptance on Guam. Ginger was responsible for implementing the Mister Rogers, Clothes for Kids Drive, the Reading Rainbow's Young Writers and Illustrators Contest, and having popular children's programs costumes made available for awareness activities on Guam. Ginger was instrumental in bringing the actor who portrays Mr. McFeeley on Mister Rogers' Neighborhood, Dave Newell, to Guam. This endeavor in which Mr. Newell was able to visit 17 Guam schools in a period of four days earned for KGTF this year the prestigious Mister Rogers' Neighborhood Trolley Award. Among the additional awards given to KGTF while under Ginger's direction was the Guam Developmental Disabilities Council Media Representative of the Year award for outstanding services and sensitivity to Guam's disabled community in 1997, the Micronesia Chapter of the Society of Professional Journalists award for outstanding community service to the people of Guam in 1999, in addition to the Program of the Year and Photo of Year awards of the Governor's Recognition Excel Program both of which were earned in the year 2000.

Ginger is happily married to my brother, Richard. Ginger and Richard have two daughters, Ursula and Amy, two sons, Richard and John Thomas, and an adorable granddaughter, Bellissima "Bailey" Underwood-Corso.

After over twenty-nine years of achievements and distinguished service, Ginger has chosen to retire and spend more time with her family. I share with my brother, Richard, nieces, nephews and family members the pride we have for Ginger's work and accomplishments. On behalf of the people of Guam, I congratulate Ginger on her well-earned retirement and wish her the best in her future endeavors.

## TRIBUTE TO ARMY MAJOR DWAYNE WILLIAMS

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. BACHUS. Mr. Speaker, the tragedy that has befallen our nation is unspeakable. Thousands of lives tragically cut short, right here in our homeland. For each of those lost lives, thousands more are left behind—family, friends, colleagues—suffering and trying to cope.

One of those families is the Williams family. Army Major Dwayne Williams, originally from Jacksonville, Alabama, was killed as he performed his duty to his country at the Pentagon on September 11, 2001. Although I never had the honor of meeting Major Williams, I have come to know him through a heartfelt newspaper column written by one of his brothers, Birmingham News staff writer Roy L. Williams. With unanimous consent, I ask that this column be re-printed in the RECORD after my statement.

Mr. Speaker, Major Williams was unquestionably a noble patriot, an honorable son and a much beloved husband, father and brother. His life was robbed from him, and from us, because he was a living symbol of American greatness. Major Williams was not taken from us so tragically because he, as an individual, was hated, but because he represented our country's strength, determination and honor. We owe Major Dwayne Williams for paying our price for freedom. We must forever honor his memory and keep his family in our thoughts and prayers.

God bless Army Major Dwayne Williams. God bless his family, and God bless America.

[From the Birmingham News:]

### TERRORIST ATTACK CAN'T DESTROY SPIRIT, FAITH OF OUR FAMILY

(By Roy L. Williams)

Like millions of Americans, I was in a state of disbelief watching televised images Sept. 11 of airplanes striking the World Trade Center.

My heart sank as I thought of the pain and anguish relatives of those killed or missing must be experiencing.

Never did I imagine that my own family would be going through that same emotional turmoil less than an hour later when another jet struck the Pentagon in Washington, D.C., where my oldest brother, Army Maj. Dwayne Williams, worked.

I was sitting at my desk watching scenes of the World Trade Center towers on fire when I received a frantic phone call from my mother, Pearl Williams. She told me a plane had just struck the Pentagon and expressed worry about Dwayne.

I told her she was mistaken; the planes struck the World Trade Center, not the Pentagon, and assured her Dwayne was OK. After hanging up the phone, I looked up at the first televised images of the plane crash at the Pentagon.

I immediately called my mother and informed her I would check on Dwayne's status. The next few hours were mired by frustration as phone calls to Dwayne's office in the Pentagon and home wouldn't go through.

I finally reached Dwayne's home around noon and left a voice message for his wife, Tammy, to call me with word that my brother was OK. At 2 p.m., five hours after the Pentagon attack, I reached Tammy's mother and was told that she had spoken to her daughter, who was worried sick because Dwayne had not called.

That was unlike Dwayne: He would have called his wife and children.

#### WORST FEARS CONFIRMED

Shortly before midnight with still no word from Dwayne, I couldn't sleep and turned on the television for the latest news on the Pentagon. What I heard confirmed my worst fears: The jet had struck a section housing Army offices where Dwayne worked.

The next morning, I reported to work but wasn't able to concentrate. Tears flowed as I imagined the horrors my brother and other victims in the Pentagon and World Trade Center experienced.

The Army and Pentagon had my brother listed as missing and feared dead. Nine days went by with no official word on Dwayne's fate, and our pain got agonizingly worse as time went by.

On Friday, Sept. 21, 10 days after the Pentagon attack, the news I had dreaded finally arrived: Dwayne had been declared dead.

The bad news came around 1:45 p.m. with a call from my sobbing mother: "It's official: Dwayne's been identified as among the dead," she said.

He had apparently been among the 150 unidentified dead victims lying at Dover Air Force Base in Delaware.

I didn't want to believe it, and hours later remain in a state of disbelief.

Yet at the same time, I'm glad the waiting is over and the Williams family can move on in our grief.

I will never be able to fully accept the fact that my brother's life was taken in such a despicable manner, but I am at peace in knowing that Dwayne was a Christian and is at home with the Lord.

In my mind, I see God's angels descending upon the Pentagon and snatching Dwayne and the other innocent victims from the building just as the plane hit, carrying them home to that peaceful place we all want to go: heaven.

The hardest part about this whole ordeal was the wait. We wanted closure by receiving word that Dwayne has been found. Our prayer was that he would be found alive amidst the rubble.

Though chances of survival were slim, my family never gave up hope until receiving the final word of

I've gone through a wave of emotions—anger and bitterness toward the terrorists; sadness and sorrow; disbelief and shock; denial and an unwillingness to accept the fact that Dwayne is dead.

But closure now allows the family to move into the grief process.

#### GOD'S ANGELS

Although I constantly worry about the fate of my missing brother, I am at peace in knowing Dwayne is a Christian and that God's angels are protecting him. Much of the grief my wife, Patrice, and I are experiencing has been lessened by the comforting words of my pastor, Jim Lowe of the Guiding Light Church in Roebuck.

For the past three months, Pastor Lowe has been preaching a sermon series on how to cope with trouble and strife. I didn't know those sermons would apply so deeply and personally in my own life.

I have a horrible aching pain in the pit of my stomach that grows worse day by day. Leaning on the Lord is the only thing that can sustain someone going through a traumatic event like this. The prayers of the Guiding Light church family, relatives and friends are enabling us to cope with this tragedy.

In this world that we live in, you are either going into a personal storm, in the midst of a storm or coming out of one. How you cope with the situation is determined by your faith in God. We must learn to look beyond the circumstances of this world to the powerful, comforting presence of God.

Patrice and I are not only suffering anguish in the possible loss of my brother, but also one of our best friends. Dwayne served as my best man in our wedding 10 years ago and we communicated with him and his wife, Tammy, almost weekly either via e-mail or telephone.

Patrice is expecting our second child in February and I am trying my best to keep her calm, but she feels and shares my pain. I thank God that our daughter, Naja, is just 2 and too young to fully comprehend what is going on.

I thank God, also, that Naja did get a chance to see her Uncle Dwayne again this past June when his family stopped by to visit us on the way to report to the Pentagon.

Dwayne and I, along with our wives, vacationed together to Cancun, Mexico, three years ago and while he was stationed in Egypt in 1997, we viewed the awesome wonder of the Great Pyramid and Sphinx together.

Even though the terrorists attack killed Dwayne, we still have comfort in knowing that God has called him home to heaven. A terrorist attack may be able to destroy this earthly body, but cannot destroy Dwayne's spirit, which is alive and well in all of his family members and friends.

What makes this so excruciatingly painful to cope with is that Dwayne had just completed the Army Command and General Staff College in Kansas and got the assignment to the Pentagon just three months ago. It was to be the highlight of his career. One would think the military headquarters building would be the safest place in the world to serve.

Dwayne served in the Persian Gulf War and spent two years in Egypt, a scene of many terrorists'attacks, yet came home unscathed. Then this happened.

Dwayne is one of three of my brothers serving this great country in the military: the others are Army Sgt. 1st Class Kim Williams and my identical twin brother, Air Force Staff Sgt. Troy L. Williams. In the back of

### MORE THAN A STATISTIC

Let me paint a picture of Dwayne to show that my brother is more than a statistic in this senseless tragedy that killed and injured more than 5,000 innocent people.

An 18-year Army veteran who got his start as a paratrooper and ranger at Fort Benning, Ga., Dwayne served in the Persian Gulf War in 1991 and is a highly decorated soldier.

Dwayne is a loving husband to his wife, Tammy, and a devoted father to a 13-year-old daughter, Kelsie, and 17-year-old son, Tyler.

He is the beloved son of my parents, Horace and Pearl Williams, of Jacksonville, AL.

He is a protecting big brother to me and my other two brothers.

He is a star athlete, having lettered in high school football and basketball, then later played for four years on the University of North Alabama football team as a pass receiver. An avid softball player, he helped lead his Army team to victory in competition while in Egypt.

He is a man of strong moral character, who rarely displayed much emotion but is quick to express love in his own quiet way. And he is a friend to many.

To get a true picture of the horrible ordeal and anguish this country has been going through during the past week, simply multiply the devastation my family is experiencing by 6,000—the number of other victims either killed or still missing in these attacks.

It's a numbing, horrible feeling I pray that no other family has to experience themselves. Please pray for all of the victims of these terrible attacks. God bless America.

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## RECOGNIZING THE OUTSTANDING CAREER OF LAUREL GROSHONG

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the tremendous contributions of a good friend, Laurel Groshong. After serving the citizens of California for thirty-two years, Laurel is retiring from the California Employment Development Department (EDD) on Friday, September 28th, 2001.

Shortly after graduating with a Bachelor of Science Degree from UCLA in 1968, Laurel began her career in public service as an Employment Trainee in the Van Nuys, California office of EDD. Moving up the ladder at EDD, in 1972 she transferred to the Canoga Park EDD office as an ES Officer 11. In 1982, she moved her family to Northern California to take over the Lakeport EDD office as the Assistant Field Office Manager. Then, in 1992, former Governor Pete Wilson appointed Laurel to represent California on special assignment in Washington DC for six months covering labor and employment legislation. Upon her return to Lakeport, she was promoted to Field Office Manager where she has served with distinction until her official retirement.

Along with two close friends, Laurel decided in 1995 to return to graduate school all the while managing an office and taking care of her family. In 1998, she proudly received her Masters Degree in Behavioral Sciences with an emphasis on negotiation and conflict management that has assisted her greatly in the past three years.

Laurel's peers have recognized her with numerous awards for outstanding teamwork, including Outstanding Employer Advisory Committee Coordinator, positive impact quality management, job training partnership training, and EDD division teamwork. The awards she has received reflect upon her dedication to her hometown of Lakeport. She has always shown a strong sense of public service in the tremendous amount of time and resources that she donates to a variety of community organizations and causes.

I have had the pleasure of knowing Laurel both professionally and personally for more than a decade. Throughout my tenure in public office, both as a California State Senator and now as Congressman, she has been a friend that I could turn to for sound advice and counsel on employment issues.

Mr. Speaker, as we honor Laurel Groshong for her outstanding career in public service, please join me in extending the best wishes from the members of the 107th Congress to her upon retirement.

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## DISTRICT OF COLUMBIA APPROPRIATIONS ACT 2002

SPEECH OF

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes:

Mr. HAYES. Madam Chairman, I rise in support of Mr. HOSTETTLER's amendment—a vote in support of the Boy Scouts of America.

The Supreme Court has ruled on this issue—and they said that to force the Boy Scouts to accept homosexual troop leaders would violate their right to free association and would dilute the Scout's message. We must not threaten the Scouts' constitutional freedoms that were clearly upheld by the Supreme Court.

The process of appealing this ruling is costing the Scouts valuable dollars each day that could be better used to benefit the lives of young men—Young men who are being taught values such as duty to God and country, honor, respect, and community service.

We must send a message that Congress will uphold the full benefits of freedom of association, and that the Scouts, a private organization, may continue to define their own leadership and promote core American values that have been taught to children for over a century. I urge my fellow members to vote in favor of the Hostettler amendment.

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## AIR 2001 TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 2926, legislation that will help our nation's air infrastructure recover from the shocking terrorist attacks of September 11, 2001.

The September 11 tragedy dealt a dual blow to the airline industry; not only did American and United Airlines lose highly esteemed pilots and flight attendants in these violent hijackings, the subsequent federal shutdown of the airways also had a severe financial impact on carriers and led to the layoffs of more than 100,000 workers. Our air infrastructure supports the American economy by transporting goods and people across this great nation, and its continued strength is essential to the ongoing economic health of the United States. However, airlines also provide an opportunity to exercise the American freedom of movement. Every year, millions of Americans use air travel to visit their friends and families, take vacations, and conduct business throughout the country. Congress is now poised to bolster the airlines and restore confidence in our ability to fly.

H.R. 2926 will provide $5 billion in immediate cash assistance to airlines to compensate for losses incurred during the federal grounding order. The measure also includes $10 billion in loan guarantees to help airlines adjust to the lingering effects of the September 11 attacks. By promoting the continued viability of air travel, this legislation will also assist other businesses reliant on the airline industry such as aircraft manufacturers, travel agents, rental car agencies, hotels, and other travel- and tourism-related companies—all of whom have been adversely affected by the recent slowdown in air travel. Coupled with significant improvements in airline and airport safety, which I urge Congress to address in the immediate future, H.R. 2926 will stabilize and restore confidence in air travel.

However, I am quite dismayed that this legislation contains no provisions to help the 100,000 workers in the airline and airline-related sectors who have lost their jobs in the aftermath of September 11. If we truly hope to boost our nation's economy, we must ensure that these men and women receive unemployment benefits, as well as the educational and retraining assistance needed to minimize the transition time between jobs. Additionally, Congress must enact legislation to provide these families federally-subsidized COBRA health insurance during this difficult time.

Finally, it is critical that we move quickly to adopt a legislative response to the need for enhanced security in our airports and on our aircraft. The federal government must play a major role ensuring the safety of our travel, and we must act soon. I understand that the House leadership intends to address these concerns in the near future, and, in the spirit of bipartisanship, I stand ready to work with them in these efforts.

## TRIBUTE TO PEREZ BROTHERS, INC.

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to congratulate one of Guam's premier construction companies, Perez Brothers, Inc., on their Golden Anniversary marking 50 years of service to the people of Guam.

Tracing its origins from a retail outlet of residential electrical products operating out of a modest quonset hut in the capital city of Hagåtña in 1951, Perez Brothers, Inc. has grown to be a great contributor in the development of the island of Guam. The company's founder, the late Frank D. Perez, Sr., founded the Guam Economic Development Authority (GEDA) and introduced Federal Housing Authority (FHA) residential financing to Guam.

The destruction brought about by World War II opened a window of opportunity for the company to grow and serve the needs of the island. The establishment of a concrete block plant in 1952 led to Guam's first private housing development, Perezville, in 1954. Soon Perez Brothers would rebuild the damaged cathedral in Hagåtña. Completed in 1958, the Dulce Nombre de Maria Cathedral remains one of Guam's most prominent buildings.

The company continued to grow in the 1960's. The concrete, block and crusher plants established in 1959 were augmented by a new two-story hardware store in 1962 and another block plant in 1969. By the 1970's, the company had acquired a modern and fully equipped asphalt plant that enabled Perez Brothers to take part in a number of significant road paving projects on the island.

Several setbacks in the mid-1970's and the early 1980's forced the company to downsize. However, the last ten years have been marked by an increased share in the construction market. Recently, the company has participated in a number of projects including the construction of high-rise structures and concrete "outfall" for underwater pipes. This is in addition to road paving and residential construction.

Fifty years after Frank Perez, Sr., brought together a conglomerate comprising of a hardware store, a concrete block plant, and a construction company, a new generation has been tasked to carry on his legacy. Thomas "Tom" Perez serves as the company's President. Margarita "Marge" Perez is it's Corporate affairs vice-president while Gregory "Greg" Perez serves as Personnel and administration vice-president and John Perez is the company's Comptroller.

For the past fifty years, Perez Brothers had been at the forefront of Guam's construction industry. I offer them my sincerest congratulations on their landmark anniversary. I wish them the best in the years to come.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes:

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in support of the Stump/Skelton amendment to H.R. 2586, the National Defense Authorization Act. The transfer of $400 million from missile defense to intelligence and anti-terrorism initiatives is just the beginning of what actions Congress should take to defend our nation against future threats of terrorism. In light of the September 11, 2001 attacks on America, it is evident that our nation must reevaluate its priorities to address a list of a broader range of threats to our national security. Developing and implementing premature technology to defend this nation from a foreign missile attack is not at the top of that list. Instead, we need to start focusing our attention on the threat of and preparation for chemical or biological warfare. It would not only be fiscally irresponsible to appropriate the full amount, of some $8 billion plus dollars originally requested by the committee for this sole purpose, but it would also be detrimental to our country's role in the international community and open the United States to even more threats.

Limited Ballistic Missile Defense is an ambitious program that will require the commitment of enormous resources in order for it to be even remotely successful. This ill-conceived initiative, from all projected estimates, will cost this nation $60 to $120 billion over the next 20 years, and there is no guarantee that we will be able to intercept an incoming missile. Before any defense system implementation takes place, much more research needs to be done to develop a total or layered missile defense system that can intercept a missile in all phases of flight. The Bush administration has been adamant in its willingness to go forward, even if unilaterally, with implementation of a limited missile defense system, but I ask: "Why risk violating the 1974 Anti-Ballistic Missile Treaty and triggering a new arms race to implement a system that is not even failsafe?" An arms race this time around would not only include the traditional player, of Russia, but also China and North Korea. After years of brokering disarmament and nuclear reduction treaties, like SALT and START, we would once again start to witness the dramatic proliferation of weapons of mass destruction, including chemical and biological weapons. This proliferation would make it much easier for rogue nations or terrorist organizations wanting to do harm to the United States to get their hands on weapons to commit acts of terrorism and instill fear into American citizens.

## POPOY ZAMORA'S RETIREMENT AS HOST OF BUHAY PINOY

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Popoy Zamora, a distinguished community leader, for his achievements and his well-earned retirement as host of the Guam television program, Buhay Pinoy.

Our geographic location on Guam makes us a true melting pot. Within our small island, the many variations of eastern and western thought and cultures meet and coexist in a state of cooperation and harmony. It is, however, the diversity and interesting aspects of these particular cultures that has made Guam the special place that it is today. Achieving unity while focusing upon diversity is no simple task. Community leaders like Popoy Zamora greatly contribute in making this possible.

For the past twenty-seven years, Popoy worked hard to produce a weekly television program which highlights the interests and activities of the Filipino community on Guam. In a market where it is mostly difficult to locally sustain a cultural and ethnic program, Popoy had great success in keeping the pulse of his viewers. To keep his show interesting, Popoy brought in guests from the local community as well as personalities and politicians from the Philippines. Through his show, he was able to promote Filipino culture, increase the involvement in community activities of Filipinos on Guam and remind us all of the strong friendship and close relations between the United States and the Philippines. His eagerness and perseverance made all this possible.

For all his work and dedication, we, in Guam are most thankful. Upon his retirement, I offer my congratulations for his distinguished career and my personal commendation for a job well-done. On behalf of the people of Guam, I wish him the best on his well-earned retirement and all the luck in his future endeavors. Tauspusong pasasalamat, Popoy.

## CANADA: NO TRUER FRIEND

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2001*

Mr. LAFALCE. Mr. Speaker, today The Buffalo News carried an editorial entitled "No Truer Friend," expressing thanks to Canada for its support for the United States following the attacks of September 11, 2001. I commend this editorial to the attention of all Members and know they join me in thanking Canada for its long friendship, even brotherhood, with the United States.

The United States cannot, and will not, forget the special relationship between our two countries. We will not allow terrorist attacks to strain that relationship. As Canada's reaction to the events of September 11 show, Canada is the truest friend of the United States.

Again, I thank all Canadians for their steadfastness and friendship to the United States.

NO TRUER FRIEND

This is a time of tragedy and a time of crisis, and not a moment to invest nuances of diplomacy with a gravity they don't deserve. But neither can Americans allow a perceived slight to go uncorrected, or retreat so deeply into sorrow that family goes unnoticed and gratitude is neglected.

Thank you, Canada. Thank you for the support, thank you for the huge banner in Fort Erie, just across our shared river, that proclaimed "God Bless Our American Friends." Thank you for your prayers.

Here in this border city, all of us listened with understanding and approval as a president burdened with the awful weight of a terrorist onslaught, and the duty to respond to it, acknowledged the presence of Great Britain's prime minister at an extraordinary session of Congress and singled out that nation for its support. But when he properly noted the strong ties both countries have forged in the fires of adversity, that America has no truer friend, we all in our hearts added the phrase, "except Canada."

We know who our friends are. We know that the very first international act of support for America in this terrible time came from Canada, which accepted more than 200 diverted American airline flights and took care of more than 45,000 stranded passengers.

We remember Canada's role in rescuing Americans from an ealier political maelstrom in Tehran, and we remember the stirring support the late Canadian broadcaster Gordon Sinclair provided nearly 30 years ago when he took on a world that was kicking America when it had been brought low by the Vietnam War.

We remember. Most of us in this northern city know the Canadian national anthem and many of us sing it at our shared sporting events. We also share an annual international Friendship Festival, and mean it. We quibble at times—the design of a proposed new international bridge springs to mind—but we do so as family.

Perhaps that's why President Bush didn't mention Canada in a stirring speech that focused on a global problem, but also recognized support from several nations. He may simply have been looking beyond family. "No need to praise the brother," Bush asserted while meeting with Prime Minister Jean Chretien in Washington Monday. To be frank, it more likely was just a speech-writing snafu.

Some of you, in Canada, have read into it s snub, or petulance over Canada's liberal visa problems. Please don't. We are grateful for the forensic team that was dispatched immediately from Ontario to Manhattan, for the strong and ongoing cooperation of law enforcement and border agencies, for the more than 100,000 Canadians who turned out for remembrance services on Ottawa's Parliament Hill and for the counteless American flags still waving in Canadian towns.

Most of all we are grateful that, once again, Americans and Canadians stand together. We may both need to draw comfort from that in the days ahead. In fact, we already have.

# SENATE—*Friday, September 28, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., September 28, 2001.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

## ADJOURNMENT UNTIL MONDAY, OCTOBER 1, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 12 noon on Monday, October 1.

Thereupon, the Senate, at 10 o'clock and 41 seconds a.m., adjourned until Monday, October 1, 2001, at 12 noon.

# HOUSE OF REPRESENTATIVES—*Friday, September 28, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 28, 2001.*

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Walter R. Rossi, Associate Rector, The Basilica of the National Shrine of the Immaculate Conception, Washington, D.C., offered the following prayer:

God is our refuge and our strength, an ever present help in distress.

Lord, in times of trepidation, we look to You for comfort and strength.

Your consolation is known to us through the compassion and self-giving of our citizens. Your strength is realized in our Nation's spirit of unity and patriotism.

We turn to You in trust, for wisdom and guidance, a wisdom derived from reverence and esteem for Your word.

Preserve our Nation, a beacon of freedom and independence, a model of charity and forbearance.

Give this legislative body inspiration, certitude and right judgment. Direct our President and his administration with a spirit of prudence and fortitude.

May their actions be undertaken with zeal and tempered with concern.

Protect the men and women of our Nation's Armed Forces. May those who defend and preserve this great land of promise know the assurance of Your vigilant care.

Have compassion on us all, and show mercy in our limitations as we forever strive to ensure Your blessings of life, liberty, and the pursuit of happiness for all peoples. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2904) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REID, Mr. BYRD, Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, and Mr. STEVENS, to be the conferees on the part of the Senate.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 2001.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2001 at 10:10 a.m.

That the Senate passed without amendment H.R. 1583.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 26, 2001.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 26, 2001 at 5:20 p.m.

That the Senate passed without amendment H.R. 1860.

That the Senate agreed to House amendments to Senate Amendment H.R. 2510.

That the Senate passed without amendment H. Con. Res. 227.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## COMMUNICATION FROM STAFF MEMBER OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following communication from George R. Canty, Counselor to the Chairman, Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
*Washington, DC, September 25, 2001.*

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony issued by the Superior Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

GEORGE R. CANTY,
*Counselor to the Chairman.*

## COMMUNICATION FROM STAFF MEMBER OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following communication from Dianna J. Ruskowsky, Financial Administrator, Committee on Education and the Workforce:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
*Washington, DC, September 25, 2001.*

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony issued by the Superior Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DIANNA J. RUSKOWSKY,
*Financial Administrator.*

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 27, 2001 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 65. Making continuing appropriations for the fiscal year 2002, and for other purposes.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, October 2, 2001 for morning hour debates.

There was no objection.

Accordingly (at 10 o'clock and 6 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 2, 2001, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3918. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01-26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3919. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Defense proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–AY), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes [Docket No. 2000–NM–346–AD; Amendment 39–12333; AD 2001–14–22] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation [Docket No. MARAD–01] (RIN: 2133–AB45) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–300 Series Airplanes [Docket No. 2000–NM–268–AD; Amendment 39–12258; AD 2001–12–03] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320, and –500 Series Airplanes; and Model ATR72 Series Airplanes [Docket No. 2000–NM–203–AD; Amendment 39–12343; AD 2001–15–09] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, –300F, and –400ER Series Airplanes Equipped with General Electric Model CF6–80C2 Series Engines [Docket No. 2001–NM–137–AD; Amendment 39–12371; AD 2001–16–03] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747–200, 747–300, and 747SR Series Airplanes Powered by General Electric CF6–45/50 and Pratt & Whitney JT9D–70 Series Engines [Docket No. 2001–NM–118–AD; Amendment 39–12260; AD 2001–12–05] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320 Series Airplanes [Docket No. 2001–NM–08–AD; Amendment 39–12341; AD 2001–15–07] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Powered by Pratt & Whitney JT9D–7 Series Engines [Docket No. 2000–NM–271–AD; Amendment 39–12349; AD 2001–15–15] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72–101, –201, –102, –202, –211, and –212 Series Airplanes [Docket No. 2001–NM–38–AD; Amendment 39–12334; AD 2001–14–23] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320, and –500 Series Airplanes, and Model ATR72 Series Airplanes [Docket No. 2000–NM–336–AD; Amendment 39–12332; AD 2001–14–21] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320, –500 and ATR72 Series Airplanes [Docket No. 2000–NM–380–AD; Amendment 39–12339; AD 2001–15–05] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rockwell Collins, Inc. CTL–92 Transponder Control Panels [Docket No. 2001–CE–22–AD; Amendment 39–12352; AD 2001–15–17] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2000–NM–309–AD; Amendment 39–12330; AD 2001–14–19] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 98–NM–226–AD; Amendment 39–12342; AD 2001–15–08] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Aviation Aircraft Equipped With Certain UPS Aviation Technologies, Inc., Model Apollo SL30 Very-High-Frequency Navigation/Communication (VHF NAV/COMM) Radios [Docket No. 2001–NM–225–AD; Amendment 39–12351; AD 2001–14–51] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Powered By Pratt & Whitney JT9D–3 and –7 Series Engines [Docket No. 2000–NM–330–AD; Amendment 39–12336; AD 2001–15–02] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Series Airplanes [Docket No. 2000–NM–200–AD; Amendment 39–12208; AD 2001–09–03] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 23, 24, 25, 28, 29, 31, 35, 36, and 55 Series Airplanes [Docket No. 2001-NM-76-AD; Amendment 39-12177; AD 2001-07-11] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000-NM-230-AD; Amendment 39-12348; AD 2001-15-14] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, -341 and -342 Series Airplanes and Airbus Model A340 Series Airplanes [Docket No. 2001-NM-195-AD; Amendment 39-12364; AD 2001-15-29] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes, and Model A340 Series Airplanes [Docket No. 2001-NM-136-AD; Amendment 39-12369; AD 2001-16-01] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca S.A. Artouste II and Artouste III Series Turboshaft Engines [Docket No. 2000-NE-15-AD; Amendment 39-12275; AD 2001-12-19] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-50 Turbofan Engines [Docket No. 2000-NE-30-AD; Amendment 39-12276; AD 2001-12-20] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2000-NM-386-AD; Amendment 39-12259; AD 2001-12-04] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 55 Series Airplanes and Model 60 Airplanes [Docket No. 2000-NM-128-AD; Amendment 39-12257; AD 2001-12-02] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-46-310P, PA-46-350P, and PA-46-500TP Airplanes [Docket No. 2001-CE-23-AD; Amendment 39-12256; AD 2001-12-01] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2001-NM-122-AD; Amendment 39-12227; AD 2001-10-02] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Britax Sell Gmbh & Co. OHG Water Boilers, Coffee Makers, and Beverage Makers [Docket No. 2000-NE-58-AD; Amendment 39-12239; AD 2001-10-13] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-47-AD; Amendment 39-12346; AD 2001-15-12] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2001-NM-116-AD; Amendment 39-12241; AD 2001-10-15] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 2001-NM-235-AD; Amendment 39-12361; AD 2001-15-26] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 2001-NM-141-AD; Amendment 39-12367; AD 2001-15-32] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-311 and -315 Series Airplanes [Docket No. 2000-NM-340-AD; Amendment 39-12366; AD 2001-15-31] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. 2000-NM-179-AD; Amendment 39-12368; AD 2001-15-33] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Digital Flight Data Recorder Resolution Requirements [Docket No. FAA-2001-10428; SFAR No. 89] (RIN: 2120-AH46) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2, A300 B4, A310, A319, A320, A321, A330, and A340 Series Airplanes; and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2000-NM-267-AD; Amendment 39-12344; AD 2001-15-10] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2; A300 B4; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); A310; A319; A320; A321; A330; and A340 Series Airplanes [Docket No. 2001-NM-72-AD; Amendment 39-12345; AD 2001-15-11] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-421-AD; Amendment 39-12350; AD 2001-15-16] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-415-AD; Amendment 39-12340; AD 2001-15-06] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 99-NM-234-AD; Amendment 39-12347; AD 2001-15-13] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 2001-NM-86-AD; Amendment 39-12237; AD 2001-10-11] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3961. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment; Correction [Docket No. FAA-2000-7119; Amendment No. 121-281 and 135-80] (RIN: 2120-AG89) received August

23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3962. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, and Model MD–88 Airplanes [Docket No. 2001–NM–85–AD; Amendment 39–12236; AD 2001–10–10] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3963. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–32 Series Airplanes Modified Per Supplemental Type Certificate SA4371NM [Docket No. 2000–NM–207–AD; Amendment 39–12242; AD 2001–11–01] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10 and –30 Series Airplanes [Docket No. 2001–NM–102–AD; Amendment 39–12309; AD 2001–13–27] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, and –40 Series Airplanes, and Model MD–10–10F and –30F Series Airplanes [Docket No. 2000–NM–148–AD; Amendment 39–12308; AD 2001–13–26] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320 Series Airplanes [Docket No. 98–NM–139–AD; Amendment 39–12188; AD 2001–08–11] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30263; Amdt. No. 2064] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record of September 26, 2001]*

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 2883. A bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 107–219). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted September 28, 2001]*

Mr. HANSEN: Committee on Resources. H.R. 107. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; with an amendment (Rept. 107–220). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1161. A bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia; with amendments (Rept. 107–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R.1384. A bill to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; with amendments (Rept. 107–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1456. A bill to expand the boundary of the Booker T. Washington National Monument, and for other purposes (Rept. 107–223). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1814. A bill to amend the National Trails System Act to designate the Metacomet-Monadnock-Sunapee-Mattabe-settTrail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System; with amendments (Rept. 107–224). Referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1007. Referral to the Committee on Government Reform extended for a period ending not later than October 5, 2001.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. OTTER (for himself and Mr. SIMPSON) introduced a bill (H.R. 2972) to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse"; which was referred to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. TERRY.

H.R. 168: Mr. MANZULLO.

H.R. 397: Ms. LOFGREN, Mr. TRAFICANT, Mr. FERGUSON, Mr. MATHESON, Mrs. CAPPS, Mr. JONES of North Carolina, and Mr. KILDEE.

H.R. 525: Mr. TAYLOR of Mississippi and Mr. BEREUTER.

H.R. 527: Mr. BARTLETT of Maryland and Mr. LARGENT.

H.R. 786: Mr. BAIRD.

H.R. 959: Mr. THOMPSON of California and Ms. WATSON.

H.R. 1177: Mr. GUTIERREZ.

H.R. 1360: Mr. LAMPSON and Ms. WATSON.

H.R. 1645: Mr. STUPAK.

H.R. 1784: Mr. FARR of California and Mrs. NAPOLITANO.

H.R. 2148: Ms. WATERS.

H.R. 2244: Mr. HOEKSTRA.

H.R. 2405: Mr. CROWLEY, Ms. ROS-LEHTINEN, and Mrs. NAPOLITANO.

H.R. 2574: Mr. GILLMOR.

H.R. 2677: Mr. GUTIERREZ.

H.R. 2693: Mr. KUCINICH, Mr. WEXLER, Mr. DEUTSCH, Mr. HONDA, and Mr. BERMAN.

H.R. 2794: Mr. RAMSTAD.

H.R. 2800: Mr. BALLENGER and Mr. BURTON of Indiana.

H.R. 2899: Mr. GEKAS.

H.R. 2910: Mr. MCHUGH, Mr. LAHOOD, Mr. ORTIZ, Mr. TAYLOR of Mississippi, Ms. KAPTUR, Mr. HEFLEY, Ms. MCKINNEY, Mr. PRICE of North Carolina, and Mr. RUSH.

H.R. 2935: Mrs. MINK of Hawaii.

H.R. 2940: Mrs. LOWEY and Ms. MCKINNEY.

H.R. 2945: Mr. REYES and Mr. UNDERWOOD.

H.R. 2946: Mr. FALEOMAVAEGA, Mr. FROST, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. DEFAZIO, Mr. STRICKLAND, Mr. FATTAH, Mr. FILNER, Mr. BAIRD, Mr. HOEFFEL, and Mr. OWENS.

H.J. Res. 12: Mr. BLUNT.

H. Con. Res. 26: Mr. HORN.

H. Con. Res. 131: Mr. CLEMENT.

H. Con. Res. 175: Mr. QUINN, Mr. MCDERMOTT, Ms. ESHOO, and Mr. WEINER.

# EXTENSIONS OF REMARKS

## HONORING THE CHURCH OF ST. JOACHIM IN TRENTON, NEW JERSEY, ON THEIR CENTENNIAL CELEBRATION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor St. Joachim's Roman Catholic Church in Trenton, New Jersey, as they celebrate their Centennial. At the turn of the 20th Century, millions of immigrants from Italy journeyed to the United States in the hopes of starting a new life. Thousands of these immigrants—who later become proud Italian-Americans—settled in Trenton, New Jersey.

These immigrants found jobs in the city's once thriving steel mills, rubber factories, and pottery factories. But life was about much more than work. These newcomers sought comfort in their Italian culture, kinship with their fellow immigrants, and solace and guidance in their Roman Catholic faith.

In 1901, 100 years ago, because of cultural differences and language barriers, Rev. James A. McFaul, Bishop of Trenton, established St. Joachim's Parish to accommodate the spiritual needs of the city's newest Catholics. Bishop McFaul gave the task of establishing this new parish to Rev. Aloysius Pozzi, an Italian Priest who at the time had been in the United States for less than five years.

This new Parish had a meager physical beginning. There was no church, and Masses were held in Centennial Hall on Hudson and Genesee Streets. But while lacking in physical materials, this new Parish was rich in members and spirit. In fact, the first Mass of St. Joachim's was offered for 1,500 people.

Plans to build their own church were quickly developed and on August 15, 1903, the cornerstone of St. Joachim's Church was laid during festivities attended by church and civic leaders, as well as thousands of Italian-American immigrants. But Rev. Pozzi, who later became a Monsignor, did not rest once the church was built; instead he worked tirelessly to establish a new parochial school, which opened in 1909. For 90 years, St. Joachim's School provided area children with a value-filled Catholic education until declining enrollment forced its closure in 1999.

Mr. Speaker, for 100 years, St. Joachim's has faithfully served its parishioners, ministering and providing services to the community. I ask all of my colleagues to join with me in congratulating St. Joachim's on their Centennial Celebration and to thank them for all of their contributions to the rich heritage and culture of Trenton, the Capital City of New Jersey.

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## TRIBUTE TO ELMER BOYD STAATS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Elmer Boyd Staats, President, Trustee, and Chairman of the Harry S Truman Scholarship Foundation. Mr. Staats will soon end a distinguished career in public service. His dedication spans more than six decades and includes appointments under every U.S. President from Franklin Roosevelt to George W. Bush.

Mr. Staats began his career in public service in 1936, spending a summer as a research assistant for the Kansas Legislative Council. During 1937 and 1938, he was a member of the staff of the Public Administration Service of Chicago. In 1938, Elmer came to Washington, D.C. to be a fellow at the Brookings Institute. A year later he joined the staff of the Bureau of the Budget, thus beginning a remarkable Federal service career.

As a member of the Bureau's Division of Administrative Management and later of the War Agencies Section, Elmer worked with Presidents Roosevelt and Truman in converting the U.S. economy to war time production and back to peace time again. Later, he became Assistant Bureau Director for Legislative Reference, working with Truman White House staff to help coordinate the President's legislative programs. Mr. Staats then became the Bureau's Executive Assistant Director then Deputy Director, a position he held until 1953.

Later, Elmer was appointed Executive Director of the Operations Coordinating Board of the National Security Council. He then returned to the Bureau of the Budget, serving as Assistant Director then Deputy Director under Presidents Eisenhower, Kennedy, and Johnson.

In 1966, President Johnson appointed Elmer Comptroller General of the United States. He served a full 15-year term and implemented significant changes in the General Accounting Office. Elmer focused on expanding GAO's work and issue areas to serve Congress more effectively. When Elmer Staats took charge of GAO, less then ten percent of the its professional staff's effort toward providing direct assistance to Congress. When he left, GAO was devoting nearly 40 percent of its effort to helping Congress.

During his tenure at GAO, Elmer helped user in many improvements. He helped to implement "Government Auditing Standards," providing standardized methods for governments at all levels to determine the effectiveness of programs. Upon his retirement in 1981 Elmer Staats was called, "a pragmatic of good government."

Elmer's public service did not end with his retirement from Comptroller General, as he soon became President and then Trustee and Chairman of the Harry S Truman Scholarship Foundation. This Federal agency administers the scholarship program established as the sole Federal memorial to President Truman. Each year the Truman Foundation awards 80 scholarships to outstanding students who wish to undertake a career in public service. This December Elmer Staats will complete his third consecutive six year term as a Foundation Trustee and as its Chairman. Having had the privilege to serve with him as Vice Chairman of the Trustees, I can personally attest to the ways in which this important program has flourished under his leadership.

Elmer has served on numerous commissions, committees, boards, and councils, making each better because of his involvement. He has also been the recipient of many awards, including the Rockefeller Public Service Award and the Presidential Citizens Medal. Elmer received degrees from McPherson College, the University of Kansas and the University of Minnesota and honorary doctorate degrees from eight different schools.

Mr. Speaker, Elmer Staats has been a truly great American, serving the United States for 65 years. I know the Members of the House will join me in thanking him and wishing him all the best in the days ahead.

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## HONORING AGUSTUS M. DELSIGNORE, HUDSON FALLS ITALIAN-AMERICAN CIVIC CLUB ANNUAL RECOGNITION AWARD

### HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mr. SWEENEY. Mr. Speaker, I rise today to recognize Agustus M. DelSignore as the recipient of the Hudson Falls Italian-American Civic Club's First Annual Recognition Award. Through his leadership in the Glens Falls Housing Authority, Mr. DelSignore has proven to be a pillar of strength in not only his community, but a vast area of the North Country as well.

Mr. DelSignore was born and raised in Glens Falls. After graduating from Glens Falls High School, he joined the Air Force during the Korean War. In 1954, he returned to Glens Falls to take over the family business, DelSignore's Hotel and Restaurant. Mr. DelSignore was married to Joan Denton, also of Glens Falls, in 1951. They are the proud parents of three daughters, Susan, Amy, and Wendy, and proud grandparents of three grandsons and two granddaughters, all of who reside in Glens Falls.

Agustus DelSignore has been involved in the development of Public Housing since 1966. In 1970, he was appointed Provisional Projects Manager for the Glens Falls Housing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Authority. While in this position, he initiated operations for the fifty-unit Larose Gardens Apartments in Glens Falls. Upon receiving the highest score on the New York State Civil Service exam for Projects Manager in 1972, Mr. DelSignore was appointed as the first Projects Manager of the Glens Halls Housing Authority. He oversaw the first high rise building providing eighty affordable apartments for senior citizens.

The National Association of Housing and Redevelopment Officials certified Mr. DelSignore as a Public Housing Manager in 1974. Again, he turned around to dedicate his efforts to the needs of the elderly by constructing a second senior citizen complex. The Robert J. Cronin High Rise, which is often referred to as the most beautiful property in Glens Falls, provided 100 additional apartments for senior citizens.

On April 25, 1988, Governor Mario Cuomo awarded Mr. DelSignore one of four Distinguished Housing Service Awards. Following on his success, he started an income rental subsidy program for low-income families, resulting in over 600 assisted rental units throughout the Glens Falls area. Under the leadership of Mr. DelSignore, the Glens Falls Housing Authority has been highly praised as a "HUD High Performer," a level only obtained by a small percentage of all housing authorities nationwide.

Mr. Speaker, please help me congratulate the recipient of the Hudson Falls Italian-American Civic Club's First Annual Recognition Award, Agustus M. DelSignore. He has accomplished exceptional feats in the areas of housing and development in his community. In Agustus DelSignore, we have found a dedicated and compassionate member of the North Country community.

## CONGRATULATING HOLY CROSS SCHOOL ON ITS 100TH ANNIVERSARY

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor and congratulate the students, faculty, and alumni of Holy Cross School in Trenton, New Jersey on the school's 100th anniversary.

In 1901, the Reverend Francis Czernecki and the Felician Sisters founded the school to educate students in a family-oriented atmosphere while instilling the rich tradition of Catholicism into the cultural and intellectual life of every pupil. Today, 100 years later, Holy Cross School is leading 280 students into this millennium with a Catholic value-centered education, and supported by a strong community of faith.

The current generation of lay teachers follow in the footsteps of Felician Sisters who came to Trenton in 1901. The religious teaching community, known as the Sisters of Saint Felix of Cantalice, was founded in Warsaw, Poland in 1855. Many Sisters from the community taught at Holy Cross up until 12 years ago, when the remaining Felician Sisters retired. Nevertheless, the values, dedication, and vision that these Felician Sisters started so many years ago continues to flourish at Holy Cross School today.

Mr. Speaker, in the South Ward of Trenton, New Jersey, many people count three priorities in their community: family, friends, and the Holy Cross School. I would like to thank the school and the surrounding community for their hard work and dedication to providing an outstanding educational institution filled with tradition and faith that serves the people of Trenton, New Jersey.

## HONORING NEW YORK CITY FIREFIGHTER DANA HANNON OF WYCKOFF, NEW JERSEY

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mrs. ROUKEMA. Mr. Speaker, I rise today to honor the heroic efforts of New York City Firefighter Dana Hannon, who died valiantly trying to save lives during the September 11 terrorist attack on the World Trade Center. In times of such tragedy, we often look to others for support, for inspiration, and even for the right words. Today, as we search for an understanding of September 11, I borrow the words of Sir Winston Churchill and think of New York Firefighter Dana Hannon with these words. Churchill once said,

> Vast and fearsome as the human scene has become, personal contact of the right people, in the right places, at the right time, may yet have a potent and valuable part to play in the cause of peace which is in our hearts.

As forces of terror tried to extinguish the light of our nation on September 11, the heroes in our midst shined brighter than ever. For some, we know what heroic endeavors were undertaken as we hear stories from cell phones, emails, and survivors. And then there are those whose story was not told, yet we know—because of the people they were—it was a selfless courageous story. We know this because these men and women were heroes before they even entered the World Trade Center Towers to begin their rescue missions.

Dana Hannon was a hero to his parents, Tom and Gaye, in Wyckoff, New Jersey. Dana was a hero to his fiancee and his younger sister. Dana was a hero to the residents of Wyckoff, where he served for ten years as a firefighter. Dana was a hero to residents of Bridgeport, Connecticut, where, as a firefighter, he received a medal of valor for his service. Dana was a hero to the residents of New York City, where he reported to the call at the World Trade Center with his company, Engine Company 28.

These heroes entered the buildings' lobbies as people flooded out into the streets. These men and women ran up the stairs while instructing people to immediately get down those same stairs and outside. They ran to help the people in wheelchairs as others ran to safety. Heroes on that day, their efforts and effects will never be forgotten, especially by those who were saved.

We may not know what scenes Dana faced so bravely in the smoke and panic that filled the World Trade Center towers. But, as his family and friends would testify, Dana was most likely one of the first to the building. Always one to act first and worry about his safety later, his loved ones can imagine the heroic acts Dana performed in the buildings that day. I am sure that for someone, he was the right person, in the right place, at the right time. Someday we may hear the story of the lives he saved or the comfort he provided. But for now, we can be proud, proud of the job he was doing, proud of the heroism he showed that day, and proud of the courage he had always shown.

Some heroes were made on September 11. Others were heroes that just had the chance to shine even more brightly. And as family and friends of Dana wait for stories of him on that day, they will continue to share the stories of his everyday heroism and spirit. The forces of terror may have tried to destroy our peace, but they cannot destroy the peace in our own hearts as long as we have heroes such as Dana Hannon.

Mr. Speaker, I ask my colleagues to join me in honoring New York City Firefighter Dana Hannon, Engine Company 28. The towns of Wyckoff and Bridgeport have recognized Dana's heroism before. On behalf of our country, let us now recognize this man who served us in one of our most horrific hours. In the darkest times, it is the brave who shine the brightest. As we face the future, let us not let him, or his family, or his company, down.

## TRIBUTE TO HELEN KILIAN

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Mr. EVANS. Mr. Speaker, I rise today to honor Helen Kilian, a freshman at Knox College in Galesburg, Illinois. I would like to take this opportunity to congratulate Helen on receiving first place in the VSA arts' 18th annual Playwright Discovery Award. This competition elicits nearly 150 entries from across the country, but only four receive top honors. Helen's script was one of those honored.

Helen's play addresses the pervasive issue of disability discrimination by telling the story of Frances, a young girl who takes on the challenges of high school and her own disability. Frances, who is afflicted with cerebral palsy, is offered an award for inspiring her classmates. This intriguing story, aptly entitled "The Trouble with Being Inspiring", delves into the assumptions that we hold about people with and without disabilities and ourselves.

A production of Helen's play will be performed at the prestigious Washington, DC, Kennedy Center. This is a tremendous accomplishment for any playwright, but this success is an even greater milestone for Helen. Not only is Helen, who is 18, at the beginning of her writing career, but Helen also faces her own challenges. Helen has cerebral palsy. Helen has met the challenges that accompany cerebral palsy and turned her experiences into a tool to help all of us reexamine how we view disabilities. It is clear that Helen has no trouble being inspiring.

Helen's single act dramatic work, "The Trouble with Being Inspiring", will be performed at the Kennedy Center this Monday, October 1. I encourage everyone to attend the play and support Helen's work. I know that my colleagues join me in wishing Helen continued success as she pursues her work as a playwright and continues her studies in creative writing and graphic design.

## ON THE PASSING OF FLETCHER E. ALLEN

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2001*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to mark the passing of a dear friend and colleague of many members of this esteemed body. Mr. Fletcher E. Allen, Director of Government Affairs for BP Amoco Corporation, passed away in his home after a bout with cancer on Tuesday, September 25, 2001.

Fletcher Allen was a wonderful man and a loyal servant of his community. His presence in our lives will be missed tremendously, for there is no doubt that Mr. Fletcher Allen was a great-spirited man; a man of passion, a man of loyalty, a man, above all, who cared about people. Moreover, he was a man who believed in simple values, and transformed them into deep-seated convictions; convictions he held tenaciously and for which he fought most vigorously. What a marvelous heritage he leaves for us to appreciate, emulate and nurture; there can be no doubt that he fervently loved life, his family and friends.

Although he will be missed, those of us he has left behind find the words of II Timothy 4:6–8 to be a fitting epitaph for Fletcher Allen: "For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight, I have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me that day; and not to me only, but unto all them also that love his appearing."

Mr. Speaker, Fletcher Allen's life was filled with trailblazing accomplishments and achievements. Not only was he one of the first African American executives in the government affairs office for a major oil company, but he began to achieve at an early age. He played all sports at his high school, and was named to the All State Football Team and nominated for the high school All-American Football Team. He then went on to earn a degree in chemical engineering from Michigan State University at a time when African Americans were still being discouraged from studying the sciences, finally graduating with honors from DePaul University Law School.

Mr. Speaker, the stellar matriculation of Fletcher Allen is only matched by his illustrious business career. Fletcher began his career with Amoco at the staff level in 1970. Five years later he joined International Minerals and Chemical Corporation. He quickly elevated to Director of Sales for the Industrial Chemical Division of the corporation. After retooling the sales division to increase sales by 15% and earnings of 10%, he then moved on to Velsicol Chemical Corporation, where as a Director he developed five new products in three new business areas. As a direct result of his actions Velsicol Chemical increased sales in his division $13.5 million.

Mr. Speaker, Fletcher Allen not only conquered the science world with success, but he also demonstrated his intellectual flexibility and business savvy with a career change to banking. As a Vice President of Continental Bank, and then President of Allen Capital Group, Fletcher again proved that there are no boundaries for those with the will to succeed and achieve.

By 1994 Fletcher Allen found himself back home at Amoco. The depth and breadth of his myriad of business experiences served him well during his second tenure with what we now know as BP/Amoco, finally culminating in his being named Director of Government Affairs for this Fortune 500 company. In this capacity I knew Fletcher to be a cogent thinker, experienced policy-maker, and a good friend.

Mr. Speaker, in John 14, Jesus promises that there will be a place for us in His eternal home, and that He will come again to escort us to our new "mansion." Fletcher Allen has found his place there in Heaven already. Maybe it will help us to know in our moments of sadness, that someday we too will find our way there to our special eternal room, and rejoin Fletcher Allen for a glorious and happy reunion in the presence of God.

A wonderful and thriving family survives him, including his wife of 27 years, Linda. His son Fletcher and his daughter Alikii will remember a caring, compassionate, and giving father. His father, Robert Allen, Sr., and siblings Robert, Richard, Bessie, and Elizabeth will also miss Fletcher's smile, but it is my sincere hope that they find solace in the fact his mother Irma is there with him in Heaven to take his hand in comfort.

Mr. Speaker, the Beltway community lost a dear friend on Tuesday, and though we are sad, we know that his life was not in vain, for he will remembered by all as one of the good ones who come into this world to make it a better place.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes:

Ms. PELOSI. Madam Chairman, I rise in support of the Sanchez amendment, and I thank my colleague from California for her leadership on this important issue.

Even as we speak, servicewomen are leaving the United States to take up their posts on ships and military bases around the world, prepared to join the battle against terrorism. They are joining the many servicewomen who are already stationed outside our country's borders.

Madam Chairman, this amendment would allow these brave servicewomen the same constitutional right enjoyed by women here at home—the right to choose. Every servicewoman should have the option to spend her own funds to safely, legally terminate a pregnancy at a U.S. military facility overseas. The President has called upon all Americans to stand up for our rights and freedoms. It is time to give military women who are abroad the same rights as women here at home. I urge my colleagues to vote for the Sanchez amendment.

# SENATE—*Monday, October 1, 2001*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. BYRD].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Generous, gracious God, as we begin this work week, the Psalmist's words give wings to our gratitude: "Blessed be the Lord, who daily loads us with benefits, the God of our salvation." You lift the load of our concerns and load us with Your benefits. You care about what concerns us. The benefits You provide are for the work You guide. You never give us more to do than You will help us accomplish. You are for us and not against us. In response, we open our minds to think Your thoughts, our emotions to express Your empathy, our wills to do Your will, and our bodies to be rejuvenated by Your energizing Spirit.

Bless the Senators with a positive attitude to the challenges of this day and the week ahead. You love this Nation and want to provide these leaders with exactly what they will need to lead with excellence. Guide them as they discern what is Your best for our Nation and courageously vote their convictions. Enable communication between the parties so that this will be a week of progress. Thank You in advance for the benefits of Your love, strength, discernment, and wisdom You will pour into the minds and hearts of the Senators. We press on with expectancy. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

## SCHEDULE

Mr. REID. As the Chair has announced, the morning business hour will continue until 2 p.m. today. At 2 p.m., the Senate will resume consideration of the Defense authorization bill.

Mr. President, cloture was filed on the DOD bill last week. All first-degree amendments must be filed before 1 p.m. today and all second-degree amendments must be filed before 9:45 a.m. Tuesday. I would advise Members and staff if they have filed their amendments already, there is no need to refile them.

There will be no rollcall votes today. The next rollcall vote will occur at 10 a.m. on Tuesday, on cloture on the DOD authorization bill.

There is lots of work to do. The majority leader has asked me to announce that we have the DOD bill we need to finish. We are close to having some final numbers on the appropriations bills so we can do those conferences that are so badly needed and complete the other appropriations bills. We have the airport safety matter we must work on as quickly as possible. There is work we have to do on helping those employees who have been displaced as a result of the incident on September 11.

We have an antiterrorism bill the Judiciary Committee has been working on all weekend. Senators HATCH and LEAHY have literally been working on that all weekend. They hope to have something for us in the next few days, perhaps as early as tomorrow.

So there are lots of things to do. We are going to need the cooperation of all Senators to get them done as quickly as possible. The continuing resolution will go for the next 2 weeks. We very much hope by that time we will have been able to complete the normal appropriations process or at least work our way toward that end.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming is recognized for not to exceed 10 minutes.

## PRIORITIZING THE SENATE'S WORK

Mr. THOMAS. Mr. President, I want to talk a little bit about the future as I hope it might happen in the Senate. Obviously, we have a great many things to do, many of which are time imperative, that we need to do them immediately, and I am for that.

I am very proud of what I have seen here and what I have seen at home with respect to our national reaction to this terrorism assault and the disaster with which we are faced. I believe the President and his team are doing what needs to be done, are doing the necessary research and intelligence gathering that is necessary. This is the most unusual kind of an emergency in which everyone is ready to do something but you have to first discover what it is that is proper to do. I think that is being done: Positioning the military, to the extent that that will be necessary—again, a different kind of war but one in which the military obviously will be a very prime portion of it; moving to establish domestic defense, working with our States—I was just this week with our National Guard in Wyoming, and the Governor was setting about to have that be part of the security for airports—and the things that need to be done will be given, I hope, an agenda for strengthening our domestic defense regarding intelligence.

I am pleased the President is asking Members to seek to continue to do the emergency things that must be done, while, at the same time, returning to our daily business and routine. We can do both, urging everyone to have the patience we must have to retain our commitment and determination to move forward with things we must do.

I am proud of what I see at home. People have the same conviction that we must do these things and are committed to doing whatever it takes, supporting our country and supporting our President.

It is a shame to have to go through this terrible time but I am very proud with the Nation coming together, proud of what I see as a show of patriotism and support for America.

I am also very pleased with the performance of this Congress. There has been an unusual and remarkable show of nonpartisanship to do the things that, indeed, must be done. We have come together. We have much yet to do. I believe it would be good if we prioritized the activities to complete

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through the year. Among the 435 Members, there are different ideas of priority, but we have to come to a decision as to what has to be done immediately. I wish we could do that. Clearly, our priorities will rest with the emergency demands brought about by the war on terrorism, coupled with the emergency demands we now have with the economy. We have special activities dealing both with defense and the economy; we have our regular operational items we must do, such as 13 different appropriations, none of which, yet, has cleared and gone to the President. This is what goes into the regular operation of government. It seems to me it makes good sense to keep those separate. We should separate the issues in the emergency category from the normal operational issues we face.

It would be a mistake to expand what will be long-term operational functions in this emergency way and run the risk of having those be there when the emergency is over. We ought to deal with those differently. Certainly many of the things we need to do now will not be in place in the future.

I believe we should agree on a list of priorities, must-do items we need to do for defense and terrorism. We should agree on a list of priorities. The administration has things we ought to do administratively. We should agree with them to do them. We should make a priority list of things to do to stimulate the economy, whether tax relief, withholding tax changes, whatever. There are a number of things out there. We met last week with Chairman Greenspan, Bob Rubin, and others. We will continue to do that. In fact, tomorrow we will meet with Secretary O'Neill. I hope we can do this and come up with a list and commit ourselves to it, leaving us free to do the things we have to do that are now before the Congress.

We have a great deal to do. It is not easy to set priorities, but that is part of our responsibility. If we can do that, I would like the leadership to set up a committee to come up with the lists and present them to the remainder of the Congress. That will move the Congress forward to do the things we must do in a divided fashion—what we must do as a priority against the operational agenda.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Virginia, Mr. ALLEN, is recognized.

Mr. ALLEN. I ask unanimous consent I be allowed to speak in morning business for up to 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## IMMEDIATE ECONOMIC STIMULUS THROUGH THE EDUCATION OPPORTUNITY TAX CREDIT

Mr. ALLEN. Mr. President, I rise to share with my colleagues my concern about our economy, the loss of jobs, and the economic stimulus package being considered by Members of the House, the Senate, and the White House. Mr. THOMAS, the Senator from Wyoming, mentioned some of the economic stimulus package. In my view, an education opportunity tax credit should be included in any economic stimulus package put together in the coming weeks.

We know our economy is in serious trouble. The economy grew just 0.2 of 1 percent in the second quarter of this year, compared to 4.1-percent average growth in the year 2000. The most important thing we can do at this point is increase consumer spending, especially on durable goods. Orders for durable goods dropped in August, as reported by the Commerce Department, all of which was due to the technology and transportation sectors. We have addressed the transportation industry partially, with the airline industry stabilization bill, but the technology sector still remains unaddressed.

Consumer confidence is dropping like a stone. The University of Michigan Consumer Sentiment Index released last week, September 28, indicated that consumer confidence dropped 21 percent. Although the correlation between consumer confidence and spending is not strong in the short term, it is strong in the mid-to-long term. The No. 1 reason for this precipitous drop in consumer confidence is because of where consumers thought they would be in their own lives 6 months out. One financial market analyst was recently quoted in the Washington Post as saying that the size of this decline in consumer confidence will translate into reduced spending in the next 6 months. That confidence decline is not over. Consumers, clearly, are on a very cautious mindset. That is why we must take measures to improve consumer confidence and spending again.

There is a debate currently underway in our country over which types of tax cuts are the answer to providing immediate economic growth. In my judgment, we must focus on individual tax cuts that will immediately lift consumer confidence and result in greater consumer spending—the idea that we need to increase corporate savings and investment necessities, that those companies have revenues in the first place, revenues that come from consumer spending.

Instead, what is needed, as the Wall Street Journal editorialized today, is "temporary, not permanent tax breaks—and preferably for consumers, not business."

The Wall Street Journal article was very clear as to the ineffectiveness of corporate tax cuts in order to spur the economy, citing Gregory Mankiw, an economist at Harvard, who favors permanently abolishing the corporate income tax, but states that doing so now would not result in immediate investment. He is quoted as saying:

> The problem now is there's a lot of uncertainty, which is inducing people to wait, which depresses aggregate demand, which in turn exacerbates the economic slowdown.

The Wall Street Journal further opines that:

> . . . stimulating spending and making members feel secure would be more effective than reducing corporate tax rates as a way to boost economic growth.

In fact, we all know our economy, this free market, is all about the consumer. If consumers do not buy, companies will not have revenue. If companies do not have revenue, they will not be able to invest, nor will companies need employees to be in those jobs to produce. If they do not invest, if they are not creating jobs, our economy will not grow out of this economic sluggishness.

The technology sector, which was once the leading force behind economic growth and productivity, is now the most significant detractor, getting hit the hardest by the contractions in spending and investment. There has been a 19-percent drop in technology spending, including a 45-percent drop in personal computer orders and a 14.5-percent drop in software and equipment spending.

Other sources of capital and growth have dried up as well. Banks continue to limit their exposure to the high-technology sector and tighten lending standards, cutting off resources at a time when money is already scarce. Venture capital has all but disappeared from this sector. First-round venture capital funding has already fallen $1.84 billion, down 87 percent from the previous year during the second quarter of 2001.

This has all led to widespread layoffs within the tech sector over this past year. Job cuts in the high-tech industries of telecommunications, computers and electronics—those job cuts are up 13 times over what they were last year.

Through the end of August, high tech accounted for nearly 40 percent of the 1.1 million job cuts so far in 2001.

Just to put that in perspective, that is 4 times more, 4 times greater than the entire post-attack airline industry layoffs—over 400,000 jobs lost in the tech sector versus, obviously, a great concern over 100,000 jobs lost in the airline industry sector. The total tech job sector cuts in August alone exceeded all of the cuts for the year 2000.

This technology sluggishness is clearly harmful for our future. Technological advancements are how America and our economy will compete and succeed internationally, and technological sector growth and rapid advances in productivity have been the base of our economic growth in the past and will be a vital key to our competitiveness in the future. As we look at technology in the future, whether it is computers, whether it is clean coal technology, whether it is fuel cell technology, these are important for future competitiveness, our quality of life, and good jobs in the future.

The lifeline to our economy, consumer spending, has been seriously dampened by the terrorist attacks which occurred on September 11, 2001. That is why I would like to bring the attention of my colleagues back to a bill I introduced in March of this year, the Educational Opportunity Tax Credit of 2001. This proposal will provide a $1,000-per-child computer purchase tax credit which families can also use, not just to buy computers but printers, monitors, educational software, or Internet access. However, this tax credit would not apply to tuition at a private school. This would provide the exact type of boost both consumer spending on durable goods and the technology sector needs. Maybe we could limit this tax credit to 1 or 2 years. Even with that limitation I would estimate it would provide upwards of $20 billion in new consumer spending.

Think of parents who have a child in school. If they could buy their son or daughter a computer or some peripherals, a printer, they would say: Gosh, if I do it this year or next year, I will get a tax break for it. That will induce that spending.

It clearly would induce computer and technology spending, especially if it is available for 2 years, thus propelling the technology sector while also improving educational opportunities for students. The fact is, experience shows that even a small, temporary reduction in taxes can bring about huge increases in computer sales.

In South Carolina, they had a sales tax holiday on computers for just 3 days. CPU sales increased more than tenfold; 1,060 percent in those 3 days.

In the Commonwealth of Pennsylvania they eliminated the sales tax on computers for 1 week. CPU sales increased sixfold; 615 percent in that time.

My Educational Opportunity Tax Credit would not just impact computer sales but also software makers, Internet access providers, printer, monitor and scanner manufacturers as well.

In South Carolina they realized a 664-percent and 700-percent increase in monitor and printer sales, respectively, with only a 5-percent tax break. We know that consumer spending accounts for two-thirds of all economic activity, which is largely flat and has been flat this summer and weakening in the last report in our economy.

The Education Opportunity Tax Credit represents the right solution for our economy. No. 1, it increases consumer spending on computers and related technology. No. 2, it injects $20 billion into the weakest and one of the very important links in our economy. No. 3, it provides previously out-of-reach education and technology opportunities for families.

As I said before, I am willing to work with my colleagues in addressing the best way to implement this proposal. We can shorten the applicable timeframe from the original bill. We can look at a different credit level to make sure we get the maximum economic impact for minimum fiscal impact to the Treasury. But I am convinced that combining consumer-oriented tax cuts with appreciation of what is really going on in the technology sector can improve consumer confidence, accelerate consumer spending, and provide the technology sector the revenues they need to reinvest and return our economy to strong growth and also provide more good paying jobs for the people of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are in morning business.

## THREAT OF GERM WARFARE AND BIOTERRORISM

Mr. FRIST. Mr. President, I rise to discuss an issue based on my observations over the past week, an issue clearly on the minds of many people, and that is the potential threat of germ warfare and bioterrorism. Over the weekend, there was a lot of discussion through the various media outlets about our broad vulnerability to terrorism in the United States of America, in part based on intelligence and in part based on the events of September 11.

Over the last week, many people have rushed to obtain antibiotics and gas masks to prepare for the threat of bioterrorism or germ warfare—the threat that is posed by germs, bacteria—if viruses fall into the wrong hands. Many people are concerned that given the powerful destructive ability of some of these viruses, they could used in a way that threatens not only all Americans, but all of civilization.

A lot of people called me over the weekend, recognizing my interest in this topic and recognizing I had participated in passing a bill called the Public Health Threats and Emergency Act which was passed in the year 2000.

People have asked if the threat of bioterrorism is real? The answer is yes, it is real. In fact, we have already seen the destructive use of bacteria by people in this country. In 1984, there was an outbreak in Oregon of salmonella poisoning from which over 700 people suffered some illness. This outbreak was caused by members of a religious cult placing living bacteria in the salad bars of 10 different sites across the State.

The "bio" part of biogerm warfare or biochemical warfare is the living organism, and that is what was inserted in the salad bars that caused the illness of about 700 people. We know germ warfare has been used, so the threat is real.

But before people attempt to respond to this threat by rushing out and buying items, we need to put the threat of bioterrorism in perspective. The overall probability of a bioterrorist attack is low. I do not know exactly what that number is. In fact, we cannot put a specific number on it, but the overall probability of a terrorist attack using biology, bacteria, living organisms—is low. However, it is increasing. It is now our number one or number two threat, and, at least to me, it is clear that we are highly vulnerable in the event such an attack takes place.

The consequences of such an attack, whether it is with anthrax, smallpox, tularemia, pneumonic plague, nerve agents or blister agents, is huge. Why? Because we are ill equipped. We are unprepared. However, in saying that, we have to be careful that we do not become alarmists. People will have nightmares, will not sleep at night, and the response should be the opposite.

We need to recognize there are things we can do right now, first and foremost, to develop a comprehensive biodefense plan capable of preventing a bioterrorist attack. Obviously, prevention should be our primary goal from the outset. We want to keep biological weapons out of the hands of people who are intent on destruction. At the same time we can be prepared—if these germs and agents fall in the hands of a potential terrorist—by preparing an effective response plan. Third, is the response, an area called consequence management, crisis management after such an assault takes place.

Yes, the threat is real, but very low—a tiny probability, but growing. Why do I say growing? Because on September 11 we witnessed a calamity the likes of which have never been seen before in the history of the world. It was unexpected and unfathomable—using planes as bombs. We know those events were carefully planned out over a period of years in a very sophisticated way that was obviously well financed. Therefore, I will say it is growing because we did not expect it, and because it has occurred several years after Khobar Towers and after the attack on the USS *Cole*. So there is an increasing threat of calamity and destruction.

This threat is rising, secondly, because of scientific advances in areas such as aerosolization. People talk about anthrax and how you cannot really aerosolize it—that is, breaking it down into defined particles so it can be inhaled into the lungs—because 10 years ago we tried to do it and could not do it. However, over the last 10 years there have been huge advances in this technology. Today we use nebulizers in hospitals to aerosolize particles to get medication deep into the lungs. We did not have that technology 10 to 15 years ago, but the technology has been developed.

Take perfume, for example. When one goes through a department store, one can smell the perfume around. The technology of aerosolization has progressed rapidly over the last 10 to 15 years. What we thought could not be done 10 or 15 years ago can be done today because of advances in technology.

Another example is airplanes spraying chemicals. They say: Oh, those crop dusters cannot do it, but there are some dry chemical crop dusters that might be able to spray agents.

I have mentioned these examples because science has changed and what we could not do years ago can be done today.

In addition, the scientific expertise related to biochemical warfare is there. A lot of people don't realize that during the 1980s, well after a general pact in 1972 was agreed upon by really the world, the Soviet Union set out in a very determined and aggressive way to develop biochemical weapons. The number one goal of this project was the development of pathogens that could kill. This was not a little, secret project. This project involved as many as 7,000 scientists whose professional being, through the 1980s in the Soviet Union, was to develop these pathogens and effective mechanisms for their delivery.

With the fall of the Soviet Union 13 years ago, those scientists all of a sudden became unemployed. With no employment available in the former Soviet Union, those scientists have gone elsewhere in the world. We do not know where they all are, but we do know that they spent their entire professional life studying how to develop the boichemical weapons that threaten us today.

I say that because it is not beyond the realm of possibility that those scientists can be either hired or bought. All of this is in the public record, and, again, I want to be very careful because I do not want to be an alarmist. On the other hand, people need to realize that from the technology and the scientific standpoint, the expertise is out there.

The third area, and the reason why I say the risk is rising compared to 10 years ago, is that the United States today has emerged as the sole superpower of the world. Without the cold war and the sort of balances and the trade-offs and the push and the pull, the United States has become the target of many people who resent us, who do not like us, who are jealous of us, and a lot of that fervor today will hit the surface, or was hitting the surface more than 10 or 15 years ago in the middle of the cold war.

So, the threat is real: low probability but rising.

Let me just close on an issue that has to be addressed, and that is this whole field of vulnerability. Why are we so vulnerable today? We have heard recently that the Federal Government has worked aggressively and compared to 4 years ago, there has been enormous improvement at the Federal level. We are investing money that was not being invested 4 years ago. We are organized. We have 12-hour push products that allow us to very quickly get antibiotics and vaccine, although not enough vaccine. We have a delivery system that could be mobilized very quickly. All of this is good.

We also know that at the Federal level we are not nearly as coordinated as we should be. Treasury, Defense, Energy, and Health and Human Services are all doing something, but according to the GAO report that came out last week, we need better organization and better coordination to eliminate the duplication and to eliminate the possible conflicting messages that are sent from the Federal level. So, we can coordinate better.

I am delighted that Governor Ridge has taken on this overall responsibility because that is the first step toward better coordination.

What really bothers me, when I say the vulnerability is high in spite of low probability, is that our public health infrastructure has been woefully and inadequately underfunded over the last really 15 years to two decades.

If there were a bioterrorist attack using germ warfare, what would happen? Basically, you have to diagnosis, you have to have good medical surveillance, you have to be able to assimilate a response team, and you have to do in it a rapid fashion. That is done through our public health system. The difference between conventional weaponry and bioweaponry is that bioweaponry requires first responders that are not just the firemen and the policemen, which are so critical and whose courage was so well demonstrated 2½ weeks ago, but in addition the first responders have to be the physicians, nurses, and the people who are managing the public health systems today.

Most physicians have never been trained to recognize smallpox or to recognize the pneumonic plague that affects the lungs or to recognize tularemia or the various types of food poisoning. They have not been trained. When you see 100 cases of flu, you do not even think about pneumonic anthrax. So we need better training.

We have underfunded the public health infrastructure. Communities of fewer than 25,000 people are being served by public health units of which fewer than two-thirds have fax machines or an Internet connection. The ability to communicate between public health units once something is suspected or identified between the public health entities is absolutely critical. This communication infrastructure, at least from my standpoint, as a physician, as someone who has dealt in treating the immuno-compromised host through the field of transplantation for 20 years before coming to the Senate, is totally inadequate today.

There are four other things that we can do. The bill that we passed in this body last year, the Public Health Threats and Emergency Act, is a good first step. It addressed this prevention, it addressed this preparedness, and it addressed this third category of consequence management.

Unless we support our public health infrastructure, we cannot minimize the vulnerability that is out there today by training those first responders, by making sure that coordination at the local level among various entities is intact. This coordination is not there today because we have underinvested. Finally we must make sure that there is coordination at the State level and then at the Federal level and then across the Federal level, and that there is appropriate coordination without duplication.

I will simply close by saying that now is not the time for individuals to go out and hoard antibiotics or to buy gas masks. Now is the time for us to come together and develop a comprehensive biodefense plan that looks first at prevention to make sure we have the adequate intelligence, the appropriate research in terms of viruses, in terms of vaccines, and in terms of methods of early detection; second to look at preparedness, to make sure we are stockpiling the appropriate antibiotics, that we have a sufficient number of vaccines, which we simply do not have today but we are working very hard to get; and third that our consequence management and crisis management could handle what is called the surge product, the rush of people to emergency rooms, in a straightforward way.

I am very optimistic. We are working very hard over the course of this week on how much money should be put into this effort. We had a good first step last year in the Public Health Threats and Emergency Act. I am very confident that the American public will be very well served by this body and by the administration as we look at this critical area of biodefense.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business, is that correct?

The PRESIDING OFFICER. We are in morning business.

## DEFENSE AUTHORIZATION

Mr. DORGAN. Mr. President, earlier I was visiting with my colleague from the State of Idaho, who spent this weekend in his home State, and I briefly described to him my travels in North Dakota. All of us serving in this Congress, both the House and the Senate, discover and understand a different spirit in this country since the September 11 tragedies that occurred as a result of the acts of terrorists.

I was traveling down Interstate 94 in North Dakota, on kind of a lonely space of that road, without a building or town in sight. All I saw were prairies and fenceposts. In the middle of that vista was a single American flag, hoisted up on a fence cornerpost, gently blowing in the North Dakota morning breeze—one single American flag.

That morning, I was on my way to an event in Hettinger, ND. There were perhaps 80 to 100 people who came to this event in Hettinger, and the master of ceremonies asked that they open the events with the Pledge of Allegiance. Following the Pledge of Allegiance, it occurred to me that it was the first time I had heard the Pledge of Allegiance by a group of people in which it was something much more than reciting a pledge from memory. It was much more about a pledge than it was about memory.

All across this country, there is a sense of patriotism, a love of country, that has sprung from these tragedies of September 11, and that spirit invades in a good way the work of the Senate and the House as well. We have had more cooperation on a range of controversial issues in the last couple of weeks than I have seen in years in the Senate.

I say that as an introduction. We are now on a piece of legislation that is very important in a time of national security interests and in a time in which we have suffered these terrorist attacks. We have the Defense authorization bill before the Senate. It is stuck. We cannot seem to move it.

Why would we not be able to move something as important as a Defense authorization bill at a time such as this? Some Members of the Senate are insistent on, among other things, having an energy bill as an amendment to this bill, including the energy bill that was passed by the House of Representatives on this Defense authorization bill.

It is certainly the case we ought to pass an energy bill in this Congress. I don't think there is much debate about that. The Presiding Officer, the Senator from New Mexico, is the chairman of the Energy Committee on which I serve. We have been working for some long while to try to find common ground to write a new energy bill for our country. It takes on new urgency to write an energy bill, given what happened in this country on September 11, given the threat of actions by terrorists that could thwart the opportunity to have energy flow to places in this country that need it.

We need to do something with respect to not only energy security but energy supply and conservation and more. How do we do that? We don't do that, it seems to me, by simply taking a bill that was passed by the House of Representatives, and offering that as an amendment to a Defense bill in the Senate, especially in a circumstance where offering that as an amendment holds up a bill as vital to this country as the Defense authorization bill. I urge my colleagues to allow Members to move forward and deal with the amendments on the Defense authorization bill.

We have filed a cloture motion on the Defense authorization bill to be voted on tomorrow, but it is troublesome that we have to file a cloture motion to try to shut off a filibuster, in effect, on a Defense authorization bill at this time and in this place in this country. We ought to move as one with a new dedication of spirit and new determination to pass legislation as important as this, without hanging it up with extraneous amendments.

Let me talk for a moment about energy. The energy amendment some of my colleagues wish to offer to this Defense authorization bill is not germane to this bill. It has nothing to do with this bill. This bill is about the Defense Department and programs in the Defense Department. Is energy important? Absolutely. Energy is an important subject. There is a way to deal with energy policy in this country. All Members know we need to produce more: produce more oil and natural gas. We will do that. We all understand part of a comprehensive national energy policy is not only production, but it is also conservation. Some have this view that the only energy strategy that exists in America is to dig and drill. Just dig and drill and you will solve America's energy problem.

We need to produce more. I will support additional production. That is part of an energy policy we need. But we need conservation, efficiency, and we need to include renewables and limitless energy sources. All of those need to be part of a balanced energy program.

If we develop an energy policy and bring it to the floor of the Senate, which we should in my judgment, we can have a discussion about the different views of different Members of the Senate about how that mix ought to come together in an energy bill. It does not make sense, and in my judgment, does not help do what we need to do in the Senate to hold up a Defense authorization bill so one can try to offer an energy bill passed in the House of Representatives as an amendment to a Defense bill. That is not the right thing to do at this point.

How do we reconcile this? My hope is those who are holding up the Defense authorization bill will stop and say: Let's work together on a Defense authorization bill that makes sense for this country. We can do that.

We are going to be sending men and women into harm's way in this country. We probably already have. We certainly will in the future. Yet we are not willing to pass a Defense authorization bill without offering extraneous amendments? That is not fair. It is not the right thing to do.

I attended a ceremony in North Dakota on Friday in which I presented medals that had been earned by World War II veterans that they never received. Two were Bronze Stars for members of the 184th Division of the North Dakota National Guard. They fought 600 days in combat. They actually saved Guadalcanal. They got a letter from the Marine commandant saying they wanted to make them honorary marines. These were very brave, battle-weary veterans when World War II was over. They were much decorated. One of the company commanders had several Silver Stars, several Bronze Stars. These were brave, brave Americans.

As I presented the medal to one of them, he began to cry, thinking back about what his contribution was to this country, what he had done with his buddies, thinking back about the number of friends he had lost in that National Guard unit.

As we now send men and women from our country into harm's way, what we ought to do on defense policy, both with respect to the Defense Authorization Act and the Defense Appropriations Act, is bring these bills to the floor of the Senate, work on them in a spirit of cooperation, and get them passed. That says, with one voice, to those men and women in uniform in this country: We are going to give you all the support you need to do what you need for this country to protect and preserve our liberty and freedom.

We are asking them to find those terrorists who committed these acts of mass murder against American citizens, find those terrorists and punish them, and help prevent these terrorist attacks from ever occurring again. That is a dangerous job.

President Bush has come to the Congress and said in a call to the American people that he needs America to be unified. We should speak as one. We should say to terrorists and those harboring them around the world: This country will not allow that to stand. We will find you and we will punish you.

At this time and in this place, we must, in support of the President and in support of the men and women who wear America's uniforms, we must pass this Defense authorization bill and stop what happened in the last week and a half, stop the blocking of this bill for other issues.

Then let's come back and deal with energy. I have great confidence in my colleague from New Mexico, Mr. BINGAMAN, who now chairs the Energy Committee. My colleague waiting to speak, the Senator from Idaho, LARRY CRAIG, is on the committee. We have a lot of good people on the Energy Committee who can work together for a sensible energy policy for this country. Then let's debate that and have a conference with the House and proceed. Yes, we have security issues with respect to energy. Let's proceed on those and do it in the regular order. We should write that bill in the Energy Committee.

One final point: We not only have security threats with respect to terrorist acts in this country and all the security issues that related to that, we also have some emergency issues dealing with this country's economy. Some of that relates to energy, but some of it relates to general economic circumstances in this country.

The question will be, in my judgment, for the next couple of weeks, Will we need a stimulus package in order to provide some lift to the American economy? Shall we develop an economic stimulus package? If so, what will that package be? Senator Daschle and I have written to a dozen or so of the leading economists in this country last week, and we asked if they would share in a letter an analysis of whether they believe we need a stimulus package; if not, why not, and if so, what should that package include.

I will release to my colleagues today a special report that describes the response of the leading economists in the country in which they describe how they believe we ought to proceed; what kind of stimulus package, if they believe we should have one, would provide a lift to the American economy; what kind of an approach we should use during this period. We have the Federal Reserve Board working on monetary policies. They are obviously furiously trying to cut high interest rates. We are working on fiscal policy issues in the Congress.

Specifically, the question with respect to fiscal policy is, Will we need a stimulus package? And if so, what will that package be? I will release that report this afternoon. It contains a fascinating analysis by the leading economists, including Nobel laureates, the leading economic voices in America.

We need to get this right, as well. We need to work in a spirit of cooperation, between Republicans and Democrats, conservatives and liberals, to join hands and see what we can do to provide some lift to this American economy and give the American people some confidence that tomorrow is going to be better than today; that they can have confidence in the future. We will have economic growth and opportunity in this country's future.

All of those are issues that have relationships to each other. But let me just come back to the point I was making originally. We need to do business in this Senate the right way. The Defense authorization bill ought to be passed. We ought not block that legislation. Blockage of the Defense authorization bill has not been good for this country. Let's back away, debate the issues that are relevant to that bill, pass that legislation, and then let's move on to the other critical issues our country faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

## THE DEFENSE AUTHORIZATION BILL

Mr. CRAIG. Mr. President, I come to the floor in morning business to talk about National Public Lands Day, but before I do that I want to respond to my colleague from North Dakota, ever so briefly, to suggest that the Defense authorization bill can and should move on the floor just as he said.

There are not a lot of amendments that are holding it up, but there is one important one—that has not yet been offered—in an effort to try to cause the Senate to shape a direction and establish a time certain when the Senate can debate a national energy policy.

The Presiding Officer happens to be chairman of the Energy Committee in the Senate. He and I have worked long hours already, trying to determine what might go into a national energy policy bill that could come from his authorizing committee.

As we know, the House acted before the August recess on a national energy policy. At that time, the American people said we ought to have a national energy policy for the stability and strength of our economy, because of the long-term need for energy, and, last, because of national security needs.

Since September 11, there has been a literally cataclysmic change in the thinking of the American people as it relates to energy. Issues that once resided in the 35-percent positive range are now at 65-percent positive, relating to certain aspects of energy and energy development. I say that because in looking at a poll that was taken on December 15 and 16, the pollster told me—the poll is still sequestered yet for certain purposes—that in his opinion the events of September 11 changed the mindset of the American public in a greater way than ever in the history of modern-day polling.

No longer is energy an issue of economic stability. It is now, by a factor of 15 points, an issue of national security. Why? Because the American people now well understand we are nearly 60-percent dependent upon foreign oil, and a dominant amount of that oil comes out of the Middle East. In fact, just last week the OPEC ministers decided not to turn down their valves to force up the price of crude oil because they were afraid they would dump the world economy. That was exactly their thinking. I had a phone conversation with our Secretary of Energy, Spence Abraham, who had gone to Vienna to talk to the ministers. They had concluded they would not force the price up by forcing the volume down.

If we are going to decide we cannot deal with a national energy policy for the next 3 or 4 months when in fact we have already spent 2 years looking at policy before the committee—the Presiding Officer, the chairman, has a bill out, the ranking member has a bill out, and there are other versions. We might not be able to do a large bill that is fully comprehensive. But I believe in this time, when America is asking us to unite and stand together and has said that energy is now a national security issue of the utmost importance, that we in the next 2 weeks on the Energy Committee, if we chose to work 4 or 5 days a week and have our staffs working hard, could do just that: Produce a comprehensive energy bill, bring it to the floor, vote on it, and begin to work with the House to find out our differences.

If we recess in late October or early November—or adjourn, whatever our leadership decides—an energy bill ought to be on the President's desk waiting for his signature. Any less performance than that is an inadequate performance on the part of the Congress.

I think we do have that opportunity. The reason we have a colleague on the floor saying he wants to put one on the Defense authorization bill is to cause the leadership of the Senate not to stonewall the issue but to give us a time certain when that issue can come to the floor.

## THE VALUE OF PUBLIC LANDS

Mr. CRAIG. If I could for a few moments talk about something that is near and dear to my heart, that is public lands. My State of Idaho is 63-percent public land. Last Saturday was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back, by volunteering a Saturday to lend a helping hand to improve our public lands. Last Saturday was National Public Lands Day.

This year, National Public Lands Day focused on "Keeping the Promise" by asking Americans to come together to improve the nation's largest resource, our public lands, and to honor the work and sacrifice of the members of the Civilian Conservation Corps.

They are unsung heroes who built over 800 of America's national and state parks.

Between 1933 and 1942, 3.5 million Corps members planted almost 4 billion trees, and they built parks, roads, and hiking trails.

They laid the foundation for the public lands system that America enjoys today.

This year the Corps held their final national reunion on National Public Lands Day.

The ceremony remembered the efforts of the Civilian Conservation Corp at Virginia's Shenandoah National Park, and the Corps Alumni symbolically passed the responsibility of caring for public lands to a new generation of concerned citizens.

This year, this new generation totaled approximately 50,000 volunteers, who took some of their precious time and performed over a million dollars worth of improvements to our public lands.

I believe National Public Lands Day is an opportunity to build a sense of ownership by Americans—through personal involvement and conservation education.

In recognition of National Public Lands Day and this sense of ownership we should all have for our public lands, I want to spend a few minutes today and reflect on the value of our public lands and on what the future holds for them.

There are around 650 million acres of public lands in the United States. This represents a major portion of our total land mass.

However, most of these lands are concentrated in the West, where as much as 82 percent of a state can be comprised of Federal land. In fact, 63 percent of my own home state of Idaho is owned by the Federal Government.

This can be beneficial, as our public lands have a lot to offer.

For starters, there is a great deal of resources available on our public lands—from renewable forests to opportunities to raise livestock to oil and minerals beneath the surface—public lands hold a great deal of the resources we all depend on and that allow us to enjoy the abundant lives we live in this country.

Having resources available on public lands affords us the opportunity for a return on those resources to help fund government services, from schools to roads to national defense, and ease the burden on taxpayers.

Just as important, though, is the recreation opportunities our public lands offer.

Every day, people hike and pack into the solitude of wilderness areas, climb rocks, ski, camp, snowmobile, use off-road vehicles, hunt, fish, picnic, boat, swim, and the list goes on of the abundance of recreation on these marvelous lands.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits.

However, times are changing. We are in the midst of a slow and methodical attack on our access to public lands.

It started with the resources industries. It will not stop there.

At the same time some radical groups are fighting to halt all resource management on our public lands, they are working to restrict and, in some cases, eliminate human access to our public lands for recreation.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities in some areas.

What we must not do is unreasonably restrict or eliminate certain activities.

Some people like to hike in backcountry areas where they can find peace and solitude while others prefer to ride ATVs into the wilderness.

Some prefer to camp in more developed facilities while others prefer primitive spots.

The point is that recreational opportunities on our public lands should be as diverse as the American public's interest.

On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate.

In fact, recreation resource, and environmental interests can team together to help each other out. In my own State of Idaho, on the Nez Perce National Forest, representatives of these interests and many others have come together though a stewardship project.

These groups are working with the Forest Service to implement a project that works for everyone and addresses all of their needs in some fashion.

In order to achieve such success, each group has had to compromise to agree on a prescription that works for everyone. No one gets their way all of the time.

This is just one example of differing interests working together to help each other out and improve the opportunities on our public lands for everyone and to secure a sound environment.

We need to see more of this around the country.

Public land management has become embroiled in fights, appeals, and litigation. The result is that the only ones who are winning are those who want to ensure we don't use our public lands.

This must stop. Differing interests have to come together and realize that we all have one common goal—use of the land in a responsible and environmentally sound manner.

We can not continue to make the same mistakes of the past on these marvelous public lands.

That being said, I would like each of my colleagues to think about how public lands benefit their State and how they might work to support the new generation of Americans who are just beginning to find the wonders of our public lands.

Last Saturday was National Public Lands Day, and many walked upon those lands and rode water equipment on the lakes of those lands. Some even cut down a few trees to make a home or to provide saw timber to a sawmill. Some were herding cattle on the public lands of Idaho, taking them from the summer range to the fall range and heading them home for the winter season. Soon many will be hunting on the public lands of the West—hunting the elusive elk, or the deer, or other forms of wildlife species that are abundant and managed both in balanced and purposeful ways.

That is the great story of our Nation's public lands. It is not simply to lock them up and look at them, to call them, as medieval Europe once used to call them, "the King's land." The lands of the public are not the King's lands, and they are not the Government's lands; they are the people's lands.

These lands must be managed in a way that ensures their environmental integrity while allowing all Americans to enjoy them in their lifetime and in their style.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, since we were unable to reach agreement on a list of finite amendments to the Defense Authorization Act last week, the leadership filed a cloture motion on the bill. The Senate will vote on cloture on the bill at 10 a.m. tomorrow. I certainly hope the Senate will invoke cloture on the bill because we have so many important items in this bill relating to our national security. It is essential that we act in the Senate so we can go to conference with the House and bring back a conference product.

So far we have adopted 47 amendments to the bill. We have had two rollcall votes. And one amendment has been offered and then withdrawn. Over the last few days of last week, and over the weekend, we and our staffs have worked through more of the amendments that have been filed on the bill.

Senator WARNER and I have another package of cleared amendments that we will be offering later today in the form of a managers' package. We are continuing to work to clear amendments, and we expect to have more cleared later this afternoon. I encourage Senators who have amendments to bring them down and to work with our staffs to try to get them cleared.

Completing action on this bill tomorrow would send a powerful signal to our allies and our adversaries around the world of our sense of national unity and determination and of our strong support for our Armed Forces. Failure to complete action on this bill would send the opposite message. So I urge all of our colleagues to put aside controversial issues that do not relate to this bill and to work with Senator WARNER and with me to complete action on this important legislation.

The ranking minority member of the committee, Senator WARNER, is at the White House with the President this afternoon. We were scheduled to begin at 2 o'clock, but that meeting with the President obviously takes precedence.

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## RECESS

Mr. LEVIN. So, Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15. At that time, we will be in this Chamber to discuss amendments that Senators might wish to offer. And the managers will stay as late today as is necessary to discuss any of those amendments.

I thank the Chair.

There being no objection, the Senate, at 2:07 p.m., recessed until 3:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DORGAN).

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## USE OF FORCE AUTHORITY BY THE PRESIDENT

Mr. BYRD. Mr. President, up until a few days ago, the Senate was moving with lightning-like speed to complete consideration of the Defense authorization bill. Complications arose last week and slowed the bill down, but it appears that the Senate may be poised to shift back into high gear—or something like it—tomorrow and attempt to finish the bill. A cloture motion was filed last week. If cloture is invoked on Tuesday, passage of the bill will be more nearly assured.

Clearly, the Senate has many weighty matters to consider, both in this bill and in other measures waiting in the wings. We should proceed with all due haste to complete our work. The September 11 terrorist attack on the United States reordered our priorities and imposed a new measure of urgency on much of the business that is yet to come before the Senate.

But in the heat of the moment, in the crush of recent events, I fear we may be losing sight of the larger obligations of the Senate. Our responsibility as Senators is to carefully consider and fully debate major policy matters, to air all sides of a given issue, and to act after full deliberation. Yes, we want to respond quickly to urgent needs, but a speedy response should not be used as an excuse to trample full and free debate.

I am concerned that the Defense bill may be a victim of this rush to action, despite the respite offered by last week's delays. For example, the Defense bill, as reported by the Senate Armed Services Committee, contained language conditioning the expenditure of missile defense funds on U.S. compliance with the Antiballistic Missile Treaty, the ABM Treaty. I worry that that language—which was somewhat controversial in committee and which was only narrowly approved—was dropped without a word of debate being uttered on the Senate floor. I understand the reluctance to engage in divisive public debate at a time when we are all seeking unity, but I caution that debate over such an important subject as the ABM Treaty is not to be lightly dismissed. There is no question about the unity. The unity is here. And certainly, insofar as I am concerned, debate over an issue of this kind is not going to be an apple of discord thrown into the mix. We may just happen to disagree on some matters with respect to the ABM Treaty.

So I cannot understand why there needs to be such "unity" that it would require keeping our voices completely mute on a matter of this kind. It would be no indication of disunity in this country and our need to be unified in dealing with the terrorists or nations that harbor terrorists. As a matter of fact, the mere fact that we would disagree on a matter before the Senate—the ABM Treaty, for example—is no indication of disunity when it comes to facing the common foe. Not to me, at least.

The Defense authorization bill provides up to $8.3 billion for missile defense, including activities that may or may not violate the ABM Treaty in the coming months. Many experts believe the ABM Treaty is the cornerstone of international arms control and that to abrogate or withdraw from the treaty can only lead to a new, dangerous, and costly international arms race. Other experts, on the other hand, are of the opinion that the ABM Treaty has outlived its usefulness, that it is a relic of the cold war that makes it impossible for the United States to protect its citizens against a new world order of rogue nations armed with ballistic missiles and transnational terrorists who may very well be armed with chemical, biological, and nuclear weapons.

This is a major policy issue. That is what it is—a major policy issue. I am not sure where I stand on the ABM Treaty, but I do know I am not prepared to trade it in on a still-to-be-developed, still-to-be-proven national missile defense program without giving the matter a great deal of thought and consideration.

The language that was dropped from the Defense bill would have provided Congress the opportunity to vote on funding any missile defense expenditure that would violate the ABM Treaty. It was a sensible provision, as I see it. I would have supported it, probably, and I would have been eager to engage in debate over it. Although I might have little to say, I would still like to hear it. I would like to hear others. That opportunity was given away to avoid what? To avoid a debate that some might have called divisive on this bill. So be it. But having postponed that debate on this bill, we have an obligation to find another venue in which to have that debate. And we should have that debate sooner rather than later.

The resolution granting the President the authority to use force to respond to the September 11 terrorist attack is another example of Congress moving quickly to avoid the specter of acrimonious debate at a time of national crisis. The resolution Congress approved gives the President broad authority to go after the perpetrators of the terrorist attack regardless of who they are or where they are hiding. I am not saying we ought to debate that ad infinitum, but at least we could have had 3 hours or 6 hours of debate. Why do we have to put a zipper on our lips and have no debate at all?

It also authorizes the President to take all appropriate actions against nations, organizations, or persons who aided or harbored those perpetrators. In his address to Congress following the attack, President Bush vowed to take the battle against terrorism to those persons, such as Osama bin Laden; to those organizations, such as the Taliban; to those networks, such as Al-Qaida, and to any nations that acted as conspirators in the attack on the United States.

I supported the resolution granting the President the authority to use military force against the perpetrators of this terrible attack, and I applauded his address to Congress and to the Nation. I note that the President wisely drew lines of discrimination, specifying that the punishment must be directed against those who are guilty of this crime, so that we cannot be accused of broadening our response to those who were not involved in the September 11 attack. Our resolve and our ferocity of response must carefully discriminate against the guilty, and surely if we do so, all men of reason, all nations of conscience, will support and applaud us.

I was reassured by the President's remarks. But as I delved more deeply into the resolution passed by Congress, I began to have some qualms over how broad a grant of authority Congress gave him in our rush to act quickly. Because of the speed with which it was passed, there was little discussion establishing a foundation for the resolution. Because of the paucity of debate, it would be difficult to glean from the record the specific intent of Congress in approving S.J. Res. 23. There were after-the-fact statements made in the Senate, and there was some debate in the House, but there was not the normal level of discussion or the normal level of analysis of the language prior to the vote that we have come to expect in the Senate. And so I think it is important to take a second look at S.J. Res. 23, to examine its strengths and weaknesses, and to put on record the intent of Congress in passing the resolution.

I am not sure we are doing that. Just as this is my speech, just as it is one Senator's observations, those observations might have been worth a little more had we made them before we passed that resolution in such a great hurry.

Two aspects of the resolution are key: First, the use of force authority granted to the President extends only to the perpetrators of the September 11 attack. It was not the intent of Congress to give the President unbridled authority—I hope it wasn't—to wage war against terrorism writ large without the advice and consent of Congress. That intent was made clear when Senators modified the text of the resolution proposed by the White House to limit the grant of authority to the September 11 attack.

Let me at this point read into the RECORD the original text of proposed joint resolution submitted to the Senate leadership by the White House on September 12 this year of our Lord, 2001. And I read it: "Joint resolution." The title: "To authorize the use of United States Armed Forces Against Those Responsible for the Recent attacks Lunched Against the United States."

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled—

And here is the resolving clause that was in the proposed legislation submitted by the White House to the Senate leadership—

That the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States that occurred on September 11, 2001, and to deter and pre-empt any future acts of terrorism or aggression against the United States.

That completes the proposed resolution the White House submitted to the Senate leadership. Senators modified this text that was proposed by the White House to limit the grant of authority, and that limitation is extremely important because the resolution also gives the President unprecedented authority to wage war not only against nations involved in the September 11 terrorist attacks, but also against individuals and organizations.

The resolution as passed by the Senate on September 14 is as follows:

S.J. Res. 23. Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled:

Section 1. Short Title.

This joint resolution may be cited as the "Authorization for Use of Military Force".

Sec. 2. Authorization for Use of United States Armed Forces.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) War Powers Resolution Requirements.—

(1) Specific Statutory Authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of Other Requirements.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

So, S.J. Res. 23 invokes the War Powers Resolution. Quite an addition to the proposal that was sent to the Senate from the White House.

The crux of the War Powers Resolution is that it provides specific procedures for Congress to participate with the President in decisions to send U.S. forces into hostilities. Section 2(b) of S.J. Res. 23 specifically invokes section 5(b) of the War Powers Resolution and further declares that nothing in S.J. Res. 23 supercedes any requirement of the War Powers Resolution.

Section 5(b) of the War Powers Resolution provides that the President must terminate any use of United States Armed Forces after 60 days unless Congress has declared war or has enacted a specific authorization for such use of United States Armed Forces. S.J. Res 23 provides that authorization within the context of the September 11th attack.

Let me read that again because the emphasis is on the word "that." I am going to redo this. S.J. Res. 23 provides that authorization—that we have just read about—within the context of the September 11 attack.

Those persons, organizations or nations that were not involved in the September 11 attack are, by definition, outside the scope of this authorization.

By signing S.J. Res 23 into law, as he did on September 18th, it would seem that the President explicitly, or at least implicitly, accepted the terms of the Resolution, including the constraints imposed by the War Powers Resolution.

However, as clear as the language appears on its face, it is noteworthy that President Bush, like other presidents before him, including his father, specifically noted in the statement he issued when he signed the resolution that despite his signature, he maintains "the longstanding position of the executive branch regarding the President's constitutional authority to use force, including the Armed Forces of the United States and regarding the constitutionality of the War Powers Resolution."

Every President since the enactment of the War Powers Resolution in 1973 has taken the position that the War Powers Resolution is an unconstitutional infringement of the President's constitutional authority as Commander in Chief to deploy U.S. forces into hostilities.

This does not mean that President Bush will use that argument to completely shut Congress out of the process of deploying troops where hostilities are taking place or immediately threatened to take place. But it does mean that President Bush, like his predecessors, is likely to use that argument to consult with Congress and report to Congress on his own terms and his own timetable instead of the terms and timetable spelled out in the war powers resolution.

Last week, President Bush submitted his first report to Congress on the new U.S. Campaign Against Terrorism. In his letter, the President said, "I am providing this report as part of my efforts to keep the Congress informed, consistent with the war powers resolution and Senate Joint Resolution 23. . . ." While the intent may have been to inform, the letter was decidedly lacking in details. Notwithstanding the requirement of the War Powers Resolution, the President provided no details on the proposed scope and duration of the deployment. The only indication of a timetable was the president's assertion that the campaign against terrorism "Will be a lengthy one."

Mr. President, I ask unanimous consent that a copy of the President's report to Congress be included in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

In short, what appeared to be crystal clear to Congress when it passed the use of force resolution appears to be a matter of very different interpretation to the President. I wonder, in retrospect, if a few hours, or indeed if a very few hours, of searching debate and a little more research prior to the passage of S.J. Res. 23 might not have resulted in a more clearly defined grant of power. We may never resolve the political tension between the executive and legislative branches over the constitutional division of war powers, but we might have been able to better clarify the intent of S.J. Res. 23. Such clarity is important.

This is not a matter that no lack of goodwill will end tomorrow, or a week from tomorrow, or perhaps a year from tomorrow. This resolution, such as the use of force resolutions granted in the past, has no sunset clause. These resolutions remain in force unless Congress repeals them. For all we know, this President could just simply dust off, just that easy—dust it off; dust it off—dust off the 1991 gulf war resolution. The President could just as easily dust off the 1991 gulf war resolution which granted use of force authority to his father, to cite congressional authority to sweep Iraq into the current conflict regardless of whether it had anything to do with the September 11 attack.

The President, of course, does have limited authority under the War Powers Resolution to prosecute terrorist organizations that operate against our interests and the interests of all peace-loving nations. He has that power regardless of whether Congress has passed a resolution granting him specific authority. He has that inherent power under the Constitution, but he may not exercise it without triggering the reporting and termination requirements of the War Powers Resolution. In his address to Congress, the President cited organizations which are known terrorist organizations in the world. Regardless of their history, if those organizations were not involved in the September 11 attack, they fall outside of the broad grant of authority provided by the Congress for the President to act in S.J. Res 23.

I am not making the case for them by any means. I am simply saying that we in the Senate should have had some things to say publicly about this resolution before we passed it.

We should have had some debate. The President could take action against them if he deemed it necessary, but such action would trigger the War Powers Resolution, wouldn't it? By law, the President would have to report to the Congress on any actions he might take in regard to those organizations, and seek new specific authorization from Congress if he planned to engage in military action for more than 60 days. But will he? Will he?

The intent of the use of force authorization Congress approved in the aftermath of the attack on America is clear. It is firmly anchored to those individuals, organizations, or nations who were complicit in the September 11th attack. Extended operations against other parties or nations not involved in the attack would require—or would it—additional specific authorization beyond the 60 day period provided for in the War Powers Resolution. Whether the language of S.J. Res. 23 adequately supports the intent is another matter.

Mr. President, it may seem to some as though I am belaboring a fine point—splitting hairs, if you please—during a time of national crisis. One need not be mistaken about it—I support our President in his efforts to bring to justice the evildoers who attacked the United States on September 11th. Congress has clearly demonstrated its resolve and its unity in that regard. I don't think anyone need have any doubts about that. But I have also taken an oath to protect and defend—so has every Senator in this body—the Constitution of the United States. Article I Section 8 of the Constitution grants to Congress the exclusive power to declare war. In taking any action to cede that authority to the Executive Branch, Congress must act with extreme care and caution.

Despite the speed with which Congress passed S.J. Res. 23, an effort to inject care and caution into the process was certainly made. The ramifications of the proposed resolution sent here by the White House were weighed and they were considered. Important modifications were made to the text originally proposed. I would not have voted for it otherwise. I had no time to study it. I was busy in my Appropriations Committee working on the bill appropriating $40 billion, so I had no time whatever to participate in the study and modifications of that resolution. But it was considerably modified. So there was considerable modification made to the text originally proposed.

In an effort to achieve the goal of enabling the President to wage war, as he calls it, against those responsible for the September 11 attack on the United States, while ensuring that the war cannot be broadened to encompass other targets without the knowledge and the consent of Congress, whether those modifications went far enough, whether the resolution ultimately adopted by Congress accomplishes precisely what we wish to accomplish, we have yet to know with certainty.

The President has declared ours to be a nation at war with global terrorism. We have united behind him in this hour of crisis, but we remain mindful of the somber history of this nation, of the blood that has been shed over the centuries to protect and defend the ideals enshrined in our Constitution. We must, therefore, be as constant in our vigilance of the Constitution as we are strong in our battle against terrorism.

I urge my colleagues to keep clearly in mind their fundamental responsibility to support and defend the Constitution. That is the oath we took with our hands, at least figuratively speaking, on the Bible "so help me God." Every one of these Senators took that oath, a fundamental responsibility to support and defend the Constitution and to fully and fairly debate the major policy issues of the moment because this is going to be a long time. Whatever powers we cede will have been ceded for a long time, perhaps.

As we move through the rest of this session of Congress, let us stop, let us look, let us listen, listen to what our hearts are telling us. Let us listen to what this Constitution is telling us. Let us act as expeditiously as possible on the urgent matters before us, but let us also act with calm, careful, and thorough deliberations.

EXHIBIT NO. 1

ORIGINAL TEXT OF PROPOSED JOINT RESOLUTION SUBMITTED TO THE SENATE LEADERSHIP BY THE WHITE HOUSE, SEPTEMBER 12, 2001

Joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas; in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, harbored, committed, or aided in the planning or commission of the attacks against the United States that occurred on September 11, 2001, and to deter and pre-empt any future acts of terrorism or aggression against the United States.

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S.J. RES. 23

(Passed by the Senate, September 14)

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled.*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the "Authorization for Use of Military Force".

**SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.**

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

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THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
*September 24, 2001.*

LETTER TO CONGRESS ON AMERICAN CAMPAIGN AGAINST TERRORISM

(Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate)

DEAR MR. SPEAKER: (DEAR MR. PRESIDENT:) On the morning of September 11, 2001, terrorists hijacked four U.S. commercial airliners. These terrorists coldly murdered thousands of innocent people on those airliners and on the ground, and deliberately destroyed the towers of the World Trade Center and surrounding buildings and a portion of the Pentagon.

In response to these attacks on our territory, our citizens, and our way of life, I ordered the deployment of various combat-equipped and combat support forces to a number of foreign nations in the Central and Pacific Command areas of operations. In the future, as we act to prevent and deter terrorism, I may find it necessary to order additional forces into these and other areas of the world, including into foreign nations where U.S. Armed Forces are already located.

I have taken these actions pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. It is not now possible to predict the scope and duration of these deployments, and the actions necessary to counter the terrorist threat to the United States. It is likely that the American campaign against terrorism will be a lengthy one.

I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution and Senate Joint Resolution 23, which I signed on September 18, 2001. As you know, officials of my Administration and I have been regularly communicating with the leadership and other Members of Congress about the actions we are taking to respond to the threat of terrorism and we will continue to do so. I appreciate the continuing support of the Congress, including its passage of Senate Joint Resolution 23, in this action to protect the security of the United States of America and its citizens, civilian and military, here and abroad.

Sincerely,

GEORGE W. BUSH.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I know the Senator from Michigan said he wanted to speak. I am anxious to respond to some of what Senator BYRD said. I ask unanimous consent I be allowed to follow the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my good friend from Minnesota.

While Senator BYRD is on the floor, let me thank him for another of a long series of pleas that we be aware of our responsibility under the Constitution of this country, particularly when it comes to issues of war and peace. Surely the cautionary language of the great Senator from West Virginia is something which I hope all Members will heed.

I, personally, treasure the copy of the Constitution which he has autographed for me. I have it on my desk, and I look at it constantly. It is not quite as close to my heart as the Constitution which the Senator from West Virginia carries with him at all times, but it is always a few feet away from me when I sit at my desk. I thank him for again pointing out to the Senate the responsibility we have in these particularly difficult days.

Mr. WARNER. I associate myself with those remarks from a member of the Senate Armed Services Committee. We are pleased that he has continued this long association, although his duties are very heavy in other areas. It is interesting that only John Stennis was ever chairman of the Appropriations Committee and also served on the Senate Armed Services Committee. He was a great and dear friend of yours, we know, and teacher to all Members.

We thank our colleague for this very important speech he has given today.

Mr. BYRD. If the Senator will yield, I thank my friend from Virginia, the State which gave to our country George Washington and James Madison, the father of the Constitution. I thank him very much.

Mr. WARNER. I thank my good friend and colleague.

Mr. LEVIN. Mr. President, the Senator from West Virginia has made reference to two actions we have taken in the Senate. I would like to comment briefly on both.

First, on the second action we took, giving the President authority to respond to the attacks of September 11, the Senator did us a great service by laying out the version of that resolution with which we started and the version with which we ended. I made the same effort that day we voted on it, but I do not believe I actually put the drafts in the RECORD. I made reference to them, but I think that perhaps this is the first time the actual draft we began with is in the CONGRESSIONAL RECORD. I think that is a very important service.

The resolution we adopted, as the Senator from West Virginia said, is much narrower in terms of its authority. The draft we began with, that the White House submitted to us, had unprecedented broad authority, far too broad for most of us. It was unlimited by time and by other limits, as to what the President could do in response to these attacks.

The final resolution we adopted provided that the authority granted to the President is to respond to the attack of September 11—not to some unspecified future attacks but to that particular attack of September 11, and also, as the Senator from West Virginia said, made specific reference and inclusion by reference to the provisions of the War Powers Act.

Those and other changes in the language of the resolution were significant. Our good friend from West Virginia pointed out that there was much greater care and caution—to use his words—in the final resolution we adopted. I hope history proves that those of us who worked so hard on that final resolution indeed used enough care and caution to satisfy the requirements of the Constitution and just good common sense. But history will judge that one—and I hope will judge it well—because the differences between the original draft resolution submitted to us and the one we adopted are indeed significant changes, major changes.

As a matter of fact, I want to give our staff some real credit because they worked through the night with us in order to craft those changes which we were then able to adopt unanimously in the Senate.

On the first matter the Senator from West Virginia raised, which was the language which was in the original bill on national missile defense—as a member of the Armed Services Committee I know he is familiar with this history—let me recount it for those who are not members of the committee.

As chairman of that committee, we asked the White House and the administration to tell us whether or not the activities for which they were requesting funding, the test activities for missile defense, were consistent with the ABM Treaty or would conflict with the ABM Treaty. We made many requests for that information, and we never received the answer to it.

That is critically important information because if we, as the appropriators and authorizers, are going to put funds into a bill for testing activities which are in conflict with an arms control agreement and which could have huge ramifications in terms of our own security, in the view of many of us resulting in a unilateral withdrawal, which could make us less secure rather than more secure—if we are going to take that action as a Congress to appropriate those funds, we should do so knowingly.

We could not get that information. And so, as chairman of the committee, I drafted language which gave us an opportunity down the road, if and when the administration determined that the testing activities conflicted with the Anti-Ballistic Missile Treaty—would give us the opportunity to vote whether or not we approved such expenditures.

If we couldn't find out then, if we couldn't get that information to allow us to make that kind of an informed judgment, then I thought it was critically important to have that information so we could at a later point decide whether or not we would approve that expenditure. We won that argument by one vote in the Armed Services Committee. I was disappointed that all of our Republican colleagues voted against it. We were then informed that if that language remained in the bill, the bill would be vetoed by the President. So we started with that premise.

That doesn't mean the language was not the right language. In my judgment, it was and is the right language. But what it means is that we knew the bill would be vetoed.

Then came along the events of September 11, and the question was then whether or not that would make it possible for us to preserve that language in a totally different environment or whether or not it would make it more difficult to preserve language which I, as its author, thought was very significant, very important language.

There are many Members of this body who have devoted large amounts of time to arms control issues, including the chairman of the Foreign Relations Committee, but I must say I have spent a good deal of time in my career working on these arms control issues, so this became a very significant issue to me. I believe this unilateral withdrawal from the arms control agreement will make us less secure and not more secure. If I thought unilateral withdrawal from this treaty would make us more secure, I would favor the unilateral withdrawal. I would give notice to withdraw if I believed it would make us more secure—because that is the issue. We are not here to defend a treaty; we are here to defend the country. In my judgment, the unilateral withdrawal from this treaty would result in such a negative reaction on the part of a number of countries that would respond to that withdrawal that overall, on balance, we would end up being less secure, and we would do so in order to commit ourselves to testing a system which is a defense against the least likely means of attack, a missile attack.

We have been told by the Joint Chiefs over and over again that the least likely way we would be attacked, the least likely delivery system for a weapon of mass destruction, would be a missile. The most likely means would be a truck or a ship, some more conventional means—for a number of reasons, one of which being those conventional means—trucks, ships, whatever—are more accurate, cheaper, and—critically important—do not have what we call a return address like a missile. A missile attack would lead to the instantaneous destruction of any country that attacked us, including North Korea. And since the maintenance of their regime is their No. 1 goal in North Korea, according to our intelligence community, it is very unlikely that North Korea would attack us with a missile. It would lead to their instantaneous, or almost instantaneous, destruction.

So I believe that to unilaterally withdraw from a treaty in order to put us closer to a defense against the least likely means of attack, and doing so unilaterally, which would produce a reaction on the part of a number of countries, including Russia and China, which would overall make us less secure since they would build up their forces faster, they would not dismantle their weapons as Russia is doing, they would put multiple warheads on missiles—called MIRVing—they would no longer participate in dismantling weapons, which means we would have more and more nuclear material on Russian soil subject to proliferation, subject to pilferage, it struck me and strikes me that unilateral withdrawal leaves us, overall, less secure.

That is why I worked so hard on getting that language included. I thought, if Congress is going to provide the funds for that kind of activity that leads to the unilateral withdrawal from an arms control treaty, Congress should take the responsibility, under that oath to uphold the Constitution of the United States, to know what we are doing.

That was the driving force behind the language I drafted. So that language comes in the bill that is now being considered on the floor giving Congress the opportunity to have a voice before funds it appropriates are used for that purpose. It gives us an opportunity to know that in fact the funds are going to be used for an activity which conflicts with the Anti-Ballistic Missile Treaty.

Then came the event of September 11. The argument which the opponents of my language made was that my language tied the hands of the Commander in Chief, because no longer could he move on his own without authority for appropriations; he would have to first come back to us for that authority.

Frankly, I don't think that argument comes close to outweighing the arguments on the other side of this issue. Nonetheless, in that environment I reached the conclusion that that argument was going to prevail and it was not the time, immediately following the events of September 11, for that argument to be resolved.

It was a very practical judgment on my part as its author that it was about the worst time we could possibly pick—not that it was the time of our choosing, but it would have been the worst time to have a debate which had such crucial importance. It struck me as being far preferable that we preserve our opportunity to present this issue later in a separate bill that went on the calendar and that the majority leader could then attempt to call up. That language is now part of a bill that is on the calendar which the majority leader can at a later point call up.

Will it be more difficult for him to call it up than it would have been under the language had it remained embedded in the bill? The answer is yes, it will be more difficult because he will have to move to proceed if he cannot get the unanimous consent.

But given the fact that the President was going to veto this bill and therefore this language was not going to end up in this bill in any event even if it survived the Senate, and there were those of us who had very strong feelings about the importance of avoiding a unilateral rift in a strategic relationship with Russia that has produced such stability, and for such little advantage, I made the judgment that it would be wise to preserve that argument by placing it in a separate bill that the majority leader at least could attempt to call up at a later date and which would be on the calendar. But what I saw otherwise was that this language was going to be removed by a vote of the Senate, and having an added disadvantage that we would be debating a security issue showing disunity at a time when we wanted to have unity.

That was but one factor in my thinking, the other factor being that, as a matter of timing, this issue should be debated at a time when at least there would be a fairer opportunity and a setting separated from the events of September 11 where the argument that we were tying the hands of the Commander in Chief would have less of an emotional impact.

I may have been right; I may have been wrong. But it was a judgment which I expressed to the body before the actions were taken. I indicated that prior to those actions being taken where we divided this language and put it into a separate bill, we should leave this debate to a later time.

Those are key words which are sometimes forgotten. This debate has not gone away. It will not go away. I believe it is very unlikely that the President under these circumstances is going to withdraw unilaterally from this treaty.

That is my own judgment. Surely the events of September 11 have made it so clear that collective action against terrorism and collective action for our security is essential and that unilateral action on our part is not going to make us secure, we need a lot of other countries to join with us if we are going to be secure. Acting unilaterally to withdraw from an arms control treaty in this setting it seems to me is highly unlikely.

I know that the White House and the President say they are determined to get beyond the ABM Treaty, as they put it. But surely these events have shown that we need to act collectively in a civilized world against the uncivilized terror which has been perpetrated and inflicted upon us.

I again thank my friend from West Virginia. I don't know of anybody in this body who more eloquently and more consistently describes the responsibilities of this body. I have outlined in the best way I can what I believe my responsibility is and what my responsibility was.

My committee made a decision and the Senate made a decision after we described the language that was in this bill. I think we made the right decision. It allows those of us who believe strongly in the importance of avoiding a rift in a relationship and a unilateral withdrawal from an arms control treaty—it is consistent with our beliefs—to preserve this argument for a later date. As I said on the floor prior to the action we took, we should leave this debate for a later time; and, I must add, as I have tried to say a number of times since, at a time when I think we have a better chance of arguing the pros and cons of our position in an environment where we at least maximize our opportunity to prevail. That doesn't mean I am confident that we will. I hope we will prevail if and when that moment comes. At least I believe we have a greater opportunity when the debate takes place at a later time and in a different setting than we do in the short term.

I thank my friend from Minnesota. I have taken more time than I told him I would take.

Mr. WARNER. Mr. President, if I might take a few minutes, I think it is important that the RECORD of the proceedings today also make reference to the fact that I and many others believe that the events of September 11 spoke volumes for the President's position that we should not at this time be in any way less than forceful in trying to explore all the options to develop a limited defense system protecting this Nation against a limited attack such as future generations, when they look back at this hour of tragedy, will say that our country did not move forward on all fronts. None of this would have been envisioned. We did not envision the tragedies of September 11. In many respects, some still cannot envision that this country needs a defense against limited attack.

I must say yes, I accept my distinguished chairman's statement to the effect that he made certain decisions. I commend him for it. But I believe several of us had spoken to him in the context of what was going to be undertaken had that decision not been reached by our chairman.

I inquire of the chairman: We want to have our colleague have his opportunity to speak here momentarily. Could we get some time estimate because work is being done on this side.

Mr. LEVIN. The Senator from Minnesota was kind enough to allow me to precede him, although he was recognized first so we could comment on Senator BYRD's comments. It would now be up to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I probably need about 20 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Minnesota concludes his remarks we then return to consideration of the bill.

Mr. WARNER. Mr. President, reserving the right to object, is the subject matter of the address of the Senator from Minnesota relevant to the pending matter before the Senate; namely, the Armed Forces bill?

Mr. WELLSTONE. That is correct, although I want to respond to Senator BYRD's statement.

Mr. WARNER. May I also inquire of the chairman and the Senator from Minnesota, our colleague from Connecticut has an amendment directly related in some respects to aspects of the bill——

Mr. WELLSTONE. Mr. President, I have been here a long time, and I asked unanimous consent to follow Senator LEVIN. I will speak and try to cover the topic, and then I will yield the floor.

Mr. LEVIN. Mr. President, if the Senator will yield for one additional unanimous consent request, I ask unanimous consent that following the remarks of the Senator from Minnesota, we return to the consideration of the bill and that Senator DODD be immediately recognized to offer an amendment.

Mr. WARNER. Again, reserving the right to object, we do have a stack of agreed-upon amendments. As soon as we get that behind us, our staffs can devote their time to additional amendments.

So I ask the Senator from Connecticut, how much time will he want for the presentation of his amendment and such rebuttal or concurrence that may be made or voiced by other colleagues? Then we can get some better idea how soon we can return to the issue of amendments.

Mr. DODD. Mr. President, if my colleague and friend from Virginia will yield, I anticipate taking no longer than 15 minutes myself. Others may want to be heard.

Just for the purpose of letting Members know, this will be an amendment for which, frankly, the chairman and ranking member are very much responsible; and that is the fire assistance program in which we are dedicating, in this case, to the 350 or so firemen who lost their lives in New York on September 11, and those who fought here at the Pentagon, to increase the authorization levels.

Others may want to be heard on that. On my part, 15 minutes ought to be more than adequate.

Mr. WARNER. On that subject, while I personally am supportive of the goals of the amendment, I must reserve the rights of Senators on this side, particularly those on the Commerce Committee. I would presume that the chairman and ranking member may desire to at least address the Senate on this matter prior to any final action on the Senator's amendment.

Mr. DODD. I say to my friend, we have notified the Commerce Committee about this amendment. Again, I think they understand that given the constraints remaining for us to offer a freestanding proposal, and given the history of this bill associated with the DOD bill, I will leave it to them to address it themselves. But we have talked about it.

Mr. WARNER. I say to my distinguished chairman, I would presume then that this amendment would have a rollcall vote sometime tomorrow.

Mr. DODD. Right.

Mr. WARNER. Would you permit me to incorporate in your UC a request that 30 minutes be granted to the chairman and ranking member of the Commerce Committee prior to any vote on the amendment by our colleague from Connecticut?

Mr. DODD. The only request I would make is this amendment be considered prior to the cloture vote.

Mr. WARNER. I beg your pardon.

Mr. DODD. That it be considered prior to the cloture vote.

Mr. WARNER. I am not sure. The vote takes place at 9:30 tomorrow morning. As I understand it, there is an order to that effect.

My understanding is that the standing order is that the Senate will vote at 10 o'clock tomorrow morning on a cloture motion; is that correct?

The PRESIDING OFFICER (Mr. CORZINE). That is correct.

Mr. WARNER. Then I would say to my colleague from Connecticut, how do we achieve that?

Mr. DODD. We could have a voice vote. We do not need a recorded vote.

Mr. WARNER. I would have to object to a voice vote. I am dutybound, you understand, to protect colleagues on this side, particularly those on the Commerce Committee which has overall jurisdiction.

Mr. DODD. If my colleague will yield, if there is no objection to the amendment being incorporated in the bill, this may be the one opportunity where we will be able to do something about these firefighters.

Mr. WARNER. I want to help you. I am going to vote with you. But I am dutybound, as you understand, to protect those on this side. I do not know what the chairman of the Commerce Committee, on your side, has said about this issue, but I do know members of the Commerce Committee, on this side, certainly must be protected—at least be given an opportunity to speak to this amendment if it is brought up for purposes of a rollcall vote.

Mr. DODD. Why don't we proceed this way, if we could: After the Senator from Minnesota has been heard, if I can offer the amendment, I would like to discuss it. In the meantime, we can have conversations. We have already had conversations with members of the Commerce Committee. If they are going to object to us voting on this prior to the cloture vote tomorrow, or allow us to have a voice vote on this, then so be it. But if not, then it could go through this evening. We ought to try to do it.

Is that all right?

Mr. WARNER. Mr. President, that seems to me to be an orderly procedure.

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately following the statement of the Senator from Minnesota, we return to the Defense authorization bill and Senator DODD be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, could that be 15 minutes?

Mr. LEVIN. Just to offer it.

Mr. WARNER. He wanted 15 minutes to offer it, which is fine. I have no objection, but I do want to get back to this question of amendments.

Mr. LEVIN. And that Senator DODD's speech be limited to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

## THANKING SENATOR BYRD

Mr. WELLSTONE. Mr. President, before Senator BYRD leaves the Chamber, I also want to thank him for his service to the Senate and the country. I am annoyed with myself for not having thought that we should have as a part of the RECORD the difference between the language that came from the White House and the resolution that we passed. It is so important that that be part of the RECORD.

I say to my colleague that up until about 1 o'clock in the morning, I did not think I could support it. I thought it was too broad, too open ended. I think Senator LEVIN did say this, but while you were busy on that appropriations bill, Senator LEVIN was one of the key Senators—along with staff—who really did yeomen's work to try to have that resolution focus on the September 11 attacks. It was entirely different wording.

But I thank you, Senator BYRD, for what you have done today in this Senate Chamber.

Mr. BYRD. Mr. President, will the Senator yield, just very quickly?

Mr. WELLSTONE. I am happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Senator for his observations. I would be remiss if I did not likewise express my gratitude to Senator LEVIN and to Senator BIDEN and to other Senators who worked together to modify that language and to greatly improve the language over what it was when it was sent from the White House to the Senate.

Mr. WELLSTONE. I thank the Senator.

I also say to my colleague, I believe Senator KERRY from Massachusetts, and also the majority leader, Senator DASCHLE—all of them——

Mr. BYRD. Yes, absolutely.

Mr. WELLSTONE. Did yeomen work.

## REFUGEE CRISIS IN AFGHANISTAN

Mr. WELLSTONE. Mr. President, I want to talk about an amendment that I hope will be part of the Defense authorization bill. But as long as we are talking about the resolution for a moment, I want to borrow from a piece I just finished writing. I will not go through the whole piece, but that deals with the humanitarian catastrophe that is now taking place in Afghanistan. I think it is relevant to talk about this.

You have a situation on the ground that is unimaginable: 4 years of relentless drought, the worst in 3 decades, and the total failure of the Taliban government to administer to the country. Four million people have abandoned their homes in search of food in Pakistan, Iran, and elsewhere. Those left behind now eat meals of locust and animal fodder. This is in Afghanistan.

Five million people inside this country are threatened by famine, according to the United Nations. As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans—I think that is an important distinction to make—who are some of the poorest and most beleaguered people on the planet and who were actually our allies during the cold war.

Any military action by our country must be targeted against those responsible for the terror acts and those harboring them. And we must plan such action to minimize the danger to innocent civilians who are on the edge of starvation.

Let me repeat that one more time. Any military action must be targeted against those who are responsible for the terror acts and those who have harbored them. And we must plan such action to minimize the danger to innocent civilians who are on the edge of starvation. And we must be prepared to address any humanitarian consequences of whatever action we take as soon as possible.

Mr. President, I ask unanimous consent that a piece that I just finished writing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### U.S. MUST LEAD EFFORTS TO PREVENT REFUGEE CRISIS IN AFGHANISTAN

(By U.S. Senator Paul Wellstone, Chairman, Subcommittee on Near Eastern and South Asian Affairs, September 28, 2001)

The September 11 attacks in New York and Washington require our country to respond assertively and effectively against international terrorism. As the Administration reviews all its options, it must consider the humanitarian consequences of any military action against terrorist sites in Afghanistan, and take urgent steps now to address them.

Even before the world focused on it as a sanctuary for Osama bin Laden and other terrorists, Afghanistan was on the brink of a humanitarian catastrophe, the site of the greatest crisis in hunger and refugee displacement in the world. Now the worsening situation on the ground is almost unimaginable. After four years of relentless drought, the worst in three decades, and the total failure of the Taliban government in administering the country, four million people have abandoned their homes in search of food in Pakistan, Iran, Tajikistan and elsewhere, while those left behind eat meals of locusts and animal fodder. Five million people inside the country are threatened by famine, according to the United Nations.

As President Bush made clear, we are waging a campaign against terrorists, not ordinary Afghans, who are some of the poorest and most beleaguered people on the planet and were our allies during the Cold War. Any military action must thus be targeted against those responsible for the terror attacks and those harboring them; planned to minimize the danger to innocent civilians on the edge of starvation; and prepared to address any humanitarian consequences as soon as possible. Since it seems clear that a major international refugee influx will require a massive expansion of existing refugee camps, and creation of new ones, the U.S. and our U.N. Security Council allies should also be thinking now about how to protect those camps, including possibly using a U.N.-sanctioned military force drawn primarily from Arab nations.

Osama bin Laden is not a native of Afghanistan, but of Saudi Arabia. Most Afghans do not support bin Laden. Instead, ninety percent of the Afghan people are subsistence farmers struggling simply to grow enough food to stay alive. War widows, orphans, and thousands of others in the cities are dependent upon international aid to survive.

Now, anticipating military strikes by the U.S., hundreds of thousands of Afghan civilians are on the move, fleeing the cities for their native villages or for the borders. According to the U.N. High Commissioner for Refugees, nearly 20,000 have gathered at one Pakistani border crossing alone. The U.N. says it is the most tense border point in the world, with thousands of people out in the open, exposed to scorching days and frigid nights. Kandahar, the spiritual seat of the Taliban, is said to be "half empty." Those who are left behind are the most vulnerable—the elderly, orphans, war widows, and the mentally and physically disabled.

Inside Afghanistan, the U.N.'s World Food Programme (UNWFP) aid—much of it U.S.-donated wheat—is the sole source of food for millions. After the attacks on September 11th, the UNWFP was forced to pull out. It left two weeks of food stocks to be administered by local U.N. staff, but Taliban officials last Monday broke into the U.N. compound and stole thousands of tons of grain. Under intense international pressure, the UNWFP has announced it will resume shipments of grain to Afghanistan. Yet how it will be distributed is uncertain, as the Taliban has severed contact between international aid groups and their Afghan staffs, and taken over many of their facilities. To get needed aid in, and slow the outflow of Afghan refugees driven by a lack of food at home, the Pakistani government should immediately relax its border restrictions enough to allow the flow of food and other humanitarian aid into Afghanistan, while maintaining border security.

There is no easy solution to this building crisis, and yet our government must aggressively seek solutions to the critical needs of Afghan civilians. As one of its most urgent tasks, the United States must do its part to shore up relief operations and help to again get aid flowing to refugees now. We also must prepare for an already critical situation to worsen as Afghanistan heads into its notoriously harsh winter. We must prepare now for huge numbers of refugees and humanitarian problems in the aftermath of military strikes, repositioning in the region the people and resources needed to deal with it.

The U.N. and several privately-funded aid groups are working frantically to set up new camps and bring in supplies and personnel to sites along the border. And yet, developing a stronger response to a massive outflow of Afghans into Pakistan is sure to put pressure on already over-burdened camps, and by extension Pakistani resources and patience. Pakistan is already host to over a million refugees from Afghanistan; 170,000 came as a result of recent drought in Afghanistan. Others fled earlier and have been in Pakistan for years.

The United States must do everything it can now to alleviate the suffering of ordinary Afghan civilians. We have agreed to participate in U.N. efforts to raise quickly almost $600 million in aid funds, a number likely to grow. We should be leading that effort, including by contributing substantially. The U.S. and our allies cannot afford to be indifferent to this humanitarian crisis, especially as we seek to build a coalition of moderate Arab and non-Arab Muslims around the globe for our anti-terror efforts. If a humanitarian catastrophe in Afghanistan is attributed to our military operations, it will weaken international support for our fight against terrorism, and may even make the American people more vulnerable in the end.

## MENTAL HEALTH RESPONSE

Mr. WELLSTONE. Mr. President, I rise in this Chamber to talk about the extraordinary mental health needs of the American people, and especially people of New Jersey, New York, Virginia, Washington, DC, and Pennsylvania in the aftermath of the September 11 attacks.

I thank Senator KENNEDY for holding an extraordinary HELP Committee—HELP is Health, Education, Labor, and Pensions—hearing on this topic last week. I am grateful to Senator WARNER for his invitation at the hearing to have some suggestions about some mental health initiatives that could be part of this DOD authorization. Senator WARNER is to be commended for his recognition that there does need to be some legislation that responds to the short-term and long-term needs of people who have been affected by these tragic events.

Many Senators are working on this issue, and I am sure the Presiding Officer, the Senator from New Jersey, is one of them. I am pleased to also do this work.

I want to talk a little bit about some of the witnesses. Carolyn Pfeffer, who is a child psychiatrist at New York University, noted that in retrospect what should really have been in place was a plan and a program in every school for how to respond to the disaster, along with prompt and effective public education for parents to help them understand how to talk to their children—in other words, she was saying, right after September 11.

She said that what is needed now is "aggressive work to identify children who have suffered the most severe stress; training of mental health professionals in how to respond to the unique needs growing out of events of this kind; government funding and leadership to assure resources are available to these children who need help."

She said we must do all we can to prepare for the unprecedented strain on our mental health system and to assure that private insurers will encourage appropriate treatment rather than establishing artificial limits on what we can provide for people.

Dr. Spencer Eth, the vice-chairman of the department of psychiatry at St. Vincent's hospital in New York, also spoke at the hearing. St. Vincent's was the hospital where the largest number of victims of the attack are being treated. Dr. Eth is also a nationally recognized authority on the psychological effects of traumatic event. He gave moving testimony about his experiences with providing treatment for emergency workers, and he said, "Never before have the gaps in the mental health system been more apparent." He urged the committee to recognize that "the magnitude of the public's need for traditional therapies, outreach to schools, businesses, and communities . . . is unprecedented. . . . He stated, "We must obtain the funding required to reach everyone at high risk and everyone who is already suffering, regardless of health coverage, language barriers, and physical disabilities."

Dr. Kerry Kelly gave what was probably the most searing testimony about her own experiences with her onsite work as chief medical officer of the New York Fire Department, minutes after the attacks. She testified that, "the selflessness of these men and women [of the New York Fire Department] is what made them heroes, but it's also what brings me to these hearings today to urge your approval of funds to provide for the psychological and counseling need of our members and their families. As we get further away from the events of that day, the officers, firefighters, fire marshalls, emergency medical technicians and paramedics, will have to cope with delayed reactions to the trauma they experienced. And from day one, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief." She said, "The emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event."

Dr. Carol North pointed out that 2 years after the Oklahoma City bombing 16 percent of children 100 miles away still reported significant posttraumatic stress memories related to it.

We know one thing for sure: It is a mistake to believe that such events, of September 11 and after, cannot have a lasting impact on the mental health of those men, women, and children who have experienced them. We should not repeat the mistakes that were made in the aftermath of the Vietnam war when the trauma experienced by veterans was ignored and trivialized until well after the optimal time for treatment was passed.

We have learned from the outstanding research which has been funded by the VA and the NIMH of the severity of the disorder and the effective ways it can be treated.

Let me summarize the case for this amendment of which Senator WARNER and others have been so supportive. Let us give respect for what people have experienced and help them deal with this now in a manner which is appropriate to their individual needs. Let us help those families who have survived the loss of a loved one and may also now be dealing with preparations for a funeral or memorial without ever receiving any remains of their loved one.

Let us recognize that traumatic grief is real and has unique features that go beyond our usual understanding of death and loss. Let us help the emergency workers who stretched their bodies and minds to deal with this horror and lost so many of their friends and colleagues as well.

Let us help those who escaped with their lives but now suffer from serious injuries and many other losses of their own. Let us help those who made it out safely but who feared for their lives and witnessed such horror and are now dealing with the multiple losses of friends, families, colleagues, and their jobs. And let us help the children who must now try to understand what they saw, what they have lost, what their parents and teachers are going through, and what the world means, while we all struggle to do the same and try to regain our sense of safety.

I am not saying that mental illness is widespread or an inevitable consequence of the event. But after hearing from the experts at this hearing, we should not underestimate the severe impact of September 11 on people's sense of identity and safety and how the multiple losses and horrific experiences they went through have the potential to affect them for a long while.

Let me talk a minute about posttraumatic stress syndrome which can have such lasting effects on the minds and hearts of those who suffer from it. Here I draw from some experience because a lot of my work, especially back in Minnesota, is with Vietnam vets who are struggling with PTSD. We know from research that the brain chemistry can be altered by such experiences, and we know that the day-to-day struggle to deal with the frightening flashbacks, intrusive thoughts, loss of sleep and many other symptoms can lead to severe problems and an inability to function if left untreated.

I will never forget a letter from a 10-year-old girl in Pope County, MN, who told me that her daddy was a Vietnam vet. He went into the shower in the morning. He had been doing fine. This was many years later, about 4 years ago. She said: My dad came out of the shower and he couldn't talk to anybody. Please help my dad. That was PTSD from the Vietnam war.

Treatment can help people with PTSD, depression, anxiety, and a lot of other illnesses. What we want to do with this amendment is provide States $175 million in flexible ways to deal with the needs of the citizens. We want to have training programs for licensed mental health professionals. We want to have expedited and increased research funding right away so we know what to do. The Secretary of the Department of Health and Human Services is authorized to set up a disaster research clearinghouse so that information can quickly be made available to schools and public health agencies during times of crisis.

Funding is authorized for $50 million for trauma treatment centers for adults and children to provide services for people who are exposed to such traumas.

All of this will make a huge difference. This came up last week. I thank Senator KENNEDY for his leadership. There are a lot of us who are involved in this effort. Senator WARNER is one. I cannot emphasize enough to other Senators how important it is that we try to pass this package.

Today, we were scheduled to bring up the Mental Health Equitable Treatment Act. This is legislation on which I have been working with Senator DOMENICI. More important than that, there are 63 or 64 Senators who support it.

One or two Senators objected. I am disappointed to say the least. We could have had this legislation on the floor. We could have had debate and some amendments, and it would have passed.

The legislation did two things: It ended all discrimination in coverage. It is civil rights legislation. It just says no longer can any health care plan treat someone who is struggling with this kind of mental illness differently than someone who is struggling with any other kind of illness.

My God, this is 2001. It is long overdue.

The second thing I want to say—I will not try to put one agenda on top of another, but I want colleagues to know that the second thing that happens from this legislation—which is why it is so important—is that the treatment follows the money. When plans now provide coverage, you then see an infrastructure in our country which doesn't exist now as it should to provide the care for people. Kay Jamison, who has done brilliant work and writing in this area, said, "The gap between what we know and what we do is lethal."

There is September 11, and there are all kinds of people trying to deal with this trauma. There are all kinds of other men, women, and children who don't get the care they need. This is a piece of legislation that has some urgency. There is no reason to delay any longer. One or two Senators objected.

I hope this will be on the floor soon, and I hope we can pass it. I think the President will sign it. I think it is a bipartisan effort and it is a good thing to do and it is the right thing to do.

I yield the floor.

## BENEFITS FOR DISLOCATED AIRLINE WORKERS

Mrs. LINCOLN. Mr. President, I commend my friend and colleague, Senator CARNAHAN, for her efforts on behalf of dislocated workers in the airline industry. I am proud to be a cosponsor of this legislation which will benefit thousands of workers who have or will lose their job because of the tragic events on September 11.

I want to say a special word of thanks to Senator CARNAHAN and her staff for working with me to clarify that employees of maintenance suppliers to commercial air carriers are covered under the language in the bill. This was an important point for me because of the impact the September 11 attacks has already had on aviation maintenance businesses in my State.

Reebaire Aircraft, Inc. located in Mena, AR, is just one example of why the dislocated worker assistance provided for in this bill is so important. Prior to September 11, Reebaire Aircraft had a thriving business with 101 workers and was in the process of expanding its workforce. Today, Reebaire employs only 15 workers and the owner has informed me that Reebaire may have to cease operations by the end of October. Reebaire's fate is directly related to the terrorist attacks because eighty percent of its business was based on maintenance contracts with commercial air carriers who have cancelled future work orders with Reebaire indefinitely.

Again, I commend my colleague for her efforts on behalf of our Nation's working families.

Mrs. CARNAHAN. I appreciate the support of my friend from Arkansas and I am honored to add her name as a cosponsor of my legislation. As I explained to the Senator earlier, it is certainly my intent to cover dislocated employees of companies that contract directly with commercial air carriers for maintenance and related services if the employees lose their job because of the September 11 terrorist attacks.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

### AMENDMENT NO. 1750

Mr. DODD. Mr. President, I call up my amendment No. 1750.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1750.

Mr. DODD. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend assistance for firefighters)

At the end of subtitle E of title X, add the following:

**SEC. 1066. ASSISTANCE FOR FIREFIGHTERS.**

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) $600,000,000 for fiscal year 2002.

"(3) $800,000,000 for fiscal year 2003.

"(4) $1,000,000,000 for fiscal year 2004.".

Mr. DODD. Mr. President, very briefly, this amendment deals with the FIRE Act, a bill which we adopted in a previous Congress, providing assistance to departments—paid departments, volunteer departments, and combination departments for equipment and the like.

I see my colleague from Virginia rising.

Mr. WARNER. Mr. President, may I say that we worked together on this. I would like to be a cosponsor of this amendment.

Mr. DODD. Mr. President, I ask unanimous consent that my colleague be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me take a second and commend our two colleagues from Michigan and from Virginia, the Chairman and Ranking Member. Only a few months ago, those roles were reversed: the chairman was from Virginia and the ranking member was from Michigan. This is a great team which has done a tremendous job. It is sort of a seamless garment in many ways, in terms of their leadership on national security issues as the chairman and ranking members of the Armed Services Committee.

I want to take a moment to commend them both for the spectacular job they have done over the last 2½ weeks since the great tragedy on September 11. Not only have they led in terms of moving their committee product along and offering us an opportunity to do something very constructive and positive in responding to the events of September 11, but also in their public commentary on this issue both here on the floor of the Senate as well as in the public forums. The Senator from Michigan, CARL LEVIN, and the Senator from Virginia, JOHN WARNER, have truly lived up to the spirit of those who in other times of crisis have led without partisanship and with a sense of unity. I think it has been reassuring to the American public to have both of them in the positions they are in.

On the subject at hand, I have 15 minutes, so I will try to be brief. I thank the Senator from Michigan and the Senator from Virginia for being supportive of this effort. In fact, in many ways, without their leadership and support on this very matter, we would not have ever adopted the FIRE Act.

Very simply put, this legislation allows for fire departments across this country—some 30,000 of them, paid volunteers and combined departments—to seek Federal grants for training and equipment to assist them in doing a better job in responding to tragedies in our local communities.

I don't need to make this case. I suppose I could end my remarks there. There is not a single person in this country who is not aware of the heroic efforts of our fire departments, not only within the city of New York, which, of course, suffered the greatest tragedy when it came to the loss of life, not only of civilian populations but also firefighters, but also here in the Nation's Capital and the departments in Virginia, Maryland, and the District of Columbia.

On a parochial note, if you will, some of the first departments to respond to the tragedy at the World Trade Center came from my home State of Connecticut. I note the presence of the Presiding Officer, the Senator from New Jersey. I know, in fact, many of the people from his State as well responded to this catastrophe, the savage attacks in New York City. I don't need to make the case about how valuable these men and women are in the job they do. I think we become aware that—despite our traditional thinking about fire departments, with sort of the Dalmatian dog in the front seat and responding to the residential or small business fire—today they are asked to become basically soldiers. The distinction between what they do and what the men and women in military uniforms do—the lines are becoming blurred somewhat here. No greater piece of evidence can I offer than that which occurred on September 11.

Some may say: What are you doing offering a fire amendment on the Department of Defense authorization? One, this is where the bill was born. As a result of the leadership of the two men I have mentioned already. This bill became law in conference. I offered the bill here, but without them this bill would not have become the law of the land. In a sense, now to extend the authorization over the next several years with a relatively small amendment for this fiscal year, increasing over the next 3 years so that we can provide assistance to these departments, I think is critical and important.

With that, let me explain what is in the bill. Many of us in the Senate and in the Congress have long understood that America's firefighters make extraordinary contributions to their communities. But on September 11, of course, we got a glimpse of a larger role these men and women of the fire service play. The national security role of firefighters has become readily apparent to all in this country.

On the morning of September 11, the men and women of the New York City Fire Department came to the aid of the entire Nation. They charged in to rescue people from every region of our country and more than 40 nations around the globe. Those firefighters raced into that building to save the lives of people trapped in those two towers. On the same morning, firefighters from Virginia, Maryland, and District of Columbia became domestic defenders, responsible for coordinating a response to an attack on the headquarters of our armed services, the Pentagon itself.

If there was ever any question that the firefighters who wear the uniforms of local agencies are from time to time called upon to serve as partners with the men and women who wear the uniform of the U.S. military, those questions I think have been laid to rest forever. The sad new reality is that when terrorists target civilian populations on American soil, we are going to need, more than ever, our rescue services to be as well equipped as they possibly can be.

I have mentioned fire departments and, obviously, police departments. This bill covers emergency medical teams as well, EMS services. Again, they responded in heroic fashion from Virginia, Maryland, DC, New Jersey, Connecticut and, of course, New York. Many of us went to ground zero in New York City. Many colleagues met people from their States, firefighters from North Carolina, Colorado, California—people who responded from across this country to be in New York to assist those departments that had lost more than 350 of their brothers and sisters.

So this is a national issue. It directly relates to the security of our country. We do not send our soldiers into battle without the training and equipment they need. We can no longer abide a system that would send firefighters to do their jobs without the proper training or equipment that they need.

Last year, Congress passed the Fire Fighter Investment and Response Enhancement Act as an amendment to the Department of Defense authorization bill. Again, without CARL LEVIN and JOHN WARNER, the equipment some of these departments received would not have happened. So I offer the amendment again on this bill not because this is the only opportunity. In a sense, this is a national security issue, a new national security, a new definition of what we are talking about.

At that time, we authorized 2 years of appropriations under the FIRE Act. Unfortunately, the levels of authorization did not anticipate the new threats that have become apparent in recent weeks.

Last year, Congress appropriated $100 million to provide grant funding under the FIRE Act to departments across the Nation. The Federal Emergency Management Administration recently reported that it received grant applications from nearly 20,000 local fire departments. The total amount of funding requested by these departments is nearly $3 billion. That is the existing need.

We appropriated $100 million, but there were $3 billion in requests from 20,000 departments across the Nation. Today these firefighters are not just racing with the old hook and ladder down the old country lane to put out the barn fire. They are dealing with toxic waste, toxic substances, some of the most dangerous material in the world, and they are going to be called on, unfortunately, to deal with more of it in the years ahead. Therefore, they need the support this amendment will offer them.

Last year, there was about $2.8 billion of unfunded requests under the Fire Grant Program. I do not think we can afford to have that level of unmet needs this year or ever again for that matter. This amendment will assure the continuation of the Fire Grant Program. It will increase the Federal Government's commitment to a level I think is appropriate in light of recent events and the continuing threat to the safety of the American public.

Under current law, authorization for the fire program terminates at the end of fiscal year 2002. This amendment would extend the authorization period until the end of the fiscal year 2004.

Further, the current law only authorizes about $300 million for the fiscal year 2002. This amendment would authorize an appropriation of up to $600 million for the purchase of emergency response equipment and training.

The amendment would also authorize up to $800 million in 2003 and up to $1 billion in 2004. To put it in perspective, the COPS Program, which most of us endorse and support, is around $11 billion. We are taking about $1 billion for firefighters and some 30,000 departments across the country.

None of us have ever suggested parity, although one might make a case in light of the events of September 11 considering what these men and women have to deal with, the materials they grapple with, and the training they are going to need. We have not asked for that. It is the authorization levels I mentioned increasing through the year 2004.

There may remain other improvements, by the way, that could and should be made to our emergency response infrastructure. I intend to work very closely with the Commerce Committee. This is naturally and normally a matter under the jurisdiction of the Commerce Committee. I express my gratitude to FRITZ HOLLINGS, our colleague from South Carolina, and JOHN MCCAIN, the Senator from Arizona, who, not unlike Senator LEVIN and Senator WARNER, have been chair and ranking member back and forth.

Last year, with their support, we adopted the amendment as part of the DOD authorization bill. I am grateful to Senator HOLLINGS for his support of this amendment. They have a very important role to play. We have to come back at some point and start talking about other things that can be done.

Given the fact we are going to be winding up this session and there are very few vehicles available to us on which to have an authorization matter considered, given the history of this act and its association with the DOD authorization bill and the direct linkage between better equipping the ability of our fire departments across this country to deal with the new threats our communities face, I think this bill is an appropriate place for this amendment.

I am very grateful to all of our colleagues for their willingness to consider these extraordinary circumstances.

My hope is that this evening we can adopt this amendment on a voice vote. I am not interested in having a recorded vote. I think most of our colleagues will support it. My hope is that we will complete action and leave the RECORD open so others who may want to comment on this can.

I have dedicated this amendment to the men and women who lost their lives in the fire departments on September 11. There are a lot of ways they can be memorialized and communities are doing that across the country. If you talk to your local departments, there is no better way to memorialize them than to see to it future firefighters have the equipment and training they will need.

Hopefully, they will not have to use it. Hopefully, they will never have to face what New York City or Northern Virginia faced with the attack on the Pentagon, but if it occurs, I want to be able to say that this Congress and this Chamber provided them the tools and training necessary to respond to those tragedies: that we were not so shortsighted that we did not understand the new world we entered as a result of the attacks on our country only 2 weeks ago.

Again, I urge the adoption of this amendment. This is one area where I know there are likely to be remaining issues, as I said, to be discussed. But as we continue to identify critical staffing needs and better ways to structure the Federal Government's partnership with local firefighters, I will be looking to Chairman HOLLINGS and Senator MCCAIN and the Commerce Committee to continue to provide leadership in this area.

There is no shortage of bravery among the men and women of America's fire service. Even when commercial air travel was completely shut down, public safety workers from as far away as Chicago and Texas made their way to New York and the Pentagon to lend their assistance. We have seen that public safety personnel are extraordinary people. They put the needs of others before their own interests and even before their own personal safety.

During the initial rush to save people in the burning World Trade Center Towers, nobody stopped to ask: Why are you here? But if they had, the answer undoubtedly would have come back: Because people need our help.

Tonight we can provide service to those who provided help in the past by helping them. This amendment honors America's firefighters, acknowledges the men and women who do not ask why, the men and women who simply do what must be done.

This amendment is more than that. It is an investment in America's security. This will help America be prepared for come what may. Let the world be on notice that we are not afraid, but we are also going to be prepared, and we are also going to prevail. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our dear friend from Connecticut for his very passionate argument. He has been the leader in the effort to provide these resources for our valued firefighters whose amazing contributions were so dramatically demonstrated on

September 11. The Senator from Connecticut has been the leader in this effort. The contribution which I have made to his effort is small indeed compared to what he has been able to put forward with his leadership.

I can only say in amazement that as powerful a speaker as the Senator from Connecticut always is, somehow miraculously, despite the fact he is up half the night changing diapers for his daughter Grace, he is more powerful and more passionate than ever. That says something about fatherhood. I congratulate him not only on his argument and tell him I am proud to be a cosponsor of his amendment, but I again congratulate him on his wonderful new family addition.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I add my commendations to our good friend and colleague. All too often in reflecting on September 11, we, of course, focus on the magnitude of the tragedy in New York and, indeed, in my State, but we should include Pennsylvania.

Mr. DODD. Yes, we should.

Mr. WARNER. The firefighters are a band of brothers and sisters, as it was made very clear to me, wherever they are in those States, particularly those three impact areas. I visited the Pentagon not more than 3 or 4 hours after the plane flew into it, and I will have further remarks. I see our distinguished colleague from North Carolina wishes to address another matter for a few minutes, and then I will regain the floor.

Mr. DODD. If my colleague will yield, let these remarks reflect as well, he is absolutely correct. We focus on New York, the World Trade Center, and the Pentagon. He is absolutely correct the people of Pennsylvania, those who lost their lives in that aircraft—we do not know the whole story, but many of us suspect that the people inside that plane played a very heroic role, and the fact we are standing in this building today debating these issues may very well be because some very heroic civilian Americans stood up and took on some people and saved countless other lives. That mark in Pennsylvania and those who responded to it deserve equal recognition.

The Senator from Virginia is absolutely correct.

I see my friend from North Carolina is about to speak, and since my friend from Michigan raised the issue of my newborn Grace, I must tell the Senator from North Carolina we received some wonderful little gifts for new Grace and all of them are cherished, but the Senator from North Carolina and his beloved Dot sent a little teddy bear which, if you extend it, it plays music. I want to tell the Senator I will forever be grateful to my colleague from North Carolina because I have tried all sorts of ways to quiet Grace down but nothing works like that little music box. I thank the Senator immensely for that token and gesture, and I thank his lovely wife as well. I say to my colleague from North Carolina, I thought of him many times at 3 this morning.

Mr. WARNER. Mr. President, I acknowledge that from time to time the heart of the Senator from Connecticut needs to be quieted so we are going to bring that little teddy bear to the floor to calm him down on some other matters.

Mr. LEVIN. If the Senator from North Carolina will yield, we now have two ways of closing debate a little more promptly and in unique ways. One is with TED KENNEDY'S dog, which barks when someone goes on too long—usually not on the floor of the Senate—and now we have a music box. So that Chris and Jackie have the special gift from the Senator from North Carolina.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from South Carolina, Mr. HOLLINGS, be added as a cosponsor to the fire act amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that this important colloquy about the Chairman of the Joint Chiefs of Staff be printed in today's RECORD separate from the presentation by the Senator from Connecticut.

Mr. DODD. If my colleague will yield further, he might want to ask unanimous consent that others might be able to join with Senator HELMS in commending Hugh Shelton. I am not a member of the committee, but all of us at one time or another have had dealings with him, even though he is responsible to responding to the Armed Services Committee. This is a remarkable public servant, Hugh Shelton, and he is going to be missed. He has a wonderful successor. I do not know him as well as I know General Shelton, but on behalf of those not on the committee but who have watched him and talked to him and called him from time to time, this is truly a great citizen, and I wish to add my thoughts and comments about his contribution to our country as well.

Mr. WARNER. Mr. President, I so modify my UC, and I ask unanimous consent that the statements made in the Chamber today and otherwise in regard to the distinguished former Chairman be printed in today's RECORD in one place by the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HELMS, Mr. WARNER, Mr. LEVIN, and Mr. EDWARDS are printed in today's RECORD under "Morning Business.")

Mr. WARNER. In regard to the pending amendment by the Senator from Connecticut, I think it is important to show how these funds are being spent. I referred to the bill that we put in last year in the Senate Armed Services Committee, known as the Floyd D. Spence national defense authorization on page 378. These funds are to be used for the following purposes: to hire additional firefighting personnel; to train personnel in fire fighting, emergency response, arson, prevention, and detection or the handling of hazardous materials; or to train firefighting personnel to provide any of the training described in this subparagraph.

There is no greater threat facing this Nation today than weapons of mass destruction, and as we listened to the very able work being done by the Attorney General of the United States and others in connection with the crisis of September 11, they are obligated to tell this Nation that we cannot ring the all clear sign, that we have many problems and it could possibly include weapons of mass destruction of the type of chemical or biological. It is difficult for me to enunciate that in this Chamber. That is precisely what these funds are to be used for, to train firefighters. They are oftentimes both professional and volunteer. I thank my colleague.

Last year, I remember, we wanted to give parity with the professional volunteer. That has been done. They are the first on the scene. Unless they have some training to make an assessment right away, they themselves could become victims of a chemical or biological attack and their services would be incapacitated, depending on the problem. That training is included. It is important.

There are funds to protect firefighting personnel at the scenes of fire and other emergencies. In New York City there was tremendous personal risk in these situations trying to extract survivors and yet at the same time confronted with a weakened structure, smoke, and all types of things. They themselves could be trapped. Special training is required for extricating the firemen as well as the remaining victims.

Other uses of the funds:

To certify firefighters, to establish wellness and fitness programs for firefighting personnel, to ensure that the firefighting personnel can carry out their duties—there are tremendous arduous, physical requirements for the men and women who bravely wear the uniforms of firefighters; to fund emergency medical services provided by fire departments—more and more often, they are the first on the scene to render the basic necessities of medical care and to save lives; to acquire additional firefighting vehicles, including firetrucks. We all have romance about the firetrucks. I know some of the volunteer groups in my State kept the old truck to remind them of the need to get a new truck, but they never seem to discard the old truck. In times of the parade, the old truck comes out and everybody is proud to see it again. However, we have to get state-of-the-art equipment; to acquire additional firefighting equipment, including equipment for communications and monitoring; to acquire personnel protective equipment, required for firefighting personnel, by the Occupational Safety and Health Administration and other personnel protective equipment for firefighting personnel; to modify fire stations, fire-training facilities, and other facilities to protect the health and safety of firefighting personnel; to enforce fire codes; to fund fire prevention programs; to educate the public about arson prevention and detection; or to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

I commend our distinguished colleague. I am proud to be a cosponsor on this important piece of legislation.

Mr. DODD. I thank my colleague from Virginia for his eloquent comments and remarks. He has made a strong statement on the value of this amendment and the contribution it has made.

As I pointed out in my remarks, we put in $100 million a year ago and we had over $3 billion worth of grant requests from 20,000 departments across the country. We are not going to satisfy all of that, even if there is a full appropriation to equal the authorization amounts here, but it can make a difference for these people.

My office spoke with Senator McCAIN's office and I ask unanimous consent Senator McCAIN be listed as a cosponsor of this amendment. He has no objection to this amendment being adopted. I urge we agree to the amendment by voice vote. Perhaps others may want to be heard.

Mr. WARNER. I accept, certainly, the statement by the Senator. I understand Senator McCAIN still has this matter under advisement.

Mr. DODD. He told me he wants to be a cosponsor so we will do that much, anyway.

I ask unanimous consent Senator McCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. DODD assumed the Chair.)

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the distinguished Presiding Officer of the Senate, the Senator from Connecticut, for his leadership on firefighting issues.

As Governor of South Carolina some years back, I helped to establish the Firefighting Institute in my State. I have always been interested in these issues and I continue to admire the bravery of our firemen. When I came to the Senate in the late 1960s during the civil rights era, protestors would pull the fire boxes during demonstrations. When the firemen came to the scene where the alarm was given, they were shooting the firemen. We lost several firemen as a result of this. At the time, there was a $50,000 benefit for the FBI and law enforcement personnel, but none, whatsoever, for the Federal firefighters. So we amended that in our committee to make sure we took care of the firefighters and their families.

The current initiative before us that Senator DODD first presented last year, is something firefighters around the country are looking for. We in government shortchange some, when it comes to prisons, when it comes to law enforcement, when it comes to firefighters. It has been my experience over the years of service that we take these public services for granted when it comes to funding.

I guess my frustration with this neglect is an outcome of growing up and coming along during the days of the Depression when anybody was glad to get any kind of job. The fact is, law enforcement officials and firefighters have historically been underpaid. We cannot accept this any longer. We can see the courage displayed in New York, and the magnificent sacrifices made.

Mr. WARNER. I say to the distinguished chairman, Senator McCAIN has now indicated he joins in full support of this measure, so I am prepared to agree to the amendment, with the distinguished Presiding Officer in the chair; is that agreeable?

Mr. HOLLINGS. If it is agreeable here.

The PRESIDING OFFICER. The Presiding Officer is very content for that to occur.

The question is on agreeing to the amendment.

The amendment (No. 1750) was agreed to.

Mr. WARNER. I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. HOLLINGS assumed the Chair.)

Mr. LEVIN. Talk about a seamless transition, as the Senator from Connecticut said, this is a seamless transition of the Presiding Officers.

The PRESIDING OFFICER. All working together.

### AMENDMENTS NOS. 1793 THROUGH 1808, EN BLOC

Mr. LEVIN. I ask consent it be in order to send 16 amendments to the desk, and I ask they be considered en bloc. I understand these amendments have been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes amendments numbered 1793 through 1808, en bloc.

Mr. WARNER. I wish to join my distinguished chairman in commending the hard work of our staff over the course of Friday, Saturday, Sunday, and today, working on this package. It is well known to all members of the committee what is included in the amendments. Therefore, the amendments have been cleared on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments Nos. 1793 through 1808 were agreed to, en bloc, as follows:

### AMENDMENT NO. 1793

(Purpose: To authorize, and authorize the appropriation of, $8,000,000 for military construction for the Air Force for airfield repairs at Masirah Island, Oman)

In section 2301(b), in the table, insert after the item relating to Osan Air Base, Korea, the following new item:

Oman ............... Masirah Island $8,000,000

In section 2301(b), in the table, strike the item identified as the total in the amount column and insert "$257,392,000".

In section 2304(a), in the matter preceding paragraph (1), strike "$2,579,791,000" and insert "$2,587,791,000".

In section 2304(a)(2), strike "$249,392,000" and insert "$257,392,000".

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### AMENDMENT NO. 1794

(Purpose: To authorize the Secretary of the Navy to acquire land for the Harvey Point Defense Testing Activity in Hertford, North Carolina)

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2827. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.**

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

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### AMENDMENT NO. 1795

(Purpose: To provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin)

At the appropriate place in the bill insert the following sections:

**SEC. . LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.**

(a) CONVEYANCE REQUIRED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

**SEC. . TREATMENT OF AMOUNTS RECEIVED.**

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

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### AMENDMENT NO. 1796

(Purpose: To increase by $22,700,000 the amount for the Air Force for missile procurement for the nuclear detonation detection system program, and to provide an offset)

On page 18, line 14, increase the amount by $22,700,000.

On page 23, line 12, reduce the amount by $22,700,000.

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### AMENDMENT NO. 1797

(Purpose: To make permanent the authority to provide transitional health care for members of the Armed Forces who are involuntarily separated, and to extend eligibility for transitional health care under that authority to mobilized members of the reserve components)

On page 235, between lines 15 and 16, insert the following:

**SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.**

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation."; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

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### AMENDMENT NO. 1798

(Purpose: To authorize appropriations for fiscal year 2002 for military activities of the Department of the Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes)

At the appropriate place, insert:

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

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### AMENDMENT NO. 1799

(Purpose: To require a plan to ensure that the embarkation of civilian guests does not interfere with the operational readiness and safe operation of Navy vessels)

At the appropriate place in the bill, insert the following new section.

SEC. . PLAN.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

Procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate non-official civilian guests,

Guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

Guidelines and procedures for supervising civilians operating or controlling any equipment of Navy vessels,

Guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians,

Any other guidelines or procedures the Secretary shall consider necessary or appropriate.

Definition. For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

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### AMENDMENT NO. 1800

(Purpose: To express the sense of the Senate on defense burdensharing by allies of the United States)

At the end of subtitle B of title XII add the following:

**SEC. 1217. ALLIED DEFENSE BURDENSHARING.**

It is the sense of the Senate that—

(1) the efforts of the President to increase defense burdensharing by allied and friendly nations deserve strong support;

(2) host nation support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which sets forth a goal of obtaining financial contributions from host nations that amount to 75 percent of the nonpersonnel costs incurred by the United States government for stationing military personnel in those nations.

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### AMENDMENT NO. 1801

(Purpose: To make available $650,000 for the Defense Language Institute Foreign Language Center for an expanded Arabic language program)

At the end of subtitle D of title III, add the following:

**SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.**

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

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### AMENDMENT NO. 1802

(Purpose: Authorization.—$3,000,000 is authorized for appropriations in section 301(5), for the replacement or refurbishment of air handlers and related control systems at Keesler AFB Medical Center)

At the appropriate place in the bill, add the following:

**SEC. 301(5). AUTHORIZATION OF ADDITIONAL FUNDS.**

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

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### AMENDMENTS NO. 1803

(Purpose: To require an annual assessment and report on the vulnerability of Department of Energy facilities to terrorist attack)

On page 553, between lines 12 and 13, insert the following:

**SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.**

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

"ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

"SEC. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

"(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

"Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.".

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### AMENDMENT NO. 1804

(Purpose: To eliminate a restriction on the use of certain vessels previously authorized to be sold)

On page 396, between lines 13 and 14, insert the following:

**SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.**

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking "for full use as an oiler".

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### AMENDMENT NO. 1805

(Purpose: To authorize the Secretary of the Navy to fund Department of Veterans Affairs space renovations when the Secretary of Veterans Affairs makes additional land available to the Navy at Great Lakes Naval Training Center)

At the end of subtitle A of title III, add the following:

**SEC. 306. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.**

(a) AVAILABILITY OF FUNDS FOR RENOVATION.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) LIMITATION.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

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### AMENDMENT NO. 1806

(Purpose: To provide an amount for the training of active duty and reserve component personnel in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction)

On page 65, after line 24, insert the following:

**SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.**

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

### AMENDMENT NO. 1807

(Purpose: To authorize the acceptance of contributions for the repair of the damage to the Pentagon Reservation caused by the terrorist attack on September 11, 2001 or establishment a memorial of the attack at the Pentagon Reservation)

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2844. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.**

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code.

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### AMENDMENT NO. 1808

(Purpose: To authorize payment of career continuation bonuses for aviation officers and surface warfare officers for early commitments to remain on active duty)

On page 192, after line 20, insert the following:

**SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.**

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

### AMENDMENT NO. 1797

Mrs. CARNAHAN. Mr. President, last week I spoke of a group of Americans who will be on the front lines of the new war on terrorism—reservists and national guard members. President Bush has authorized the call-up of 50,000 of these citizen soldiers.

Together with a bipartisan group of Senators, I offered legislation that I believe would greatly support these brave men and women, and their families. This amendment would allow those called to active duty and their families to have access to uninterrupted health care coverage. My amendment is based on legislation I introduced with Senator DEWINE earlier this year. It would allow reservists returning from deployments, to extend their TRICARE coverage for close to six months or until their civilian health insurers returned their coverage to them.

Today, I have expanded the scope of this legislation to cover not only reserve components, but two other categories of military personnel who will require help transitioning to civilian life once their active duty service has ended.

First, there are active duty personnel who are involuntarily retained. These are personnel who were scheduled to separate from military service, but were ordered to stay on active duty to support military operations in times of crisis. Second, there are those who are involuntarily separated. These are personnel who are downsized after a large mobilization such as the one the President has ordered.

Our military personnel need to know that their Nation will not turn its back on them or their families. Today I offer an amendment that will ensure that they receive adequate health care when they return from active duty.

My legislation will build off of a Gulf War era statute that is set to expire this year. Under previous laws, involuntarily retained and separated servicemen and women were allowed to extend their military health care coverage for a certain period of time, depending on their length of service.

Service men and women with over 6 years of active duty service could extend their TRICARE benefit for up to 120 days after they separated from service. Those with under 6 years would be allowed to extend their coverage for up to 60 days after they separated from service.

I understand that the Department of Defense was going to request re-authorization of this benefit in light of the current crisis. However, their request will probably not come to Congress in time to be attached to the fiscal year 2002 authorization bill. It is time that we act now, in the name of these brave soldiers, sailors, airmen, and Marines. But moreover, we must expand this benefit to other critical parts of our force—reservists and national guard members.

Currently, when Reservists are called up, they are temporarily considered active duty components. While they are in harm's way, members of the reserves and national guard, and their dependents, are entitled to the same military health care coverage as other military personnel—what is called, TRICARE. Reservists who have deployed for more than 30 days during a major contingency may extend their military health care coverage for 30 days after they return.

My amendment will provide comfort to thousands of military families whose loved ones risk their lives defending our Nation. But more importantly, it would be part of our national effort to unite behind our troops during this time of national crisis.

Over 50,000 reservists may soon be called into service. As President Bush himself has said, "We're talking about somebody's mom, or somebody's dad, somebody's employee, somebody's friend, or somebody's neighbor."

I want to thank both Senators LEVIN and WARNER as well as their staffs for their important assistance in writing this legislation. Together, we crafted a measure that will assure our service personnel that when they return home they will not be denied health care because of their military service.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe now we have cleared the decks of all cleared amendments. We are hoping more can be cleared yet tonight. We will be here at least for a few minutes. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent the Senator from Maryland, Mr. SARBANES, and the Senator from Maine, Ms. SNOWE, be added as cosponsors of the just-adopted fire act amendment, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I further ask unanimous consent that any additional Members have until the close of business today to add themselves as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, if I may, I want to take just a few minutes, while the chairman and ranking member are off the floor, to comment on some other aspects of this bill that is before us, the Department of Defense authorization bill, and to comment about a larger measure.

I have filed an amendment which I may offer. I doubt if I will, but I want to talk about it, if I may. I rise to speak about the election reform provisions contained in the DOD authorization bill. First, let me applaud the members of the committee for including these provisions in the DOD authorization bill.

We are all familiar with the fact that last year in the national elections there were issues raised about the ability of our men and women in uniform to cast ballots and have those ballots counted. I know the Presiding Officer, the Senator from South Carolina, who represents major military installations in his State, men and women from his State who have served in significantly high numbers, has talked about their right to vote.

At this very hour, as we are gathered here, many of them are scattered to the four corners of the globe, protecting and defending the interests of our Nation. There were provisions adopted in the committee print which I think go a significant way toward minimizing the kinds of irregularities and problems our men and women in uniform witnessed last year in casting their ballots and having their ballots counted.

As we prepare to defend our democracy, as we talk about this the most significant of the bills we debate and discuss on national security, I think it is vital that we also work together in a bipartisan fashion to strengthen our democracy at home. So I commend and thank our colleagues for adding these provisions to the Defense authorization bill.

This is a new world, as we have all heard repeated over and over again during the last several weeks. We are living in a new world where our very democracy is under assault. In fact, if I can quote from President Bush's recent speech to the joint session of Congress, the reason we are under attack is because of our democratic system. As the President said just a few nights ago:

> They hate what they see right here in this Chamber, a democratically elected government. Their leaders are self appointed. They hate our freedoms: Our freedom of religion, our freedom of speech, our freedom to vote and assemble, and to disagree with each other.

Those are important statements. So as we prepare to send troops possibly into harm's way, it is necessary that we try to do everything we can to secure for these brave men and women their precious freedom—the freedom to vote.

I can think of few more important statements the United States could make to terrorists than to take steps to strengthen and secure the right to vote for all eligible Americans, and to have their votes counted. If the terrorists harbored any illusions that they would destabilize our democracy by perpetrating acts of evil against innocent people, our determination to strengthen the right to vote proves that the terrorists are sadly mistaken.

The provisions of this bill help ensure that right by setting uniform nondiscriminatory voting standards, residency requirements, and registration of balloting rights for uniformed service voters and their spouses and dependents. There are over 6 million men and women who serve in our uniformed services. These citizens put themselves on the line and are at risk every day to protect our Nation. Yet, in some cases, when they cast their votes, those votes have not been counted. This is unacceptable. It is most appropriate that we address this inadequacy in the text of the Department of Defense authorization measures.

I fully support these provisions which provide for certain minimum Federal requirements for voting and registration. Specifically, this provision requires States to ensure that each voting system used within a State for elections for Federal, State, and local offices, provide overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States; second, to count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniform services voter to the proper official and is otherwise valid; third, it permits absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in primary, general, special, and runoff elections for State and local offices; lastly, to accept and process any voter registration application from an absent uniformed services voter if the application is received by the State official not less than 30 days before the date of the election and is otherwise valid.

I fully support all of these Federal requirements. Importantly, this bill mandates these requirements. The bill doesn't say that it would permit any State to opt out of these desperately needed reforms. These are mandates. The States shall do this regardless of jurisdiction. These men and women are serving in our Federal uniformed services. They are protecting our Nation.

Whether they are voting for a local office or the Presidency of the United States, we have to mandate these requirements.

The chairman of the committee, the ranking member, and Republicans and Democrats alike support mandated provisions in the context of voting rights for uniformed services voters.

The only way to guarantee that such requirements become part of the voting rights for uniformed services voters is in fact to mandate them and to give the States the resources they may require to implement these provisions.

This bill is an important and long overdue effort to ensure that our uniformed services voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community they live in, either abroad or in America, have an equal opportunity to cast their votes and have their votes counted.

But we also need to make sure that when these uniformed services voters and their families return to civilian life, their rights to vote remain protected regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live—whether it is abroad or in America, in my view.

Today we are ensuring in this bill the right to cast a vote and have that vote counted for our uniformed services voters.

I see the presence of the distinguished ranking member, Senator WARNER. I commend the Senator and Senator LEVIN for incorporating these voting rights for our men and women in uniform.

Before this Congress recesses for the year, or in the alternative, at the earliest opportunity next year, I hope we set similar minimum Federal standards to ensure the same opportunity for all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live—whether it is abroad or in America.

We must enact such comprehensive election reforms while there is time to affect the elections for Federal offices in the year 2002 to the extent possible, and more particularly the next Presidential election in the year 2004.

To this end, I have filed my comprehensive election reform bill, S. 565, the Dodd-Conyers bill, as an amendment to the Defense Department authorization act. The Rules Committee ordered this measure reported on August 2 by a vote of 10-0. The Dodd-Conyers bill—the Equal Protection Voting Rights Act of 2001—I believe, as well as 51 of my colleagues, is the strongest and most comprehensive election reform proposal that has been introduced in Congress today. For that reason, it enjoys more support than any other election reform bill in both Houses. Some 211 Democrat and Republican and independent Members of Congress support this legislation.

Let me briefly describe once again to my colleagues what this bill will do. In fact, it is completely consistent with the provisions contained in this DOD authorization bill for the men and women in uniform.

Specifically, the Dodd-Conyers bill creates a temporary commission to study election reform issues and then submit a report of recommendations in those areas.

It creates a grant program to States and localities for Federal funds to acquire updating voting systems and technology, improve voting registration systems, and educate voters and poll workers.

Lastly, it establishes three minimum Federal requirements for elections for Federal office, effective year 2004, with authorization for appropriations to pay for these requirements.

These three requirements are:

No. 1, Federal standards for voting systems, machines and technology;

No. 2, provisional voting; and

No. 3, distribution of sample ballots and voting instructions.

These three areas are not radical ideas for Federal requirements. The Federal standards for voting machines do not dictate what specific voting machine ought to be used by States and localities. How people vote in Virginia, South Carolina, Connecticut, or Michigan ought to be up to what local people want to do; which machine; which system they want to have in place. We don't decide that at the Federal level. We do not use the approach of "one size fits all". On the contrary, in my bill States are merely required to adopt the Federal standards for voting systems and equipment governed by the Federal Election Commission. At this time, over 36 States have voluntarily adopted these VSS standards. Those standards do not require specific machines or software but rather specific functionality and performance. For example, voting systems must have some error notification functions, be accessible to disabled voters, and have a capacity for audit trail to avoid fraud. Those basic requirements are not terribly complicated. I don't think that is a radical idea in the 21st century.

When you are voting for the Presidency of the United States, and when you are voting for the national assembly, how people vote in one jurisdiction affects the votes of others in other jurisdictions. You are not just voting for a local office. If you get it wrong in Connecticut when voting for the President, then voters in South Carolina have their vote diluted because the outcome could affect how they cast their ballots from South Carolina.

In Presidential elections, a national Congress having minimum Federal Standard that applies to all 50 States is absolutely required. Otherwise, you lend yourself to be open to the probability that in local areas where voters may not be allowed to vote, or the votes can't be counted, the overall outcome is affected. That dilutes the rights of other voters in other jurisdictions who have done it right and is a violation of the "one person, one vote" principle. This is not a radical idea.

The second requirement is provisional voting. Again, this is not a radical idea. Many jurisdictions already do it.

Very simply, someone shows up to vote. They claim they have registered to vote. They have filled out all the paperwork. And, for whatever reason, the person sitting in that precinct says: I am sorry, we don't have your name on the voter registration lists or there is a challenge for some other reason. We don't think you are registered to vote. At that point, you become a provisional voter. You allow that person to cast their ballot. Like an absentee ballot, you set it aside and allow that process to go forward. The person casts their ballot, the ballot is set aside, and at the end of the process, you go back and determine whether or not the voter was an eligible voter and otherwise entitled to cast a vote and have that vote counted. If the voter was right, you cast the ballot. If the voter was wrong, you don't cast the ballot.

This is not terribly complicated. I think, depending on the definition of "provisional ballot" process used, all jurisdictions already have some form of "provision balloting". Again, it allows people who believe they have voted—in many cases properly registered—to then actually cast their ballot and have that vote counted.

Thirdly, the distribution of sample ballots and voting instructions: Thus far, every jurisdiction has sample ballots, the issue is how and whether those sample ballots are distributed. Because of the many different factors that influence ballots, such as constitutional amendments or referendums, it can be costly and labor intensive to print and distribute such sample ballots.

Today, having people take a look at sample ballots before you actually go in to vote just might facilitate the process, raise the level of awareness, and give people a chance to become more familiar with what is on the ballot. It is a value.

Those are all three of the requirements. The big battle is over whether or not they ought to be voluntary or mandated.

In the DOD bill, we said when it comes to uniformed services, this is not a choice you have, it is mandated. If this bill is adopted, we will mandate that every jurisdiction in America—whether you like it or not—is going to see to it that men and women in uniform have the right to vote and their vote counted.

It is not a great leap to say if it is good for uniformed services voters, it is also good to mandate the three basic minimum Federal requirements for all eligible voters, particularly when you are talking about elections of the Presidency and the National Congress?

I am not going to offer this larger provision on this bill. We have already incorporated in committee the minimum voting requirements for men and women in uniform. I strongly support what the committee has done. But I do want to raise the issue.

I know in the midst of everything else that is going on, it is not terribly likely—although it may become likely if the session runs longer than some anticipate—to actually bring up the election reform bill.

I cannot think of anything we could do that would express our sense of unity as Americans—I guess memories may fade a little bit, and obviously the events of September 11 are so huge that many people may have forgotten the amount of time and attention the Nation took last year—almost a year ago—on November 7th with the national election. In the weeks that went by before we resolved what occurred, night after night we watched what happened in the State of Florida, because that State happened to be the pivotal one. I quickly point out the problems existed in almost every State. And in some States, Georgia and Illinois for example, the problems were much more significant than the problems in Florida, we now know.

But I think we ought to go back and remind ourselves of what occurred and how disappointed we were, as Americans, to see a voting system that had fallen into such disrepair. We were lecturing the rest of the world on how to vote. We had sent teams all over the globe, going to Third World countries, to show them how we do it in America. Well, now the world has gotten a good view of how we did it in America. Frankly, we were not terribly impressed nor was the world.

So I cannot think of a better message we could give to terrorists, and others who want to destabilize our country, than that we are going to get our voting system right, that we are going to come together, as Democrats and Republicans, and fashion a system that makes us all proud. My hope is that will happen.

As some may know, I have had discussions with my good friend from Missouri, Senator KIT BOND, who has some very strong ideas on how we could minimize voter fraud in this country. And it is a problem. He said something that I think is true, that we ought to have as sort of a slogan on this bill that it ought to be easy to vote and very difficult to commit fraud. And today it is hard to vote and maybe pretty easy to commit fraud. We need to reverse that trend.

So I am hopeful he and I can work out some proposal that we can present to the entire body here, possibly before we end this session of Congress. What a tremendous message we could send, that we are improving the voting process in this country. These requirements that I have laid out and talked about have already been adopted by many States.

The Voting systems standards have been voluntarily adopted by over 36 States. As I mentioned earlier, provisional voting, or some aspect of a provisional balloting procedure, has also been adopted in every State and the District of Columbia by statues. For example, 20 States have provisional balloting statutes, 12 States contain some aspect of the provisional process, not all of them and about 18 States have no provisional ballot statutes but contain some related provisions, such as same-day voter registration.

The third requirement is sample ballot distribution and voting instructions. It is fairly straightforward. My best information indicates that at this time all States and the District of Columbia have laws providing for some form of sample ballots. However, how these sample ballots are distributed appears to vary quite significantly from State to State.

I will not go into all the details here. I don't want to take the time of my colleagues. Suffice it to say that the committee deserves a great deal of credit for what they have done for our men and women in uniform. The Federal mandate ought to substantially minimize the problems that occurred a year ago across the nation for our men and women in uniform serving overseas when they want to cast votes and have their votes counted.

My hope is we can complete the process now by providing comprehensive election reform for every eligible American voter who desires to cast a vote and have that vote counted, just as we provide for our men and women in uniform. The men and women in uniform will be the first to tell you they do not want to be treated differently in that regard. They are citizens of the country. They are citizen soldiers, but citizens. And the right to vote and have your vote counted ought to be a right that is guaranteed to every eligible U.S. citizen who meets the requirements, regardless of race, ethnicity, disability, the language they speak, or the resources of the community they live in, whether abroad or in the United States.

So my hope is that in the midst of all the other things we are going to do to make our country stronger, to make it more secure, to protect our airports, to protect our buildings, to protect our people from the threats of terrorist attack, the one thing we might also try to do in the midst of all of this is to make our elections process stronger and prove that our democracy is strong.

It has been pointed out—I mentioned it earlier today—the tremendous heroic achievements of the passengers on the flight that crashed in Pennsylvania. Many of us believe that plane may have very well been headed for Washington, DC, and headed for this very building. We do not know exactly what happened there, but it appears as though some very heroic passengers took some very courageous action.

In fact, we do know from cell phone conversations that they did something that ought to remain in the minds of every one of us. They, in the midst of all of this, decided to have a vote about what to do, according to the cell phone conversations of several spouses who heard from their husbands.

Imagine this: Here are terrorists on a plane who are about to crash this plane—maybe into this very building, or some other facility; symbols of our democracy, our freedom, and our rights—and the passengers on that doomed aircraft decided to cast a ballot about what to do.

Mr. President, I would like to see us be able to cast our ballots as far as the eye can see in the future of this country, and to see that this process is strengthened, that every citizen, race, ethnicity, disability, the language they speak, the resources of the community in which they live, can have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.

I cannot think of a better message that we could send, beyond the things we are doing already, to those who are hiding in the shadows of the world tonight, possibly planning some form of terrorist attack, disregarding basic rights of people, than to say that in the target of your hostility, in a place called America, people have an equal opportunity to cast a vote and have those votes counted. We are going to make it stronger in the coming days and weeks, not weaker.

So I commend, again, the committee for their efforts. I further look forward to the opportunity when we can bring up a comprehensive election reform bill to right the wrongs and concerns that I think all of us agree occurred in last year's national elections. What better message can we send to the caves of Afghanistan, or wherever these people may be residing—they may be watching this debate—than that you may try, over and over again, to do everything to destabilize this country, but the people who cast their ballots on that plane that crashed in Pennsylvania are a reflection of who we are as a people. You will never deny us the right to vote and the right to choose our leaders democratically. I think the bill that JOHN CONYERS and I have offered in the House and the Senate, with some 51 cosponsors in this Chamber, goes a long way to achieving that desired result.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 1479 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

### AMENDMENTS NOS. 1809 THROUGH 1820, EN BLOC

Mr. LEVIN. Madam President, I ask unanimous consent that it be in order now to send 12 amendments to the desk and that they be considered en bloc. I understand these amendments have now been cleared by the other side.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, the amendments have been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I urge the Senate adopt these 12 amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 1809 through 1820, en bloc.

The amendments are as follows:

AMENDMENT NO. 1809

(Purpose: To authorize, with an offset, an additional $6,500,000 for research, development, test, and evaluation Defense-wide, with $5,000,000 allocated for the Big Crow Program and $1,500,000 allocated for the Defense Systems Evaluation program)

At the end of subtitle B of title II, add the following:

### SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

AMENDMENT NO. 1810

(Purpose: Authorization.—$2,500,000 is authorized for appropriations in section 201(1), in PE62303A214 for Enhanced Scramjet Mixing)

At the appropriate place in the bill, add the following:

### SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.

AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

AMENDMENT NO. 1811

(Purpose: To authorize, with an offset, $2,800,000 for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program)

At the end of subtitle A of title II, add the following:

### SEC. 203. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

AMENDMENT NO. 1812

(Purpose: To set aside funds for the critical infrastructure protection initiative of the Navy)

On page 65, after line 24, insert the following:

### SEC. 335. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.

Of the amount authorized to be appropriated by section 301(2), $6,000,000 may be available for the critical infrastructure protection initiative of the Navy.

AMENDMENT NO. 1813

At the appropriate place, insert:

STUDY AND PLAN.—

(a) With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH-1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH-1N helicopters currently flown by the Air Force with UH-60 Black Hawk helicopters, the UH-1Y, or another platform;

(3) replacement of UH-1N helicopters with UH-60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, "ARNG Helicopter Support to Air Force Space Command;"

(4) replacement of UH-1N helicopters with UH-60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and,

(5) other options as the Secretary deems appropriate.

(c) Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH-1N, the UH-60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d) The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

AMENDMENT NO. 1814

(Purpose: To require a report on health and disability benefits for pre-accession training and education programs)

On page 171, between lines 2 and 3, insert the following:

### SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

AMENDMENT NO. 1815

At the appropriate place, insert:

The Senate finds that a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

The Senate finds that the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

The Senate finds that the American people have responded with incredible acts of heroism, kindness, and generosity;

The Senate finds that the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

The Senate finds that the American people stand together to resist all attempts to steal their freedom; and

Whereas united, Americans will be victorious over their enemies, whether known or unknown: Now, therefore, it is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as "Unity Bonds"; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

### AMENDMENT NO. 1816

At the appropriate place, insert:

### SEC. . PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE.

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(3) by adding at the end the following new paragraph:

"(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his role and exclusive discretion, may—

"(A) without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

### AMENDMENT NO. 1817

(Purpose: To further improve benefits under the TRICARE program)

On page 222, line 17, and after "include comprehensive health care," insert the following "including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient,"

On page 226, strike line 15, and insert the following:

### SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

### SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs.

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.".

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section may be provided on a rental basis.".

### SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.".

### SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

### SEC. 710. EFFECTIVE DATE.

### AMENDMENT NO. 1818

(Purpose: To amend Title 5 of the United States Code to authorize payment of hostile fire pay to civilian employees of the federal government under certain conditions)

### SEC. . HOSTILE FIRE OR IMMINENT DANGER PAY

(a) IN GENERAL.—Chapter 59, Subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

**"§ 5949 Hostile fire or imminent danger pay**

"(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

"(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

"(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

"(c) For the purpose of this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

"(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

"Sec. 5949 Hostile fire or imminent danger pay.".

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

### AMENDMENT NO. 1819

(Purpose: To provide family support benefits for the families of members of the Armed Forces involved in national emergency operations of the Armed Forces)

At the end of title VI, add the following:

### Subtitle F—National Emergency Family Support

### SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

### SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf war.

AMENDMENT NO. 1820

(Purpose: To authorize the Secretary of Transportation, in consultation with the Secretary of Defense, to waive, or limit the application of, vehicle weight limits applicable to a route on the Interstate System in the State of Maine during a period of national emergency)

On page 363, after line 25, add the following:

### SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

AMENDMENT NO. 1809

Mr. BINGAMAN. Madam President, I am introducing this amendment with Senator DOMENICI to S. 1438, the fiscal year 2002 National Defense Authorization Act, to provide funds badly needed for two vital test support activities in the Department of Defense, DoD. The Big Crow program provides DoD with highly sophisticated airborne electronic warfare capabilities that enable us to test our newest weapon systems and technologies in a realistic battle environment in which electronic warfare is likely to be used. The system can also be used operationally if a requirement suddenly occurs. The Defense Systems Evaluation, DSE, program provides aircraft to replicate enemy and friendly aircraft in testing Army air defense programs and technology. Both of these programs provide vital test support assets used by all the military services. Unfortunately, it is typical for programs that provide cross-service support to be inadequately funded by their parent service organization. This year's President's budget request did not seek any funding for these programs, perhaps relying on the Congress, once again, to provide the emergency funds needed to keep them operating.

Thus we find ourselves again this year, seeking the funding needed for these two programs in order for them to continue to provide vital test support activities for all of the military services. The amendment, which Senator DOMENICI and I offer, will provide the minimum necessary funding to enable Big Crow and DSE to operate during fiscal year 2002.

There are other test support programs in the DoD that suffer the same circumstance as the two for which I am seeking funding. They refer to them in the Pentagon as "the orphans." The Defense Science Board, DSB, recently completed a review of operational testing and evaluation in the Department of Defense and published a report containing a number of significant recommendations about how to improve that process to make it more effective and efficient. The DSB recommended that DoD seek ways to encourage and implement joint service testing. Among their recommendations, the DSB endorsed budget oversight responsibility for orphan programs such as Big Crow and DSE to the Director, Operational Test and Evaluation in the Office of the Secretary of Defense. Actual test and evaluation activities would remain the province of the military services.

This year's Defense authorization bill reported out by the Armed Services Committee contains a provision requesting the Secretary of Defense to review the DSB report and to submit recommendations regarding its implementation with the budget request submission for fiscal year 2003. I am hopeful that the Secretary will endorse the DSB findings so that the Department will finally exercise appropriate oversight and support for cross-service test activities. In the meantime, the amendment I am introducing is necessary to keep those essential test activities underway. I urge my colleagues to support its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 1809 through 1820, en bloc.

The amendments (Nos. 1809 through 1820) were agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, we had hoped and expected there was going to be an additional amendment of Senator HOLLINGS to which Senator WARNER and I had agreed, but there was a last minute objection, I believe, on the Republican side. We will try to do the best we can on that in the morning.

Mr. WARNER. Madam President, the chairman is correct. We believed we had it worked out, and at the last minute there was an objection on this side.

## MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I ask unanimous consent that it be in order for me to deliver my remarks from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CAREER-ENDING HONORS FOR GENERAL HENRY H. SHELTON

Mr. HELMS. Madam President, this morning marked an unmistakably glorious conclusion to the remarkable military career of one of North Carolina's most famous citizens, GEN Henry H. Shelton.

It occurred at Fort Myer, VA, with scores of America's best-known leaders—both military and civilian, on hand for the spectacular event.

All branches of the armed services participated. The Secretary of Defense, for example, Don Rumsfeld, was there, as was Secretary of State Colin Powell. The marching bands didn't miss a cue or a note. It was splendid, every minute of it, in every detail.

General Shelton's farewell remarks were a modest review of the many things he had seen and things he had done in many places around the world. His wife Carolyn's eyes brimmed with tears a few times, a measurement of her pride in, and her love for, her remarkable husband.

All in all, it served to make those of us present a bit prouder of our country as we surveyed the troops from all of the services and heard the bands strike up.

I believe Senators will enjoy reviewing the address by GEN Henry H. Shelton on this, the morning of his retirement from the U.S. Army—and especially, as General Shelton turned over the chairmanship of the Joint Chiefs of Staff to his friend, GEN Dick Myers.

Therefore, I ask unanimous consent that General Shelton's farewell address be printed in full in the RECORD.

I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REMARKS BY GENERAL HENRY H. SHELTON, USA, ARMED FORCES FULL HONOR TRIBUTE, SUMMERALL FIELD, FORT MYER, MONDAY, 1 OCTOBER 2001

Secretary Powell, Secretary and Mrs. Rumsfeld, Secretary Principi, Director and good friend George Tennant of CIA, members of the diplomatic corps, distinguished members of Congress to include the delegation from my home state of North Carolina Senator Jesse Helms, Senator John Edwards, and Congressman Bob Etheridge, Deputy Secretary Wolfowitz, Service Secretaries, Fellow Chiefs of Defense, Members of the Joint Chiefs of Staff past and present to include my predecessor and old mentor General David Jones, Commanders-in Chief of our Combatant Commands, fellow flag and general officers, distinguished guests, family and friends, and especially, the men and women of our Armed Forces, represented here today by the magnificent soldiers, sailors, airmen, marines, and coast guardsmen, standing proud and tall in the ranks before us.

Thanks to all of you for being a part of this ceremony during this very busy and trying time and for honoring Carolyn and me with your presence. Thank you Secretary Rumsfeld for those kind words. Carolyn and I deeply appreciate your comments and the awards. There are so many here today that I'd like to thank personally, and many who traveled great distances to get here like Ms. Connie Stevens from LA and Johnny Counterfit and wife from Nashville, Tennessee, and CSM Felix Acosta, a great soldier from Bristol, Tennessee, old friends from Atlanta, Tampa, and Fayettesville, North Carolina, the center of the universe, and finally friends from NC State University.

Ladies and gentlemen, this ceremony marks the end of an extraordinary journey: 38 years as a soldier in the service of our country. Now 38 years may seem like an awfully long time, and it is, but as I near the finish line, it feels like I've been driving a powerful Corvette at high speed with time and distance flying by. I can vividly recall the year 1963, when Carolyn and I made the drive from Speed, North Carolina to Fort Benning, Georgia, in the days following my commissioning as a Second Lieutenant from NC State University. Like all young men, I had many dreams and grand thoughts, and also some trepidation about the future. Someone asked me the other day if during those early days if I ever imagined being here today. My response was I was too busy doing my duty as a 2nd Lieutenant and wasn't even thinking beyond 1st Lieutenant. If I had imagined it, it probably would have scared me to death. But, what a truly incredible journey this has been for a farm boy from North Carolina. America is truly a great land of opportunity.

But I didn't make the trip alone. So today it's important and necessary that I recognize and thank those who made that journey possible. First, my parents, my mother Patsy is here today, who shaped my character and instilled the values, which have served me well, throughout the trip. My brothers, David and Ben, and sister, Sarah, whose support was always felt. And my wonderful wife, Carolyn, who has been with me every step of the way through 27 moves, raising three wonderful sons, Jon, Jeff, and Mark, and through countless separations in times of war and peace. While I'm grateful to God for many things in my life, none compares with the love and pride that I feel with Carolyn by my side. Thank you for joining me on every step of this journey. Carolyn. And, as I reflect these past four years as Chairman, I fully realize that Carolyn and I need to express our thanks to many of you in the audience today.

I first need to thank the two Commanders-in-Chief for whom I've had the honor and privilege of serving. President Bush and President Clinton. I thank President Clinton for giving me the opportunity of a lifetime only four short years ago to serve as this Nation's 14th Chairman of the Joint Chiefs.

This assignment has indeed been the highlight of my career, for the greatest honor that any military leader could ever have is to represent America's soldiers, sailors, airmen, marines, and quite often our coastguardsmen back here in Washington. And for that I'll always be grateful. I also need thank our current Commander-in-Chief, President Bush, for the complete trust and confidence he has shown in me these past nine months. Our nation is truly blessed to have President Bush's strong leadership, integrity, and gritty resolve during this difficult time.

I also need to thank the two great Secretaries for whom I have worked during this tour of duty, Secretary Rumsfeld and Secretary Cohen. And both, like me, married above their "raising" with Janet Cohen and Joyce Rumsfeld. I thank Secretary Cohen, for the chance he gave me to serve our Nation in this capacity, and to Secretary Rumsfeld for the opportunity to continue to serve and for your trust and confidence. What I found fascinating about these two gentlemen is not what makes them different, but rather what makes them so similar. First, they are true patriots who deeply love their country and all that it stands for. And second, they both share many of the same attributes: strength of character; vision; determination;and an unyielding desire to build and maintain the finest Armed Forces in the world. Thanks to both of you for your trust and confidence, your personal sacrifices to serve our Nation, and for your willingness to stand up for the right thing for our men and women in uniform. Our Nation has been, and will continue to be, blessed by your service.

I also need to recognize the extraordinary loyalty and support of my two Vice Chairmen, General Joe Ralston and Chairman Dick Myers. I'm proud of all that we've accomplished. Joe and Dick, your wise counsel and unfailing support made the difference, time and gain, as we confronted a host of difficult challenges and I thank you. I will always be indebted to you both. And Dick, I couldn't be more pleased that the President picked you as my successor. You're a superb warrior, a visionary leader, a true professional and a great friend. And I know that our men and women in uniform are in good hands with you at the helm.

I would also like to give a heartfelt thanks to each of the Service Chiefs here today, for your outstanding support, advice, candor, and friendship, Ric, Vern, Jim Jones, John, and Jim Loy. You, and the great group of Service Chiefs you succeeded have redefined what selfless service, character, and teamwork really means. I have watched with admiration your effective stewardship of your respective Services, and, it's largely a tribute to your efforts that our Armed Forces are well trained, fully armed, and ready to fight and win. You're an awesome team.

I also need to recognize our superb warfighting CINCs. Our country has been blessed the past four years with a select group of incredibly talented professionals charged with leading our warfighting commands. And leading is precisely what they have done. I want to thank each of you for your continued service to country and for your devotion to the men and women who defend our way of life.

And a big thanks to our Command Sergeant Majors and Senior Enlisted Advisors here today, and the magnificent NCO Corps you represent, the factor that truly is our greatest strength as an Armed Force and always the reason behind our success. And, finally, thanks to our great soldiers, sailors, airmen, marines, and coastguardsmen—always at the point of the spear, flying their aircraft, sailing their ships, and patrolling their sectors far from home. They have never let our Nation down and they never will. They stand ready for the challenges ahead!

With my time on active duty fast drawing to a close, Carolyn and I will soon finish packing our bags for one last government move. Already packed away is a lifetime of memories. I'll remember: Thousands of faces, both in peace and war, comrades who fell beside me giving the ultimate sacrifice and their families whose lives were changed forever, the welcome tug of nylon straps as a parachute snaps open, the pride of grasping a guidon or unit colors on a parade ground and the thrill of seeing our red, white, and blue flag unfurl in the morning breeze, the familiar feel of a uniform carefully laid out each night for 38 years, the call to vigilance as the last haunting note of taps rings out in the night or is played in tribute to a fallen comrade, the extraordinary privilege of leading troops, and finally, my days spent with all of you during these past four years.

For those of you here in uniform, for the past 38 years, I've served with you and many thousands of your predecessors, in the central highlands of Vietnam, in the sands of Saudi Arabia, Kuwait and Iraq, hitting the beach at Port-au-Prince, and scores of major exercises preparing for war. I have no doubt that you will stand proud, tall, and vigilant against those who seek to destroy the enduring freedom we enjoy as Americans.

Mr. Secretary, in my heart, I know that our Nation and our Armed Forces are in good hands and I wish you and the President all the best as you set a new course for our country in the difficult and uncertain months ahead. In many ways, I'm reminded of the time in the late 1930s when the winds of war began to envelop Europe. Winston Churchill observed at the time, "Civilization will not last, freedom will not survive, peace will not be kept unless a very large majority of mankind unite together to defend them."

Ladies and gentlemen, recently, evil and barbaric attacks have been made against the United States and the citizens of the world. Our President responded with a similar call to all nations to join together in a combined campaign against international terrorism. And in President Bush's recent speech to the joint session of Congress, he ordered those of us in uniform to "be ready." Mr. Secretary, on this day as I leave office, I'm proud to report to you that America's military is ready!

Farewell my friends, my colleagues, and farewell to you, our Nation's splendid Armed Forces. Carolyn and I shall miss you all. As President Bush said recently, "In all that lies before us, May God grant us wisdom and may he watch over the United States of America." Thank you and may God Bless.

Mr. WARNER. Madam President, I commend my distinguished colleague from North Carolina. I, too, want to associate myself with his remarks on the distinguished career of General Shelton. In my 23 years in the Senate, I have worked with many chairmen and each has had his own strengths. The strengths of this fine man were towering. He had a sense of humility and composure that was always with him. I never thought that there was a time when he overreached. He was always calm, collected, and confident and rendered magnificent service to two Presidents, which is unique. Above all, I remember when the Senate Armed Services Committee would have him come before it, most often with the other chiefs, and, frankly, in a respectful way to the Commander in Chief—at that time President Clinton—would properly say, I respect my Commander in Chief but we do not have sufficient funds in the budget for the defense of this Nation to meet our needs. Then he would very carefully lay out those requirements that he and his fellow chiefs sitting there before the committee—and indeed I think it was before the Appropriations Committee—the Presiding Officer who recalls the time that he appeared, and he laid down with clarity the needs of the men and women of the Armed Forces in our defense, even though those figures were at variance with the budgetary submissions by the President.

In the very simple, plain language that the foot soldier understands, that man had guts.

Mr. LEVIN. Will the Senator yield so I may add my compliments to the Senator from North Carolina for his remarks?

Mr. WARNER. Yes.

Mr. LEVIN. I join with the Senator from North Carolina in paying tribute to Hugh Shelton. I have also had the opportunity to work with him, and I am a great admirer and fan of his. I also must join my good friend from Virginia in saying that his appearances—and there were many before our committee—would be the highlight of our committee's activities. His briefings were always to the point and delivered with extraordinary modesty for somebody who had a right to really deliver them with claims of experience, but he never used that. He just used common sense, calm, and wisdom. His authority came from inside, not kind of an outward claim to boast.

He was an extraordinary human being, and I just want to thank the Senator from North Carolina for his remarks. I join with him. I always remember that air campaign in Kosovo, of which he really was a leader. I think it was a magnificent success in good measure because of that leadership.

Mr. HELMS. I thank the Senator.

Mr. EDWARDS. Madam President, I rise today to pay tribute to a great North Carolinian, General Hugh Shelton.

Since 1997, General Shelton has served our nation well as the 14th chairman of the Joint Chiefs of Staff. But the men and women stationed in my State benefitted from his leadership long before he was confirmed as Chairman.

Early in his career, General Shelton commanded the 1st Brigade of the 82nd Airborne Division at Fort Bragg, NC. In 1989, he began a two-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division-Air Assault. That tour included a seven-month deployment to Saudi Arabia for Operations Desert Shield and Desert Storm. When he returned from the Gulf, he was promoted to major general and returned home to assume command of the 82nd Airborne Division stationed at Fort Bragg.

In 1997, the Senate confirmed his nomination to chairman, making him the first Green Beret to command our military. The Senate reconfirmed him in 1999.

For 38 years, General Shelton has served his country honorably. He has received the Legion of Merit, the Bronze Star Medal with V device as well as the Purple Heart. Among other honors, he also earned the Master Parachutist Badge, the Air Assault Badge, the Combat Infantryman Badge and the Military Freefall Badge. And in a ceremony today at the Pentagon, the general will receive his fourth Defense Distinguished Service Medal.

He is a native of Tarborro and a graduate of North Carolina State University. He and his wife Carolyn have three sons. The Sheltons' children have followed their father's example of service to the country—his son Jonathan is a special agent for the U.S. Secret Service and his son Jeffrey is a U.S. Army Special Operations soldier.

These are uncertain and difficult times for our Nation. And, true to his dedication as a soldier in the U.S. Army, General Shelton admitted to being reluctant about retiring now. In fact, last week, the general said "I feel like the quarterback of a football team that went out on the field and he's behind by one touchdown but he knows his team's going to come through and win. But you're in the first quarter and all of a sudden the coach sends a player out to tell you your eligibility just expired."

But as General Shelton must surely know, his retirement does not end the tremendous influence he has had on our military and the defense of this nation. His work will live for years to come. I am so grateful to call him my friend, and North Carolina is proud to call him our son.

## U.S.-GERMANY RELATIONS

Mr. LUGAR. Madam President, I rise today to share a wonderful story illustrating the outpouring of support which the United States has received from friends and allies around the world in the days since the attacks on the World Trade Center and the Pentagon on September 11. I recently joined Senate and House colleagues for a luncheon sponsored by the Congressional Study Group on Germany. Former Congressman Larry La Rocca, a Democrat from Idaho, hosted the luncheon to provide Members of Congress with an opportunity to meet the new German Ambassador, Wolfgang Ischinger.

During Congressman La Rocca's introduction, he read an e-mail a close friend of his received from his son serving in the U.S. Navy aboard the USS *Winston Churchill*. The Congressman read the e-mail as a timely reminder of the close relationship between the United States and Germany. I found the story to be inspiring, and I wish to share it with my colleagues and the American people.

Mr. President, I ask unanimous consent that a copy of this e-mail be inserted into the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### MESSAGE HOME FROM AN ENSIGN STATIONED ABOARD USS "WINSTON CHURCHILL"

DEAR DAD: Well, we are still out at sea, with little direction as to what our next priority is. The remainder of our port visits, which were to be centered around max liberty and goodwill to the United Kingdom, have all but been canceled. We have spent every day since the attacks going back and forth within imaginary boxes drawn in the ocean, standing high-security watches, and trying to make the best of our time. It hasn't been that much fun I must confess, and to be even more honest, a lot of people are frustrated at the fact that they either can't be home, or we don't have more direction right now. We have seen the articles and the photographs, and they are sickening. Being isolated as we are, I don't think we appreciate the full scope of what is happening back home, but we are definitely feeling the effects.

About two hours ago the junior officers were called to the bridge to conduct Shiphandling drills. We were about to do a man overboard when we got a call from the *Lutjens* (D185), a German warship that was moored ahead of us on the pier in Plymouth, England. While in port, the *Winston S Churchill* and the *Lutjens* got together for a sports day/cookout on our fantail, and we made some pretty good friends.

Now at sea they called over on bridge-to-bridge, requesting to pass us close up on our port side, to say goodbye. We prepared to render them honors on the bridgewing, and the Captain told the crew to come topside to wish them farewell. As they were making their approach, our Conning Officer announced through her binoculars that they were flying an American flag. As they came even closer, we saw that it was flying at half-mast.

The bridgewing was crowded with people as the Boatswain's Mate blew two whistles—Attention to Port—the ship came up alongside and we saw that the entire crew of the German ship were manning the rails, in their dress blues. They made up a sign that was displayed on the side that read "We Stand By You."

Needless to say there was not a dry eye on the bridge as they stayed alongside us for a few minutes and we cut our salutes. It was probably the most powerful thing I have seen in my entire life and more than a few of us fought to retain our composure. It was a beautiful day outside today.

We are no longer at liberty to divulge over unsecure e-mail our location, but we could not have asked for a finer day at sea. The German Navy did an incredible thing for this crew, and it has truly been the highest point in the days since the attacks. It's amazing to think that only a half-century ago things were quite different, and to see the unity that is being demonstrated throughout Europe and the world makes us all feel proud to be out here doing our job. After the ship pulled away and we prepared to begin our man overboard drills the Officer of the Deck turned to me and said "I'm staying Navy." I'll write you when I know more about when I'll be home, but for now, this is probably the best news that I could send you. Love you guys.

### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 7, 2001 in Ashburn, GA. Robert Martin, 32, was hospitalized in critical condition after being found lying outside an abandoned school with head injuries from a blunt object. In early April, Martin died as a result of the injuries. The Georgia Bureau of Investigation is investigating but has no suspects. Press reports indicate that Martin had been beaten and harassed before because of his perceived homosexuality.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

### AN IMMEDIATE RESPONSE FROM NEW JERSEY

Mr. CORZINE. Madam President, it is with deep pride and a certain humility that I rise today to pay tribute to the women and men of New Jersey who in the midst of very personal loss and deep sadness, responded immediately to the rescue and recovery efforts that followed the despicable attack on the World Trade Center.

In the face of risk and danger, courageous New Jerseyans stepped forward and brought a powerful message to the innocent victims and their desperate families: "You are not alone."

New Jersey firefighters, police, EMTs, technicians, nurses, doctors, construction workers and welders, worked tirelessly through day and night. New Jersey residents came out in force to donate blood, supplies, and resources. The open doors of New Jersey schools, places of worship, and homes welcomed the weary, the hungry, and the wounded.

All of this was done in the spirit of kindness and generosity, of selflessness and bravery that makes our nation the strongest in the world.

That spirit motivated the undaunted and determined passengers of United Flight 93, many of whom were New Jerseyans, to take action against hijackers for the noblest cause, so others might live.

Now that same spirit carries through communities around New Jersey where families and friends, neighbors and strangers alike, gather to console one another in this time of grief and anguish. Let there be no doubt, we are all in this together.

To the men and women of New Jersey who have reached out to others in this time of unspeakable devastation, may the peace that you share be an example for all the world. Your heroic deeds will never be forgotten.

## ADDITIONAL STATEMENTS

### RECOGNITION OF THE CALVARY CHAPEL CHRISTIAN SCHOOL

● Mr. DOMENICI. Mr. President, I rise today to recognize the achievements of the Calvary Chapel Christian School in Santa Fe, which today will be named a State Champion by the President's Council on Physical Fitness and Sports. The Calvary Chapel Christian School was selected for this prestigious honor based on their students' accomplishments in the President's Challenge Physical Activity and Fitness Awards Program. This program was originated by President Lyndon Johnson in 1966 and is especially important today given the increasing physical inactivity among American youth.

Calvary Chapel Christian School had a remarkable number of students that earned high scores on the President's Physical Fitness Challenge. These students demonstrated their abilities in four different physical fitness tests that tested agility, flexibility, strength, and endurance. This achievement is all the more prestigious given what the President's Council on Physical Fitness and Sports labels an "epidemic of physical inactivity" among American youth. More than one-third of high school students do not participate in vigorous physical activity on a regular basis. This epidemic has contributed to an increase in several medical problems, such as diabetes, obesity, and osteoporosis, among our children.

Calvary Chapel Christian School can now serve as a role model for other schools in New Mexico and encourage them to emphasize the importance of physical fitness to their students. I congratulate Calvary Chapel Christian School on this honor, and I hope that other schools will follow their fine example.●

### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 1, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4201. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Annual Energy Review for 2000; to the Committee on Energy and Natural Resources.

EC–4202. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits and Health Care Improvement Act of 2000" received on September 26, 2001; to the Committee on Veterans' Affairs.

EC–4203. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Operating Subsidiaries of Federal Branches and Agencies" (12 CFR Parts 5 and 28) received on September 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4204. A communication from the National President of the Womens Army Corps Veterans Association, transmitting, pursuant to law, the annual audit for the period beginning July 1, 2000 through June 30, 2001; to the Committee on the Judiciary.

EC–4205. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Promoting Safe and Stable Families Amendments of 2001"; to the Committee on Finance.

EC–4206. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands" received on September 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4207. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Pentagon; to the Committee on Appropriations.

EC-4208. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Annual Report on the Mentor-Protege Program dated May 2001; to the Committee on Armed Services.

EC-4209. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Additional Support for Counterterrorism Activities"; to the Committee on Armed Services.

EC-4210. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Contracts for Performance of Firefighting and Security-Guard Functions at Department of Defense Facilities"; to the Committee on Armed Services.

EC-4211. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Secretary of Defense Authority to Delegate"; to the Committee on Armed Services.

EC-4212. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-4213. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to customs fees, the Federal Claims Collection Act, and auditing payments for customs services; to the Committee on Governmental Affairs.

EC-4214. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to the provision of support for weapons inspections and monitoring in Iraq and the transfer of certain naval vessels; to the Committee on Foreign Relations.

EC-4215. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Global Health; to the Committee on Foreign Relations.

EC-4216. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 26, 2001; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 423. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes". (Rept. No. 107-69).

S. 941. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes. (Rept. No. 107-70).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1057. A bill to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii, and for other purposes. (Rept. No. 107-71).

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park. (Rept. No. 107-72).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1105. A bill to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes. (Rept. No. 107-73).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 146. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes. (Rept. No. 107-74).

H.R. 182. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes. (Rept. No. 107-75).

H.R. 1000. A bill to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes. (Rept. No. 107-76).

H.R. 1668. To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. (Rept. No. 107-77).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 703, a bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes. (Rept. No. 107-78).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CLELAND (for himself and Mr. Miller):

S. 1476. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 1477. A bill to provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. Durbin, Mr. Warner, Mr. Smith of New Hampshire, Mr. Levin, Mr. Miller, Mr. Lieberman, Mr. Breaux, and Mr. Kennedy):

S. 1478. A bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND:

S. 1479. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (by request):

S. 1480. A bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. Thurmond, Mr. Akaka, Mr. Allen, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Byrd, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Mr. Conrad, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Hagel, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Reid, Mr. Sarbanes, Mr. Schumer, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Torricelli, Mr. Voinovich, Mr. Warner, and Mr. Wellstone):

S. Res. 164. A resolution designating October 19, 2001, as "National Mammography Day"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

### S. 249

At the request of Mr. Reid, the name of the Senator from Oregon (Mr. Smith of Oregon) was added as a cosponsor of S. 249, a bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources.

### S. 543

At the request of Mr. Wellstone, the names of the Senator from Louisiana (Ms. Landrieu) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 677

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 899

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 899, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty.

S. 1066

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1075

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1165

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1165, a bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1317, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 1357

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1357, a bill to provide for an examination of how schools are implementing the policy guidance of the Department of Education's Office for Civil Rights relating to sexual harassment directed against gay, lesbian, bisexual, and transgender students.

S. 1371

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1371, a bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes.

S. 1431

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. SMITH of New Hampshire) was added as a cosponsor of S. 1431, a bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1444

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1444, a bill to establish a Federal air marshals program under the Attorney General.

S. 1447

At the request of Mr. HOLLINGS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Minnesota (Mr. DAYTON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. FITZGERALD), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1461

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1461, a bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements.

S. 1463

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1463, a bill to provide for the safety of American aviation and the suppression of terrorism.

S. 1467

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1467, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. CON. RES. 69

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution expressing support for tuberous sclerosis awareness.

AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 1583 proposed to H.R. 2590, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1476. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CLELAND. Madam President, I rise today to introduce legislation that will award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr., posthumously, and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement. It is time to honor Dr. Martin Luther King, Jr. and his widow Coretta Scott King, the first family of the civil rights movement, for their distinguished records of public service to the American people and the international community.

As one of the premier champions of basic human rights, Dr. King worked unselfishly to combat segregation, discrimination, and racial injustice. In 1963, Dr. King led the March on Washington, D.C., that was followed by his famous address, the "I Have a Dream" speech. Through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place.

Mrs. Coretta Scott King, working alongside her husband, played an important role as a leading participant in the American civil rights movement. Dr. and Mrs. King worked together to achieve nonviolent social change and full civil rights for African Americans. After the assassination of her husband, Mrs. King devoted her time and energy to developing and building the Atlanta-based Martin Luther King, Jr. Center for Nonviolent Social Change as an enduring memorial to her husband's life and his dream of full civil rights for all Americans. Mrs. King also led the massive campaign to establish Dr. King's birthday as a national holiday which is now celebrated in more than 100 countries around the world.

In recognition of the contributions made by Dr. and Mrs. King to the civil rights movement and this Nation, Congress should honor these two outstanding individuals by enacting legislation that would authorize the President to award a gold medal on their behalf. Now is the time to honor two of this Nation's greatest public figures, the late Reverend Doctor Martin Luther King, Jr. and his widow, Coretta Scott King.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 1476

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of nonviolent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the "I Have a Dream" speech;

(5) through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourning her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the "Center") as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and boasts the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 3. DUPLICATE MEDALS.**

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

**SEC. 4. NATIONAL MEDALS.**

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 5. FUNDING AND PROCEEDS OF SALE.**

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

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By Mr. SANTORUM (for himself, Mr. DURBIN, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. LEVIN, Mr. MILLER, Mr. LIEBERMAN, Mr. BREAUX, and Mr. KENNEDY):

S. 1478. A bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Madam President, I rise today to introduce the Puppy Protection Act of 2001. Introduction of this legislation comes as a continuation of my interest in the protection and humane treatment of animals, specifically, dogs and puppies. In short, the Puppy Protection Act will crack down on breeders who are negligent in their responsibilities of breeding dogs in a healthy and humane environment, already required by law.

Across the United States, there are more than 3,000 commercial dog breeding facilities that are licensed to operate by the United States Department of Agriculture. Owners of these facilities are required to comply with the rules and regulations of the Animal Welfare Act, AWA, which sets forth standards for humane handling and treatment. Inspection, to ensure compliance with AWA standards, is performed by the USDA.

The shortcomings of this system, however, have been: One, inadequate resources to perform timely and routine inspections, and two, too few tools to assess the proper care and handling of dogs in federally-licensed kennels. My interest and action over the course of several years speaks to both issues.

Earlier this year, I spearheaded an effort with my Senate colleagues to increase the appropriation for USDA to enforce the AWA. One problem has been too few resources, approximately 80 inspectors, to inspect nearly 10,000 USDA federally-licensed facilities. Adequate resources for inspection will go a long way in ensuring strong enforcement.

Introduction of the Puppy Protection Act addresses the second concern of too few tools to assess the proper care and treatment of animals in commercial breeding facilities. Let me be clear, there are many responsible breeders throughout the United States who exercise appropriate care and judgment in their breeding practices. This bill is not intended to be punitive to those breeders. This bill will, however, crack down on facilities where even the most basic of needs required by law are not being met.

The term "puppy mill" is not new to many people, be it pet owners; consumers; animal welfare advocates; inspectors; or just a casual observer. Puppy mills are considered to be large breeding operations that mass produce puppies for commercial sale with little regard for the humane handling and treatment of the dogs. Breeding and raising dogs without respect to the animal's welfare guarantees bad results for the unwitting owner, and for the health of the dog and her puppies.

For dogs, puppy mill conditions can mean overcrowded cages; lack of protection from weather conditions; overbreeding; lack of veterinary care; and lack of interaction with humans at early stages. What this could mean for the consumer is caring for a pet with developmental problems, such as aggressive behavior or anxiety, and various physical difficulties that require extensive and costly medical attention.

My interest and involvement in this matter stem from the regrettable circumstance of Pennsylvania being home to many large scale commercial breeding facilities operating like puppy mills. On a State level, Pennsylvania has been active, and has made gains in the area of public awareness and education, and stronger enforcement through increased inspection. What the Puppy Protection Act focuses on is the role of Federal inspectors, and the tools they have to enforce the Animal Welfare Act.

Specifically, this bill will make the following important changes: One, creates a "three strikes and you're out" enforcement policy for animal welfare violations, such as a lack of food or water or basic veterinary care; two, addresses the need for breeding females to be given time to recover between litters since currently there are no protections against over-breeding, which causes physical hardship for females and may compromise the health of puppies; and three, requires that new puppies have adequate interation with other dogs and with people, enhancing their well-being and helping to minimize behavioral problems faced by pet owners. I believe these changes will go a long way in cracking down on negligent and irresponsible breeding activities that have long-lasting impacts for owners and their pets alike.

I am pleased to have Senator DURBIN join me in introducing this important bill. I ask unanimous consent to have the list of some 827 organizations nationwide who support this bill printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ENDORSEMENT LIST FOR PUPPY PROTECTION ACT

(827 Endorsements—Updated 10/01/01)

ALASKA

Anchorage Animal Control (AK)
Gastineau Humane Society (Juneau, AK)
Sitka Animal Shelter (Sitka, AK)

ALABAMA

The Animal Shelter (Anniston, AL)
Barbour County Humane Society Inc. (Eufaula, AL)
BJC Animal Control Services, Inc. (Birmingham, AL)
Central Alabama Animal Shelter (Selma, AL)
Circle of Friends (Montrose, AL)
City of Irondale Animal Control (Irondale, AL)
Dekalb County SPCA (Fort Payne, AL)
Greater Birmingham Humane Society (AL)
Humane Society of Elmore County (Wetumpka, AL)
Humane Society of Etowah County (Gadsden, AL)
Humane Society of Chilton County (Clanton, AL)
Mobile SPCA (Mobile, AL)
Monroe County Humane Society (Monroeville, AL)
Montgomery Humane Society (Montgomery, AL)
St. Clair Animal Shelter (Pell City, AL)
Tuscaloosa Metro Animal Shelter (Tuscaloosa, AL)
Walker County Humane Society (Jasper, AL)

ARKANSAS

Berryville Animal Care and Control (Berryville, AR)
Hot Springs Village Animal Welfare League (HPV, AR)
Paragould Animal Welfare Society (Paragould, AR)
Sherwood Animal Services (Sherwood, AR)

ARIZONA

Animal Defense League of Arizona (Tucson, AZ)
Arizona Animal Welfare League (Phoenix, AZ)
Cocomino Humane Association (Flagstaff, AZ)
Hacienda De Los Milagros, Inc. (Chino Valley, AZ)
Holbrook Police Department (Holbrook, AZ)
Humane Society of Sedona (Sedona, AZ)
Humane Society of Southern Arizona (Tucson, AZ)
Payson Humane Society, Inc. (Payson, AZ)
Actors and Others for Animals (North Hollywood, CA)
All for Animals (Santa Barbara, CA)
Animal Friends of the Valley/LEAF (Lake Elsinore, CA)
Animal Protection Institute (Sacramento, CA)
Animal Care Services Division, City of Sacramento (Sacramento, CA)
Animal Place (Vacaville, CA)
Antioch Animal Services (Antioch, CA)
Association of Veterinarians for Animal Rights (Davis, CA)
Benicia/Vallejo Humane Society (Vallejo, CA)
Berkeley Animal Care Services (Berkeley, CA)
California Animal Care (Palm Desert, CA)
California Animal Defense and Anti-Vivisection League, Inc. (Carson, CA)

City of Sacramento Animal Care Services Division (Sacramento, CA)
City of Santa Barbara Police Department-Animal Control (Santa Barbara, CA)
Contra Costa Humane Society (Pleasant Hill, CA)
Costa Mesa Animal Control (Costa Mesa, CA)
Desert Hot Springs Animal Control (Desert Hot Springs, CA)
Division (Santa Barbara, CA)
Dog Obedience Club of Torrance, CA (Torrance, CA)
Earth Island Institute (San Francisco, CA)
Eileen Hawthorne Fund Inc. (Fort Bragg, CA)
Escondido Humane Society (Escondido, CA)
Friends for Pets Foundation (Sun Valley, CA)
Friends of the Fairmount Animal Shelter (San Leandro, CA)
Friends of Solano County (Fairfield, CA)
Haven Humane Society, Inc. (Redding, CA)
The Healdsburg Animal Shelter (Healdsburg, CA)
Helen Woodward Animal Center (Rancho Santa Fe, CA)
Hollister Animal Shelter (Hollister, CA)
Humane Education Network (Menlo Park, CA)
Humane Society of Imperial County (El Centre, CA)
Humane Society of Tuolumne County (Jamestown, CA)
Kings SPCA (Hanford, CA)
Lawndale Municipal Services, Animal Control Division (Lawndale, CA)
The Marin Humane Society (Novato, CA)
Orange County People for Animals (Irvine, CA)
Orange County SPCA (Huntington Beach, CA)
Pasadena Humane Society and SPCA (Pasadena, CA)
Pet Adoption League (Grass Valley, CA)
Petaluma Animal Services (Petaluma, CA)
Placer County Animal Services (Auburn, CA)
Placer County Animal Services (Kings Beach/Tahoe Vista, CA)
Pleasanton Police Department-Animal Services (Pleasanton, CA)
Rancho Coastal Humane Society (Leucadia, CA)
Reedley Police Department (Reedley, CA)
Retired Greyhound Rescue (Yuba City, CA)
Sacramento County Animal Care and Regulation (Sacramento, CA)
Sacramento SPCA (Sacramento, CA)
Santa Cruz SPCA (Santa Cruz, CA)
Seal Beach Animal Care Center (Seal Beach, CA)
Siskiyou County Animal Control (Yreka, CA)
Solano County Animal Control (Fairfield, CA)
Southeast Area Animal Control Authority (Downey, CA)
The SPCA of Monterey County (Monterey, CA)
Stanislaus County Animal Services (Modesto, CA)
State Humane Association of California (Sacramento, CA)
Town and Country Humane Society (Orland, CA)
Town of Truckee Animal Control (Truckee, CA)
Tracy Animal Shelter (Tracy, CA)
Tri-City Animal Shelter (Fremont, CA)
Turlare County Animal Control Shelter (Visalia, CA)
United Animal Nations/Emergency Rescue Service (Santa Barbara, CA)
Valley Humane Society (Pleasanton, CA)
Woods Humane Society (San Luis Obispo, CA)
Yuba Sutter SPCA (Yuba City, CA)
Yucaipa Animal Placement Society (Yucaipa, CA)

### COLORADO

Adams County Animal Control (Commerce City, CO)
Barnwater Cats Rescue Organization (Denver, CO)
Cherry Hills Village Animal Control (Cherry Hills Village, CO)
Delta County Humane Society (Delta, CO)
Denver Animal Control and Shelter (Denver, CO)
The Dreampower Foundation/P.A.A.L.S. (Castle Rock, CO)
Dumb Friends League (Denver, CO)
Good Samaritan Pet Center (Denver, CO)
Humane Society of Boulder Valley (Boulder, CO)
Intermountain Humane Society (Conifer, CO)
Larimer Humane Society (Fort Collins, CO)
Lone Rock Veterinary Clinic (Bailey, CO)
Longmont Humane Society (Longmont, CO)
Montrose Animal Protection Agency (Montrose, CO)
Rangely Animal Shelter (Rangely, CO)
Rocky Mountain Animal Defense (Boulder, CO)
Table Mountain Animal Center (Golden, CO)
Thornton Animal Control (Thornton, CO)

### CONNECTICUT

Animal Welfare Associates, Inc. (Stamford, CT)
Connecticut Humane Society (Newington, CT)
Enfield Police Department—Animal Control (Enfield, CT)
Forgotten Felines, Inc. (Clinton, CT)
The Greater New Haven Cat Project, Inc. (New Haven, CT)
Hamilton Sundstrand (West Locks, CT)
Kitty Angels of Connecticut (Coventry, CT)
Meriden Humane Society (Meriden, CT)
Milford Animal Control (Milford, CT)
Pet Animal Welfare Society (PAWS) (Norwalk, CT)
Quinebaug Valley Animal Welfare Service (Dayville, CT)
Valley Shore Animal Welfare League (Westbrook, CT)

### DELAWARE

Delaware SPCA (Georgetown, DE)
Delaware SPCA (Stanton, DE)

### FLORIDA

Alachua County Humane Society (Gainesville, FL)
Animal Rights Foundation of Florida (Pompano Beach)
Animal Welfare League of Charlotte County (Port Charlotte, FL)
Arni Foundation (Daytona Beach, FL)
Baker County Animal Control (Macclenny, FL)
Central Brevard Humane Society-Central (Cocoa, FL)
Central Brevard Humane Society-South (Melbourne, FL)
Citizens for Humane Animal Treatment (Crawfordville, FL)
Clay County Animal Control (Green Cove Springs, FL)
Coral Springs Humane Unit (Coral Springs, FL)
First Coast Humane Society/Nassau County Animal Control (Yulee, FL)
Flayler County Humane Society (Palm Coast, FL)
Halifax Humane Society (Daytona Beach, FL)
Humane Society of Broward County (Fort Lauderdale, FL)
Humane Society of Collier County, Inc. (Naples, FL)
Humane Society of Lake County (Eustis, FL)
Humane Society of Lee County, Inc. (Fort Myers, FL)
Humane Society of St. Lucie County (Fort Pierce, FL)
Humane Society of Tampa Bay (Tampa, FL)
Humane Society of the Treasure Coast, Inc. (Palm City, FL)
Jacksonville Humane Society (FL)
Jefferson County Humane Society (Monticello, FL)
Lake City Animal Shelter (Lake City, FL)
Leon County Humane Society (Tallahassee, FL)
Marion County Animal Center (Ocala, FL)
Okaloosa County Animal Services (Fort Walton Beach, FL)
Panhandle Animal Welfare Society (Fort Walton Beach, FL)
Play Acres Inc. (Wildwood, FL)
Prayer Alliance for Animals (Jupiter, FL)
Putnam County Humane Society (Hollister, FL)
Safe Animal Shelter of Orange Park (Orange Park, FL)
Safe Harbor Animal Rescue and Clinic (Juniper, FL)
South Lake Animal League, Inc. (Clermont, FL)
Southeast Volusia Humane Society (New Smyrna Beach, FL)
SPCA of Hernando County, Inc. (Brooksville, FL)
SPCA of Pinellas County (Largo, FL)
SPCA of West Pasco (New Port Richey, FL)
Suncoast Basset Rescue, Inc. (Gainesville, FL)
Suwannee County Humane Society (Live Oak, FL)
Volusia County Animal Services (Daytona, FL)
Wings of Mercy Animal Rescue (Panama County Beach, FL)

### GEORGIA

Animal Rescue Foundation, Inc. (Milledgeville, GA)
Atlanta Humane Society and SPCA, Inc. (Atlanta, GA)
Basset Hound Rescue of Georgia, Inc. (Kennesaw, GA)
Big Canoe Animal Rescue (Big Canoe, GA)
Catoosa County Animal Control (Ringgold, GA)
Charles Smithgall Humane Society, Inc. (Cleveland, GA)
Clayton County Humane Society (Jonesboro, GA)
Collie Rescue of Metro Atlanta, Inc. (Atlanta, GA)
Coweta County Animal Control Department (Newnan, GA)
Crawfordville Shelter (Crawfordville, GA)
Douglas County Humane Society (Douglasville, GA)
Dublin-Laurens Humane Association (Dublin, GA)
Fayette County Animal Shelter (Fayetteville, GA)
Fitzgerald-Ben Hill Humane Society (Fitzgerald, GA)
Forsyth County Humane Society (Cumming, GA)
Georgia Labrador Rescue (Canton, GA)
Glyne County Animal Services (Brunswick, GA)
Golden Retriever Rescue of Atlanta (Peachtree City, GA)
Homeward Bound Pet Rescue, Inc. (Ellijay, GA)
Humane Services of Middle Georgia (Macon, GA)

Humane Society of Camden County (Kingsland, GA)
Humane Society of Griffin-Spalding County (Experiment, GA)
Humane Society's Mountain Shelter (Blairsville, GA)
Humane Society of Northwest Georgia (Dalton, GA)
Lookout Mountain Animal Resources, Inc. (Menlo, GA)
Lowndes County Animal Welfare (Valdosta, GA)
Okefenokee Humane Society (Waycross, GA)
Pet Partners of Habersham, Inc. (Cornelia, GA)
Pound Puppies N Kittens (Oxford, GA)
Rescuing Animals in Need, Inc. (Buford, GA)
Rockdale County Animal Care and Control (Conyers, GA)
Small Dog Rescue/Adoption (Cumming, GA)
Society of Humane Friends of Georgia, Inc. (Lawrenceville, GA)
Toccoa-Stephens County Animal Shelter (Toccoa, GA)
Town of Chester (Chester, GA)

### HAWAII

Hawaii Island Humane Society (Kailua-Kona, HI)
Hawaii Island Humane Society (Keaau, HI)
Hawaiian Humane Society (Honolulu, HI)
Kauai Humane Society (Lihue, HI)
The Maui Humane Society (Puunene, HI)
West Hawaii Humane Society (Kailua-Kona, HI)

### IOWA

Animal Control (Creston, IA)
Animal Lifeline of Iowa, Inc. (Carlisle, IA)
Animal Protection Society of Iowa (Des Moines)
Animal Rescue League of Iowa (Des Moines)
Appanoose County Animal Lifeline, Inc. (Centerville, IA)
Cedar Bend Humane Society (Waterloo, IA)
Cedar Rapids Animal Control (Ely, IA)
Cedar Valley Humane Society (Cedar Rapids, IA)
City of Atlantic Animal Shelter (Atlantic, IA)
Creston Animal Rescue Effort (Creston, IA)
Friends of the Animals of Jasper County (Newton, IA)
Humane Society of Northwest Iowa (Milford, IA)
Humane Society of Scott County (Davenport, IA)
Iowa City Animal Care and Control (Iowa City, IA)
Iowa Federation of Humane Societies (Des Moines)
Jasper County Animal Rescue League and Humane Society (Newton, IA)
Keokuk Animal Shelter, Animal Control (Keokuk, IA)
Keokuk Humane Society (Keokuk, IA)
Montgomery County Animal Rescue (Red Oak, IA)
Muscatine Humane Society (Muscatine, IA)
Siouxland Humane Society (Sioux City, IA)
Solution to Over-Population of Pets (Burlington, IA)
Spay Neuter Assistance for Pets (SNAP) (Muscatine, IA)
Vinton Animal Shelter (Vinton, IA)

### IDAHO

Animal Ark (Grangeville, ID)
Animal Shelter of Wood River Valley (Hailey, ID)
Bannock Humane Society (Pocatello, ID)
Ferret Haven Shelter/Rescue of Boise, Inc. (Boise, ID)
Humane Society of the Palouse (Moscow, ID)
Idaho Humane Society (Boise, ID)
Kootenai Humane Society (Hayden, ID)
Pocatello Animal Control (Pocatello, ID)
Second Chance Animal Shelter (Payette, ID)
Twin Falls Humane Society (Twin Falls, ID)

### ILLINOIS

Alton Area Animal Aid Association (Godfrey, IL)
Anderson Animal Shelter (South Elgin, IL)
The Ant-Cruelty Society (Chicago, IL)
Chicago Animal Care and Control (Chicago, IL)
Community Animal Rescue Effort (Evanston, IL)
Cook County Department of Animal and Rabies Control (Bridgeview, IL)
Friends Forever Humane Society (Freeport, IL)
Hinsdale Humane Society (Hinsdale, IL)
Homes for Endangered and Lost Pets (St. Charles, IL)
Humane Society of Winnebago County (Rockford, IL)
Illinois Federation of Humane Societies (Urbana)
Illiois Humane Political Action Committee (Mahomet)
Kankakee County Humane Society (Kankakee, IL)
Metro East Humane Society (Edwardsville, IL)
Naperville Animal Control (Naperville, IL)
Peoria Animal Welfare Shelter (Peoria, IL)
Peoria Humane Society (Peoria, IL)
PetEd Human Education (Hinsdale, IL)
Quincy Humane Society (Quincy, IL)
South Suburban Humane Society (Chicago Heights , IL)
Tazewell Animal Protective Society (Pekin, IL)
West Suburban Humane Society (Downers Grove,IL)
Winnebago County Animal Services (Rockford, IL)

### INDIANA

Allen County SPCA (Fort Wayne, IN)
Cass County Humane Society (Logansport, IN)
Dubois CountyHumane Society (Jasper, IN)
Elkhart City Police Department-Animal Control Division (Elkhart, IN)
Fort Wayne Animal Care and Control (Ft. Wayne, IN)
Greene County Humane Society (Linton, IN)
Greenfields, Hancock County Animal Control (Greenfield, IN)
Hammond Animal Control (Hammond, IN)
Hendricks County Humane Society (Brownsburg, IN)
Home for Friendless Animals Inc. (Indianapolis, IN)
Humane Society Calumet Area, Inc. (Munster, IN)
Humane Society of Elkhart County (Elkhart, IN)
Humane Society for Hamilton County (Noblesville, IN)
Humane Society of Hobart (Hobart, IN)
Humane Society of Indianapolis (Indianapolis, IN)
Humane Society of Perry County (Tell City, IN)
Johnson County Animal Shelter (Franklin, IN)
La Porte County Animal Control (La Porte, IN)
Madison County SPCA and Humane Society, Inc. (Anderson IN)
Michiana Humane Society (Michigan City, IN)
Monroe County Humane Association (Bloomington, IN)
Morgan County Humane Society Martinsville, IN)
New Albany/Floyd County Animal Shelter/Control (New Albany, IN)
Owen County Humane Society (Spencer, IN)
Salem Department of Animal Control (Salem, IN)
Scott County Animal Control and Humane Investigations (Scottsburg, IN)
Sellersburg Animal Control (Sellersburg, IN)
Shelbyville/Shelby County Animal Shelter (Shelbyville, IN)
South Bene Animal Care and Control (South Bend, IN)
St. Joseph County Humane Society (Mishawaka, IN)
Starke County Humane Society (North Judson, IN)
Steuben County Humane Society, Inc. (Angola, IN)
Tippecanoe County Humane Society (Lafayette, IN)
Vanderburgh Humane Society, Inc. (Evansville, IN)
Wells County Humane Society, Inc. (Bluffton, IN)

### KANSAS

Animal Heaven (Merriam, KS)
Arma Animal Shelter (Arma, KS)
Caring Hands Humane Society (Newton, KS)
Chanute Animal Control Department (Chanute, KS)
City of Kinsley Animal Shelter (Kinsley, KS)
Finney County Humane Society (Garden City, KS)
Ford County Humane Society (Dodge City, KS)
Heart of America Humane Society (Overland Park, KS)
Hutchinson Humane Society (Hutchinson, KS)
Kansas Humane Society of Wichita (Wichita, KS)
Lawrence Humane Society (Lawrence, KS)
Leavenworth Animal Shelter (Leavenworth, KS)
Medicine Lodge Animal Shelter (Medicine Lodge, KS)
Neosho County Sheriff's Office (Erie, KS)
Salina Animal Shelter (Salina, KS)
S.E.K. Humane Society (Pittsburg, KS)

### KENTUCKY

Boone County Animal Control (Burlington, KY)
Friends of the Shelter/SPCA Kentucky (Florence, KY)
Humane Society of Nelson County (Bardstown, KY)
Jefferson County Animal Control and Protection (Louisville, KY)
Kentucky Coalition for Animal Protection, Inc. (Lexington, KY)
Marion County Humane Society Inc. (Lebanon, KY)
McCracken County Humane Society , Inc. (Paducah, KY)
Muhlenberg County Humane Society (Greenville, KY)
Woodford Humane Society (Versailles, KY)

### LOUISIANA

Calcasieu Parish Animal Control and Protection Department (Lake Charles, LA)
Cat Haven, Inc. (Baton Rouge, LA)
City of Bossier Animal Control (Bossier City, LA)
Coalition of Louisiana Advocates (Pineville, LA)
Dont' Be Cruel Sanctuary (Albany, LA)
East Baton Rouge Parish Animal Control Center (Baton Rouge, LA)
Humane Society Adoption Center (Monroe, LA)
Iberia Humane Society (New Iberia, LA)
Jefferson Parish Animal Shelters (Jefferson, LA)
Jefferson SPCA (Jefferson, LA)

League in Support of Animals (New Orleans, LA)
Louisiana SPCA (New Orleans, LA)
Natchitoches Humane Animal Shelter (Natchitoches, LA)
Spay Mart, Inc. (New Orleans, LA)
St. Bernard Parish Animal Control (Chalmette, LA)
St. Charles Humane Society (Destrehan, LA)
St. Tammany Humane Society (Covington, LA)

### MASSACHUSETTS

Alliance for Animals (Boston, MA)
Animal Shelter Inc. (Sterling, MA)
Baypath Humane Society of Hopkinton, Inc. (Hopkinton, MA)
The Buddy Dog Humane Society, Inc. (Sudbury, MA)
CEASE (Somerville, MA)
Faces Inc. Dog Rescue and Adoption (West Springfield, MA)
Faxon Animal Rescue League (Fall River, MA)
Lowell Humane Society (Lowell, MA)
MSPCA (Boston, MA)
New England Animal Action, Inc. (Amherst, MA)
North Shore Feline Rescue (Middleton, MA)
South Shore Humane Society, Inc. (Braintree, MA)

### MARYLAND

Animal Advocates of Howard County (Ellicott City, MD)
Bethany Centennial Animal Hospital (Ellicott City, MD)
Caroline County Humane Society (Ridgely, MD)
Charles County Animal Control Services (La Plata, MD)
Harford County Animal Control (Bel Air, MD)
Humane Society of Baltimore County (Reisterstown, MD)
Humane Society of Carroll County, Inc. (Westminster, MD)
The Humane Society of Charles County (Waldorf, MD)
The Humane Society of Dorchester County, Inc. (Cambridge, MD)
The Humane Society of Harford County (Fallston, MD)
Humane Society of Southern Maryland (Temple Hills, MD)
Humane Society of Washington County (Maugansville, MD)
Labrador Retriever Rescue, Inc. (Clinton, MD)
Prince George's County Animal Welfare League (Forestville, MD)
Shady Spring Kennels and Camp for Dogs (Woodbine, MD)
St. Mary's Animal Welfare League, Inc. (Hollywood, MD)

### MAINE

Boothbay Region Humane Society (Boothbay Harbor, ME)
Bucksport Animal Shelter (Bucksport, ME)
Greater Androscoggin Humane Society (Auburn, ME)
Houlton Humane Society (Houlton, ME)
Humane Society—Waterville Area (Waterville, ME)
Kennebec Valley Humane Society (Augusta, ME)
Penobscot Valley Humane Society (Lincoln, ME)

### MICHIGAN

Adopt-A-Pet (Allegan, MI)
Animal Placement Bureau (Lansing, MI)
Capital Area Humane Society (Lansing, MI)
The Cat Connection (Berkley, MI)
Concern for Critters (Battle Creek, MI)
Friends for Felines Inc. (Lansing, MI)
Gross Point Animal Adoption Society (Grosse Pointe Farms, MI)
Humane Society of Bay County, Inc. (Bay City, MI)
Humane Society of Huron Valley (Ann Arbor, MI)
Humane Society of Kent County (Walker, MI)
Humane Society of Southwest Michigan (Benton Harbor, MI)
Inkster Animal Control (Inkster, MI)
Iosco County Animal Control (Taws City, MI)
Kalamazoo Humane Society (MI)
Lenawee Humane Society (Andrian, MI)
Michigan Animal Adoption Network (Livonia, MI)
Michigan Animal Rescue League (Pontiac, MI)
Michigan Humane Society (Westland, MI)
Michigan Humane Society (Rochester Hills, MI)
Midland County Animal Control (Midland, MI)
Mid-Michigan Animal Welfare League (Standish, MI)
Ottawa Shores Humane Society (West Olive, MI)
Pet Connection Humane Society (Reed City, MI)
Roscommon County Animal Shelter (Roscommon, MI)
The Safe Harbor Haven Inc./ Rottweiler Hope (Grand Ledge, MI)
St. Clair Shores Emergency Dispatchers (St. Clair Shores, MI)
St. Joseph County Animal Control (Centreville, MI)
WAG Animal Rescue (Wyandotte, MI)

### MINNESOTA

Almost Home Shelter (Mora, MN)
Animal Allies Humane Society (Duluth, MN)
Beltrami Humane Society (Bemidji, MN)
Bernese Mountain Dog Club of the Greater Twin Cities (St. Paul, MN)
Brown County Humane Society (New Ulm, MN)
Carver-Scott Humane Society (Chaska, MN)
Clearwater County Humane Society (Bagley, MN)
Doberman Rescue Minnesota (Prior Lake, MN)
Friends of Animals Humane Society of Carlton County, Inc. (Cloquet, MN)
Hibbing Animal Shelter (Hibbing, MN)
Humane Society of Otter Tail County (Fergus Falls, MN)
Humane Society of Polk County, Inc. (Crookston, MN)
The Humane Society of Wright County (Buffalo, MN)
Isanti County Humane Society (Cambridge, MN)
Minnesota Valley Humane Society (Burnsville, MN)
Second Chance Animal Rescue (White Bear Lake, MN)

### MISSOURI

Affton Veterinary Clinic (St. Louis, MO)
The Alliance for the Welfare of Animals (Springfield, MO)
Animal Protective Association of Missouri (St. Louis, MO)
Audrain Humane Society (Mexico, MO)
Boonville Animal Control Shelter (Booneville, MO)
Callaway Hills Animal Shelter (New Bloomfield, MO)
Caruthersville Humane Society (Caruthersville, MO)
Columbus Lowndes Humane Society (Columbus, MO)
Dent County Animal Welfare Society (Salem, MO)
Dogwood Animal Shelter (Camdenton, MO)
Humane Society of Missouri (St. Louis, MO)
Humane Society of the Ozarks (Farmington, MO)
Humane Society of Southeast Missouri (Cape Girardeau, MO)
Jeferson County Animal Control (Barnhart, MO)
Lebanon Humane Society (Lebanon, MO)
Lee's Summit Municipal Animal Shelter (Lee's Summit, MO)
Marshall Animal Shelter (Marshall, MO)
Northeast Missouri Humane Society (Hannibal, MO)
Olde Towne Fenton Veterinary Hospital (Fenton, MO)
Open Door Animal Sanctuary (House Springs, MO)
Pount Pals (St. Louis, MO)
Saline Animal League (Marshall, MO)
Sikeston Bootheel Humane Society (Sikeston, MO)
St. Charles Humane Society (St. Charles, MO)
St. Joseph Animal Control and Rescue (St. Joseph, MO)
St. Joseph Animal Rights Team (St. Louis, MO)
St. Peters Animal Control (St. Peters, MO)
Wayside Waifs (Kansas City, MO)

### MISSISSIPPI

Cedarhill Animal Sanctuary, Inc. (Caledonia, MS)
Forest County Humane Society (Hattiesburg, MS)
Humane Society of South Mississippi (Gulfport, MS)
Mississippi Animal Rescue League (Jackson, MS)

### MONTANA

Anaconda Police Department-Animal Control (MT)
Animal Welfare League of Montana (Billings, MT)
Bitter Root Humane Association (Hamilton, MT)
Bright Eyes Care and Rehab Center, Inc. (Choteau, MT)
Humane Society of Cascade County (Great Falls, MT)
Humane Society of Park County (Livingston, MT)
Mission Valley Animal Shelter (Polston, MT)
Montana Spay/Neuter Taskforce (Victor, MT)
Missourla Humane Society (Missoula, MT)
PAWHS (Deerlodge, MT)

### NORTH CAROLINA

Animal Protection Society of Orange County (Chapel Hill, MT)
Carolina Animal Protection Society of Onslow County, Inc. (Jacksonville, NC)
Carteret County Humane Society, Inc (Morehead City, NC)
Charlotte/Mecklenburg Animal Control Bureau (Charlotte, NC)
Forsyth County Animal Control (Winston-Salem, NC)
Henderson County Humane Society (Hendersonville, NC)
Justice For Animals, Inc. (Raleigh, NC)
Moore Humane Society (Southern Pines, NC)
North Carolina Animal/Rabies Control Association (Raleigh, NC)
SPCA of Wake County (Garner, NC)
Wake County Animal Control Raleigh, NC)
Watauga Humane Society (Blowing Rock, NC)

### NORTH DAKOTA

Central Dakota Humane Society (Mandan, ND)
James River Humane Society (Jamestown, ND)
Souris Valley Humane Society (Minot, ND)

### NEBRASKA

Capital Humane Society (Lincoln, NE)
Care Seekers (Omaha, NE)
Central Nebraska Humane Society (Grand Island, NE)
Coalition for Animal Protection, Inc. (Omaha, NE)
Dodge County Humane (Fremont, NE)
Hearts United for Animals (Auburn, NE)
McCook Humane Society (McCook, NE)
Nebraska Border Collie Rescue (Bellevue, NE)
Nebraska Humane Society (Omaha, NE)
Panhandle Humane Society (Scottsbluff, NE)
White Rose Sanctuary (Gordon, NE)

### NEW HAMPSHIRE

Animal Rescue League of New Hampshire (Bedford, NH)
Cocheco Valley Humane Society (Dover, NH)
Collage (Nashua, NH)
Concord-Merrimack County SPCA (Concord, NH)
Conway Area Human Society (Center Conway, NH)
Greater Derry Humane Society, Inc. (East Derry, NH)
Humane Society of Greater Nashua (Nashua, NH)
Manchester Animal Shelter (Manchester, NH)
Monadnock Humane Society (W. Swanzey, NH)
New Hampshire Animal Rights League, Inc. (Concord, NH)
The New Hampshire Doberman Rescue League, Inc. (Rochester, NH)
New Hampshire Humane Society (Laconia, NH)
New Hampshire SPCA (Stratham, NH)
Solutions to Overpopulation of Pets, Inc. (Concord, NH)
Sullivan County Humane Society (Claremont, NH)
White Mountain Animal League (Franconia, NH)

### NEW JERSEY

Animal Welfare Federation of New Jersey (Montclair, NJ)
Associated Humane Societies (Newark, NJ)
Cumberland County SPCA (Vineland, NJ)
Humane Society of Atlantic County (Atlantic County, NJ)
Hunterdon County SPCA (Milford, NJ)
Monmouth County SPCA (Eatontown, NJ)
Parsippany Animal Shelter (Parsippany, NJ)
Paws for a Cause (Brick, NJ)

### NEW MEXICO

Animal Aid Association of Cibola County (Milan, NM)
Cimarron Police Animal Control (Cimarron, NM)
Deming/Luna County Humane Society (Deming, NM)
Dona Ana County Humane Society (Las Cruces, NM)
Homeless Animal Rescue Team, Inc. (Los Lunas, NM)
Peoples' Anti-Cruelty Association (Albuquerque, NM)
Rio Grande Animal Humane Association, Inc. (Los Lunas, NM)
Roswell Humane Society (Roswell, NM)
San Juan Animal League (Farmington, NM)
Santa Fe Animal Shelter and Humane Society (NM)

### NEVADA

Carson/Eagle Valley Humane Society (Carson City, NV)
Nevada Humane Society (Sparks, NV)

### NEW YORK

Animal Rights Advocates of Western New York (Amherst, NY)
The Caring Corps, Inc. (New York, NY)
Chautauqua County Humane Society (Jamestown, NY)
Chenango County SPCA (Norwich, NY)
Columbia-Greene Humane Society (Hudson, NY)
Elmore SPCA (Peru, NY)
Finger Lakes SPCA of Central New York (Auburn, NY)
The Fund for Animals (New York, NY)
Humane Society of Rome (Rome, NY)
New York State Animal Control Association (Oswego, NY)
New York State Humane Association (Kingston, NY)
People for Animal Rights, Inc. (Syracuse, NY)
SPCA of Catt County (Olean, NY)
St. Francis Animal Shelter, Inc. (Buffalo, NY)

### OHIO

Angles for Animals (Greenford, OH)
Animal Adoption Foundation (Hamilton, OH)
Animal Charity (Youngstown, OH)
Animal Control of Brook Park (Brook Park, OH)
Animal Control—City of Middleburg Heights (Middleburg Heights, OH)
Animal Protection Guild (Canton, OH)
Animal Protective League (Cleveland, OH)
The Animal Shelter Society, Inc. (Zanesville, OH)
Alter Pet Inc. (Sharon Center, OH)
Ashtabula County Humane Society (Jefferson, OH)
Athens County Humane Society (Athens, OH)
Belmont County Animal Shelter (St. Clairsville, OH)
Brown County Animal Shelter (Georgetown, OH)
Canine Therapy Companions (Wooster, OH)
Capital Area Humane Society (Hilliard, OH)
Carroll County Humane Society (Carrollton, OH)
City of Cleveland Dog Kennels (Cleveland, OH)
Crawford County Humane Society (Bucyrus, OH)
Darke County Animal Shelter (Greenville, OH)
Erie County Dog Pound (Sandusky, OH)
Euclid Animal Shelter (Euclid, OH)
Harrison County Dog Warden (Codiz, OH)
Hearts and Paws (Canal Fulton, OH)
Henry County Humane Society (Napoleon, OH)
Humane Association of Butler County (Trenton, OH)
Humane Association of Warren County (Lebanon, OH)
Humane Society of Delaware County (Delaware, OH)
Humane Society of Erie County (Sandusky, OH)
Humane Society of Greater Dayton (Dayton, OH)
Humane Society of the Ohio Valley (Marietta, OH)
The Humane Society of Ottawa County (Port Clinton, OH)
Humane Society of Preble County (Eaton, OH)
Humane Society of Sandusky County (Fremont, OH)
Lake County Dog Shelter (Painesville, OH)
Lake County Humane Society, Inc. (Mentor, OH)
Marion County Humane Society (Marion, OH)
Maumee Valley Save-A-Pet (Waterville, OH)
Medina County Animal Shelter (Medina, OH)
Miami County Animal Shelter (Troy, OH)
Monroe County Humane Society (Woodsfield, OH)
Montgomery County Animal Shelter (Dayton, OH)
Morrow County Humane Society (Mt. Gilead, OH)
North Central Ohio Nature Preservation League (Mansfield, OH)
North Coast Humane Society (Cleveland, OH)
Ohio County Dog Wardens' Association (Delaware, OH)
Ohioans for Animal Rights (Eastlake, OH)
PAWS (Middletown, OH)
Paws and Prayers Per Rescue (Akron, OH)
Pet Birth Control Clinics (Cleveland, OH)
Pet-Guards Shelter (Cuyahoga Falls, OH)
Portage County Animal Protective League (Ravenna, OH)
Portage County Dog Warden (Ravenna, OH)
Rescue, Rehabilitation and Release Wildlife Center (New Philadelphia, OH)
Sandusky County Dog Warden (Fremont, OH)
The Scratching Post (Cincinnati, OH)
Society for the Improvement of Conditions for stray Animals (Kettering, OH)
SPCA Cincinnati (Cincinnati, OH)
Stark County Humane Society (Louisville, OH)
Their Caretakers (DeGraff, OH)
Toledo Area Humane Society (Maumee, OH)
Tuscarawas County Dog Pound (New Philadelphia, OH)
Wayne County Humane Society (Wooster, OH)
Wester Reserve Humane Society (Euclid, OH)
Wyandot County Humane Society, Inc. (Sandusky, OH)

### OKLAHOMA

Animal Aid of Tulsa, Inc. (Tulsa, OK)
Enid SPCA (Enid, OK)
Home at Last Organization (Tulsa, OK)
Humane Society of Cherokee County (Tahlequah, OK)
Partners for Animal Welfare Society (McAlester, OK)
PAWS (Muskogee, OK)
Petfinders Animal Welfare Society, Inc. (Moore, OK)
Promoting Animal Welfare Society, Inc. (Muskogee, OK)
Stephens County Humane Society (Duncan, OK)
Volunteers for Animal Welfare, Inc. (Oklahoma City, OK)

### OREGON

Hood River County Sheriff's Department (Hood River, OR)
Humane Society of Allen County (Lima, OR)
Humane Society of Central Oregon (Bend, OR)
Humane Society of Williamette Valley (Salem, OR)
Jackson County Animal Shelter (Phoenix, OR)
Lakeview Police Department (Lakeview, OR)
Multnomah County Animal Control (Troutdale, OR)
Oregon Humane Society (Portland, OR)
South Coast Humane Society (Brookings, OR)
Wallowa County Humane Society (Enterprise, OR)

### PENNSYLVANIA

Antieam Humane Society, Inc. (Waynesboro, PA)

Beaver County Humane Society (Monaca, PA)
Bradford County Humane Society (Ulster, PA)
Chester County SPCA (West Chester, PA)
Cumberland Valley Animal Shelter (Chambersburg, PA)
Humane Society at Lackawanna County (Clarks Summit, PA)
Lehigh Valley Animal Rights Coalition (Allentown, PA)
The Pennsylvania SPCA (Philadelphia, PA)
The Pennsylvania SPCA (Stroudsburg, PA)
Ruth Steinert Memorial SPCA (Pottsville, PA)
SPCA of Luzerne County (Wilkes Barre, PA)
Western Pennsylvania Westie Rescue Committee (New Castle, PA)
Women's Humane Society (Bensalem, PA)
York County SPCA (Thomasville, PA)

### RHODE ISLAND

Animal Rescue League of SRI (Wakefield, RI)
Potter League For Animals (Newport, RI)
Providence Animal Control Center Providence, RI)
Warren Animal Shelter (Warren, RI)

### SOUTH CAROLINA

The Animal Mission (Columbia, SC)
Animal Protection League of South Carolina (Hopkins, SC)
Beaufort County Animal Shelter and Control (Beaufort, SC)
Blue Ridge Animal Fund (Travelers Rest, SC)
City of Aiken Animal Control (Aiken, SC)
Columbia Animal Shelter (Columbia, SC)
Concerned Citizens for Animals (Simpsonville, SC)
Grand Strand Humane Society (Myrtle Beach, SC)
The Greenville Humane Society (Greenville, SC)
Hanahan Animal Control Office/Animal Shelter (Hanahan, SC)
Hilton Head Humane Association (Hilton Head Island, SC)
Humane Society of Marion County (Marion, SC)
Humane Society of the Midlands (Colombia, SC)
The Humane Society of North Myrtle Beach (North Myrtle Beach, SC)
Kershaw County Humane Society (Camben, SC)
Lancaster County Animal Control (Kershaw, SC)
Lexington Animal Services (Lexington, SC)
South Carolina Animal Care and Control Association (Columbia, SC)
The Spay/Neuter Association, Inc. (Columbia, SC)
St. Francis Humane Society (Georgetown, SC)
Walter Crowe Animal Shelter (Camden, SC)

### SOUTH DAKOTA

Aberdeen Area Humane Society (Aberdeen, SD)
Beadle County Humane Society (Huron, SD)
Humane Society of the Black Hills (Rapid City, SD)

### TENNESSEE

Animal Protection Association (Memphis, TN)
Companion Animal Support Services (Nashville, TN)
Fayette County Animal Rescue (Rossville, TN)
Greenville-Greene County Humane Society (Greenville, TN)
Hardin County Humane Society (Savannah, TN)
Hickman Humane Society (Centerville, TN)
Humane Society of Cumberland County (Crossville, TN)
Humane Society of Dickson County (Dickson, TN)
Humane Society of Dover-Stewart County (Dover, TN)
Nashville Humane Association (Nashville, TN)
North Central Tennessee Spay and Neuter (West Lafayette)
Tennessee Humane Association (Knoxville, TN)

### TEXAS

Animal Adoption Center (Garland, TX)
Animal Connection of Texas (Dallas, TX)
Animal Defense League (San Antonio, TX)
Animal Shelter and Adoption Center of Galveston Island, Inc. (Galveston, TX)
Affordable Companion Animal Neutering (Austin, TX)
Canyon Lake Animal Shelter Society (Canyon Lake, TX)
Central Texas SPCA (Cedar Park, TX)
Citizens for Animal Protection (Houston, TX)
City of Brownsville-Animal Control (Brownsville, TX)
City of Hurst Animal Services (Hurst, TX)
City of Nacogdoches Animal Shelter (Nacogdoches, TX)
City of West University Place (Houston, TX)
Doggiemom Rescue (Dallas, TX)
Find-A-Pet (Dallas, TX)
Guadalupe County Humane Society (Sequin, TX)
Harker Heights Animal Control (Harker Heights, TX)
Homeless Pet Placement League (Houston, TX)
H.O.R.S.E.S. in Texas (Chico, TX)
Houston Dachshund Rescue (Spring, TX)
Houston Humane Society (Houston, TX)
Houston SPCA (Houston, TX)
Humane Society of El Paso (El Paso, TX)
Humane Society of Greater Dallas (Dallas, TX)
Humane Society of Harlingen (Harlingen, TX)
Humane Society of Montgomery County (Conroe, TX)
Humane Society of Navarro County (Corsicana, TX)
Humane Society of North Texas (Fort Worth, TX)
Humane Society of Tom Green County (San Angelo, TX)
Jasper Animal Rescue (Jasper, TX)
Lubbock Animal Services (Lubbock, TX)
Metroport Humane Society (Roanoke, TX)
North Central Texas Animal Shelter Coalition (Forth Worth, TX)
Operation Kindness Animal Shelter (Carrollton, TX)
Paws Shelter for Animals (Kyle, TX)
SPCA of Texas (Dallas, TX)
Texas Federation of Humane Societies (Austin, TX)
Waco Humane Society and Animal Shelter (Waco, TX)

### VIRGINIA

Animal Assistance League (Chesapeake, VA)
Animal Welfare League of Alexandria (Alexandria, VA)
Caring for Creatures (Palmyra, VA)
Danville Area Humane Society (Danville, VA)
For the Love of Animals in Goochland (Manakin-Sabot, VA)
Henrico Humane Society (Richmond, VA)
Heritage Humane Society (Williamsburg, VA)
Humane Society Montgomery County (Blacksburg, VA)
Isle of Wight County Humane Society (Smithfield, VA)
Lynchburg Humane Society Inc. (Lynchburg, VA)
Madison County Humane Society (Madison, VA)
The National Humane Education Society (Leesburg, VA)
New Kent Sheriff's Department (New Kent, VA)
Page County Animal Shelter (Stanley, VA)
Pennisula SPCA (Newport News, VA)
Portsmouth Police Animal Control (Portsmouth, VA)
Potomac Animal Allies, Inc. (Woodbridge, VA)
Prevent a Litter Coalition, Inc. (Reston, VA)
Smyth County Humane Society (Marion, VA)
SPCA of Northern Virginia (Arlington, VA)
SPCA of Martinsville-Henry County (Martinsville, VA)
SPCA of Winchester, Frederick and Clarke Counties (Winchester, VA)
Suffolk Animal Control Shelter (Suffolk, VA)
Tazewell County Animal Shelter (Tazewell, VA)
Vinton Police Department-Animal Control (Vinton, VA)
Virginia Beach SPCA (Virginia Beach, VA)
Wildlife Center of Virginia (Waynesboro, VA)
Williamsburg-James City County Animal Control (Williamsburg, VA)

### VERMONT

Addison County Humane Society (Middlebury, VT)
Caledonia Animal Rescue (St. Johnsbury, VT)
Central Vermont Humane Society (Montpelier, VT)
Collie Rescue League of New England (Bradford, VT)
Elizabeth H. Brown Humane Society, Inc. (St. Johnsbury, VT)
Endtrap (White River Junction, VT)
Green Mountain Animal Defenders (Burlington, VT)
Humane Society of Chittenden County (South Burlington, VT)
The Nature Network (North Pomfret, VT)
Rutland County Humane Society (Pittsford, VT)
Rutland Police Department-Animal Control (Rutland, VT)
Second Chance Animal Center (Shaffsbury, VT)
Vermont Volunteer Services for Animals (Woodstock, VT)
Windham County Humane Society (Brattleboro, VT)

### WASHINGTON

Animal Protection Society (Friday Harbor, WA)
City of Hoquiam's Animal Control (WA)
Ellensburg Animal Shelter (Ellensburg, WA)
Humane Society of Central Washington (Yakima, WA)
The Humane Society of Seattle/King County (Bellevue, WA)
Humane Society of Skagit Valley (Burlington, WA)
Kindred Spirits Animal Sanctuary (Suquamish, WA)
NOAH (Stanwood, WA)
Progressive Animal Welfare Society (Lynnwood, WA)
SpokAnimal C.A.R.E. (Spokane, WA)
Wenatchee Valley Humane Society (Wenatchee, WA)
Whatcom Humane Society (Bellingham, WA)

### WISCONSIN

Alliance for Animals (Madison, WI)

Bay Area Humane Society and Animal Shelter, Inc. (Green Bay, WI)
Cats International (Cedarburg, WI)
Chippewa County Humane Association (Chippewa Falls, WI)
Clark County Humane Society (Neillsville, WI)
Coulee Region Humane Society, Inc. (LaCrosse, WI)
Dane County Humane Society (Madison, WI)
Eastshore Humane Association (Chilton, WI)
Eau Claire County Humane Association (Eau Claire, WI)
Elm Brook Humane Society (Brookfield, WI)
Fox Valley Humane Association Ltd (Appleton, WI)
Humane Society of Marathon County (Wausan, WI)
Lincoln County Humane Society Inc. (Merrill, WI)
Northwoods Humane Society (Hayward, WI)
Ozaukee Humane Society (Grafton, WI)
The Pepin County Humane Society (Durand, WI)
Rock County Humane Society (Janesville, WI)
Rusk County Animal Shelter (Ladysmith, WI)
Shawano County Humane Society (Shawano, WI)
Washburn County Area Humane Society (Spooner, WI)
Washington County Humane Society (Slinger, WI)
Wisconsin Humane Society (Milwaukee, WI)

### WEST VIRGINIA

Federation of Humane Organizations of West Virginia (Mineral Wells, WV)
Hampshire County Pet Adoption Program (Paw Paw, WV)
Hancock County Animal Shelter (New Cumberland, WV)
Humane Society of Harrison County (Shinnston, WV)
Humane Society of Morgan County (Berkeley Springs, WV)
Humane Society of Parkersburg (Parkersburg, WV)
The Humane Society of Pocahontas County (Hillsboro, WV)
Humane Society of Raleigh County (Beckley, WV)
Jackson County Humane Society/Jackson County Animal Shelter (Cottageville, WV)
Jefferson County Animal Control (Kearneysville, WV)
Kanawha/Charleston Humane Association (Charleston, WV)
Marshall County Animal Rescue League (Glen Dale, WV)
Monroe County Animal League, Inc. (Union, WV)
Morgantown Animal Control (Morgantown, WV)
Ohio County Animal Shelter (Triadelphia, WV)
Ohio County SPCA (Triadelphia, WV)
Ohio County SPCA (Wheeling, WV)
Putnam County Humane Society, Inc. (Scott Depot, WV)
TLC Animal Sanctuary (Clendenin, WV)
Upshur County Humane Society (Buckhannon, WV)
Wetzel County Humane Society (New Martinsville, WV)

### WYOMING

Animal Care Center (Laramie, WY)
Caring for Powell Animals (Powell, WY)
Cheyenne Animal Shelter (WY)
Dare to Care Animal League (Riverton, WY)
Humane Society of Park County (Cody, WY)
Lander Pet Connection, Inc. (Lander, WY)
Laramie Animal Shelter (Laramie, WY)
PAWS of Jackson Hole (Jackson, WY)
Wyoming Advocates for Animals (Cheyenne, WY)

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By Mr. BOND:

S. 1479. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce a bill that is very important for many employees of the airline industry in my State of Missouri and elsewhere across the country. The legislation is entitled "The Airline Workers Fairness Act."

I have previously written to the distinguished Presiding Officer and the ranking member to explain to them the reason for this concern; that is, the fact that for the good of the country, the airline industry, and the traveling public, American Airlines acquired the assets of TWA. This was a good measure for continuation of airline service, for the employees, and for the communities served.

Now, however, as a result of the outrageous terrorist attacks on September 11, airlines across the country have found a significant decrease in volume.

I believe there is no safer time to fly the airlines than now. We go through a little more security. I am delighted to do it. I believe that we are safe on airline travel, certainly safer than we were before September 11. I believe it is an outstanding time to fly. But many people, because of legitimate concerns for themselves and their families, are not flying. So there are layoffs going on throughout the airline industry.

What this bill seeks to do is to ensure that after the two companies, American Airlines and TWA, and TWA Express, are merged, after the first of the year, that the employees of both merged airlines will be treated fairly.

Obviously, everybody understands with a decrease in airline traffic, there is going to be a need for layoffs. We have seen those layoffs. We hope, we fervently pray, that we can get back to business in the United States and get people flying again so they will use this valuable resource and get these people back to work.

I have talked to an awful lot of people at TWA who realize they will be a much smaller percentage of the total workforce than the larger numbers of American Airlines employees. They have sought to find a way to make sure that these two airlines are combined in a fair and reasonable manner. They looked at the Allegheny-Mohawk approach that was applied by the Civil Aeronautics Board when those two airlines were combined, and the transactions in that were performed in a way to encourage negotiation, mediation, and ultimately resolution of seniority integration issues by a neutral third party arbitrator selected by the parties.

The purpose of this is to ensure that there is a fair and reasonable basis for resolving the seniority issues facing these employees.

Several people have accused me of having some formula that I want to see adopted, having decided in advance how this should proceed. I don't know enough about seniority practices of either of the airlines to try to propose a solution. But when you have both parties coming together, seeking an arbitration panel or arbitrator who is knowledgeable and who will hear presentations from both sides, we can make sure that American Airlines employees and TWA employees are all treated in a fair and reasonable manner.

I am very pleased to say we have had strong support from the Airline Pilots Association, the International Association of Machinists, the Teamsters, and the AFL-CIO. Nobody knows how these issues will be resolved, but an awful lot of people are counting on us to make sure they are resolved in a fair and reasonable manner, giving both sides an opportunity to be heard and to have an arbitrator propose a final decision.

I look forward to working with the occupant of the chair and others as we move forward on this very important matter. I thank my colleagues for their kind attention. I ask that if they wish to join me in this bill, please do so. It is important that we act on this measure this year. I will be happy to respond to inquiries and work with colleagues who have thoughts on how we can improve.

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## STATEMENTS ON SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 164—DESIGNATING OCTOBER 19, 2001, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. BIDEN (for himself, Mr. THURMOND, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms.

SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution: which was referred to the Committee on the Judiciary.

S. RES. 164

Whereas according to the American Cancer Society, in 2001, 192,200 women will be diagnosed with breast cancer and 40,600 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by up to 63 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 97 percent: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 19, 2001, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Madam President, today I am submitting a resolution designating October 19, 2001, as "National Mammography Day." I am pleased that 62 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2001, it is estimated that over 192,000 women will be diagnosed with breast cancer and slightly fewer than 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be upbeat about this situation. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease.

So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily. And the key to this success is early diagnosis and treatment, with routine periodic mammography being the linchpin of the entire process. Routine mammography can locate a breast cancer as much as 2 years before it would be detectable by self-examination. A study released just this year showed that periodic screening mammography reduces breast cancer mortality by a whopping 63 percent. The statistics tell the story: the number of breast cancer deaths is declining despite an increase in the number of breast cancer cases diagnosed. More women are getting mammograms, more breast cancer is being diagnosed, and more of these breast cancers are discovered at an early and highly curable stage.

So my message to women is: have a periodic mammogram. Earl diagnosis saves lives. But I know many women don't have annual mammograms, usually because of either fear or forgetfulness. Some women avoid mammograms because they are afraid of what they will find. To these women, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Let me consider an analogous situation. We know that high blood pressure is a killer, and we are all advised to get our blood pressure checked from time to time. Are we afraid to do this? No. Why not? Because we know that even if high blood pressure is detected on a screening examination, it can be readily and successfully treated. We also know that high blood pressure is not going to go away by itself, so if we have it, we should find out about it, get it treated, and move ahead with our lives.

The argument for having periodic routine mammograms to detect breast cancer is similar. Most of the time, the examination is reassuringly negative. But if it is positive, and your previous routine mammograms were negative, it meant that this cancer has been detected early on, when it has a high chance of being cured.

And then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where "National Mammography Day" comes in. This year, National Mammography Day falls on Friday, October 19, right in the middle of National Breast Cancer Awareness Month. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be a part of their lives for as long as possible.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 19, 2001, as National Mammography Day.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1727. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1728. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1729. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1730. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1731. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1733. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1734. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1736. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1737. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1738. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1739. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1740. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1741. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1742. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1743. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1745. Mr. KENNEDY (for himself, Ms. Collins, Mrs. Carnahan, Mrs. Feinstein, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1746. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1747. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1748. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1749. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1750. Mr. DODD (for himself, Mr. Hollings, Mr. Corzine, Mr. Biden, Mr. Bingaman, Mr. Sarbanes, Ms. Snowe, Mr. Specter, Ms. Collins, Mr. Warner, and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 1438, supra.

SA 1751. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1752. Mr. CONRAD (for himself and Mr. Dorgan) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1753. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1754. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1755. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1756. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1757. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1758. Mr. STEVENS (for himself and Mr. Inouye) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1759. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1760. Mr. REID (for himself, Mr. Hutchinson, Mr. Daschle, Mr. Biden, Mr. Breaux, Mr. Hatch, Mr. Johnson, Mr. Edwards, Mr. Specter, Mr. Inouye, Mr. Rockefeller, Ms. Cantwell, Mrs. Hutchison, Mr. Durbin, Ms. Collins, and Mr. Dodd) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1761. Ms. LANDRIEU (for herself and Mr. Domenici) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1762. Mr. TORRICELLI (for himself, Mr. Carper, and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1763. Mr. TORRICELLI (for himself, Mr. Carper, and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1764. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1765. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1766. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1767. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1768. Mr. CRAIG (for himself, Mr. Lott, Mr. Allen, Mr. Nickles, Mr. Smith, of New Hampshire, and Mr. Crapo) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1769. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1770. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1771. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1772. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1773. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1774. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table:

SA 1775. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1776. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1777. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1778. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1779. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1780. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1781. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1782. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1783. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1784. Mr. KENNEDY (for himself, Mr. Warner, Mrs. Clinton, Mr. Wellstone, and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill S. 1438, supra ; which was ordered to lie on the table.

SA 1785. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1786. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1787. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1788. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1789. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1790. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1791. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1792. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table.

SA 1793. Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1794. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1795. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1796. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1797. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1798. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, supra.

SA 1799. Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1438, supra.

SA 1800. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1801. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, supra.

SA 1802. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1803. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, supra.

SA 1804. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1805. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, supra.

SA 1806. Mr. WARNER (for Mr. BOND (for himself and Mr. BYRD)) proposed an amendment to the bill S. 1438, supra.

SA 1807. Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1438, supra.

SA 1808. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1438, supra.

SA 1809. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 1438, supra.

SA 1810. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1811. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. MILLER)) proposed an amendment to the bill S. 1438, supra.

SA 1812. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1813. Mr. LEVIN (for Mr. CONRAD (for himself, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. BURNS, and Mr. THOMAS)) proposed an amendment to the bill S. 1438, supra.

SA 1814. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, supra.

SA 1815. Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, supra.

SA 1816. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1817. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1818. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1819. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1820. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, supra.

## TEXT OF AMENDMENTS

**SA 1726.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

### SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

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**SA 1727.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 12 and 13, insert the following:

### SEC. 652. REPEAL OF REDUCTION IN SBP ANNUITIES AT AGE 62.

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—Subsection (a) of section 1451 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to 55 percent of the base amount."; and

(2) in paragraph (2), by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to a percentage of the base amount that is less than 55 percent and is determined under subsection (f).".

(b) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—Subsection (c)(1) of such section is amended by striking "shall be determined as follows:" and all that follows and inserting the following: "shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.".

(c) REPEAL OF REQUIREMENT FOR REDUCTION.—Such section is further amended by striking subsection (d).

(d) REPEAL OF UNNECESSARY SUPPLEMENTAL SBP.—(1) Subchapter III of chapter 73 of title 10, United States Code, is repealed.

(2) The table of contents at the beginning of such chapter is amended by striking the item relating to subchapter III.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

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**SA 1728.** Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

### SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,799,999 shall be available for the Clara Barton Center for Domestic Preparedness.

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**SA 1729.** Mr. HUTCHINSON (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed insert the following:

### SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,800,000 shall be available for the Clara Barton center for Domestic Preparedness.

**SA 1730.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following sections:

**SECTION. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.**

(a) Conveyance Required.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) Reversionary Interest.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) Additional Terms and Conditions.—The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

**SECTION. TREATMENT OF AMOUNTS RECEIVED.**

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

**SA 1731.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 13 and 14, insert the following:

**SEC. 1217. INCREASED MILITARY-TO-MILITARY CONTACTS.**

(a) Findings.—Congress makes the following findings:

(1) American foreign policy and the national military strategy of the United States require that members of the Armed Forces have extensive knowledge and expertise regarding a variety of areas of the world.

(2) Military operations are increasingly undertaken as operations of international coalitions.

(3) As an element of United States defense policy, and fundamental to the United States' ability to protect the national security, engagement between members of the United States Armed Forces and members of the armed forces of other nations is critical.

(4) To sustain such engagement, it is likewise critical that the United States cultivate and sustain in members of the Armed Forces the foreign geographic, cultural, social, and language skills that help to ensure the interoperability of the United States Armed Forces with the armed forces of American allies as well as to ensure more effective coalition operations.

(5) Through interactions with foreign military personnel, United States military personnel become familiar with the policies and capabilities of their counterparts and, likewise, enhance the familiarity of their counterparts with United States capabilities, policies, and principles so that the United States Armed Forces are better able to operate with coalition and other partner nations.

(b) Sense of Congress.—It is the sense of Congress that—

(1) to enhance international security partnerships and the attainment of the security goals shared by the United States and its allies, the Secretary of Defense should increase the military-to-military contacts undertaken by the Armed Forces, including contacts through the foreign area officer program, language education programs, senior officer visits, counterpart visits, ship port visits, bilateral and multilateral consultations between and among military staffs, joint military exercises with foreign armed forces, personnel exchange programs, professional military education exchange programs, unit exchange programs, formal military contacts programs, and Partnership for Peace program activities; and

(2) Congress urges the Secretary to do so.

(c) Report.—Not later than March 1, 2002, the Secretary of Defense shall submit to Congress a report containing a discussion of the actions taken to improve and expand the military-to-military contacts programs of the Armed Forces.

**SA 1732.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) Sense of Senate on Comprehensive National Energy Security.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992, to include energy production and energy conservation measures, not later than December 31, 2001.

**SA 1733.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriation for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

**SEC. 1066. SENSE OF THE SENATE REGARDING THE INSPIRATIONAL HEROISM OF AIRLINE PASSENGERS ON SEPTEMBER 11, 2001.**

It is the sense of the Senate that the heroic actions of the passengers aboard United Airlines Flight 93 on September 11, 2001, should serve as an inspiration for all Americans.

**SA 1734.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

**SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.**

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation not later than December 31, 2001.

**SA 1735.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 12 and 13, insert the following:

(e) Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

**SA 1736.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, after line 23, insert the following:

### SEC. 908. UNDER SECRETARY OF DEFENSE FOR HOMELAND DEFENSE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(2) by inserting after section 136 the following new section 137:

**"§ 137. Under Secretary of Defense for Homeland Defense**

"(a) There is an Under Secretary of Defense for Homeland Defense.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Homeland Defense shall perform such duties and exercise such powers relating to homeland defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the overall supervision of (including oversight of policy and resources) of defense of the territory of the United States.

"(c) The Under Secretary is the principal civilian adviser to the Secretary of Defense on matters relating to the defense of the territory of the United States.".

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness" the following:

"Under Secretary of Defense for Homeland Defense."

(d) CONFORMING AMENDMENTS.—Section 131(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) Under Secretary of Defense for Homeland Defense.".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Homeland Defense.", and

(2) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.".

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**SA 1737.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

### SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation, including energy production and energy conservation measures, not later than December 31, 2001.

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**SA 1738.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992 not later than December 31, 2001.

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**SA 1739.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, add the following:

### SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

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**SA 1740.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XI, add the following:

### SEC. 1124. AMENDMENTS TO THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT.

The Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) is amended—

(1) in section 4—

(A) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

"(A) District of Columbia public schools;

"(B) Arlington County, Virginia public schools;

"(C) Alexandria City, Virginia public schools;

"(D) Fairfax County, Virginia public schools;

"(E) Montgomery County, Maryland public schools; and

"(F) Prince George's County, Maryland public schools;"; and

(B) by adding at the end the following:

"(c) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

"(d) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year."; and

(2) in section 5, by striking subsection (c) and inserting the following:

"(c) RATES OF BASIC COMPENSATION.—

"(1) IN GENERAL.—The Secretary of Defense shall fix the basic compensation for teachers and teaching positions in the Department of Defense at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

"(A) District of Columbia public schools;

"(B) Arlington County, Virginia public schools;

"(C) Alexandria City, Virginia public schools;

"(D) Fairfax County, Virginia public schools;

"(E) Montgomery County, Maryland public schools; and

"(F) Prince George's County, Maryland public schools.

"(2) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

"(3) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year.".

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**SA 1741.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 13 and 14, insert the following:

### SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2273) is amended by striking "for full use as an oiler".

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**SA 1742.** Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 15 and 16, insert the following:

### SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation."; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

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**SA 1743.** Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 15 and 16, insert the following:

### SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) PERMANENT AUTHORITY FOR INVOLUNTARILY SEPARATED MEMBERS AND MOBILIZED RESERVES.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following paragraphs:

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if—

"(i) the active duty is active duty for a period of more than 30 days; and

"(ii) the member is qualified under paragraph (3).

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.

"(3) To qualify under paragraph (2)(B), a member—

"(i) shall be unemployed; or

"(ii) shall be employed and shall apply for coverage by a health plan sponsored by the employer as soon as the member is eligible to apply for the coverage."; and

(4) in paragraph (4), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) PERIOD OF COVERAGE.—Paragraph (4) of such subsection, as redesignated by subsection (a)(2), is amended—

(1) in subparagraph (A), by striking "60 days" and inserting "90 days"; and

(2) in subparagraph (B), by striking "120 days" and inserting "180 days".

(c) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(d) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(e) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (d), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

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**SA 1744.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

### SEC. 718. RESTORATION OF PREVIOUS POLICY ON RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

(1) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS.—"; and

(2) by striking subsection (b).

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**SA 1745.** Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

### SEC. 2905. ENHANCEMENT OF ENVIRONMENTAL REMEDIATION.

Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(9)(A) In the case of an installation whose date of approval of closure or realignment under this part is after December 31, 2001, the Secretary of Defense shall commence and undertake continuous remedial action of the hazardous substances on all portions of the installation requiring remedial action to be transferred to a non-Federal person or entity under this part as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice under subparagraph (H)(iv), (J)(ii), or (L)(iii) of paragraph (7) with respect to the use of property at the installation for the homeless.

"(B) If after the transfer of property pursuant to this part additional hazardous substances are discovered by any person on such property that are attributable to actions before the transfer of such property pursuant to this part, the Secretary shall commence and undertake continuous remedial action of the hazardous substances as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice of such hazardous substances.

"(C)(i) The Secretary may waive the deadline in subparagraph (A) or (B) in the case of a remedial action only if the Secretary determines that it is technically impracticable from an engineering perspective to commence the remedial action within the deadline.

"(ii) The Secretary shall commence any remedial action covered by clause (i) as soon as it is possible to commence such remedial action.

"(D) The Secretary shall complete any remedial action commenced under this paragraph as expeditiously as practicable after commencement.

"(E) This paragraph shall not be construed to alter or otherwise affect any environmental laws or the obligations of the Secretary under those laws with respect to an installation covered by this paragraph.".

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**SA 1746.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

## Subtitle A—TRICARE Benefits Modernization

### SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

### SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: ", except as provided in subsection (e)"; and

(2) by adding at the end the following new subsection:

"(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

"(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

"(2) the care is provided for the purposes of maintaining function and preventing deterioration.".

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

"(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

"(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

"(B) no member of the patient's family is willing to provide the treatment or services.

"(9) The term 'custodial care'—

"(A) means treatment or services that—

"(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

"(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

"(B) includes any treatment or service described in subparagraph (A) without regard to—

"(i) the source of any recommendation to provide the treatment or service; and

"(ii) the setting in which the treatment or service is provided.".

### SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

**"§ 1074j. Long term care benefits program**

"(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

"(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

"(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

"(2) Extended care services.

"(3) Post-hospital extended care services.

"(4) Comprehensive intermittent home health services.

"(5) Subject to subsection (d), community based services, as follows:.

"(A) Nursing services provided by or under the supervision of a nurse.

"(B) Therapy services.

"(C) Medical equipment and supplies.

"(D) In the case of a patient with concurrent skilled care needs, the following:

"(i) Home health aide services.

"(ii) Performance of chores.

"(iii) Adult day care services.

"(iv) Respite care.

"(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

"(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

"(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

"(A) is available to the patient in a nursing facility or hospital; and

"(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

"(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

"(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

"(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

"1074j. Long term care benefits program.".

### SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

"(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

"(A) Moderate or severe mental retardation.

"(B) A serious physical disability.

"(C) Any extraordinary physical or psychological condition.

"(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

"(A) Diagnosis.

"(B) Inpatient, outpatient, and comprehensive home health supplies and services.

"(C) Training and rehabilitation, including special education and assistive technology devices.

"(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

"(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

"(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

"(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

"(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

"(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

"(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

"(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

"(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

"(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

"(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

"(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

"(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

"(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

"(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.".

### SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 696).

### SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) DETERMINATIONS OF NECESSITY.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(13)";

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking "this paragraph" in the text of such subparagraph (as so redesignated) and inserting "subparagraph (A)"; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

"(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.".

(b) DETERMINATIONS NOT SUBJECT TO PEER REVIEW.—Subsection (o)(1) of such section is amended by inserting "(subject to subsection (a)(13)(B))" after "determined".

### SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

"(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic or orthotic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic or orthotic device customized for a patient may be provided under this section only by a prosthetic or orthotic practitioner, respectively, who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

### SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function and mobility consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs.

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.

"(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.".

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section shall be provided on a rental basis.".

### SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician, including the following therapies:

"(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

"(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

"(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.".

### SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

"(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

"(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

"(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.".

### SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

### SEC. 710B. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

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**SA 1747.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 702, strike the first line under the section heading and insert the following:

(a) Authority.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: ", except as provided in subsection (e)"; and

(2) by adding at the end the following new subsection:

"(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

"(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

"(2) the care is provided for the purposes of maintaining function and preventing deterioration.".

(b) Domiciliary and Custodial Care Defined.—Section 1072 of such title is * * *

In section 703, after "'(4) Comprehensive intermittent home health services.'", insert the following:

"(5) Subject to subsection (d), community based services, as follows:.

"(A) Nursing services provided by or under the supervision of a nurse.

"(B) Therapy services.

"(C) Medical equipment and supplies.

"(D) In the case of a patient with concurrent skilled care needs, the following:

"(i) Home health aide services.

"(ii) Performance of chores.

"(iii) Adult day care services.

"(iv) Respite care.

"(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

In section 703, strike "'(d) Regulations.—" and all that follows through "'(e) Definitions.—" and insert the following:

"(d) Community Based Services.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

"(A) is available to the patient in a nursing facility or hospital; and

"(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

"(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

"(e) Regulations.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

"(f) Definitions.—

In section 706, strike the section heading and insert the following:

### SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) Determinations of Necessity.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(13)";

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking "this paragraph" in the text of such subparagraph (as so redesignated) and ,inserting "subparagraph (A)"; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

"(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.".

(b) Determinations Not Subject to Peer Review.—Subsection (o)(1) of such section is amended by inserting "(subject to subsection (a)(13)(B))" after "determined".

### SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

"(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic or orthotic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning;

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic or orthotic device customized for a patient may be provided under this section only by a prosthetic or orthotic practitioner, respectively, who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

### SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) Items Authorized.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function and mobility consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs,

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.

"(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.".

(b) Provision of Items on Rental Basis.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section shall be provided on a rental basis.".

### SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician, including the following therapies:

"(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

"(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

"(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.".

### SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

"(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

"(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

"(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.".

### SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

### SEC. 710B. EFFECTIVE DATE.

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**SA 1748.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

## Subtitle F—National Emergency Family Support

### SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) In General.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the period of the national emergency declared by the President on September 14, 2001, in order to ensure that the children of such families obtain needed child care and youth services. The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

(c) Supplementation of Other Public Funds.—Funds referred to in subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of family programs, including child care and youth programs for members of the Armed Forces.

### SEC. 682. CHILD CARE FOR DEPENDENTS OF MOBILIZED RESERVES.

(a) Authority.—(1) The Secretary of Defense is authorized to enter into a cooperative agreement with a public, not-for-profit organization that provides child care resource and referral services on a nationwide basis to carry out a program of assistance for families of eligible members of reserve components of the Armed Forces.

(2) The program under a cooperative agreement entered into under this section shall be similar to the program known as AmeriCorps Cares that is established by the Corporation for National Service under the National and Community Service Act of 1990.

(b) Eligible Members.—For the purposes of this section, an eligible member is a member of reserve components of the Armed Forces serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(c) Forms of Assistance.—Assistance under a cooperative agreement entered into under this section shall include the following:

(1) Referral for child care services.

(2) Financial assistance for the payment of costs of child care.

(d) Financial Assistance.—The Secretary of Defense shall provide financial assistance for the payment of costs of families for child care under any cooperative agreement entered into under this section. The amounts of financial assistance shall be consistent with subsidies paid for child care under subchapter II of chapter 88 of title 10, United States Code. The amount paid a family for child care may not exceed the total subsidy amount that would be provided to the family for attendance of children of the family at military child development centers under section 1793 of such title.

(e) Funding.—Amounts available for carrying out subchapter II of chapter 88 of title 10, United States Code, shall be available for paying the costs incurred by the Department of Defense under a cooperative agreement entered into under this section.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

### SEC. 683. FAMILY EDUCATION AND SUPPORT SERVICES.

(a) In General.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of the national emergency referred to in section 681(a).

(b) Types of Assistance.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, cooperative agreements, or other forms of financial assistance to appropriate private or public entities. The assistance may include grants for after-school programs that are carried out by the Boys & Girls Clubs of America for children of members of reserve components deployed, assigned, or ordered to active duty as described in section 681(a).

(c) Geographic Areas Assisted.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed or have been deployed; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are being deployed or have been deployed.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) Educational Assistance.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Protection of children, child and youth care facilities, and Department of Defense schools that are not on military installations and might be targets of terrorist activity.

(2) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed or are casualties.

(3) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(4) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (2) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) Family Support Assistance.—Family support assistance authorized by this section may be used for the following purposes:

(1) Protection against terrorist activity.
(2) Family crisis intervention.
(3) Family counseling.
(4) Parent education programs.
(5) Family support groups.
(6) Expenses for volunteer activities.
(7) Respite care.
(8) Housing protection and advocacy.
(9) Food assistance.
(10) Employment assistance.
(11) Child care.
(12) Benefits eligibility determination services.
(13) Transportation assistance.
(14) Adult day care for dependent elderly and disabled adults.
(15) Temporary housing assistance for immediate family members visiting wounded members of the Armed Forces or receiving medical treatment at military hospitals and facilities in the United States.
(16) Reimbursement of telephone and other communication expenses incurred in mission-related activities.
(17) The Reserve Family Support Program.
(18) The expansion of Department of Defense family support centers to the extent adequate to provide support for families of members of reserve components referred to in section 682(b) and the establishment of Department of Defense family support centers in major metropolitan areas, and other communities, that are far from military installations and have large populations of families of such members.
(19) Computer and other equipment for communication between members of the Armed Forces and members of their families.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

**SEC. 684. DEFENSE COOPERATION ACCOUNT DEFINED.**

In this subtitle, the term "Defense Cooperation Account" means the Defense Cooperation Account established under section 2608 of title 10, United States Code.

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**SA 1749.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301(a), in the table, strike the item relating to MacDill Air Force Base, Florida.

In section 2301(a), in the table, strike the amount specified as the total in the amount column and insert "$801,370,000.

In section 2304(a), in the matter preceding paragraph (1), strike "$2,579,791,000" and insert "$2,569,791,000".

In section 2304(a), strike "$816,070,000" and insert "$806,070,000".

In section 2601(2), strike "$33,641,000" and insert "$42,241,000".

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**SA 1750.** Mr. DODD (for himself, Mr. Hollings, Mr. Corzine, Mr. Biden, Mr. Bingaman, Mr. Sarbanes, Ms. Snowe, Mr. Specter, Ms. Collins, Mr. Warner, and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1066, ASSISTANCE FOR FIREFIGHTERS.**

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) $600,000,000 for fiscal year 2002.
"(3) $800,000,000 for fiscal year 2003.
"(4) $1,000,000,000 for fiscal year 2004."

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**SA 1751.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

**SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.**

Authorization.—$2,500,000 is authorized for appropriations in section 201(1), in PE62303A214 for Enhanced Scramjet Mixing.

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**SA 1752.** Mr. CONRAD (for himself and Mr. Dorgan) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

Study and Plan.—

(a) With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for enhancing the capabilities and cost effectiveness of the helicopter support missions at the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH-1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH-IN helicopters currently flown by the Air Force with UH-60 Black Hawk helicopters, the UH-1Y, or another platform:

(3) replacement of UH-1N helicopters with UH-60 helicopters and transition of the mission to the Army National Guard, as detailed in the November 21, 2000, Air Force Space Command plan, "The Business Case for ARNG Helicopter Support to AFSPC ICBM Operations;"

(4) replacement of UH-1N helicopters with UH-60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and,

(5) other options as the Secretary deems appropriate.

(c) Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH-1N, the UH-60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d) The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

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**SA 1753.** Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, after line 24, insert the following:

**SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.**

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

**SA 1754.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

## Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) Uniformed Services Voter Defined.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by striking "Each State" and inserting "(a) In General.—Each State"; and

(2) by adding at the end the following:

"(c) Standards for Invalidation of Certain Ballots.—

"(1) In general.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

"(A) on the grounds that the ballot—

"(i) lacked a witness signature, an address, or a postmark; or

"(ii) did not display the proper postmark; or

"(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

"(2) No effect on filing deadlines under state law.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"Sec. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 572(a)(1), is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) Establishment of Demonstration Project.—

(1) In general.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) Authority to delay implementation.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) Coordination With State Election Officials.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) Report to Congress.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) Review and Report.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) Use of Military Installations Authorized.—Section 2670 of title 10, United States Code, is amended—

(1) by striking "Under" and inserting "(a) Use by Red Cross.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following:

"(b) Use as Polling Places.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) Use of Reserve Component Facilities.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.".

(2) Section 18236 of such title is amended by adding at the end the following:

"(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).".

(c) Conforming Amendments to Title 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.".

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.".

(d) Conforming Amendment to Voting Rights Law.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.".

(e) Clerical Amendments.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections".**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.".

### SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) In General.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) Definitions.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) Reports.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) Period of Applicability.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) Definitions.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1755.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

## Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) Uniformed Services Voter Defined.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by striking "Each State" and inserting "(a) In General.—Each State"; and

(2) by adding at the end the following:

"(c) Standards for Invalidation of Certain Ballots.—

"(1) In general.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

"(A) on the grounds that the ballot—

"(i) lacked a witness signature, an address, or a postmark; or

"(ii) did not display the proper postmark; or

"(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

"(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking "**FOR FEDERAL OFFICE**".

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking "and"' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1756.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

### SEC. 1217. DEVELOPMENT AND IMPLEMENTATION OF KEY LIST OF TECHNOLOGY TO STRENGTHEN EXPORT CONTROLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall complete the assessment described in subsection (b) which shall be the basis for the development of a Key List of technology and for implementing an export control program that is aimed at preventing attempts by the People's Republic of China to acquire certain technology.

(b) ASSESSMENT DESCRIBED.—

(1) IN GENERAL.—The Assessment performed by the Secretary of Defense shall include an assessment of—

(A) efforts by the People's Republic of China to acquire certain technology;

(B) how the military strategy of the People's Republic of China relates to its technology requirements; and

(C) the impact the technology requirements and military strategy of the People's Republic of China have on the ability of the United States to protect the Pacific area and the national interest of the United States and its allies.

(2) DEVELOPMENT OF KEY LIST OF TECHNOLOGY.—After performing the assessment described in paragraph (1), the Secretary of Defense, in consultation with the Secretary, shall develop a Key List of technology aimed at safeguarding against attempts by the People's Republic of China to acquire items on the Key List and at protecting the national security interest of the United States and its allies.

(c) STRENGTHENING EXPORT CONTROLS.—The Secretary shall strengthen export control processes and peer review to prevent the transfer of Key List technologies and shall coordinate all of the Department of Commerce's export control measures with the Department of Defense, Department of State, Department of Energy, and the Central Intelligence Agency.

(d) INTERNATIONAL COOPERATION.—The Secretary of State shall implement an international program to gain cooperation from other countries to prevent the export or transfer of Key List technologies to the People's Republic of China.

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**SA 1757.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2901, 2902, and 2903 and insert the following:

### SEC. 2901. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND IN 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) by no later than January 24, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, or for 2005 in clause (iv) of that subparagraph".

(2) MEETINGS.—Section 2902(e) of that Act is amended by striking "and 1995" and inserting "1995, and 2005".

(3) FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 108th Congress for the activities of the Commission in 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(4) TERMINATION.—Section 2902(l) of that Act is amended by striking "December 31, 1995" and inserting "December 31, 2005".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Section 2903(a) of that Act is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2005, the Secretary shall include a force-structure plan for the Armed Forces based on the probable threats to the national security during the twenty-year period beginning with fiscal year 2005.

"(B) The Secretary may revise the force-structure plan submitted under subparagraph (A). If the Secretary revises the force-structure plan, the Secretary shall submit the revised force-structure plan to Congress as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2006."; and

(C) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding subparagraph (A), by striking "Such plan" and inserting "Each force-structure plan under, this subsection"; and

(ii) in subparagraph (A), by striking "referred to in paragraph (1)" and inserting "on which such force-structure plan is based".

(2) SELECTION CRITERIA.—Section 2903(b) of that Act is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2003, for purposes of activities of the Commission under this part in 2005," after "December 31, 1990,"; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2004, for purposes of activities of the Commission under this part in 2005," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2004, in the case of criteria published and transmitted under the preceding sentence in 2004" after "March 15, 1991".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c)(1) of that Act is amended by striking "and March 1, 1995" and inserting "March 1, 1995, and March 14, 2005".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Section 2903(d) of that Act is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2005," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2005," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than May 1 in the case of such recommendations in 2005," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Section 2903(e) of that Act is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2005," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2005," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2005," after "under this part,".

(c) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2005, or a later date specified by the President under section 2903A(b)(2) if a deadline under section 2902 or 2903 is postponed by the President under section 2903A(a),".

### SEC. 2902. BASE CLOSURE ACCOUNT 2005.

(a) ESTABLISHMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

### "SEC. 2906A. BASE CLOSURE ACCOUNT 2005.

"(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2005' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

"(2) There shall be deposited into the Account—

"(A) funds authorized for and appropriated to the Account;

"(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

"(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after September 30, 2005.

"(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

"(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005.

"(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

"(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

"(B) The report for a fiscal year shall include the following:

"(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.

"(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

"(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

"(B) any amount remaining in the Account.

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after September 30, 2005, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

"(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).".

(b) CONFORMING AMENDMENTS.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting "the date of approval of closure or realignment of which is before September 30, 2005" after "under this part";

(2) in subsection (b)(1), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005," after "section 2905";

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005," after "under this part"; and

(B) in subparagraph (A), by inserting "with respect to such installations" after "under this part";

(4) in subsection (d)(1), by inserting "the date of approval of closure or realignment of which is before September 30, 2005" after "under this part"; and

(5) in subsection (e), by striking "Except for" and inserting "Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906A and except for".

(c) CLERICAL AMENDMENT.—The section heading of section 2906 of that Act is amended to read as follows:

**"SEC. 2906. BASE CLOSURE ACCOUNT 1990.".**

### SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES.

(a) INCREASE IN MEMBERS OF COMMISSION.—Section 2902(c)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking "eight members" and inserting "nine members".

(b) SELECTION CRITERIA.—Section 2903(b) of that Act is amended by adding at the end the following new paragraphs:

"(3) The selection criteria shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part.

"(4) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall take into account the effect of the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.".

(c) DEPARTMENT OF DEFENSE RECOMMENDATIONS TO COMMISSION.—Section 2903(c) of that Act is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, by the following new paragraph (1):

"(1) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2004. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.";

(3) in paragraph (4), as so redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) In considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the anticipated continuing need for and availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall take into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations."; and

(C) in subparagraph (D), as so redesignated, by striking "subparagraph (B)" and inserting "subparagraph (C)";

(4) by inserting after paragraph (4), as so redesignated, the following new paragraph (5):

"(5)(A) In making recommendations to the Commission under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(5) in paragraph (8), as so redesignated—

(A) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (7)(B)"; and

(B) in the second sentence, by striking "24 hours" and inserting "48 hours".

(d) COMMISSION CHANGES IN RECOMMENDATIONS OF SECRETARY.—Section 2903(d)(2) of that Act is amended—

(1) in subparagraph (B), by striking "if" and inserting "only if";

(2) in subparagraph (C)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.";

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and

"(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.".

(e) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most-cost effective method of implementation of the recommendation;".

(f) IMPLEMENTATION.—

(1) PAYMENT FOR CERTAIN SERVICES FOR PROPERTY LEASED BACK BY THE UNITED STATES.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (iii), by striking "A lease" and inserting "Except as provided in clause (v), a lease"; and

(2) by adding at the end the following new clause (v):

"(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

"(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

"(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.".

(2) TRANSFERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is amended—

(A) in paragraph (1)(B), by adding at the end the following new sentence: "The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.";

(B) in paragraph (2)(A), by striking "to be paid by the recipient of the property or facilities" and inserting "otherwise to be paid by the Secretary with respect to the property or facilities";

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

(E) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

"(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

"(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.".

(3) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2905(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following: ", except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)".

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**SA 1758.** Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 4, strike "$190,255,000" and insert "$230,255,000".

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**SA 1759.** Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

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**SA 1760.** Mr. REID (for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

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**SA 1761.** Ms. LANDRIEU (for herself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of section XXXI, add the following:

**SEC. 3135. BIOFUSION RESEARCH.**

Of the amounts authorized to be appropriated by section 3103(a) for the Department of Energy for other defense activities, $2,500,000 shall be available for the Office of Security and Emergency Operations of the Department of Energy for biofusion research.

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**SA 1762.** Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1027. DEPARTMENT OF DEFENSE REPORT TO FEDERAL TRADE COMMISSION ON ANTITRUST IMPLICATIONS OF MERGER INVOLVING NATIONAL SMOKELESS NITROCELLULOSE INDUSTRY.**

Not later than 30 days after the date of the enactment of this Act, the Department of Defense shall submit to the Federal Trade Commission the views of the Department on the antitrust implications for the national smokeless nitrocellulose industry of a joint-venture involving a national smokeless nitrocellulose producer.

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**SA 1763.** Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1066. SENSE OF SENATE ON DEPARTMENT OF DEFENSE REGARDING ANTITRUST IMPLICATIONS OF JOINT VENTURE TO PRODUCE PROPELLANT AND PROPELLANT PRODUCTS.**

(a) FINDING.—The Senate finds that the Federal Trade Commission has met with Department of Defense personnel regarding the potential antitrust implications of a joint venture to produce propellant and propellant products.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection 9a) to the Federal Trade Commission not later than 30 days after enactment of this Act.

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**SA 1764.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 664. EXPANDED SCOPE OF AUTHORITY TO WAIVE TIME LIMITATIONS ON CLAIMS FOR MILITARY PERSONNEL BENEFITS.**

(a) AUTHORITY.—Subsection (e)(1) of section 3702 of title 31, United States Code, is amended by striking "a claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10" and inserting "a claim referred to in subsection (a)(1)(A)".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to claims presented to the Secretary of Defense under section 3702 of title 31, United States Code, on or after the date of the enactment of this Act.

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**SA 1765.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table, as follows:

At the end of subtitle C of title 10, add the following:

**SEC. 1027. QUADRENNIAL QUALITY OF LIFE REVIEW.**

(a) REQUIREMENT FOR REVIEW.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

**"§ 118a. Quadrennial quality of life review**

"(a) POLICY.—The quality of life needs of members of the armed forces shall be a primary concern of the Secretary of Defense.

"(b) REQUIREMENT FOR REVIEW.—(1) To determine the quality of life needs of members and to express the primacy of those needs as a concern of the Department of Defense, the Secretary of Defense shall every four years conduct a comprehensive examination of morale, welfare, and recreation activities of the Department of Defense that affect the lives of members of the armed forces. The review shall be known as the 'quadrennial quality of life review'.

"(2) The review shall be conducted two years after the quadrennial defense review is conducted under section 118 of this title.

"(3) The Secretary shall conduct the review in consultation with the Chairman of the Joint Chiefs of Staff.

"(c) CONSIDERATIONS.—In conducting the review, the Secretary shall consider the quality of life priorities and issues relating to the following matters:

"(1) Infrastructure.

"(2) Military construction.

"(3) Physical conditions at bases and facilities.

"(4) Budgetary plans.

"(5) Adequacy of medical care for members of the armed forces and their dependents.

"(6) Adequacy of housing.

"(7) Housing related costs such as utility costs, together with the adequacy of the basic allowance for housing for meeting the housing needs of members of the armed forces.

"(8) The adequacy of the basic allowance for subsistence.

"(9) Educational opportunities and costs for members and dependents.

"(10) Duration of deployments.

"(11) Rates of pay, including the relationship between the rates of pay for members and the rates of pay for civilians.

"(12) Recruitment and retention.

"(13) Workplace safety.

"(14) Family support services.

"(15) The relationship between the other elements of the defense program and policies of the United States and quality of life needs of members.

"(16) Any other priorities and issues that relate to the quality of life of members.

"(17) The relationship of the quality of life priorities, issues, and actions with the national security strategy set forth in the latest national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

"(c) CONTENT.—The quadrennial quality of life review shall include the following matters:

"(1) The measures necessary to provide members of the armed forces with a quality of life reasonably necessary to maximize support and minimize distractions that affect the will and capabilities of members of the armed forces to execute successfully the full range of missions called for in the national defense strategy.

"(2) A full accounting of any backlog of maintenance and repair projects for housing and facilities at military installations, together with an assessment of how conditions of disrepair affect the performance and quality of life of members and their families.

"(3) A budgetary plan setting forth the resources and schedules of actions necessary to improve the quality of life for military personnel called on to carry out the national security strategy, including resources and schedules for reducing and eliminating any backlog of maintenance and repair projects identified under paragraph (2).

"(d) REPORT TO CONGRESS.—The Secretary shall submit a report on each quadrennial quality of life review to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

"(1) The results of the review, including a comprehensive discussion of how the quality of life of members of the armed forces affects military preparedness and readiness and the execution of the national security strategy of the United States.

"(2) The long term quality of life problems to be addressed by the armed forces, together with proposed remedies.

"(3) The short term quality of life problems to be addressed by the armed forces, together with proposed remedies.

"(4) The assumptions used in the review.

"(5) The effects of quality of life issues on the morale of the members of the armed forces.

"(6) The quality of life issues that affect members of the reserve components, together with proposed remedies.

"(7) The percentage of defense spending that it is appropriate to allocate to the quality of life of members of the armed forces.

"(e) CJCS REVIEW.—Upon the completion of the quadrennial quality of life review, the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of the quality of life of the members of the armed forces. The assessment shall be included in its entirety in the report on the review required under subsection (d).

"(f) INDEPENDENT REVIEW.—Before submitting the report on the quadrennial quality of life review to Congress, the Secretary shall make the report available to persons independent of the Federal Government whose interests and expertise the Secretary determines relevant to issues of the quality of life of members of the armed forces and shall invite those persons to review the report and to submit comments on the report to the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item:

“118a. Quadrennial quality of life review.”.

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**SA 1766.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

**SEC. . TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.**

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, shall, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

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**SA 1767.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

**SEC. TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.**

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, may, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

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**SA 1768.** Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. NICKLES, Mr. SMITH of New Hampshire, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A of the bill, add the following new title:

### TITLE XIV—AMERICAN ARMED FORCES PROTECTION ACT OF 2001

**SEC. 1401. SHORT TITLE.**

This title may be cited as the “American Armed Forces Protection Act 2001”.

**SEC. 1402. FINDINGS AND POLICY.**

(a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of September 15, 2001, 139 countries had signed the Rome Statute and 38 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: “We are left with consequences that do not serve the cause of international justice.”.

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.”

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, “I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied”.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

(10) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a direct contravention of the sovereign equality of all member states under Article 2 of the Charter of the United Nations, and is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) POLICY OF THE UNITED STATES REGARDING THE ROME STATUTE.—

(1) POLICY.—

(A) INTENTION TO REMAIN OUTSIDE THE STATUTE.—It is the policy of the United States that the United States will not become a state party to the Rome Statute.

(B) FINDING REGARDING THE LEGAL STATUS OF THE INTERNATIONAL CRIMINAL COURT AND THE PREPARATORY COMMISSION.—Because the United States has not ratified the Rome Statute as a treaty under Article II, Section 2, Clause 2, of the Constitution of the United States, Congress finds the International Criminal Court and the Preparatory Commission are not judicial bodies or instruments of international law with respect to the United States or to citizens of the United States.

(2) DIPLOMATIC COMMUNICATION OF POLICY.—

(A) TRANSMITTAL OF INTENT TO THE UNITED NATIONS.—It is the sense of Congress that the President should provide written notification to the Secretary-General of the United Nations of the policy contained in paragraph (1).

(B) INSTRUCTIONS TO UNITED STATES REPRESENTATIVES.—It is the sense of Congress that the President should instruct all representatives of the United States in any international forum or setting, including any forum regarding the availability of funds, to put forward, as United States policy regarding the International Criminal

Court and the Preparatory Commission, the policy contained in paragraph (1).

### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) Authority To Initially Waive Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) Authority To Extend Waiver of Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 1405 and 1407 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree they would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason. to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Construction.—The provisions of this section—

(1) apply only to the International Criminal Court established by the Rome Statute; and

(2) shall not be construed to prohibit—

(A) any action permitted under section 1408;

(B) any other action taken by members of the Armed Forces of the United States outside the territory of the United States while engaged in military operations involving the threat or use of force when necessary to protect such personnel from harm or to ensure the success of such operations; or

(C) communication by the United States to the International Criminal Court of its policy with respect to a particular matter.

(b) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—No funds available to any United States agency, entity, or court may be used to provide any assistance under any treaty or executive agreement for mutual legal assistance in any criminal matter, any multilateral convention with legal assistance provisions, or any extradition treaty, to which the United States is a party, or in connection with the execution or issuance of any letter rogatory, to the International Criminal Court.

(c) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. CONDITIONS FOR THE PROTECTION OF UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—No funds available to any United States agency or entity may be used for the participation of any member of the Armed Forces of the United States in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation; or

(2) the United States has taken other appropriate steps to guarantee that members of the Armed Forces of the United States participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) Direct Transfer.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) Indirect Transfer.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) Waiver.—The President may waive the prohibition of subsection (a) with respect to a particular country—

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition; and

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand); or

(3) Taiwan.

### SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) may be used—

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) Bribes and Other Inducements Not Authorized.—Subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

### SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of Measures To Achieve Enhanced Protection for Members of the Armed Forces of the United States.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in Classified Form.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

### SEC. 1410. NONDELEGATION.

The authorities vested in the President by sections 1403, 1405(c), and 1407(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

### SEC. 1411. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Classified national security information.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) Covered allied persons.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) Covered United States persons.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other United States citizens, and any other person employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) Extradition.—The terms "extradition" and "extradite" include both "extradition" and "surrender" as those terms are defined in article 102 of the Rome Statute.

(6) International criminal court.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) Major non-NATO ally.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) Party to the international criminal court.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(9) Peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(10) Rome statute.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(11) Support.—The term "support" means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) United states military assistance.—The term "United States military assistance" means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

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**SA 1769.** Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

### TITLE    EQUAL PROTECTION OF VOTING RIGHTS

### SEC.    01. SHORT TITLE.

This title may be cited as the "Equal Protection of Voting Rights Act of 2001".

### SEC.    02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government "of the people, by the people, and for the people" where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

### Subtitle A—Commission on Voting Rights and Procedures

### SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the "Commission").

### SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

### SEC. 13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section 31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and

nondiscriminatory election technology and administration requirements under section 31.

(c) Reports.—

(1) Interim reports.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) Final report.—

(A) In general.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) Content.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

### SEC. 14. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) Witness Allowances and Fees.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) Gifts and Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) Application of Federal Advisory Committee Act.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

### SEC. 15. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).

### SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) Availability.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle B—Election Technology and Administration Improvement Grant Program

### SEC. 21. ESTABLISHMENT OF GRANT PROGRAM.

(a) In General.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section 23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section 22.

(b) Action Through Office of Justice Programs and Assistant Attorney General for Civil Rights.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

### SEC. 22. AUTHORIZED ACTIVITIES.

(a) In General.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as "same-day" voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section 13(c)(2), to implement recommendations contained in such report under section 13(c)(2)(B)(ii).

(b) Requirements for Election Technology and Administration.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section 32(a), to implement the requirements under section 31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section 32(b), to implement the requirements under section 31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section 32(c), to implement the requirements under section 31(c).

### SEC. 23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) General Policies.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) Criteria.—

(1) In general.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section 24, including the requirements for State plans under paragraph (2).

(2) Requirements of state plans.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section 31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) Consistency with election technology and administration requirements.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) Consultation.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

### SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) Submission of Applications by States.—

(1) In general.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) Contents of applications.—Each application submitted under paragraph (1) shall include the following:

(A) State plan.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section 22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section 23(b).

(B) Compliance with federal matching requirements.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(C) Additional assurances.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) Availability of state plans for review and comment.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) Submission of Applications by Localities.—

(1) In general.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) Contents of applications.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) Consistency with state plan.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) Nonduplication of effort.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) Compliance with federal matching requirements.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(D) Additional assurances.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

### SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) Approval of State Applications.—

(1) In general.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 23.

(2) Publication of state plans and solicitation of comments.—After receiving an application of a State submitted under section 24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) Approval.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(b) Approval of Applications of Localities.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section 24(b) in accordance with the general policies and criteria established under section 23.

### SEC. 26. FEDERAL MATCHING FUNDS.

(a) Payments.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the cost of the activities described in that application.

(b) Federal Share.—

(1) In general.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) Waiver.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) Incentive for early action.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) Reimbursement for cost of meeting requirements.—With respect to the authorized activities described in section 22(b) insofar as a State or locality incurs expenses to meet the requirements of section 31, the Federal share shall be 100 percent.

(c) Non-Federal Share.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

### SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) Recordkeeping Requirement.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) Audit and Examination.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

### SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) Reports to Congress.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

### SEC. 29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term "locality" means a political subdivision of a State.

### SEC. 30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

## Subtitle C—Requirements for Election Technology and Administration

### SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

### SEC. 32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section 31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

### SEC. 33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section 31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section 32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section 22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

### SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

## Subtitle D—Miscellaneous

### SEC. 41. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—

The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1770.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

### SEC. 1066. PROTECTION OF WORKER HEALTH AT IOWA ARMY AMMUNITION PLANT, IOWA.

(a) Findings.—Congress makes the following findings:

(1) Workers at the Atomic Energy Commission nuclear weapons production facility at the Iowa Army Ammunition Plant, Iowa (IAAP), from 1947 to 1975 were exposed to radioactive and other hazardous substances that could harm their health.

(2) Workers at the Army plant at the IAAP worked for the same contractor as workers in the nuclear weapons production facility, at the same site, and sometimes in buildings that had been used for nuclear weapons work. Workers at the Army plant were exposed to many of the radioactive and other hazardous substances to which workers at the Atomic Energy Commission facility were exposed. Some workers worked at both the Atomic Energy Commission facility and the Army plant.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from acknowledging the reason for some exposures of workers to radioactive or other hazardous substances at Department facilities, and secrecy oaths have discouraged some workers from discussing possible exposure to such substances at such facilities with their health care providers and other officials.

(4) The Department of Energy has publicly acknowledged that nuclear weapons were manufactured and dismantled at the IAAP before the plant was closed more than 25 years ago.

(5) In the past, the Department of Defense has publicly acknowledged that the United States had nuclear weapons in Alaska, Hawaii, Puerto Rico, Guam, Johnston Island, Midway Islands, the United Kingdom, West Germany, and Cuba, but has denied having weapons in Iceland.

(6) The Department of the Army in 1999 requested permission to release the names of Army installations that were former nuclear weapons storage sites, and to release information about such sites, but such permission was not granted.

(7) Section 1078 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–282) requires the Secretary of Defense—

(A) to review Department of Defense classification and security policies;

(B) to identify and notify former employees of defense nuclear weapons facilities who may have been exposed to radioactive or hazardous substances associated with nuclear weapons at such facilities; and

(C) to submit to Congress a report on such actions by May 1, 2001.

(8) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers at defense nuclear weapons production facilities and the public.

(b) Modification of General Requirements.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting ", or its contractors or subcontractors," after "Department of Defense"; and

(2) in paragraph (3), by striking "stored, assembled, disassembled, or maintained" and inserting "manufactured, assembled, or disassembled".

(c) Determination of Exposures at IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, Iowa, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(d) Notification of Employees Regarding Exposure.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (c), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(e) Deadline for Actions.—The Secretary shall complete the actions required by subsections (c) and (d) not later than 60 days after the date of the enactment of this Act.

(f) Report.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (c), the number of workers identified under subsection (d)(1)(A), the content of the notice to such workers under subsection (d)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (d)(1)(B).

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**SA 1771.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

### SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) Increase in Authorization of Appropriations for Research, Development, Test, and Evaluation, Defense-Wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $8,000,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) Availability of Funds.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $6,600,000 shall be available for the Big Crow program; and

(2) $1,500,000 shall be available for the Defense Systems Evaluation (DSE) program.

(c) Offset.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $8,000,000.

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**SA 1772.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

## Subtitle A—TRICARE Benefits Modernization

### SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) In General.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) Repeal of Separate Authority.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) Savings Provision.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) Consultation Requirement.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

### SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) Authority.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: ", except as provided in subsection (e)"; and

(2) by adding at the end the following new subsection:

“(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

“(1) the potential for the patient’s condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

“(2) the care is provided for the purposes of maintaining function and preventing deterioration.”.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

“(8) The term ‘domiciliary care’ means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

“(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient’s home; or

“(B) no member of the patient’s family is willing to provide the treatment or services.

“(9) The term ‘custodial care’—

“(A) means treatment or services that—

“(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

“(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

“(B) includes any treatment or service described in subparagraph (A) without regard to—

“(i) the source of any recommendation to provide the treatment or service; and

“(ii) the setting in which the treatment or service is provided.”.

### SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

**“§ 1074j. Long term care benefits program**

“(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

“(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

“(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

“(2) Extended care services.

“(3) Post-hospital extended care services.

“(4) Comprehensive intermittent home health services.

“(5) Subject to subsection (d), community based services, as follows:.

“(A) Nursing services provided by or under the supervision of a nurse.

“(B) Therapy services.

“(C) Medical equipment and supplies.

“(D) In the case of a patient with concurrent skilled care needs, the following:

“(i) Home health aide services.

“(ii) Performance of chores.

“(iii) Adult day care services.

“(iv) Respite care.

“(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

“(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

“(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

“(A) is available to the patient in a nursing facility or hospital; and

“(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

“(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient’s physician.

“(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘extended care services’ has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

“(2) The term ‘post-hospital extended services’ has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

“(3) The term ‘home health services’ has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

“(4) The term ‘skilled nursing facility’ has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

“(5) The term ‘spell of illness’ has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

“1074j. Long term care benefits program.”.

### SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

“(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

“(A) Moderate or severe mental retardation.

“(B) A serious physical disability.

“(C) Any extraordinary physical or psychological condition.

“(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

“(A) Diagnosis.

“(B) Inpatient, outpatient, and comprehensive home health supplies and services.

“(C) Training and rehabilitation, including special education and assistive technology devices.

“(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

“(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

“(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

“(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

“(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

“(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

“(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

“(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

“(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

“(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

“(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

“(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

“(i) the Government’s share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

“(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government’s maximum share under clause (i).

“(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

“(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

"(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.".

**SEC. 705. CONFORMING REPEALS.**

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

**SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.**

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

**SEC. 710B. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

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**SA 1773.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

**SEC. 02. DECLARATION OF PURPOSE AND POLICY.**

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

**SEC. 03. DEFINITIONS.**

In this title:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

**SEC. 04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.**

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) Failure to Meet Requirements.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 05.

### SEC. 05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 04(a), do not substantially provide for such rights and responsibilities.

(b) Role of the Federal Labor Relations Authority.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) Enforcement.—

(1) Authority to petition court.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) Private right of action.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

### SEC. 06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

### SEC. 07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

### SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) Construction.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 04(b)(3).

(b) Compliance.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

### SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

## TITLE—ANTI-TERRORISM TRAINING GRANTS

As authorized by Sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, **$12,600,000** is designated to the Office for State and Local Domestic Preparedness Support in the Department of Justice for purposes of making grants to train fire fighters to respond to acts of terrorism.

Grants shall be made to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors, who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to terrorist attacks.

There are authorized to be appropriated **$12,600,000** to carry out this provision.

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**SA 1774.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) Limited Competition Requirement.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation. The Secretary may employ the same procedures in relation to Federal Prison Industries products purchased by private vendors contracted by the Department of Defense, if he determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector.

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**SA 1775.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense; for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) Limited Competition Requirement.—If the Secretary determines that a Federal Prison Industries product (including a product that is integral to, or embedded in, a product that is not available from Federal Prison industries) is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

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**SA 1776.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

On page 294, between lines 16 and 17, insert the following:

### SEC. 833. INCREASED THRESHOLD AMOUNT FOR APPLICABILITY OF DAVIS-BACON ACT AND SERVICE CONTRACT ACT OF 1965.

(a) Davis-Bacon Act.—Section 1(a) of the Act of March 3, 1931 (popularly known as the "Davis-Bacon Act"; 40 U.S.C. 276a(a)), is amended by striking "**$2,000**" in the first sentence and inserting "**$1,000,000**".

(b) SERVICE CONTRACT ACT OF 1965.—Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351) is amended by striking "$2,500" and inserting $1,000,000".

**SA 1777.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 821 and insert in lieu therof the following:

SEC. 821. The General Accounting Office shall conduct a study of existing procurement procedures, regulations, and statutes which govern procurement transactions between the Department of Defense and Federal Prison Industries, and any joint recommendation of the Department of Defense and Department of Justice. A report containing the findings of the study and recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the Senate Committee on Armed Services not later than April 30, 2002.

**SA 1778.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 821, and insert in lieu thereof the following:

**"SEC. 821. PURCHASES FROM FEDERAL PRISON INDUSTRIES.**

"The Secretary of Defense, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, shall conduct a thorough review of procurement procedures involving the purchase of good from Federal Prison Industries. Following such review, the Secretary of Defense may, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, override the denial of any waiver sought by the Department of Defense from mandatory source requirements, if he concludes that such an override is in the public interest.".

**SA 1779.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 21 through the period on page 266, line 6.

**SA 1780.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

**SEC. 1066. DEPARTMENT OF DEFENSE STRATEGIC LOAN AND LOAN GUARANTY PROGRAM.**

(a) AUTHORITY.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2228. Department of Defense strategic loan and loan guaranty program**

"(a) AUTHORITY.—The Secretary of Defense may carry out a program to make direct loans and guarantee loans for the purpose of supporting the attainment of the objectives set forth in subsection (b).

"(b) OBJECTIVES.—The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal and interest of a loan made to an applicant upon the Secretary's determination that the applicant's use of the proceeds of the loan will support the attainment of any of the following objectives:

"(1) Sustain the readiness of the United States to carry out the national security objectives of the United States through the guarantee of steady domestic production of items necessary for low intensity conflicts to counter terrorism or other imminent threats to the national security of the United States.

"(2) Sustain the economic stability of strategically important domestic sectors of the defense industry that manufacture or construct products for low-intensity conflicts and counter terrorism to respond to attacks on United States national security and to protect potential United States civilian and military targets from attack.

"(3) Sustain the production and use of systems that are critical for the exploration and development of new domestic energy sources for the United States.

"(c) CONDITIONS.—A loan made or guaranteed under the program shall meet the following requirements:

"(1) The period for repayment of the loan may not exceed five years.

"(2) The loan shall be secured by primary collateral that is sufficient to pay the total amount of the unpaid principal and interest of the loan in the event of default.

"(d) EVALUATION OF COST.—As part of the consideration of each application for a loan or for a guarantee of the loan under the program, the Secretary shall evaluate the cost of the loan within the meaning of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).".

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

"2228. Department of Defense strategic loan and loan guaranty program.".

(b) FUNDING.—Of the amounts appropriated by Public Law 107-38, there shall be available such sums as may be necessary for the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct loans and loan guarantees made under section 2228 of title 10, United States Code, as added by subsection (a).

**SA 1781.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

**SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.**

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term "World War II" has the meaning given the term in section 101(8) of title 38, United States Code.

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**SA 1782.** Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

### SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term "World War II" has the meaning given the term in section 101(8) of title 38, United States Code.

(j) FUNDING.—(1) The amount authorized to be appropriated under section 421 is hereby increased by $99,000,000. Of the total amount authorized to be appropriated by section 421, as so increased, $99,000,000 shall be available for carrying out this section. Notwithstanding any other provision of this or any other Act, the amount set aside by the preceding sentence is authorized to be made available for fiscal years 2002, 2003, and 2004.

(2) The amount authorized to be appropriated by section 103(1) is hereby reduced by $99,000,000.

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**SA 1783.** Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 20, insert the following:

### SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICES.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

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**SA 1784.** Mr. KENNEDY (for himself, Mr. WARNER, Mrs. CLINTON, Mr. WELLSTONE and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE MENTAL HEALTH AND TERRORISM

### Subtitle A—Planning and Training Grants

### SEC. 01. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary of Education (referred to in this section as the "Secretary"), in consultation with the Secretary of Health and Human Services, shall award grants to eligible local educational agencies (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965) to enable such agencies to develop programs to respond to mental health needs arising from a disaster.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a local educational agency, in consultation with the State educational agency, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for responding to the mental health needs of school children and school personnel that may arise as a result of a disaster that shall contain—

(A) the name of an individual designated by each school involved to serve as the lead coordinator responsible for responding to the mental health needs of students and school personnel affected by a disaster;

(B) an assurance that the applicant, and each school involved, will provide materials and training to all teachers, school counselors, and other appropriate school personnel concerning the appropriate ways in which to talk with students about disasters;

(C) an assurance that the applicant will participate in the establishment of community partnerships between local educational agencies and mental health professionals and service systems, and to the extent appropriate community-based organizations, to respond to the mental health needs that arise from a disaster;

(D) an assurance that the applicant will establish a program for communicating with parents concerning appropriate responses to the mental health needs of students that result from a disaster and the services offered by the school with respect to such needs;

(E) an assurance that the applicant will establish a program to educate teachers, parents, school counselors, and other key personnel concerning the recognition of students who are exhibiting behaviors that may require a referral to a qualified mental health provider and the appropriate notification of the parents or guardians of such students; and

(F) an assurance that the applicant will provide for the equitable participation of private schools, that are located in the area to be served by the applicant, in the same manner as such participation is provided for under sections 14503 through 14506 of the Elementary and Secondary Education Act of 1965.

(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the State educational agency and provide the State educational agency with the opportunity to comment on such application.

(3) GRANTS TO STATES.—The Secretary may award a grant to a State under this section to enable the State—

(A) to provide assistance to local educational agencies that do not otherwise apply for or receive a grant under this section, to assist such agencies in submitting applications and developing plans under paragraph (1); or

(B) to coordinate State and local school educational agency efforts under this section.

(c) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

(d) INFORMATION AND EDUCATION.—

(1) IN GENERAL.—The Secretary shall establish and disseminate to local educational agencies and public and private elementary and secondary schools, comprehensive information and education program information to assist such agencies and schools in evaluating and developing appropriate materials and programs for responding to the mental health needs associated with students and school personnel in disasters.

(2) COORDINATION.—Agencies and schools shall coordinate response programs developed under paragraph (1) with existing public and private programs, including the 2-1-1 hotline program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

### SEC. 02. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating the second part G (relating to services provided through religious organizations) as part J;

(2) by redesignating sections 581 through 584 of such part as sections 596 through 596C; and

(3) by adding at the end the following:

## “PART K—MENTAL HEALTH AND DISASTERS

## “Subpart I—Planning Grants

### “SEC. 597. GRANTS TO STATE AND LOCAL PUBLIC ENTITIES.

“(a) IN GENERAL.—The Secretary shall award grants to eligible State and local public entities to enable such entities to develop programs to respond to mental health needs arising from a disaster.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a State or local public entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) an assurance that the applicant will coordinate activities under the grant, including the coordination and management of volunteer mental health providers, with—

“(i) other governmental agencies;

“(ii) private service providers; and

“(iii) local educational agencies;

“(B) the name of an individual designated by the applicant to serve as the lead coordinator responsible for coordinating services provided under the grant;

“(C) an assurance that the applicant will develop a program to provide crisis counseling services to individuals in the event of a disaster;

“(D) an assurance that the applicant will develop a program to provide information to the public in the event of a disaster;

“(E) an assurance that the applicant will ensure the availability of mental health professionals who are trained to meet the special mental health needs of disaster victims;

“(F) an assurance that the applicant will establish a program to meet the mental health needs of special populations, including the disabled, minority groups, children, and the elderly, and where appropriate, rural populations;

“(G) an assurance that the applicant will develop a program to locate and assess individuals after a disaster who are at risk of developing, or who have developed, a mental illness as a result of the disaster, and to provide referrals and treatment for such individuals;

“(H) an assurance that the applicant, in consultation with providers and organizations that serve public safety workers, will assist in developing a program to identify and meet the mental health needs of public safety workers and others involved in responding to the disaster; and

“(I) an assurance that the applicant will develop a program that coordinates with other systems or entities providing services to disaster victims, including hotline programs.

“(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the chief executive officer of the State and provide the State with the opportunity to comment on such application.

“(c) USE OF FUNDS.—A State or local government or other governmental agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

“(e) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.

### “SEC. 597A. DISASTER RESPONSE CLEARINGHOUSE AND DISASTER HOTLINES.

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of this part, the Secretary shall establish and maintain a Mental Health Disaster Response Clearinghouse to collect and make available information to assist local educational agencies, State and local governments, health care providers, and the public in responding to mental health needs associated with disasters.

“(b) PROVISION OF INFORMATION.—As part of the clearinghouse established under subsection (a), the Secretary shall establish a program for—

“(1) providing appropriate information to the media; and

“(2) disseminating training-related curricula and materials to mental health professionals.

“(c) DISASTER RESPONSE HOTLINES.—The Secretary shall award grants to State or local entities to enable such entities to develop, expand, or increase the capacity of 2-1-1 call centers or other universal hotlines, for the purpose of connecting the public to all available community information centers developed in response to a disaster and disaster recovery efforts, as well as connecting the public to existing social services that are available to support the public during the time of a disaster and recovery, including mental health services.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

## “Subpart II—Training Grants

### “SEC. 597E. TRAINING GRANTS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to eligible entities to enable such entities to provide for the training of mental health professionals with respect to the treatment of individuals who are victims of disasters.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

“(1) be a—

“(A) regional center of excellence; or

“(B) a mental health professional society; and

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts received under the grant to provide for the training of mental health professionals to enable such professionals to appropriately diagnose individuals who are the victims of disasters with respect to their mental health and to provide for the proper treatment of the mental health needs of such individuals.

“(d) TRAINING MATERIALS AND PROCEDURES.—The Director of the Center for Mental Health Services, in consultation with the

Director of the National Institute of Mental Health, the National Center for Post-Traumatic Stress Disorder, the International Society for Traumatic Stress Studies, and the heads of other similar entities, shall develop training materials and procedures to assist grantees under this section.

"(e) DEFINITION.—In this section ,the term 'mental health professional' includes psychiatrists, psychologists, psychiatric nurses, mental health counselors, marriage and family therapists, social workers, pastoral counselors, school psychologists, licensed professional counselors, school guidance counselors, and any other individual practicing in a mental health profession that is licensed or regulated by a State agency.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

"(g) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.".

### Subtitle B—Addressing Long-Term Needs

### SEC. 11. GRANTS TO DIRECTLY AFFECTED AREAS.

Part K of title V of the Public Health Service Act, as added by section 01, is amended by adding at the end the following:

### "Subpart III—Addressing Long-Term Needs

### "SEC. 597H. GRANTS TO DIRECTLY AFFECTED AREAS.

"(a) IN GENERAL.—The Secretary shall award grants to eligible State and local governments and other public entities to enable such entities to respond to the long-term mental health needs arising from the terrorist attack of September 11, 2001.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a State or local government or other public entity that is located in an area that is directly affected (as determined by the Secretary) by the terrorist attack of September 11, 2001; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) USE OF FUNDS.—A grantee shall use amounts received under a grant under subsection (a)—

"(1) to carry out activities to locate individuals who may be affected by the terrorist attack of September 11, 2001 and in need of mental health services, including teachers and public safety officers with special responsibility for responding to the disaster;

"(2) to provide treatment for those individuals identified under paragraph (1) who are suffering from a serious psychiatric illness as a result of such terrorist attack (including paying the costs of necessary medications), including teachers and public safety officers with special responsibility for responding to the disaster;

"(4) to carry out other activities determined appropriate by the Secretary.

"(d) USE OF PRIVATE ENTITIES AND EXISTING PROVIDERS.—To the extent appropriate, a grantee under subsection (a) shall—

"(1) enter into contracts with private, nonprofit entities to carry out activities under the grant; and

"(2) to the extent feasible, utilize providers that are already serving the affected population, including providers used by public safety workers and teachers.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) with respect to grants to entities described in subsection (b)(1)(A), $175,000,000 for fiscal year 2002, and such sums as may be necessary in each of fiscal years 2003 and 2004; and

### "SEC. 597I. RESEARCH.

"(a) LIFTING OF CAP ON SUPPLEMENTAL RESEARCH FUNDS.—Notwithstanding any other provision of law, the Secretary may waive any restriction on the amount of supplemental funding that may be provided to any disaster—related scientific research project that is funded by the Secretary.

"(b) ADDITIONAL FUNDING.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 to enable the Secretary to award additional grants for the conduct of peer-reviewed. mental health—related scientific research projects related to the assessment of the mental health impacts and the provision of appropriate interventions for individuals affected by the September 11, 2001 terrorist attacks.".

### Subtitle C—Addressing the Needs of Victims of Crime

### SEC. 21. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

"(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking "deposited in" and inserting "to be distributed from";

(2) in subparagraph (A), by striking "48.5" and inserting "47.5";

(3) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(4) in subparagraph (C), by striking "3" and inserting "5".

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund in fiscal year 2002 as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

"(C) Amounts set aside under subparagraph (A) from the amounts remaining in the Fund in fiscal year 2002 shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

"(i) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for fiscal year 2002; and

"(ii) subsections (c) and (d) of section 1402.".

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

### SEC. 22. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by striking "40" each place it appears and inserting "60".

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or".

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107-42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(d) Definitions of "Compensable Crime" and "State".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) Relationship of Eligible Crime Victim Compensation Programs to the September 11th Victim Compensation Fund.—

(1) In general.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107–42," after "Federal program,".

(2) Compensation.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

### SEC. 23. CRIME VICTIM ASSISTANCE.

(a) Assistance for Victims in the District of Columbia, Puerto Rico, and Other Territories and Possessions.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) Prohibition on Discrimination Against Certain Victims.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) Grants for Program Evaluation and Compliance Efforts.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) Allocation of Discretionary Grants.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) Fellowships and Clinical Internships.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

### SEC. 24. VICTIMS OF TERRORISM.

(a) Compensation and Assistance to Victims of Domestic Terrorism.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) Victims of Terrorism Within the United States.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) Assistance to Victims of International Terrorism.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) Compensation to Victims of International Terrorism.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

## Subtitle D—Grants to Children and Adults Who Experience Violence-Related Stress

### SEC. 31. CHILDREN AND ADULTS WHO EXPERIENCE VIOLENCE-RELATED STRESS.

(a) Children.—

(1) In general.—Section 582(f) of the Public Health Service Act (42 U.S.C. 290hh-1(f)) is amended by striking "2002 and 2003" and inserting "2002 through 2005".

(2) Sense of congress.—It is the sense of Congress that the program established under section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) should be fully funded.

(b) Adults.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 582 the following:

### "SEC. 583. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of adults resulting from witnessing or experiencing a traumatic event.

"(b) Priorities.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

"(c) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) Evaluation.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal year 2002 and 2003.".

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**SA 1785.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 346:

(d) Incentives to Private Sector.—(1) The Secretary of Defense shall prepare and submit to the congressional defense committees and committees on health not later than February 1, 2002, an evaluation of the incentives necessary to encourage the private sector to develop and produce vaccines described in subsection (b)(1), as well as therapeutic products for the purposes described in such subsection, for acquisition by the Department of Defense.

(2) The analysis under paragraph (1) shall include an analysis of the need for long-term contracts, security measures, and protection from potential losses due to product liability claims.

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**SA 1786.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert:

(D) ADVANCED BIOTECHNOLOGY APPLICATIONS.—(1) The Secretary of Defense may, subject to the availability of funds appropriated and authorized to be appropriated for such purposes, design and implement a program to integrate advanced biotechnology applications into biological weapons detection and defense activities and to develop advanced biomedical treatment regimes for members of the Armed Forces.

(2) The Secretary is authorized to use procurement procedures involving requests for proposals to contract for advanced research and development of defensive biotechnology application under the program.

(3) The research and development activities under the program may include research and development relating to the following, subject to the Secretary's prioritization of such research and development:

(A) Diagnostic systems.

(B) Vaccines and other therapeutic products.

(C) Anti-viral products.

(D) Antibiotics for treatment of persons exposed to biological agents.

(E) Vaccine delivery systems.

(F) Enzymatic bioagent and chemical agent degradation.

(G) Wound healing therapeutics.

(H) Gene therapy.

(I) Biowarfare detection systems.

(J) Radioprotective pharmaceuticals.

(K) Gene delivery systems.

(L) Stasis enhancement therapeutics.

(M) Physiological enhancement pharmacologics.

(N) Blood products.

(O) Nanodiagnostic methods.

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**SA 1787.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

## TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

### SEC. 1401. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2001".

### SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 1404 and 1406 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) Termination of Prohibitions of This Title.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

### SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

### SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

### SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

### SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

### SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

### SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a

person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

### SEC. 1414. EFFECTIVE DATE. ±

This title shall take effect one day after its date of enactment.

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**SA 1788.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## TITLE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

### SEC. 01. SHORT TITLE.

This title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001".

### SEC. 02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

### SEC. 03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

### SEC. 04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) In general.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) Procedures for subsequent determinations.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) Judicial review.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) Rights and Responsibilities.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) Failure to Meet Requirements.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 05.

### SEC. 05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 04(a), do not substantially provide for such rights and responsibilities.

(b) Role of the Federal Labor Relations Authority.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) Enforcement.—

(1) Authority to petition court.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) Private right of action.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

### SEC. 06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

### SEC. 07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

### SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) Construction.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section 04(b)(3).

(b) Compliance.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

### SEC. 09. OFFICE FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT.

There is authorized to be appropriate to the Office for State and Local Domestic Preparedness Support in the Department of Justice, $12,600,000 for each of fiscal years 2002 through 2006, to be used for the purposes of making grants to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to acts of terrorism.

### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, other than section 09.

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**SA 1789.** Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 17 and 18, insert the following:

(c) Sense of the Senate.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

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**SA 1790.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

### SEC. 2827. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.

(a) Conveyances Required To West Wendover, Nevada.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands declared excess at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC–HL–2–00–334.

(B) The lands declared excess at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled "West Wendover, Nevada–Excess" dated January 5, 2001.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) Conveyance Required to Tooele County, Utah.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands declared excess at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC–HL–2–00–318.

(2) The purpose of the conveyance under this subsection is to permit the establishment and maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) Management of Conveyed Lands.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(d) Responsibility for Environmental Cleanup.—The Secretary of Defense shall be responsible for compliance with all environmental laws and regulations relating to the cleanup of any military munitions or other environmental contaminants discovered on the lands conveyed under this section after their conveyance under this section that are attributable to activities of the Department of Defense or the Department of Energy before the conveyance of the lands under this section.

(e) Compliance with NEPA.—Compliance by the Secretary of the Air Force with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) the easements referred to in subsections (a) and (b) shall constitute compliance by the Secretary of the Air Force and the Secretary of the Interior with respect to the conveyances required by this section.

(f) Additional Terms and Conditions.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

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**SA 1791.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

### SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

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**SA 1792.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, after line 4, add the following new subtitle:

## Subtitle G—Justice for United States Prisoners of War Act of 2001

### SEC. 791. SHORT TITLE.

This subtitle may be cited as the "Justice for United States Prisoners of War Act of 2001".

### SEC. 792. FINDINGS.

The Congress finds the following:

(1) During World War II, members of the United States Armed Forces held as prisoners of war by Japan were forced to provide labor for Japanese privately owned corporations in functions unrelated to the prosecution of the war.

(2) International law, including international conventions relating to the protection of prisoners of war, was violated when these Japanese corporations—

(A) failed to pay wages to captured United States servicemembers for their labor;

(B) allowed and promoted torture and mistreatment of captured United States servicemembers; and

(C) withheld food and medical treatment from captured United States servicemembers.

(3) In the Treaty of Peace with Japan, signed at San Francisco September 8, 1951 (3 UST 3169), the Government of Japan admitted liability for illegal conduct toward the Allied Powers and, in particular, liability for illegal and inhumane conduct toward members of the armed forces of the Allied Powers held as prisoners of war.

(4) Despite this admission of liability, Article 14(b) of the Treaty has been construed to waive all private claims by nationals of the United States, including private claims by members of the United States Armed Forces held as prisoners of war by Japan during World War II.

(5) Under Article 26 of the Treaty, the government of Japan agreed that if Japan entered into a war claims settlement agreement with a country that is not a party to the Treaty that provides more favorable terms to that country than the terms Japan extended to the parties to the Treaty, then Japan would extend those more favorable terms to each of the parties to the Treaty, including to the United States.

(6) Since the entry into force of the Treaty in 1952, the Government of Japan has entered into war claims settlement agreements with countries that are not party to the Treaty that provide more favorable terms than those extended to the parties to the Treaty, such as terms that allow claims by nationals of those countries against Japanese nationals to be pursued without limitation, restriction, or waiver or any type.

(7) In accordance with Article 26 of the Treaty, Japan is obligated to extend those same favorable terms to the United States, including to nationals of the United States, who as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

(8) The people of the United States owe a deep and eternal debt to the heroic United States servicemembers held as prisoners of war by Japan for the sacrifices those servicemembers made on behalf of the United States in the days after the ignominious aggression of Japan against the United States at Pearl Harbor, Bataan, and Corregidor.

(9) The pursuit of justice by those servicemembers through lawsuits filed in the United States, where otherwise supported by Federal, State, or international law, is consistent with the interests of the United States and should not be preempted by any other provision of law or by the Treaty.

(10) Despite repeated requests for disclosure by United States servicemembers, the Department of Veterans Affairs, and Congress, the United States Government has withheld from those servicemembers and their physicians Japanese records that were turned over to the United States and that relate to chemical and biological experiments conducted on United States servicemembers held as prisoners of war by Japan during World War II.

### SEC. 793. SUITS AGAINST JAPANESE NATIONALS.

(a) In General.—In an action brought in a Federal court against a Japanese defendant by a member of the United States Armed Forces who was held as a prisoner of war by Japan during World War II that seeks compensation for mistreatment or failure to pay wages in connection with labor performed by such a member to the benefit of the Japanese defendant during World War II, the court—

(1) shall apply the applicable statute of limitations of the State in which the Federal court hearing the case is located;

(2) shall not construe Article 14(b) of the Treaty as constituting a waiver by the United States of claims by nationals of the

United States, including claims by members of the United States Armed Forces, so as to preclude the pending action.

(b) Sunset.—Paragraph (1) of subsection (a) shall cease to apply at the end of the 10-year period beginning on the date of enactment of this Act.

### SEC. 794. APPLICABILITY OF RIGHTS UNDER ARTICLE 26 OF THE TREATY OF PEACE WITH JAPAN.

It is the policy of the United States Government to ensure that all terms under any war claims settlement agreement between Japan and any other country that are more favorable than those terms extended to the United States under the Treaty, will be extended to the United States in accordance with Article 26 of the Treaty with respect to claims by nationals of the United States who, as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

### SEC. 795. AVAILABILITY OF INFORMATION RELATING TO CERTAIN CHEMICAL AND BIOLOGICAL TESTS CONDUCTED BY JAPAN DURING WORLD WAR II.

(a) Availability of Information to the Secretary of Veterans Affairs.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may request from, and the head of the department or agency so requested shall provide to the Secretary, information relating to chemical or biological tests conducted by Japan on members of the United States Armed Forces held as prisoners of war by Japan during World War II, including any information provided to the United States Government by Japan.

(b) Availability of Information to Interested Members of the Armed Forces.—Any information received by the Secretary of Veterans Affairs under subsection (a), with respect to an individual member of the United States Armed Forces held as a prisoner of war by Japan during World War II, may be made available to that individual to the extent otherwise provided by law.

### SEC. 796. DEFINITIONS.

In this subtitle:

(1) Japanese defendant.—

(A) In general.—The term "Japanese defendant" means a Japanese national, an entity organized or incorporated under Japanese law, an affiliate of an entity organized or incorporated under Japanese law that is organized or incorporated under the laws of any State, and any predecessor of that entity or affiliate.

(B) Limitation.—The term does not include the Government of Japan.

(2) State.—The term "State" means the several States, the District of Columbia, and any commonwealth, territory or possession of the United States.

(3) Treaty.—The term "Treaty" mean the Treaty of Peace with Japan, signed at San Francisco on September 8, 1951 (3 UST 3169).

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**SA 1793.** Mr. LEVIN (for himself and Mr. Warner) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 2301(b), in the table, insert after the item relating to Osan Air Base, Korea, the following new item:

| | | |
|---|---|---|
| Oman .. | Masirah Island | $8,000,000 |

In section 2301(b), in the table, strike the item identified as the total in the amount column and insert "$257,392,000".

In section 2304(a), in the matter preceding paragraph (1), strike "$2,579,791,000" and insert "$2,587,791,000".

In section 2304(a)(2), strike "$249,392,000" and insert "$257,392,000".

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**SA 1794.** Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

### SEC. 2827. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

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**SA 1795.** Mr. LEVIN (for Mr. Feingold) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill insert the following sections:

### SEC. . LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) Conveyance Required.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the City), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) Reversionary Interest.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) Additional Terms and Conditions.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

### SEC. . TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of the previous section shall be deposited into the Land and Water Conservation Fund.

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**SA 1796.** Mr. WARNER (for himself and Mr. Levin) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 18, line 14, increase the amount by $22,700,000.

On page 23, line 12, reduce the amount by $22,700,000.

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**SA 1797.** Mr. LEVIN (for Mrs. Carnahan) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 235, between lines 15 and 16, insert the following:

### SEC. 718. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) Permanent Authority for Involuntarily Separated Members and Mobilized Reserves.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation."; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) CONFORMING AMENDMENTS.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) TRANSITION PROVISION.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

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**SA 1798.** Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

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**SA 1799.** Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . PLAN.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

Procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate non-official civilian guests,

Guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

Guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels,

Guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians,

Any other guidelines or procedures the Secretary shall consider necessary or appropriate.

Definition. For the purposes of this section, 'civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

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**SA 1800.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XII add the following:

**SEC. 1217. ALLIED DEFENSE BURDENSHARING.**

It is the sense of the Senate that——

(1) the efforts of the President to increase defense burdensharing by allied and friendly nations deserve strong support;

(2) host support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) which sets forth a goal of obtaining financial contributions from host nations that amount to 75 percent of the non-personnel costs incurred by the United States government for stationing military personnel in those nations.

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**SA 1801.** Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.**

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

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**SA 1802.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

**SEC. 301(5). AUTHORIZATION OF ADDITIONAL FUNDS.**

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

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**SA 1803.** Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 553, between lines 12 and 13, insert the following:

**SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.**

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

"ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

"SEC. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

"(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

"Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.".

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**SA 1804.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 396, between lines 13 and 14, insert the following:

**SEC. 1217. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.**

Section 3603(a) of the Storm Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2273) is amended by striking "for full use as an oiler".

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**SA 1805.** Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title III, add the following:

**SEC. 306. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.**

(a) AVAILIABILITY OF FUNDS FOR RENOVATION.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) LIMITATION.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

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**SA 1806.** Mr. WARNER (for Mr. Bond (for himself and Mr. Byrd) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 65, after line 24, insert the following:

**SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.**

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

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**SA 1807.** Mr. LEVIN (for Mr. Rockefeller) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, and for other purposes; as follows:

At the end of subtitle D of Title XXVIII, add the following:

**SEC. 2844. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.**

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) DEPOSIT OF CONTRIBUTIONS.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United states Code.

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**SA 1808.** Mr. WARNER (for McCain) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 192, after line 20, insert the following:

**SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.**

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

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**SA 1809.** Mr. LEVIN (for Mr. Bingaman (for himself and Mr. Domenici) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

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**SA 1810.** Mr. WARNER (for Mr. Lott) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

**SEC. 201(1). AUTHORIZATION OF ADDITIONAL FUNDS.**

AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

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**SA 1811.** Mr. LEVIN (for Mr. Cleland (for himself and Mr. Miller) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title II, add the following:

**SEC. 203. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.**

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

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**SA 1812.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 65, after line 24, insert the following:

**SEC. 335. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.**

Of the amount authorized to be appropriated by section 301(2), $6,000,000 may be available for the critical infrastructure protection initiative of the Navy.

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**SA 1813.** Mr. LEVIN (for Mr. Conrad (for himself, Mr. Dorgan, Mr. Enzi, Mr. Baucus, Mr. Burns, and Mr. Thomas)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

STUDY AND PLAN.—

(a). With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congrssional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options to be reviewed include:

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or another platform.

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, "ARNG Helicopter Support to Air Force Space Command;"

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and

(5) other options as the Secretary deems appropriate.

(c). Factors to be considered in this analysis include:

(1) any implications of transferring the helicopter support missions on the command and control of the responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, and UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and,

(5) evaluation of the assumptions used in the plan specified in (b)(3) above.

(d). The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

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**SA 1814.** Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 171, between lines 2 and 3, insert the following:

### SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

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**SA 1815.** Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

The Senate finds that a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

The Senate finds that the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

The Senate finds that the American people have responded with incredible acts of heroism, kindness, and generosity;

The Senate finds that the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

The Senate finds that the American people stand together to resist all attempts to steal their freedom; and

Whereas united, Americans will be victorious over their enemies, whether known or unknown: Now, therefore, it is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as "Unity Bonds"; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

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**SA 1816.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

### SEC. . PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting "(I)" before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(3) by adding at the end the following new paragraph:

"(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may—

"(A) without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

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**SA 1817.** Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 222, line 17, and after "include comprehensive health care," insert the following: "including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient,".

On page 226, strike line 15, and insert the following:

### SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

### SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs,

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.".

(b) PROVISION OF ITEMS ON RENTAL BASIS.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section may be provided on a rental basis.".

### SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.".

### SEC. 709. MENTAL HEALTH BENEFITS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

### SEC. 710. EFFECTIVE DATE.

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**SA 1818.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

### SEC. . HOSTILE FIRE OR IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 59, subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

### § 5949 Hostile fire or imminent danger pay

"(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

"(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

"(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

"(c) For the purpose of this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

"(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

"Sec. 5949 Hostile fire or imminent danger pay.".

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

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**SA 1819.** Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title VI, add the following:

## Subtitle F—National Emergency Family Support

### SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) AUTHORITY.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) APPROPRIATE PRIMARY OBJECTIVE.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

### SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf war.

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**SA 1820.** Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 363, after line 25, add the following:

### SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

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## PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ellen Gerrity and Cindy Connolly, two fellows in my office, be allowed to be on the floor during the consideration of S. 1438.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

On September 26, 2001, the Senate amended and passed S. Res. 147, as follows:

S. RES. 147

Whereas alcohol and drug addiction is a devastating disease that can destroy lives, families, and communities;

Whereas according to a 1992 National Institute on Drug Abuse study, the direct and indirect costs in the United States for alcohol and drug addiction was $246,000,000,000, in that year;

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives;

Whereas in 1999, research at the National Institute on Drug Abuse at the National Institutes of Health showed that about 14,800,000 Americans were users of illicit drugs, and about 3,500,000 were dependent on illicit drugs; an additional 8,200,000 were dependent on alcohol;

Whereas the 1999 National Household Survey of Drug Abuse, a project of the Substance Abuse and Mental Health Services Administration, showed that drug use varies substantially among States, ranging from a low of 4.7 percent to a high of 10.7 percent for the overall population, and from 8.0 percent to 18.3 percent for youths age 12–17;

Whereas the Office of National Drug Control Policy's 2001 National Drug Control Strategy includes the reduction of the treatment gap for individuals who are addicted to drugs as one of the top 3 goals for reducing the health and social costs to the public;

Whereas the lives of children, families, and communities are severely affected by alcohol and drug addiction, through the effects of the disease, and through the neglect, broken relationships, and violence that are so often a part of the disease of addiction;

Whereas a National Institute on Drug Abuse 4-city study of 1,200 adolescents found that community-based treatment programs can reduce drug and alcohol use, improve school performance, and lower involvement with the criminal justice system;

Whereas a number of organizations and individuals dedicated to fighting addiction and promoting treatment and recovery will recognize the month of September of 2001 as National Alcohol and Drug Addiction Recovery Month;

Whereas the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, in conjunction with its national planning partner organizations and treatment providers, have taken a Federal leadership role in promoting Recovery Month 2001;

Whereas National Alcohol and Drug Addiction Recovery Month aims to promote the societal benefits of substance abuse treatment, laud the contributions of treatment providers, and promote the message that recovery from substance abuse in all its forms is possible;

Whereas the 2001 national campaign embraces the theme of "We Recover Together: Family, Friends and Community", and highlights the societal benefits, importance, and effectiveness of drug and treatment as a public health service in our country; and

Whereas the countless numbers of those who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and make positive contributions to their families, workplaces, communities, States, and the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of September of 2001 as "National Alcohol and Drug Addiction Recovery Month"; and

(2) requests that the President issue a proclamation urging the people of the United States to carry out appropriate programs and activities to demonstrate support for those individuals recovering from alcohol and drug addition.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider calendar No. 413, the nomination of Marianne Lamont Horinko to be Assistant Administrator at the EPA; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

ENVIRONMENTAL PROTECTION AGENCY

Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR TUESDAY, OCTOBER 2, 2001

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, October 2; further, that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Department of Defense authorization bill with 30 minutes of debate equally divided between the chairman and ranking member of the Armed Services Committee, or their designees, prior to 10 a.m., whereupon a rollcall vote on cloture on the bill will occur; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LEVIN. The Senate will convene on Tuesday at 9:30 a.m. with 30 minutes of closing debate prior to the 10 a.m. rollcall vote on cloture on the DOD authorization bill. All second-degree amendments to the DOD bill must be filed prior to 9:45 a.m. on Tuesday. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, October 2, 2001, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate October 1, 2001:

MARIANNE LAMONT HORINKO, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 2, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 3

9:30 a.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings to examine northern border security status.
SD-124

Energy and Natural Resources
To hold hearings to examine the nomination of Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement; and the nomination of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, both of the Department of the Interior.
SD-366

10 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine how to protect Constitutional freedoms in the face of terrorism.
SD-226

Commission on Security and Cooperation in Europe
To hold hearings to examine United States policy toward the Organization for Security and Cooperation in Europe (OSCE), the institution which evolved from the Helsinki process.
SR-485

10:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine bioterrorism issues.
SH-216

11 a.m.
Finance
To hold hearings to examine the need for an economic stimulus package and its potential components.
SD-215

### OCTOBER 4

9:30 a.m.
Governmental Affairs
To resume hearings to examine the security of critical governmental infrastructure.
SD-342

Armed Services
To hold hearings to examine the Department of Defense's Quadrennial Defense Review.
SH-216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine current job training issues relative to a fragile economy.
SD-430

Judiciary
Business meeting to markup pending calendar business.
SD-226

Finance
To hold hearings on the nomination of Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security.
SD-215

Banking, Housing, and Urban Affairs
Business meeting to markup the proposed International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001.
SD-538

2 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine current transit safety issues.
SD-538

### OCTOBER 5

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the economic security of working Americans and those out of work.
SD-430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

# SENATE—*Tuesday, October 2, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from God for today. It is as sure as it was when it was spoken by Isaiah so long ago. Hear this word for today! "Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand."—Isaiah 41:10.

Let us pray.

Dear God, we claim this promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation. You, dear God, are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 2, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

## SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Defense authorization bill, with approximately 25 minutes to be equally divided prior to a 10 a.m. cloture vote. I just left the majority leader and he hopes we can invoke cloture and we can complete consideration of this bill today. The two managers have worked extremely hard. They were here until 8 last night working on as many amendments as they could clear.

The Senate will be in recess from 12:30 to 2:15 for the weekly party conferences.

I am on the floor a lot. I appreciate the work done by the managers of the legislation. The work done by Senators LEVIN and WARNER has been exemplary. They have worked diligently and very closely, trying to work on this most important piece of legislation.

I say to everyone, Democrats and Republicans, it would be a tremendous blow to these two men and how hard they have worked—as well as to the Senate and this country—if cloture is not invoked on this most important piece of legislation.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Virginia.

Mr. WARNER. Madam President, I first thank the assistant majority leader for his words on this subject. I associate myself with the need to move forward on this bill. I am going to vote for cloture. I am about to leave and go into my party's conference and so indicate and encourage others to do likewise.

Madam President, when I looked at the television this morning and saw our President with the leadership reconciling differences, such as the budget, our President moving to make the tough decision, but it is a correct one given the security arrangements in place, to open National Airport, these are bold initiatives. Now the Senate has the opportunity to move forward and complete today a bill for the men and women of the Armed Forces, men and women who, with their families, are now preparing to face an unknown situation but facing it with commitment and courage. I hope this Senate stands tall behind them and moves forward with this legislation.

I ask my distinguished chairman to allocate a few minutes of his time to me. I have reserved the equal amount of time for those who may wish to come to the floor in opposition to this cloture motion. I stand strongly in favor of it so America can move forward and we can support the men and women of the Armed Forces of the United States and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. First, I thank my dear friend from Virginia for all his work on this bill, for his comments, his determination to proceed on a bipartisan basis to a real test of wills. This vote we are now about to cast will decide whether we are going to have this year a Defense authorization bill which will provide funds for our military, pay raises for our men and women in the military, housing allowances which are desperately needed, the equipment that they need in order to prepare and to go to war, should that be their fate, and it surely looks as though that is now clearly ahead.

What we are hoping for, looking for this morning, is a strong bipartisan expression of national resolve and national unity by voting for cloture on this bill. It is the only way we will complete action on this bill. There has been an effort to debate matters on this bill that are unrelated, important matters but not matters that are directly related to providing and equipping the men and women in our forces.

This is the bill that provides the authorization required by the Department of Defense for their programs for the year 2002 that also includes the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

provisions for the Department of Energy. The bill is consistent with the national security priorities of the President of the United States and the Secretary of Defense. At a time when we are deploying forces around the world and mobilizing our National Guard and Reserve units to augment our active forces, it is a bill which is essential to our national security.

I am hoping that any partisan differences will be set aside. I am hoping that differences over particular provisions can be set aside. None of us agree with every provision in this bill. Some of us have taken steps to make sure that this bill could pass on a bipartisan basis and some of those steps have been very difficult steps for many of us to take. Many of us have had to take steps to preserve our rights to debate certain issues at a later time rather than at this moment in our history. I know that personally because I am one of those persons who has had to make a decision on language which I crafted and fought so hard for in committee as chairman, to set aside that issue—not to bury it; we are talking here national missile defense, but to save that debate for another day when two things could happen.

One, we could debate it in an environment which makes it possible for the pros and cons of that issue to be debated; second, at least to have a chance of prevailing on the issue, which is not possible under the current circumstances.

Nonetheless, the point is, some of us, on both sides of the aisle, have taken difficult steps. Some who oppose the BRAC provision, by the way—I am looking at our Presiding Officer—are faced with a decision: Will they vote for cloture on a bill which contains a provision to which they object? This was a close vote on BRAC, something like 53-47, if I remember. That means some of us who very much oppose that provision are now faced with a cloture vote. Are they going to vote to bring to an end debate on a bill that contains a provision to which they so strongly object? I am confident that most of the Senators who voted against the BRAC provision nonetheless will see that the bill overall is essential to our national security and to the well-being of our forces and to their success.

This bill contains a pay raise for military members that ranges from 5 percent to 10 percent depending on grade, the largest pay raise in two decades. We have been making progress on pay by the way. The last administration, as well as this one, has been making significant progress in making more adequate our pay for men and women in the Armed Forces. So we have the largest pay raise in two decades. We have authority and authorization for funding to increase the basic allowance for housing to eliminate the difference between the allowance that military members receive and the actual out-of-pocket expenses, and we are doing this now, a full 2 years earlier than the Defense Department's plan. So we are trying to eliminate that differential a lot faster than we had planned.

Our bill extends and modifies the authority to pay 18 different bonuses and special pays to military members in order to recruit and retain a high-quality force. We authorize new accession bonuses for military services to offer officers in critical skills. We authorize funding for a new TRICARE for Life Program that we enacted last year for military retirees over the age of 65.

All of this is hanging in the balance. The question is whether or not those who favor a debate on a comprehensive energy bill are going to use that issue and their inability to get it debated on this bill as an excuse to vote against this bill, or whether or not some who oppose the BRAC provision are now going to vote against cloture in order to bring down a bill which contains provisions which are so critical to the well-being of the men and women in the military and the success of their operations.

There are many other provisions in this bill which I will just briefly summarize. We have multiyear authority for the F-18E/F and the C-17 aircraft programs. We have a new round, as I have mentioned, of base closures in the year 2003, which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have told us is critically needed for the improvement of DOD facilities in the future. We repeal a limit on the dismantlement of certain strategic delivery systems.

The last administration wanted us to get rid of this restriction. The uniformed military wanted us to get rid of this restriction. Their civilian leadership wants to get rid of this restriction. This administration wants to get rid of the restriction in order to reduce the size of our offensive nuclear forces. We have missiles that our military does not want—nuclear-capable missiles with nuclear warheads on them. The military says: we do not want them; we do not need them; it costs us money to maintain them. Yet Congress has forced the military to keep these systems that they do not want. This administration says please get rid of this limit. The last administration said please get rid of it. Again, our administration and military want us to get rid of it.

Congress now has a chance to get out of this artificial and costly and ineffective restriction on the limitation/reduction of nuclear forces.

We have had a lot of opportunities to amend this bill. We have been debating it over the course now of 6 days. We have adopted 76 amendments. Two amendments have been tabled. One amendment has been withdrawn. We have tried to get a finite list of amendments so debate could be finally brought to an end, so we could finally have a bill. As is usually done in the Senate, an effort is made to say bring your amendments here, tell us what you want to offer, and let's agree on a so-called finite list of amendments.

There has been an unwillingness to do that. The people who are trying to bring to the floor a debate on a matter unrelated to the matters in this bill have said they will not agree to such a finite list. So here we are in a situation where we have no way to bring debate on this bill to an end without cloture. We are more than willing to consider any relevant amendment, any germane amendment. But what we cannot do is just set aside the Defense authorization bill to begin a week-long or month-long debate on an energy bill. That is what we cannot do if we are going to act on behalf of the men and women in the Armed Forces, and to try to assure their success when they go into combat.

So that is the dilemma that we have had. The managers have worked hard, as Senator REID has mentioned. I thank him very much for his comments. Our leadership has worked hard to get that finite list. We have not been able to do it. Now we face a very clear vote as to whether or not we are going to demonstrate the support for our Armed Forces by voting for cloture on this bill. That is the simple issue. It has come down to that. We are not trying to preclude anybody from offering a relevant or germane amendment. Quite the opposite. We have been here now for days saying bring your amendments to the floor.

It is going to come down to this vote. I am very much afraid that unless we get cloture the Defense authorization bill, so important to our forces, is going nowhere this year. That would be a horrendous message to send to the men and women and to the Nation and to the world. I hope that message will not be sent; rather, a message of unity and determination will be sent by a strong bipartisan vote for cloture on this bill.

Madam President, I know there are others who are going to want to speak between now and 10 o'clock. I will reserve the remainder of my time. I know Senator WARNER has his time, the remainder, reserved. I wonder if we could ask the Chair how much time we each have reserved?

The ACTING PRESIDENT pro tempore. The majority has 2 minutes and the minority has 10 minutes 45 seconds.

Mr. LEVIN. I thank the Chair. I do not see anyone else who wants to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senator from Oregon be granted 3 minutes without changing the time for the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, I urge my colleagues to support Chairman LEVIN on cloture this morning.

As our country prepares to go to war against terrorism, this is not the time to be taking urgently needed national defense legislation hostage.

Protecting our Nation's energy infrastructure from attacks may well need to be part of our national defense strategy. But there is not one single provision in the energy legislation that some want to graft onto the defense bill that will in any way help protect our energy facilities from attack.

In fact, one of the bills that some are claiming is urgently needed for our energy security would actually undermine the security of our oil supply—by allowing Alaskan oil to be exported overseas.

While the House energy bill would restrict exporting of oil from the Arctic refuge, a Senate version of that bill would allow that same oil—that some are claiming we need to reduce our dependence on foreign oil—to be exported overseas. Those who claim we need to address energy policy as part of the defense bill can't even seem to agree whether we need to restrict Alaskan oil exports in order to increase our energy security.

The issue of energy security and the role of Alaskan oil ought to be debated in the Senate, but it should be done as part of the debate on energy policy.

I think this is particularly important for all the residents of the west coast of our country because it is clear that it is a very tight market on the west coast of the United States. We have seen again and again evidence that the markets on the west coast have been manipulated, that oil has been sold to Asia at a discount, and the companies then make up for it by sticking it to consumers in Oregon, Washington, and California.

This is an extraordinarily important issue. One version that has been presented to the Senate would allow the oil that is so important to our country to reduce our dependence on foreign oil to be exported. We aren't going to improve our Nation's energy security by short-circuiting the process on this legislation.

I urge my colleagues to support Chairman LEVIN and support cloture this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Madam President, in the weeks since September 11, Congress has risen to the occasion and worked in a bipartisan manner to address the many problems caused by the atrocities committed against our country. The American public can be proud of how their elected representatives have responded to this grave national emergency. I am proud of our performance.

But I am worried that in a few minutes, the Senate may undo all our good work of the past three weeks, bring an end to the bipartisan cooperation that has distinguished this institution, and give the public a reason to be ashamed of us.

Obviously, with America at war, the Defense authorization bill may be the most important legislation we will pass since September 11. Recognizing that importance, Democrats and Republicans on the Armed Services Committee have worked together to resolve differences that might have imperiled the bill's passage and threaten our bipartisan cooperation.

The chairman of the committee, Senator LEVIN, has agreed at the minority's urging to remove a provision in the bill restricting the administration's ability to develop a ballistic missile defense. I commend the Senator for that act of statesmanship, and for keeping his priorities straight in this critical hour.

Regrettably, some senators have decided that passing a defense authorization bill should take a backseat to fighting over our differences on energy policy and to denying the President, the Joint Chiefs and the Secretary of Defense the ability to reorganize our military to respond to the new threats that confront this nation.

Every civilian and uniformed leader of the United States armed forces has recognized that an additional round of base closings will be necessary to reorganize the military. We cannot, in this national emergency, let our parochial concerns override the needs of the military.

Nor should we insist on fighting over our differences on energy policy if the consequence of our insistence is that we fail to provide the military with the resources they need to maintain their readiness as they prepare to wage what the President has correctly called a "new kind of war." There will be time enough for that debate. But not now, not on this bill.

I beg my colleagues to continue to distinguish themselves and the Senate by keeping the national interest first, second and last, to work together, as the country expects and needs us to, and to surrender, if only temporarily, the habits of partisanship and parochialism that have no place in this crisis.

Madam President, I ask unanimous consent that letters from Secretary Rumsfeld and Chairman Shelton to Senators LEVIN and WARNER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, DC, September 21, 2001.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, "we face new and sudden national challenges," and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Sincerely,

DONALD RUMSFELD.

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WASHINGTON, DC,
*September 25, 2001.*

Hon. JOHN WARNER,
*Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.*

DEAR SENATOR WARNER: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We can not afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,
*Chairman of the Joint Chiefs of Staff.*

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I am pleased to say that my colleague, Senator McCAIN, and I think one or two others in our conference strongly support cloture. I am pleased to say that I think momentarily the Senate will see a very strong vote in favor of cloture and for moving ahead on this bill. I thank my colleague, the Senator from Arizona, and others for their support in this matter.

I say to the chairman we will make as much progress as possible today, and we will have to vigilantly enforce the rules with regard to germaneness if we are to achieve our results. But we have stood steadfast on both sides of the aisle on behalf of the men and women of the Armed Forces. I am proud of the Senate on this day.

Mr. LEVIN. Madam President, I know the hour of 10 has arrived. I thank my good friend from Virginia for his work in his conference. I am optimistic, with his words now and with Senator McCAIN's efforts and others in the Republican conference, that we now have an opportunity to get cloture. We hope that is true. We will find out shortly. The stakes here are great.

I yield any time that I have.

Mr. WARNER. Madam President, I wonder if we might extend the time of the vote by 2 minutes to allow the Senator from Alaska to address the Senate, and then the vote will take place at 10:02.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, good morning. And I thank my good friend, Senator WARNER.

Let me indicate my support for the DOD authorization bill. It has never been my intent to block this legislation. However, as a consequence of the manner in which the objections were heard relative to the DOD authorization bill, and the effort to put H.R. 4, the House energy bill, as an amendment on it, I felt compelled to come before this body and ask the majority when we might take up an energy bill, a national energy security bill that addresses protecting the critical energy infrastructure of our Nation, whether it be electric reliability, pipeline safety, and provisions of the administration's energy security proposal. There were other issues relative to securing domestic supplies: Price Anderson, clean coal, ANWR, hydro provisions, and a title reducing demand and increasing efficiencies.

I felt it imperative, based on the requests from the White House, the Vice President, and the Secretaries of Energy and Interior, that we have some assurance that the Senate will complete its work on a national energy security package. The House has done its work. H.R. 4 has passed the House of Representatives. Unfortunately, the majority did not see fit to give us an indication of whether or not we would likely take up an energy bill in the remainder of this session.

That was my request relative to the authorization bill pending before us this morning. We still have not received any assurance from the majority that they intend to take up a national energy security bill this session. I encourage them to reconsider that. I advise my colleagues that I will be pressing this issue on other opportunities before this body.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the chair a good day. And I thank my friend, Senator WARNER.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, and Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
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Lieberman
Lincoln
Lott
Lugar
McCain
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Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I move to reconsider that vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized to bring up an amendment. Prior to that, I yield no longer than 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I did not hear what was asked.

Mr. INHOFE. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, I wonder whether or not that amount of time is sufficient for both of them.

Mr. McCAIN. It is sufficient.

Mr. LEVIN. Will the Senator yield 10 minutes if they need it?

Mr. INHOFE. Not to exceed 10 minutes. I amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

(The remarks of Mr. MCCAIN and Mr. WYDEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1735

Mr. INHOFE. Mr. President, I call up amendment No. 1735, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1735.

(Purpose: To add an expression of the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the Armed Forces)

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to reread that because this is very simple. This is not the comprehensive amendment I had which would have put H.R. 4 into the Defense authorization bill.

There is no one in this Chamber who wants to have a Defense authorization bill more than I do. I will not jeopardize that. However, this amendment is simply a sense of the Senate on availability of energy-related supplies for the Armed Forces. It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on the comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure there is an adequate supply of energy for the Armed Forces.

The reason I am bringing this issue up is I cannot imagine that someone would not want to support it. Right now we are, as we all know—you have heard me say this many times—56.6-percent dependent upon foreign sources of oil for our ability to fight a war. Roughly half of that comes from the Middle East and the largest, fastest growing contributor to energy, to oil that is imported by the United States, is Iraq.

So what we are saying is we are dependent upon Iraq for our ability to fight a war against Iraq. Now, that is insane.

The very least we can do is recognize that energy is a national defense issue. So I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735. I want to read it again because, as I stated before, to even consider that our energy dependence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

> Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapidly growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withhold that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and overruled the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to.

I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that, so I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don't think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don't have an energy policy today; and we need one today a lot more than we did then.

Mr. President, 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation's border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my time. Whether this is germane or not I don't know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, myself, and Senator LEVIN—if he were here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator DASCHLE, the majority leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator BINGAMAN several times in the past week. He is doing his very best to report out a bill. I have spoken to the minority leader. The place that Republicans and Democrats want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can't agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get to the energy bill—hopefully this year—as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that. We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this now—I personally, since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for our ability to fight a war. Now it is much more serious. We have gone through the 1990 Persian Gulf war. I think everyone realizes that.

The problem I have is the statement of the Senator from Nevada that nothing is going to happen, that this is merely a sense of the Senate. I know the Chair has ruled it is not germane. I will not challenge that and put in jeopardy the Defense authorization bill. I don't want to do that.

I only say this: Talk is cheap. We have been sitting around talking about it. The statement made by the Senator from Nevada is the same statement they made back in the 1980s and all during the 1990s. Every time we try to bring up an energy bill, they say: Yes, we all want it. Yet do they really want it?

We will continue in our efforts. I will continue in such a way as to not jeopardize in any way the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say from this side of the aisle that we welcome the decision not to challenge the bill so that we can go forward. The points the Senator made are well taken. Our Nation's trade deficit this year will exceed $300 billion. We consume oil from other places around the world. As sure as we are meeting here today, some of those billions of dollars we are paying for oil from other sources—including from places where people do not like us very much—are surely going to fuel the kind of terrorism which happened 3 weeks ago this morning for a whole host of reasons.

I pledge to work with my friend from Oklahoma and others on the Energy Committee to get this legislation moving and out of committee. There is a lot on which we can agree. There are some points—the Artic Wildlife Refuge may be one—where we will disagree. But there is a lot where we can agree. We need to do that and move on.

I really want to say this morning a word or two with respect to the Defense authorization bill as it pertains to our strategic defense capability.

The tragedy of 3 weeks ago this morning left many dead. There are a number of uncertainties that grow out of those attacks: Who planned them? Who executed them? Who funded them? Who supported them? Who harbors the terrorists today? How will we respond?

Amid those uncertainties, there are a number of things we know for sure. They include the fact that this war is going to be unlike any war we have fought in my lifetime and before—unlike World War II, in which many of our fathers served, unlike Korea, unlike Vietnam, where my generation served, and unlike the Persian Gulf war barely a decade ago.

This we know: Our success in this war against terrorism will depend on many factors:

The readiness of our forces we are deploying;

Our ability in gathering the support of the other civilized nations of the world to join us in this war;

The quality of the intelligence, the reliability of the intelligence that we gather and that we receive from others with whom we work;

Our ability to understand our intelligence and to act effectively in a timely manner in response to that intelligence;

Our ability to deploy covert operations and do so successfully.

And our success in the world also depends in no small part on our ability to move quickly at a moment's notice large numbers of men and women and materiel from the United States to other parts of the world.

There are many military bases around the world, out of which I used to operate as a naval flight officer, that are closed today. While we work with nations that are sympathetic to our cause against terrorists in order to try to secure air space and to try to secure airfields to use, the fact of the matter is we simply don't have the bases to deploy troops that we used to at airfields and ports. We depend more than ever on an air bridge that is going to be comprised of C–17s and on an air bridge that will be comprised of C–5s.

When I was a member of the active-duty forces, even though I was in the Navy, I flew a fair amount on C–141s, a transport aircraft that the Air Force uses. They are the workhorse for the Air Force. C–5s were introduced, and we had a combination of the C–141 and the C–5 to provide an air bridge in earlier wars.

The C–141 is old today. It is being retired. Its place is being taken by the C–17, a terrific aircraft. The C–17 carries about half the load of a C–5. While it has pretty good legs and can travel a pretty long distance, it doesn't have the legs or the ability to travel far distances that the C–5 enjoys. The C–5 has been with us more than two decades—C–5As and now C–5Bs. The aircraft is about half the age of the B–52.

I was struck when we started to ratchet up to see B–52s being called on again to serve our Nation. It has been around 50 years and is still ready to work for us. The C–5, having half the years and age of the B–52, is certainly able to work a bit longer alongside the C–17.

Someone gave me a sheet of paper today with a picture of the C–5. This picture shows some idea of the life remaining in the C–5 with respect to its ability to play a major role in our strategic airlift capability. The fuselage is good for another 30-plus years; stabilizers, another 40-plus years; wing service, over 50 years; the fuselage, another 50-plus years; forward fuselage, there is plenty of durability left in the C–5 aircraft.

There are two things the C–5 needs in order for us to be able to maximize its effectiveness in this war and in any other war that may come our way over the next 40 years. One is an avionics package. When you sit in the cockpit of the C–5 and look at the instrumentation, you think you are looking at a plane that is 25 years old; and you are. The aircraft needs a new avionics package. The bill before us today provides a very substantial step to enable us to put that avionics package in place in the C–5 to enhance its capability.

Another major component of this bill deals with the engines that are mounted on the wings of the C–5. Most of the new airliners that are flying in our skies and around the world today have engines that can generally fly for 10,000 hours before they need to be changed. The engines on the C–5s, which I said earlier are over 20 years old, those engines need to be changed about every 2,500 hours. We need to reengine, if you will, the C–5s. If we do that, with modern engine technology, we will be able to get 10,000 hours between engine changes, as they do in the commercial fleets.

The combination of those two steps—to introduce into and incorporate into our C–5 aircraft, the C–5As and C–5Bs, a modern avionics package, and to also reengine the aircraft in years going forth—will enable us to fully benefit from the 30 or 40 years that are still left in those planes. There are a lot of air miles to be traveled, a lot of troops to be carried, a lot of tanks and helicopters and trucks to be moved. The C–5 and the C–17 can do it.

With the adoption of this legislation, our air bridge from this country to other troubled points around the world will be reinforced and made stronger for this generation and for generations to come.

I yield back my time, Mr. President.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong opposition to the attempt to add energy legislation to the Defense authorization bill.

This debate comes at a moment of historic challenge. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign, and at this time there can be no higher priority than to pass this critical legislation to support our armed services and the men and women who we will send into this war to, literally, defend our freedom. In that context, the amendment is an unnecessary and divisive distraction from that high purpose, which ultimately will do little to strengthen our national security.

My friend from Oklahoma is right to be concerned about our national energy policy. In fact, I believe we must take a fresh look at our policies in light of the terrible events of September 11. In particular, we must look at the vulnerability of our energy infrastructure to terrorist attack, and refocus our energy policy to ensure that we address our weaknesses.

On that point, let me quote from a recent letter from a former Director of the CIA, a former Chairman of the Joint Chiefs of Staff, and the former National Security Adviser to President Reagan:

> Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks. Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges.

The authors of the letter continue by stating that we must limit our vulnerabilities and increase our energy independence by passing, among other things, a Renewable Portfolio Standard. The energy proposal under consideration, however, does not include this innovative measure, or many of the other steps we can and must take to protect and enhance the security of energy infrastructure because it was drafted long before the terrible events of September 11 forced us to rethink our positions.

Just as problematic, these amendments would open the priceless Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge to drilling is not just bad environmental policy, it is bad energy policy and would do next to nothing to reduce our dependence on foreign oil. In fact, as we have repeatedly pointed out, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Reagan, and proof positive that ANWR is not the answer or even an answer to our current crisis, let alone our long-term needs.

What this proposal would do, however, is severely threaten a national environmental treasure, which is the last thing the American people would expect us to do at this moment of crisis. In times such as these, many of us found solace in nature, including many people at the heart of these horrific terrorist attacks. The New York times reported in the days following the attacks that Manhattan citizens were flocking to a garden in lower Manhattan to seek comfort, to grieve, and to connect with each other in sharing our grief.

In my view, we need to know that vast natural areas such as the Arctic refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge in the Arctic, no matter how uncertain other parts of our life may seem right now, provides us solace and perspective in these trying times. This crisis has reawakened us to the importance of protecting our values, and I believe that the Arctic wilderness has a place on that list.

The time to debate the merits of energy policy is not today, and not as an amendment to the Defense authorization bill. Debating the merits of these, and other, provisions will take time, time we do not have now. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is "inappropriate." "[T]here is a place for the consideration of domestic energy development. . . . That belongs in the energy bill where it should be debated by all individual members."

We should leave this Arctic refuge debate for another day and focus with intensity on the task at hand: supporting and strengthening our Armed Forces. This is not the time for the distraction and division that this amendment would create.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Nevada.

### AMENDMENT NO. 1760

Mr. REID. Mr. President, I send an amendment to the desk. It is a filed amendment. It is amendment No. 1760.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD, proposes an amendment numbered 1760.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651)

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United State Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Mr. President, I rise today to offer an amendment along with Mr. Daschle, Mr. Biden, Mr. Breaux, Mr. Hatch, Mr. Johnson, Mr. Edwards, Mr. Specter, Mr. Inouye, Mr. Hutchinson, Mr. Rockefeller, Ms. Cantwell, Mrs. Hutchison, Mr. Durbin, Ms. Collins, Mr. Dodd, Mr. Dorgan, and Mr. Bill Nelson.

Our amendment will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability.

This amendment is identical to the bill I sponsored on January 24, S. 170, the Retired Pay Restoration Act of 2001. The Retired Pay Restoration Act currently has almost 80 cosponsors, 80 Senators, approximately. This clearly illustrates the bipartisan support for this legislation.

As with the bill, this amendment will permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans disability compensation.

In 1891, the original inequitable 19th century law was passed to prohibit the concurrent receipt of military retired pay and VA disability compensation. When this original law was enacted, the United States had an extremely small standing army. Only a portion of our Armed Forces consisted of career soldiers.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. The law simply discriminates against career military men and women. I repeat, under the current law, if you retire from the military and have a service-connected disability, you have to waive your retirement pay. When I first heard about this, I could not believe it. I thought my staff had given me bad advice. They had not.

But adding to this injustice is the fact that the Federal employee has been able to collect VA disability compensation while working for the Federal Government—but not if you are in the military. You can work for the Department of Energy or the Park Service, and if you have a service-connected disability, you can draw your whole retirement pay. But if you retire from the military, no chance, you have to waive that or a portion of it. The civil service retiree may receive both his civil service retirement and VA disability with no offset at all.

Disabled military retirees are only entitled to receive disability compensation if they agree to waive their retirement pay or a portion of it equal to the amount of the disability compensation. This requirement clearly discriminates unfairly against disabled career soldiers by requiring them to essentially pay their own disability compensation.

If you are in the military, and you get out with a service-connected disability, you can draw all that pay unless you retire from the military. If you work for Sears & Roebuck, or if you work for the Interior Department, you get it all, but not if you are retired from the military. How unfair.

To understand the law's unfairness, one must look at why the Government pays retirees and disabled veterans. Military retirement pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is the promised reward for servicing at least two decades, and many times more, under conditions most Americans find intolerable. You are told when to get up, when to go to bed, where you are going to live, and what you are going to do. That is what the military is all about.

Veterans disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements.

One of our valued staff on the minority side, every time there is a military bill, comes in this Chamber proudly wearing on his lapel a medal, the Silver Star. He wears that very proudly. But if he has a service-connected disability—and he may have one—he can draw that because he is not a retiree from the military or, if he is, he cannot. It does not make sense. It is not fair. Current law ignores the distinction between these two entitlements. Military retirement pay and disability compensation were both earned and awarded for entirely different purposes.

This amendment represents an honest attempt to correct an injustice that has existed for a long, long time, for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. Today we have 560,000 disabled military men and women who have sacrificed a lot for this country. Today nearly one and a half million Americans dedicate their lives to the defense of our Nation. And that is going up as we speak. The U.S. military force is unmatched in terms of power, training, and ability. Our great Nation is recognized as the world's only superpower, a status which is largely due to the sacrifices that veterans have made during the last century.

This past weekend I read a book written by Stephen Ambrose. It is his latest book. It is about B-24s. It is the history of these bombers during World War II. It is a fascinating history. The losses of B-24 pilots and crews were unbelievable. They were shot down all the time. They were big, heavy, awkward airplanes, and very hard to fly. And they lost a lot of them in noncombat situations. But it is an example of the sacrifices made by people who have served our country in the military.

Why should not someone who flew a B-24, has a service-connected disability, and has retired from the military, be able to draw that disability compensation as a result of being hurt flying a B-24?

Rather than honoring their commitment and bravery, the Federal Government has chosen instead to perpetuate a 110-year-old injustice.

I know the Senate will seriously consider passing this amendment. With almost 80 cosponsors, it is a fair statement that this amendment should pass. I hope the Senate will pass this amendment to end at last this disservice to our retired military.

Some believe this amendment may be too expensive. This country has saved lots of money by not doing the right thing in years past. We have 1,000 World War II veterans who die every day. From today to tomorrow, there will be 1,000 funerals held for World War II veterans. Since last June, we have fallen a little short. It has not been quite 1,000 a day. It has been close. Since then we have lost 465,000 veterans. These dedicated service people will never have the ability to enjoy their two well-deserved entitlements. To delay any action on this amendment means we will continue to deny fundamental fairness to thousands of our Nation's retirees.

If we can pass this legislation and give a World War II veteran 1 month of the compensation they deserve before they pass on, we should do that.

This amendment is supported by numerous veterans' service organizations—I cannot name them all—the Military Coalition, the National Military/Veterans Alliance, the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees, plus many more.

This is the right thing to do, and we must eliminate this century of sacrifice. Our veterans have earned this. Now is our chance to honor their service to the Nation.

I hope this legislation passes overwhelmingly and that it is not taken out in conference. We passed the amendment last year. Out of 100 percent of what we needed, we maybe got 2 percent to help just a few people. We need to help them all.

It is not easy for me to stand here and say that 1,000 World War II veterans die every day, but that is a fact. They do. Many of those World War II veterans are today receiving unfair payments by this Government. They are not able to receive their retirement and their disability. They have to waive part of their retirement. That is unfair.

I hope this amendment is adopted. I am not going to require a vote on it. I am not one who believes a big heavy vote helps in conference. Everyone knows this has almost 80 Senate cosponsors. It is something the veterans community supports wholeheartedly.

I was talking to one of the Armed Services staff people today. They get more mail on this issue than any other issue because people are desperate. They know they are dying off.

I hope this amendment will be accepted. I repeat, I am not going to require a recorded vote. But the conscience of this Senate calls out for recognizing the sacrifices made by these veterans and that we adopt this amendment in the Senate and make sure the same happens in conference because they deserve this.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. REID. Are we going to take action on this amendment? Is the Senator from Kansas speaking on my amendment?

Mr. ROBERTS. Mr. President, I was not planning to, unless the distinguished Senator would ask me to do so. I have worked with him at great length on the Ethics Committee. Is the amendment ethical?

Mr. REID. The two managers are not here, Mr. President. I have no objection, if the Senator from Kansas is going to file another amendment, to setting mine aside.

Mr. ROBERTS. I think the agreement was, at least as far as this Senator understood, that I was going to have 20 minutes to talk about an amendment I had planned on introducing. I am not in a position to acquiesce to the Senator's request. I would have to check with our leadership in that regard. I have no doubt the Senator has an outstanding amendment.

Mr. REID. The Senator has every right under postcloture to speak for an hour on anything relating to defense as he wishes. I know he has been a very stalwart member of the committee and has done so much for defense issues over the years. I certainly look forward to listening to him for 20 minutes.

Mr. ROBERTS. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Kansas.

### ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS. Mr. President, in the interest of germaneness and to move this bill along, I am acceding to the request by the distinguished chairman of the Armed Services Committee, Senator LEVIN, and Senator WARNER, our distinguished ranking member, in that I had intended on introducing an amendment. I am going to speak to the amendment. I think my decision will be to simply lay down the amendment as a freestanding bill.

Having said that, I rise this morning to warn my Senate colleagues about an urgent issue facing the Senate and this Nation. This issue has been identified many times now by various respected commissions, by leaders within the military, the academic, political, and national security communities. Whether we admit it or not, the need for action is instinctively understood by most Members of this body.

However, despite months and years of hearings, testimony, and warnings, until September 11 there was little sense of urgency or desire to make changes to the structure of the Senate required to address the problems of homeland security and terrorism.

I know the distinguished majority leader and our Republican leader and a few other Senators and staff have certainly given this recognition serious and careful consideration. As the former chairman of the Subcommittee on Emerging Threats and Capabilities within the Armed Services Committee, now the ranking member—the distinguished Senator from Louisiana, MARY LANDRIEU is now the chairman—I come to this issue after 3 years of hearings and testimony from virtually all the experts and more than 40 agencies of the Government.

It gives me little solace and a great deal of frustration to find the fine members of the subcommittee and our excellent staff in the role of Paul Revere, but unable to awaken the Federal Government, our colleagues, and the American people.

Let me share two paragraphs from the very first report our subcommittee issued to the Congress, to the press, and to the public:

> The terrorist threat to our citizens, both military personnel and civilians at home and abroad is real and growing. The proliferation of weapons of mass destruction and individual acts of terrorism have dramatically raised the stakes and increased the potential of massive casualties in the event of the terrorist attack.

I further quote from the first report of the subcommittee:

> Further, the serious prospect that known terrorist Osama bin Laden or other terrorists might use biological and chemical weapons as well as individual acts of terrorism is of great concern. His organization is just one of approximately a dozen terrorist groups. bin Laden, for example, has called the acquisition of these weapons "a religious duty" and noted that how to use them is up to us.

My colleagues, that was 3 years ago. We also stressed in our report that to confront this continuing and growing threat, it was critical that our governmentwide efforts to combat terrorism be coordinated and clearly focused. We noted at that time there were approximately 40 Federal departments and agencies with jurisdiction in the fight against terrorism.

Last spring, members of the Intelligence, Armed Services, and Appropriations Committees for the first time joined together and asked these same agencies to testify. All claimed jurisdiction. Many claimed they were in charge. We asked them three things: What is your mission? What do you really do? Who do you report to?

The bottom line: The hearings demonstrated that too many Federal agencies do not have a firm grasp of their roles and responsibilities for preventing and preparing for and responding to acts of domestic terrorism.

This patchwork quilt approach is not a substitute for a national strategy, the purpose of which would be to coordinate our Federal agencies into an effective force. It seems to me the administration is now working overtime to get that job done. Obviously, the administration has the attention of all Members of the House and Senate and the American people.

Along with that summation, the three committee chairmen and two subcommittee chairmen sent a list of recommendations to the Bush administration. We responded after those hearings. Now that situation has dramatically changed. The attack on the United States, the deaths of more than 6,000 Americans, and the very real probability that other attacks on the United States by terrorists are not only possible but probable require—require—that the Senate take action now to create a single entity to focus the action of the Senate—not the Federal agencies, not the House, but the Senate—on homeland security and terrorism.

I remind my colleagues that as tragic as September 11 was, it was not the first act of terrorism in this regard: The 1993 bombing of the World Trade Center, the bombing of the U.S.S. *Cole*—the Intelligence Committee, by the way, is still progressing on an investigation in regard to the U.S.S. *Cole*—and the bombing of our embassies. These earlier attacks and the promises and threats that prefaced them should have been the clarion call to prepare adequately for homeland security. They were not. If we now fail to properly organize and coordinate our actions in the Senate as the Nation fights a war against terrorism, we will be part of the problem, not the solution.

We do not now speak with one voice. As a body and as individual Members, we do not know all of the actions being taken within the various committees and subcommittees with jurisdiction or self-declared jurisdiction over homeland security and terrorism. I know this for sure in regard to reading about hearings that were held 2 weeks before, hearings we held in the Emerging Threats Subcommittee with the same witnesses, or that there were hearings planned 2 weeks down the road from hearings we had planned, not that we had the exact answer to the problem by any means. Bluntly put, the Senate cannot be a contributing partner with the Executive to win the war against terrorism unless we are properly organized.

On the other hand, we have done some good work. Last year, the Emerging Threats and Capabilities Subcommittee, in an attempt to reduce confusion and focus action, required the Department of Defense to establish a single Assistant Secretary to speak for the Department. Members of the Senate Appropriations Committee have worked hard to require a similar single point of responsibility in the Department of Justice.

Last Thursday, the President of the United States designated Pennsylvania Gov. Tom Ridge, a former colleague of ours in the House, to head up a new Cabinet-level organization to focus attention and to speak for the administration on homeland security.

Last week, the House of Representatives of the United States established a subcommittee to be the single voice for the House. The Senate leadership knows, I am sure—I have talked with them at length—that we must create a single committee in some form to coordinate and to prioritize initiatives and programs concerning homeland security and terrorism.

Mr. President, we have not done so. I say to my colleagues, it is our turn to act. The select committee I am recommending with this legislation will allow us to speak with one voice and be a key partner with the administration and the House of Representatives in the war on terrorism.

Before I outline my proposed legislation, let me give some background regarding this urgent need.

First, there is precedent for creating a select committee to address a very significant problem. The Truman committee: Convinced that waste and corruption were strangling the Nation's efforts to mobilize itself for war in Europe, President Truman conceived the idea for a special Senate committee to investigate the national defense program. Many consider this to be one of the most productive committees in the Senate's history.

The Arms Control Observer Group provided a way for Senate leaders to observe arms reduction talks and anticipate issues that might block eventual ratification.

Y2K was created to examine the year 2000 problem in the executive and judicial branches of the Federal Government, State governments, and the private sector operations in the United States and abroad. Everybody owes a debt of thanks to the distinguished Senator from Utah, Mr. BENNETT, for his leadership in that regard.

Each of these organizations was created to solve a particular problem in extraordinary times, and they proved to be invaluable. This is an extraordinary time.

To combat terrorism and protect our homeland is an issue demanding unity of effort in the Senate. Several studies and commissions have been conducted on the threat of terrorism and the preparedness of America to cope with an attack. We all know what they are. There is the Bremer commission, the Hart-Rudman commission, the Gilmore commission, and a study by the Center for Strategic and International Studies; the acronym is CSIS. Each had elements of agreement. They all recommended the following:

No. 1, the threat to our homeland is real. It is not a matter of if but when. Sadly, we know the answer to when. The people who planned the terrorist attack and killed 19 of our service men and women on the U.S.S. *Cole* are the same kind of people who planned the attack in New York and Washington and the same kind of people who are planning the next attack.

Point No. 2, from all of these commissions, all of these experts: The executive branch is fragmented and poorly organized to prepare or deal with such an attack. The President is stepping up to that issue. So is Tom Ridge.

Point No. 3, the Nation needs a strategy to address the problems in international terrorism. I think the President is doing a good job on that respect with the help of his Cabinet, with the help also of the international community.

Point No. 4—and this is the point I want to make as of today—the Congress is as poorly organized and fragmented as the executive branch.

Finally, if we need another example of why we must coordinate our actions on this issue, we need only look at the various legislative proposals moving through the Senate to direct the administration to reorganize the executive branch to face this war on terrorism. These actions are certainly well meaning.

I do not oppose each or any of them, and I do not perjure their intent or the intent of the distinguished Senators who have introduced the bills. But, I say to my colleagues, could we not better serve the Nation in this critical time if there were a single select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

How many committees and subcommittees must the administration meet with to take action now, to put politics second and America first?

How many chairmen and ranking members must Governor Ridge meet with and convince before he can take action?

Could not a single coordinating and prioritizing committee better serve the Nation during this war on terrorism and serve the Senate as well?

During the hearings of the Emerging Threats Subcommittee, we asked all the witnesses to state what keeps them up at night, what was their biggest worry, and to prioritize homeland security threats.

Their suggestions mirror the threats now receiving national press attention and the priority challenges that now face Governor Ridge as he comes to the Senate asking for immediate consideration and expedited action.

The first concern mentioned by our witnesses was the danger of an attack using bioterrorism. Goodness knows, we have seen headlines about that. The probability is low or perhaps medium, but the risk is severe, if not chaotic. Were I to be asked by Governor Ridge and his staff, I would recount that concern and recommend immediate funding and policy reforms.

I see the distinguished former chairman of the full Armed Services Committee, the ranking member, the gentleman I like to refer to as the "chairman emeritus," the distinguished Senator from Virginia, who is very much aware of an exercise that was just taken at Andrews Air Force Base called "Dark Winter," the use of biological weaponry. The results were very grim.

I think both Senator WARNER and this Senator would meet with Governor Ridge and say: Tom, this is something that must be addressed and is being addressed by the Secretary of Health and Human Services, Secretary Thompson. But on whose door will the Governor knock? Certainly, the Health, Education, Labor, and Pensions Committee; certainly the Armed Services Committee; perhaps our subcommittee; the Intelligence Committee; and the Government oversight committee, and, of course, the Appropriations Committee and the appropriate subcommittee on the Appropriations Committee. And let's not ever forget the growing danger of agriterrorism. So, obviously, he better knock on the door of the sometimes powerful Senate Agriculture Committee.

The second priority concern stressed by the experts was the danger of a cyber-attack, or information warfare. So Director Ridge doubtlessly would knock on the door of the Commerce Committee again, as well as the Armed Services Committee, the Judiciary Committee, doubtlessly the Banking Committee and others. Now I could go on, but I think my point has been made.

The third priority concern was the danger of a chemical attack, and the fourth, the danger of any possible use by a state organization or a nonstate organization of terrorists using a weapon of mass destruction.

As the September 11 tragedy demonstrated, there were few threats that were not discussed or that will be as Governor and now Director Ridge comes to the Senate to brief Senators to ask for our advice, our expertise, and our support, and we have that. We have had many hearings. We have many staff experts, and we have good judgments as evidenced by the Senator from Virginia and others who have worked so hard on this issue. That is how it should be.

We have a great many Senators, as I have indicated, who have considerable expertise and experience. They can, and we will, be part of the answer, but we do not have time to introduce bill after bill and hold hearing after hearing and request Governor Ridge to knock on virtually every committee and subcommittee door of the Senate in a merry-go-round of turf contests.

I know that senior committee chairmen and senior ranking members and even subcommittee members and ranking subcommittee members care about turfs. Scratch their turf, and it is like Ferdinand the bull. He does not smell flowers; he gets upset.

I say again, the House has acted. The administration has acted. We have not. It is time. Last Sunday, Secretary of Defense Rumsfeld issued the long awaited Quadrennial Defense Review. In his forward he states:

> The vast array of complex policy operational and even constitutional issues concerning how we organize and prepare to defend the American people are now receiving unprecedented action throughout the United States Government. Importantly, since the scope of homeland defense security responsibilities span an array of Federal, State, and local organizations, it will also require enhanced interagency processes and capabilities to effectively defend the United States against attacks.

Then he went on to say: The recent establishment of the Office of Homeland Security will galvanize this vital effort.

That is the word, "galvanize." "Galvanize," that is the word, to be sure. Various dictionaries define "galvanize" as follows, and I quote:

> To arouse to awareness and action; to spur; to startle.

Erskine Childers of dictionary fame said:

> A blast in my ear like the voice of 50 trombones galvanized me into full consciousness and action.

Mr. President, the Senate of the United States will not be able to galvanize or even play a significant part in winning the war against terrorism if in coming to the Senate the President, Tom Ridge, and the American people have to knock on 100 doors and listen to 100 different trombones. That is not galvanizing anything.

My proposed legislation would do the following: First, establish a Select Committee on Homeland Security and Terrorism. It would be cochaired by the majority and the minority leaders. It would have membership designated by the leadership from committees with preeminent and primary jurisdiction. Note I said preeminent and primary jurisdiction over homeland security and terrorism. And it would be responsible to coordinate and prioritize initiatives and programs of the U.S. Government concerning homeland security and terrorism.

It would submit to the Senate appropriate proposals for legislation and report to the Senate concerning such activities and programs.

This is a modest proposal. It is not written in stone. This proposal is not perfect. There is no such thing as a perfect bill. It is one that does not take authority away from committees, despite a lot of discussion that that might be the thing to do; the committees that certainly currently have the jurisdiction over these matters. It does allow the Senate to have a single voice and a single point of contact the administration can deal with as we fight this war on terrorism.

It is the right thing to do. It must be done now if the Senate is to be a key player and a meaningful partner in this Nation's war on terrorism.

I have a more detailed summary of the bill. I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ROBERTS RESOLUTION ESTABLISHING A SELECT COMMITTEE

1. Establishes a Select Committee on Homeland Security & Terrorism.

2. Select Committee would coordinate and prioritize federal initiatives toward genuine homeland security and preventing incidents of terrorism in the U.S.

3. Select Committee will have a legislative jurisdiction and shall have referred to it all legislation substantively connected to addressing homeland security and terrorism challenges.

4. Composition of Select Committee would be: two co-chairmen (Majority Leader and Minority Leader), two vice-chairmen (appointed by majority and minority leaders), chairmen and ranking members of Senate committees with clear jurisdiction (as determined by leaders), four members not sitting on such committees, and four members with expertise in the area of homeland security and terrorism (these eight members will also be appointed by the majority and minority leaders).

5. The Select Committee will hold hearings, compel the attendance of witnesses, draft legislation, report legislation, and generally be the focal point for the Senate's legislative and policy response to the challenge of keeping the American homeland safe and prepared in regards to incidents of terrorism and the phenomenon of 21st century terrorism (where each incident is exponentially more catastrophic than the last).

6. Select Committee will periodically report to the Senate and the committees of the Senate on the federal long term policy response to challenge of homeland security and terrorism.

7. Select Committee will require an annual report from the President outlining the coordinated federal long term policy response to challenge of homeland security and terrorism.

8. Select Committee is to compliment (by coordination and prioritization) the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal.

9. After introduction, the resolution will be referred to the Senate Committee on Rules and Administration for further consideration.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment my distinguished colleague, a member of the Armed Services Committee. Let the RECORD reflect he was the chairman of the Emerging Threat Subcommittee, which as a new chairman I created many years ago. Many of us on the committee, preeminent and foremost our distinguished colleague, Senator ROBERTS, in his tireless efforts, brought to the attention first of the committee, then the Senate as a whole, the serious looming threats across the board. Often he was alone in those efforts, but he had me by his side. I say the two of us, I suppose, in some respects at times had to forge ahead.

I do not say that in a partisan way because both sides of the aisle, in terms of our committee, at times had to push hard to get measures through and to eventually get what money we could from the Appropriations Committee to support the initiatives of the former chairman of the Subcommittee on Emerging Threats.

We are fortunate the Senator remains as the ranking member under the chairmanship of the distinguished Senator from Louisiana.

I have not had an opportunity to examine the format of the Senator for this important initiative that must be taken at some point by the leadership of the Senate and hopefully the endorsement of the full Senate. From what I have heard of the Senator's remarks, I think it is a landmark place from which to begin to examine this question.

If I might inquire, perhaps in the Senator's extended remarks he covers the budgetary authority. That, as the Senator knows, is very important. For example, in our bill now pending before the Senate for the Armed Forces for fiscal year 2000, we have a number of billions of dollars directed towards the President's initiatives, the initiatives of the Congress of the United States, to thwart terrorism. How would that be treated under the proposal the Senator from Kansas has? Would that jurisdiction over those funds—would we have, should we say, coequal authority of, say, the Armed Services Committee and other committees that have jurisdiction over portions of terrorism?

Mr. ROBERTS. If the Senator will yield, I will be happy to respond. The second point, which will be inserted in the RECORD following my remarks, the select committee would coordinate and prioritize the Federal initiatives toward genuine homeland security and preventing incidents of terrorism.

It would have a legislative jurisdiction and have referred to it all legislation substantially connected to addressing homeland security and terrorism challenges, but the budget authority, of course, stemming from the Budget Committee and all the work they do and all the work the appropriators do would still remain in the Armed Services Committee. It is more of a clearinghouse.

I suspect Director Ridge would come to the select committee, indicate his advice and counsel from the National Security Council, all that he has talked to, that we have the top five priorities and that, as a result, would go to our committee. We would recommend to the committees of jurisdiction, which I would think would be no more than four or five. They would not lose their jurisdiction.

There was a great deal of concern, when I talked to various ranking members and chairmen of these committees, that they did not want to lose jurisdiction. Some thought about making them ex officio, but in terms of the budget authority, obviously the Senator from Kansas and the distinguished chairman of the Armed Services Committee would have a direct say in terms of the authorization. It would be like everything else we do that is subject to our work with the appropriators.

Mr. WARNER. If I might continue, one area of work of the Senator, as the former chairman, and I presume now in this bill the current chairman, is to prioritize those funds that go to the National Guard support teams. We started out 3 years ago with I think 4, 5, 6. Our committee each year increased the number of teams, increased the funding for the teams. Their teams would be the first responders; or maybe the local police, fire, and other authorities would be the first responders.

There was a problem because we only had so many teams for the 50 States. How many teams are we up to now?

Mr. ROBERTS. If the distinguished Senator will continue to yield, we increased that number by 22. There was a GAO report, as the Senator knows. He always sat as the presiding chair and now ranking member at the subcommittee because of his intense interest. We would not have the subcommittee focus on this problem without the leadership and inspiration of the Senator from Virginia.

The GAO issued a rather critical report in regard to the teams, what we call civil support teams, the idea being that very well trained National Guard units could be within 4 hours of any community to be one of the first responders and signal back to the Federal Government—now with the FBI, with FEMA, with the Red Cross, with everybody concerned—exactly what the problem was.

That report found no fault in the raid teams. That report focused on the lack of direction and leadership within the Department of Defense. We fixed that problem with the help of the able staff, including the able staff member sitting to the Senator's right. He goes on periodic inspections to make sure these raid dreams are up to snuff. It means within 4 hours of anywhere in the United States you will have a crack professional and well-trained National Guard team to come in to immediately recognize the problem, indicate to the first responder, and also Washington, exactly what the problem is, and respond as fast as possible.

It was that initiative that the distinguished Senator mentioned to this Senator, and we were able to increase the number of teams even before the Department of Defense clearly recognized that need.

Mr. WARNER. I wanted to discuss that. There was a clear and historic bipartisanship in the work by the committee.

I pose it as a question now: Supposing in a future budget coming before the Congress from President Bush's team, and Mr. Ridge would have a voice, of course, and say, arbitrarily, he needed another 10 teams, and that funding is in the Department of Defense budget, and our committee decided we ought to have 20 teams. However, the new committee that you envision would, I presume, get the budget request, as would the Armed Services Committee, and would either have to agree with our committee or disagree, and if there is a disagreement, how do you resolve it?

Mr. ROBERTS. The same way we resolved the problems with Y2K. The leadership would have to make a decision in regard to the prioritization of what the distinguished Senator is talking about.

I point out No. 8 in the summary of the bill. The select committee is to complement—complement, by coordination and prioritization—the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal. I cannot imagine that the Select Committee on Homeland Security and Terrorism would not adhere to the recommendations of the Armed Services Committee, more especially the subcommittee on which I serve, and also the budget as submitted by the administration. The budget authority is more of a notification authority to this select committee. It is not "triplication"—if there is such a word—in terms of the Budget Committee.

I do not want in any way to tread on the expertise and the knowledge of the distinguished chairman and all the members of the committees that have jurisdiction. The Senator might remember we had a chart that we showed weeks ago, before September 11. The Senator may remember he was an active participant when we had the 40 agencies that came in. We asked: What is your mission? Who do you report to? Who is in charge? As a matter of fact, I think you were the Senator who showed up with the chart that showed it was a hodgepodge. It would be impossible for anyone to figure it out. I held up a much smaller chart of "stovepipes," if you will.

At that time, I thought there were five major committees that had jurisdiction that somehow could recommend or at least be part of this select committee, either ex officio or official. We had decided now to make them members because I didn't want to scratch that term. I have since found out there are eight, and there may be nine, and it may be growing more than that. It did affect our budget.

Mr. WARNER. The RECORD should reflect the important contribution by that group of Senators. Senator JUDD GREGG was in the leadership at that time. You were present. Senator STEVENS, Senator INOUYE, Senator LEVIN attended a lot of these. We had 2 full days of hearings.

Mr. ROBERTS. Senator MIKULSKI was very active. Senator HOLLINGS was very active. Senator STEVENS was there, as I have indicated, and Senator SHELBY on the Intelligence Committee. We had the Armed Services Committee, Intelligence, and the appropriators.

Mr. WARNER. That was an important piece of work we did.

Again, if no standing committee gives up any jurisdiction, I am still having difficulty understanding exactly how this new committee will function. I ask the question in a supportive manner and in no way to infer that I am not supporting the ultimate objective, especially of the leadership itself, to establish such a format. If we don't have some yielding of jurisdiction, I am not sure how that committee functions.

Mr. ROBERTS. If the Senator will yield again, I will try to do this one more time. We had plans A, B, C. The first plan was to create a task force. Then we thought after September 11 that yet another task force was not the thing to do. The task force was to be a clearinghouse of all the major committees that had that jurisdiction. The task force was to at least let everybody know that the left hand knew what the right hand was doing. We have had meetings like that. Members come once, staff members come later, and simply protect the turf of the subcommittee or the committees.

We said: We will hold a hearing on that. Why would you want to hold a hearing when we already held one? With whom are you working downtown in terms of the agencies? And round and round and round. So we decided the task force would not fit the bill.

Then we had another plan. This plan I call the Bennett plan, although I am not sure the distinguished Senator from Utah would take credit for it, or even should. But it was based on the committee that he chaired in regard to the Y2K challenge we had. In this particular case, you had the majority leader, the minority leader designating two designees to be vice chairmen, which we do. He called it the worker bees, so they could get that done. They basically were in charge of that particular effort. It didn't mean that the Commerce Committee—I do not remember the other main committee involved; perhaps it was the Governmental Affairs Committee; I may be misspeaking—could not introduce legislation and have budget authority, which they did. It was an effort to make sure that the Senate of the United States was on top of this issue and everybody knew what was occurring.

When the leadership would come to Senator BENNETT or Senator DODD, the other participant, they would say: This is our best recommendation.

I will say any senior committee chair who has a strong feeling, I understand that, but in the end it will have to be a decision by the executive, by our leadership, hopefully by a single committee that can serve as a clearinghouse to prioritize. I don't think we get into the budgets that much.

Plan C is the one I have introduced to make sure your senior committee chairmen, or at least part of the action, are not ex officio. Plan C was put in. First, this is flexible; this is not "the" plan.

I am trying to prompt action. Frankly, what I am trying to do when we have a problem in Dodge City, and you have to use a cattle prod and start to push a little bit, that is what we are doing. I think it is a pretty good bill, but it may not be the best bill, and there may be another way to approach this.

The distinguished Senator knows what has happened. We have been talking about this now for 6 months.

Mr. WARNER. In fairness, Senator LOTT has hosted several meetings—you and I have been present—so he could look at all options on it.

Mr. ROBERTS. Yes, I have been present.

Mr. WARNER. I want to follow this carefully.

Mr. ROBERTS. I have discussed this with the minority leader. I gave a similar plan, and I said it is not so much whether it is this plan or that plan, we must have a single select committee. We thought about a standing committee, and we said: No, that is going too far. You know and I know that if you tread on the turf of an important committee chairman, they will say no to the leadership. That is precisely what has happened. I am not going to get specific, but we have been working on this for 6 months to a year, and if we just get into personalities and turf fights, there ought to be a way to work this out. So this select committee would prioritize and coordinate with Tom Ridge. My word, if he can do it with 40 agencies, we can do it here with all the subcommittees and committees we have in the Senate. If we do not, we will not be part of the answer.

Mr. WARNER. Mr. President, I think the Senator is aware that I, in my capacity as ranking on Armed Services, have not objected to what Senator LOTT has put out as some format. To the contrary, I have indicated to him my strongest support for whatever evolves, hopefully with his leadership and others'—yourself—out of this effort.

I commend the Senator but I am prepared to make whatever adjustments are necessary in order for this very important concept to be formalized and instituted in the Senate.

I thank the Senator.

Mr. ROBERTS. I thank the Senator for his help, support, leadership, and advice, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Kansas for his continuing leadership. He was an absolutely marvelous chairman of the Emerging Threats Subcommittee and took that committee in a direction that really foresaw some of the activities that we have seen in the year since he began that effort. For that foresight we are all in his debt. He has continued that as ranking member of the Emerging Threats Subcommittee now, with Senator LANDRIEU as Chair.

But he has really been way, way ahead of his time. He has prodded us, as he used the image, in more ways than one and more times than just a few. I know the leadership is discussing some kind of a select committee. Hopefully they will come to some kind of conclusion so we can act with one voice.

He has been sometimes a lone voice, often a voice with a lot of support—but nonetheless a strong voice in that direction. I thank him again as I often have publicly and privately for his extraordinary work on our committee and in the Senate.

Mr. ROBERTS. I thank the distinguished chairman and my good friend and colleague for his very kind remarks.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I ask we return to amendment No. 1760.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, for the record, the amendment is accepted on this side.

Mr. HUTCHINSON. Mr. President, I am proud to be lead Republican sponsor of the concurrent receipt amendment offered by my distinguished colleague from Nevada, Senator REID. Now is the time to restore fairness to our military retired. Men and women who served our country, who dedicated their lives to the defense of freedom have earned fair compensation.

Our veterans have earned and deserve fair compensation. I have been a longstanding supporter of efforts to repeal the 110-year-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

This amendment will correct the inequity of disability compensation for our Nation's military retirees. Today, our military retirees are forced to fund their own disability compensation. Essentially, it is the view of this government, that those that have already given so much for our Nation must provide more. These are worthy Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during peacetime and conflict.

Today as we face a new enemy we have the duty to show our men and women in uniform that we as a nation fully support them, that the United States Senate recognizes their sacrifice. I urge my colleagues on both sides of the aisle to support this important amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 1760) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1834

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator THOMAS and Senator GRAMM of Texas.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN], for Mr. THOMAS, for himself and Mr. GRAMM, proposes an amendment numbered 1834.

The amendment is as follows:

> Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

Mr. LEVIN. Mr. President, I am sure we all remember the lengthy, spirited debate on the question of whether or not private businesses in this country should have an opportunity to bid on items which the Government is buying or whether they ought to be preempted from being able to bid on those items by the monopoly position of Federal Prison Industries. The Senate spoke and spoke loudly. Senator GRAMM strongly opposed it. He had some suggestions afterward which I find acceptable, Senator THOMAS finds acceptable, and those suggestions are now incorporated in the amendment which we have sent to the desk. It leaves intact the thrust of our amendment.

I ask unanimous consent the amendment be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Last week, the Senate voted 74–24 to table an amendment that would have removed the Federal Prison Industries provision from the bill. This vote was an overwhelming victory for those who believe, as I do, that Federal Prison Industries should not be able to prohibit private sector companies and their employees from bidding on federal contracts that are paid for with their tax dollars.

Under Section 821 of the bill, which has now been endorsed by the full Senate, FPI's "mandatory preference" would come to an end, and Federal Prison Industries would have to compete for future Department of Defense contracts. Under this provision, the Department of Defense, not Federal Prison Industries, would be responsible for determining whether Federal Prison Industries can best meet the Department's needs in terms of price, quality, and time of delivery. If DOD determines that the FPI product is not the best available in terms of price, quality, and time of delivery, the Department is directed to purchase the product on a competitive basis.

Today, we are agreeing to an amendment that would modify the Federal Prison Industries provision. In particular, this amendment would delete language from the bill which specifically addresses: (1) DOD purchases of integral or embedded products from FPI; (2) DOD purchases of national security systems from FPI; and (3) DOD purchases in amounts less than the micropurchase threshold of $2500.

The first thing that I would like to emphasize about this amendment is that it does not in any way alter or undermine the key language in the provision, which would end FPI's mandatory preference and allow private companies to compete against FPI for Department of Defense contracts. Would the Senator from Wyoming agree with this?

Mr. THOMAS. Absolutely. The Senate voted overwhelmingly to end FPI's mandatory preference on DOD contracts, and we have not and would not agree to any amendment that would undermine that action. As Senator LEVIN stated, last week's vote sent a clear message that the Senate fully supports eliminating FPI's mandatory source status.

Mr. LEVIN. I would now like to address the language that we are removing from the bill.

First, we are removing language that would have expressly stated that DOD may not be required to purchase integral or embedded products from Federal Prison Industries. This provision was intended to address FPI's practice of using its mandatory source status to insist that it get a share of projects that would ordinarily be performed by a single general contractor.

While we believe that some of FPI's practices in this area have been abusive, we are dropping this language from the bill because we do not believe that it is necessary. Since the language in the bill would end FPI's mandatory source status, FPI would no longer have the leverage it has used in the past to insist that contracts be divided up, that contract specifications specifically require the use of FPI products, or that subcontracts be awarded to FPI.

Let me be clear. We expect FPI's abusive practices to end under this provision. It is our belief that with the elimination of the mandatory preference, these practices will come to a stop. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree. The only reason for dropping this language from the bill is that it is redundant.

Mr. LEVIN. Second, we are removing language from the bill that would have expressly stated that DOD may not be required to purchase national security systems from FPI.

There are certain types of products that are inappropriate to produce in our prisons. I don't think we want guns produced in our prisons. I don't think we want missile guidance systems to be produced in prisons. I don't think we want rocket launchers to be produced in prisons. I don't think we want bullet proof vests to be produced in prisons.

We have agreed to drop the language in the bill because it is unnecessary. With the elimination of the mandatory preference, DOD will no longer be required to purchase any product from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Would the Senator from Wyoming agree with this?

Mr. THOMAS. I do agree and in fact, I think the American public would be shocked to learn that under a depression-era statute the DOD is required to purchase national security products from Federal prisoners.

In addition, FPI's entry into services generally, and data services related to mapping and geographic information in particular is troubling. This is an inappropriate area for prison work for a number of reasons. First, Congress has included mapping and geographic information services within the statutory definition of professional architect-engineer (A/E) services. This law requires Federal agencies to award A/E contracts (including those for surveying or mapping services) to firms based on their "demonstrated competence and qualification" subject to negotiation of a fee "fair and reasonable to the government", rather than awarding such contracts to the lowest bidder. The vast majority of States have also adopted this process in their codes and it is recommended by the American Bar Association in its Model Procurement Code for State and Local Governments.

Public health, welfare and safety is dependent on the quality of work performed by professionals in the fields of architecture, engineering, surveying and mapping. To add to these highly technical and professional services the drawings, maps and images processed by prison inmates is questionable to the public interest.

There are prisons engaged in a variety of digital geographic information services, including converting hard copy maps to electronic files; plotting maps at various scales; creating databases with information on homeowners, property appraisal and tax assessment; digitizing, and other computer aided design and drafting and geographic information services. FPI is involved in a program to provide support services to some of the Nation's most classified and sensitive mapping programs. I believe it is highly inappropriate for prisoners to be involved in programs where their work later becomes classified.

It is unwise to provide inmates access to information about individual citizens' property and assets, address information, and other data that carries serious civil liberty implications. I want to emphasize that inmates working for FPI in geographic information services often have access to homeowner data, property appraisal and tax assessment records and other information that most citizens would not want in prisoners' hands. It is equally dangerous in today's climate to give prisoners access to underground utility, infrastructure or power system location data.

Moreoever, to train prisons in imaging techniques and technologies makes the potential for utilizing such skills in nefarious counterfeiting operations upon release from incarceration too tempting.

These are examples of where prison industries has gone too far and where constraints are needed.

Mr. LEVIN. finally, we are removing language from the bill that would have stated that DOD may not be required to make purchases with a value less than the micropurchase threshold of $2500 from FPI.

The micropurchase threshold is important, because the removal of statutory requirements on small purchases makes it possible for DOD and other agencies to use efficient purchasing methods, including credit cards. For this reason, DOD has long sought, within the executive branch, an exemption from FPI's mandatory source requirement for purchases less than $2,500. So far, FPI has been willing to grant an exemption only for purchases up to $250.

We are removing this language from the bill so that the Department of Defense and the Department of Justice can continue efforts to work it out within the executive branch. It is our hope that, with the elimination of the mandatory preference for DOD purchases from FPI, the two agencies will be able to work this issue out in a constructive manner. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree with the good Senator from Michigan and want to point out that FPI has been fighting such changes for more than 5 years. Furthermore, FPI's reluctance to increase the micropurchase threshold points to FPI's unwillingness to recognize the legitimate needs of its Federal agency customers.

Lastly, I want to point out that this amendment does nothing to address the numerous other competitive advantages that FPI enjoys. As I pointed out on the Senate floor last week, FPI will retain advantages such as: paying inmates between $.23—$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from paying Federal and State income tax, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these, and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the chairman, Senator THOMAS, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1834) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

### AMENDMENT NO. 1805

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chicago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportunity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, IL. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroad tracks and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drilling facilities used by recruits were built hastily during World War II and are in desperate need of replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the Finch Medical School, which is affiliated with the North Chicago Department of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotiations to set up a land swap that would benefit all concerned. The Finch Medical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to $2 million of Operations and Maintenance funds to fulfill its obligations, once a final agreement is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely necessary for the Navy to carry out the plans for its new Recruit Training Center.

Mr. LEVIN. It is now the understanding that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pending amendment or two so we can complete consideration of this bill, hopefully before the briefing which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 briefing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering opportunity to my colleagues, I understand, if we resolve the matters with Senator ALLARD, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator ALLARD, Senator NELSON of Florida and others, Senator DODD, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of voting rights for our military personnel and that does so in a way that we can protect against any unintended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary inquiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

### AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI, proposes an amendment numbered 1724.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, I have worked with our colleague from Georgia, Senator MILLER, to craft legislation to protect our soldiers and officials from illegitimate prosecutions by the International Criminal Court. Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MURKOWSKI together introduced the American Service Members Protection Act on May 9 of this year. We have worked since that time with the administration to craft the pending amendment, and the administration favors this amendment quite strongly.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they proceed with "Operation Enduring Freedom," as it has been named, against those who on September 11 committed mass murder against innocent American civilians.

The pending amendment ensures that countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.

At this time of national mobilization to fight terrorists who killed thousands of American citizens in New York and Pennsylvania and right near us at the Pentagon, there is a consensus in Congress that we should give the President the tools he needs to carry out the mission.

Chairman HENRY HYDE, of the House International Relations Committee, and I have painstakingly negotiated refinements to the American Service Members Protection Act with the Bush administration, and this revised version of the bill gives the President the flexibility and authority to delegate provisions in the legislation to Cabinet Secretaries and their deputies in this time of national emergency.

As a result of these careful negotiations, I have a letter dated September 25, 2001, from the Assistant Secretary of State for Legislative Affairs. His name is Paul V. Kelly. He indicates in his letter that the administration supports enactment of the precise language in my amendment to the Defense authorization bill. By the way, I submitted that letter for the RECORD last week, specifically on September 26.

So it will be a matter of record again, I ask unanimous consent that the letter from Assistant Secretary of State for Legislative Affairs Paul V. Kelly be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF STATE,
> BUREAU OF LEGISLATIVE AFFAIRS,
> *Washington, DC, September 25, 2001.*
>
> Hon. HENRY J. HYDE,
> *Chairman, Committee on International Relations, House of Representatives.*
>
> DEAR MR. CHAIRMAN: This letter advises that the Administration supports the revised text of the American Servicemembers' Protection Act (ASPA), dated September 10, 2001, proposed by you, Senator Helms and Mr. DeLay.
>
> We commit to support enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.
>
> We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or other appropriate legislation.
>
> Sincerely,
>
> PAUL V. KELLY,
> *Assistant Secretary, Legislative Affairs.*

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Does the Senator from North Carolina yield the floor?

Mr. HELMS. If the Senator will indicate why he is seeking recognition, I will be glad to consider it.

The PRESIDING OFFICER. The gentleman from North Carolina has the floor.

Mr. LEVIN. As manager of the bill, I say to my friend from North Carolina I did not hear that last unanimous consent request. I am sorry.

Mr. HELMS. I just inserted a letter in the RECORD.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is speaking. The Senator will continue speaking, and the Senate will be in order.

Mr. HELMS. I thank the Chair.

We have a responsibility as Senators to enact an insurance policy for our troops and our officials—such as Secretary of State Powell—to protect them from a U.N. Kangaroo Court where the United States has no veto. That is precisely what this amendment is all about. Let me state for the record, to be absolutely certain there is no mistake made about it, (1) this amendment will prohibit U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information; (2) it will restrict a U.S. role in peacekeeping missions unless the United Nations specifically exempts U.S. troops from prosecution by this international court; (3) it blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the court; and (4) it authorizes the President to take any necessary action to rescue U.S. soldiers, any service man or woman, improperly handed over to that Court.

Now, then, my very good friend from Connecticut, and he is my friend—we have worked together on a number of things—Senator DODD, has made comments about this legislation which I feel obliged to address. This past Wednesday, September 26, the distinguished Senator from Connecticut, here on the Senate floor, said:

> "This amendment is called, ironically [Senator DODD said], the American Servicemen's Protection Act. It is anything but [said Senator DODD]. The establishment of this amendment places our men and women in uniform in greater jeopardy than they would be if we were to participate in trying to develop the structures of this court to minimize problems.

Now that is quoting Senator DODD, my friend, a friend of all of ours.

But that's not the case. I hope I might persuade Senator DODD to withdraw that statement because it is not the case. Let me repeat for emphasis, it is not the case at all. The pending amendment does nothing whatsoever to preclude the Bush administration from taking any action it deems necessary to address our concerns during the Preparatory Commission meetings of the International Criminal Court.

However, we should not be misled: the negotiators of this Court have no intent to amend the treaty creating the Court to meet our objections. In fact, negotiators voiced a loud cheer when they finished negotiation of the treaty in 1999—over the objections of the United States of America.

Senator DODD himself acknowledged that the Rome Treaty creating the Court is fatally flawed, when he stated:

> In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Also, when President Clinton signed the Rome Treaty on December 31, 2000, he stated that he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it either, given the remaining flaws in the Court.

So let me be, as the saying goes, perfectly clear. The pending amendment would shield American service people, men and women, from a court run amok. U.N. bodies often run amok. For instance, filled with dictatorships, the U.N. Human Rights Commission condemned the only democracy in the Middle East, Israel, in multiple resolutions earlier this year.

And just five weeks ago, the United Nations Conference on Racism in Durban South Africa, became an agent of hate rather than against hate. If U.N. commissions and conferences run amok, a permanent court, not subject to Security Council approval—and immune to a U.S. veto—could well turn on us, and on our democratic allies (the most likely one being Israel).

We need only to look back to the Kosovo War when the Bosnian Tribunal's chief prosecutor attempted to undertake an investigation of NATO for war crimes abuses.

Mr. President, despite the importance of this pending amendment with my sponsorship and that of others, opponents may want to hide behind procedural objections in an effort to just make our amendment go away. Unfortunately, this kangaroo court is not going away, it will be there, and the risk to our service men and women will exist as long as it is there unless we do something, as described in this amendment.

In the meantime, our Secretaries of State and Defense are telling us and the American people at the same time to get ready for a long campaign against global terrorists. We owe it, don't we, to our men and women representing this country, both in the military and in civilian agencies, to ensure their actions are not the subject of second-guessing by United Nations judicial bodies?

Mr. WARNER. Mr. President, would the Senator kindly yield for me to make this observation?

It had been the intention of the leadership of the Senate, and the managers, in order to accommodate Senators desiring to attend the briefing, to go into recess subject to the call of the Chair. Is that correct?

Mr. REID. I appreciate very much the Senator from North Carolina allowing us to interrupt. We have a number of people attending from the administration.

Mr. HELMS. Of course. I understand.

Mr. REID. We would be happy to allow the Senator to complete his statement, and as soon as that statement is completed, we ask the Senate be in recess subject to the call of the Chair, and at some subsequent time after we come back, I understand some people may want to raise a point of order against this amendment.

Mr. HELMS. I understand the same thing. I have about 2 minutes more. I will stop now.

Mr. REID. No, no. We thought the Senator from North Carolina was going to speak much longer. We would be happy to wait until——

Mr. HELMS. I wouldn't think of putting you in that position.

Mr. President, let me yield to the Senator on condition that I will have the floor when the Senate reconvenes.

Mr. REID. It is my understanding the Senator would want the floor when the Senate comes back in session?

Mr. HELMS. I think that was my unanimous consent request.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair on the condition that when the Senate does reconvene the Senator from North Carolina will resume the floor.

There being no objection, the Senate, at 2:32 p.m., recessed subject to the call of the Chair and reassembled at 3:37 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Forgive me for not standing, but who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

### AMENDMENT NO. 1724

Mr. HELMS. Mr. President, I will finish my statement in a moment, but, first of all, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be added as a cosponsor to amendment No. 1724, now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I do not know how many people were listening breathlessly when I made the first part of my statement earlier today, but I will not repeat it. I will have mercy upon you.

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment freestanding as a bill, but that is up to them.

Mr. President, to complete my statement that I began earlier, the Veterans of Foreign Wars of the United States has sent me a letter in support of my amendment. I want to read part of it. It is from Robert E. Wallace, the Executive Director. It is addressed to all Members of the Senate, dated October 2. It says:

> On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the "American Service Members' Protection Act of 2001." We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.
>
> We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of "war crimes," "crimes against humanity," "genocide," and other "crime of aggression" (not yet defined by the ICC.)

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
*Washington, DC, October 2, 2001.*

To: All Member of the U.S. Senate.
From: Robert E. Wallace, Executive Director.

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the "American Service Members' Protection Act of 2001." We think this legislation brought forward by Senators Jesse Helms (R–NC) and Zell Miller (D–GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before the court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of "war crimes," "crimes against humanity," "genocide," and the "crime of aggression" (not yet defined by the ICC). These crimes are expansively defined by the treaty and would be interpreted by the court's judges, who will be appointed with no input from the United States. The ICC will not be required to provide Americans the basic legal protections of the constitution. We think it is wrong to expect our servicemen and women to serve their country under this threat.

Also, it is equally important the President, cabinet members, and other national security decision-makers not have to fear international criminal prosecution as they go about their work. Congress has a responsibility to ensure that Americans are not brought before an international criminal tribunal for simply performing their duty to their country.

The Veterans of Foreign Wars of the United States supports enactment of this amendment to S. 1438 as written. Therefore, we strongly urge you to support this amendment offered by Senator Helms and others, and vote for the amended bill when it comes to the floor of the Senate for vote.

Mr. HELMS. Mr. President, I hope Senators will support this legislation, to protect soldiers and their civilian leaders from this new U.N. court. The President and his national security team support the legislation and have raised no concerns about acting on it now. In fact, there is greater need to enact this legislation now. We must not send our troops out to fight terrorists, or any other aggressors, without protection from trumped-up claims that they committed "war crimes", "crimes against humanity" or some new, undefined, catch-all "crime of aggression" before the Court.

I urge support for this legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will momentarily make a parliamentary inquiry as to germaneness. I say to my friend, who has been by my side in the Senate the 23 years I have been here, I was a cosponsor from day one. Should the Senator elect to pursue this as a freestanding or in other measures legislatively, I would like to be a cosponsor.

At the appropriate time—I see another colleague who wishes to address the issue—I will make the inquiry with regard to germaneness. The distinguished chairman and myself have made clear, in order to manage this bill, I will have to move for those amendments on my side, and he is going to move accordingly on germaneness for amendments on his side.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand the postcloture situation we are now in and the germaneness argument that the Senator from Virginia has just placed.

I stand in support of the concept and the intent that Senator HELMS brings to the floor as it relates to the International Criminal Court.

I, along with Senator HELMS and a good many others, have worked for some time to clarify this Nation's position in relation to the Rome treaty and the International Criminal Court. We became signatories to that in the final days of the Clinton administration and even then President Clinton spoke about it with concern. We are now faced with participating or not participating in something that we believe, as the Senator has just spoken to, puts our men and women in uniform at risk and the possibility that an international body, as adjunct of the United Nations, might choose to prosecute them, even though they were under the direct orders of our Commander in Chief in the execution of their duties.

If we were to gain on an International Criminal Court a rogue prosecutor, it is also arguable that civilians serving at the behest of the United States could become subject to the same prosecution. In other words, what is happening, by engaging in and/or participating in what we believe to be an illegitimate body and the formation of that body, it appears we are beginning to agree or to associate ourselves with it for certain purposes.

I don't believe we ought to be doing that. In fact, when we were dealing with Justice-State-Commerce appropriations, we passed, by voice vote, an amendment that would prohibit any moneys being spent for the purpose of the ICC preparatory commission and/or direct participation in the International Criminal Court.

What is at question? Our sovereignty, the right of this country to protect its citizens under our judicial system, but to hand that system and the absence of that protection off to an international body.

Senator HELMS has spoken to what we deem are rogue adjuncts of the United Nations—the conference that was held in Durban, South Africa that we had to withdraw from, along with the State of Israel, because of racist expressions that that conference was willing to make concerning certain nations with which we could not agree. The International Criminal Court stands alone by the characteristics of the defining language within the Rome treaty. In other words, once it is ratified, it isn't just a question of our men and women in uniform becoming subject to it. It is a question of any citizen of the world 18 years of age or older or any nation in the world becoming subject to it.

That is why I believe we ought to disassociate ourselves and, in fact, reverse our policy and work to deny its ratification.

I have a second-degree amendment I would offer, but I understand there will be a question of germaneness. If that question fails, then I would offer that second degree. It does not disallow the protection the Senator from North Carolina has brought but says that we protect others—and that is, citizens—in that we don't associate ourselves with the International Criminal Court, nor do we allow on special cases confidential information to flow from our Government to the court. In other words, we should not be facilitators to a court that by its very definition denies our citizens the right of sovereignty and the protection under our judicial system. That is what is at issue. None who study it deny that.

Those who have joined with me in my second degree are Senators LOTT, NICKLES, ALLEN, SMITH, CRAPO, KYL, and a good many others. It is a subject that deserves a stand-alone debate on the floor and full consideration by the Senate. At stake, I believe, are everything Senator HELMS has spoken to and, additionally, what I have just spoken to. That is why it is important that at some time this Senate collectively speak out against the whole of the ICC and the illegitimacy that we think it creates and the denial of the sovereignty of our citizens within the construct of the judicial system of our country.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the amendments introduced by Senators HELMS and CRAIG relating to the proposed International Criminal Court. Regardless of how one feels about the court, this amendment could have the unintended but devastating effect of alienating our allies and undermining the global coalition against terrorism. By imposing sweeping limitations on the President's capacity to cooperate with other countries on security and intelligence matters, and by taking a unilateral approach to an important global issue, this amendment weakens the United States hand in pursuing the most urgent foreign policy priority before us—building an strong and lasting coalition to fight terrorism.

I recognize and share many of the concerns with the proposed International Criminal Court, but this bill would not accomplish its primary objective of protecting American service members. It could in fact have the opposite effect, particularly as it stands to jeopardize our country's ongoing diplomatic efforts to build a broad coalition in opposition to terrorism. I urge you to oppose the amendment at this extraordinary moment in our national history.

Let me just highlight a few of the ways in which this amendment could tie the hands of our President and our diplomats as they move forward in building a coalition to combat terrorism. The amendment, if fully enacted, would limit the ability of our President to enter into global security alliances at a time when such alliances may be more important to our national interest than ever before. The amendment could also limit our ability to share essential security information with some of our closest allies in the war against terrorism. This limitation is particularly offensive, as it comes at a time when we are asking those same allies to share their intelligence information with us as we track the global terrorist networks that may have been involved in the devastating attacks of September 11.

Finally, and perhaps most significantly, a much noted provision in the Helms bill would allow the President "to use all means necessary and appropriate to bring about the release" of certain U.S. citizens detained by, or at the request of, the International Criminal Court. As such, the bill has been labeled the "Hague Invasion Act" by some opponents, a point that serves to highlight how provocative the measure may appear to even our closest allies. Of course, our first priority must be to protect our service members. But this amendment would not accomplish that goal, and we simply cannot afford to create a rift in our growing global alliance against terrorist networks by adopting such a troubled amendment. This is the wrong amendment. And this amendment is offered at the wrong time; it is offered just as we are beginning to realize important diplomatic successes in building a global coalition against terrorism. I would urge all of my colleagues to oppose it.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry regarding the germaneness of the amendment by the Senator from North Carolina.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane.

Would the Senator from Virginia state the question? Would the Senator from Virginia restate the question?

Mr. WARNER. I asked the Chair as to the parliamentary status of this amendment. The Chair has responded. I was awaiting the Chair's ruling. I raised a point of order, but I mean, the Chair then rules that the amendment falls, am I not correct?

The PRESIDING OFFICER. That is correct. If the Senator will bring the point of order, the Chair will rule.

Mr. WARNER. I have done that.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane. The amendment falls.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if the managers of the bill would be willing to support a suggestion by me and perhaps Senator CRAIG that this be converted into a freestanding bill, as suggested by the Senator from Idaho, and be considered immediately following passage of this pending legislation?

Mr. WARNER. Mr. President, I cannot exercise the decision of the leaders as to when it would be brought up.

It certainly can be introduced today as a freestanding measure, again with the second-degree amendment of the Senator from Idaho. I indicated I would like to be a cosponsor. As to the time it will be considered by the Senate, that is within the purview of the two leaders.

Mr. HELMS. I understand. I wonder if the distinguished Senator from Michigan will comment.

Mr. LEVIN. There is objection to scheduling debate on a subsequent bill. I have to object, if that is a unanimous consent request.

Mr. HELMS. I understand.

Mr. WARNER. I am not sure I understood it as a unanimous consent. It was an inquiry to the managers. I certainly have indicated my support for it, and Senator LEVIN and I are of the opinion it is a matter that has to be addressed by the leadership as to the schedule.

Mr. HELMS. Mr. President, we will be here on another day in another way. I thank the Chair and the distinguished Senator from Virginia.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, we have the matter of the Allard amendment. That is the only amendment on this side I have knowledge of, I so advise the chairman. I am advised that Senator ALLARD is on his way. I wonder if the chairman might comment on his knowledge. Senator ALLARD indicated to me he believed his amendment had reached a resolution and that it could be cleared on both sides.

Mr. LEVIN. That is my understanding, and there will be a voice vote on this matter. The Allard amendment is germane. My understanding is he will modify that amendment, and he will then agree to a voice vote on it.

Mr. WARNER. On our side, I know of no further amendments. May I inquire of my colleague, the chairman?

Mr. LEVIN. I know of no further germane amendments anyone intends to offer. If there are such germane amendments that have been filed, I hope somebody will let us know very quickly. Otherwise, as soon as we dispose of the Allard amendment, we will want to presumably go to third reading.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). WITHOUT OBJECTION, IT IS SO ORDERED.

Mr. REID. Mr. President, the majority leader has asked that I advise the Senate there will be two votes beginning at 4:45, one on final passage of this bill and the other dealing with another matter, the Vietnam trade bill, a motion to proceed.

I ask unanimous consent that following the disposal of the Allard amendment there be no amendments in order and that we could then go to third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, with that unanimous consent agreement having been granted, we can start the vote at 4:30. I ask unanimous consent the vote begin at 4:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1755

(Purpose: To maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted)

Mr. ALLARD. Mr. President, I call up the amendment numbered 1755.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1755.

Mr. ALLARD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 1755, AS MODIFIED

Mr. ALLARD. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1755), as modified, is as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

### Subtitle F—Uniformed Services Overseas Voting

#### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and

Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by striking "Each State" and inserting "(a) In General.—Each State"; and

(2) by adding at the end the following:

"(c) Standards for Invalidation of Certain Ballots.—

"(1) In general.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely.

"(A) on the grounds that the ballot lacked a notarized witness signature, an address other than on a Federal write-in absentee ballot (SF186), or a postmark, provided that there are other indicia that the vote was cast in a timely manner; or

"(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms, unless there is a lack of reasonable similarity between the signatures.

"(2) No effect on filing deadlines under State law.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"Sec. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 572(a)(1), is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) Establishment of Demonstration Project.—

(1) In general.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) Authority to delay implementation.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(b) Coordination With State Election Officials.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) Report to Congress.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis for uniformed services voters during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) Review and Report.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) Absentee Registration.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) Voting by Recently Separated Uniformed Services Voters.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) Definitions.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

Mr. WARNER. I ask to be a cosponsor.

Mr. ALLARD. Mr. President, would you add the following cosponsors: Senator WARNER, Senator ALLEN, Senator HAGEL, Senator CLELAND, and Senator BILL NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. In 1864, in the midst of a civil war, the United States of America held an election. In 1944, in the midst of a world war, the United States of America held an election. And in 2002, and in 2004, no matter what military actions we are involved in for the current war on terrorism, the United States of America will hold elections. It is a fundamental part of our system, of our democracy. Our claim to being the world's foremost champion of "liberty and justice for all" depends on the regular, free, and pure exercise of citizen's voting rights. And now that we are deploying troops overseas as the beginning of this campaign, it is our duty to correct the flaws in the absentee military voting system that became so glaringly obvious during the last election. To that end I introduced S. 381, which after much helpful input from the co-sponsors has been modified into what is before us today. Let me briefly describe this amendment so we can move forward. This amendment prohibits States from disqualifying our men and women in the military from voting based on their ballot's lack of postmark, address, notarized witness signature, or a reasonably similar signature. The current language in the bill only offers military voters a "meaningful opportunity to exercise voting rights." This does not ensure that our fighting men and women will be able to vote. Our amendment will instead move us toward that goal. The amendment also facilitates voting for men and women in the services who are separated before an election and because of residency requirements previously faced problems voting. There is a provision for electronic voting, strongly endorsed by Senator BILL NELSON, that sets up a demo for that purpose. There is a requirement for a report that will be filed with the Department of Defense by the States, reporting to them on how the States are addressing existing problems with their absentee military voting requirements, so our military men and women will have an opportunity to vote.

That is basically the amendment. I hope we can move forward with it.

I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I wish to compliment our colleague. This amendment was worked on on both sides. I believe that is included in the RECORD.

Mr. ALLARD. It is important to include that in the RECORD. I thank the Senator for that reminder. It was worked on diligently by both sides. There is mutual support to move forward. I thank the Senator for his help and for the support of Senator LEVIN.

Mr. WARNER. And the Senator from Florida.

Mr. ALLARD. The Senator from Florida as well as Senator DODD worked on this amendment. I appreciate their input.

Mr. WARNER. In our early discussions today, the Senator from Florida worked some constructive changes. The Rules Committee has overall jurisdiction of voting in elections. Senator DODD, the ranking member of the Rules Committee, collaborated on this issue, and it was badly needed. We suffered, as a nation, when we had the problems in Florida. I am not suggesting guilt anywhere, but there was a lot of confusion with the unexpected situation. There was great controversy over the men and women in the Armed Forces, particularly those beyond our shores serving in posts overseas, as to their ballots, when they were finally received in that State—and indeed we found other States had problems, so it was not exclusively a problem for Florida.

This amendment will go a long way toward clarification.

Mr. ALLARD. The Senator from Virginia has a lot of constituents from his State who have dedicated their lives to protecting the citizens of this country, and I have a lot of citizens in Colorado who have dedicated their lives to serving in the military and protecting and securing the interests of the United States. This is a moral issue. We need to make sure they have an opportunity to vote and do not lose that right.

I thank the manager of the bill for his effort in working on this compromise.

Mr. LEVIN. Mr. President, I thank Senator ALLARD, Senator WARNER, and others who worked so hard on this amendment. We made some very important progress in the bill that came from committee on assuring voting rights for men and women in the Armed Forces and those who leave the Armed Forces, for a short period of time after their departure.

Senator ALLARD has worked hard and has suggested some additional ways in which we can give that assurance that every eligible voter serving in our military does have a meaningful opportunity to vote and that properly cast ballots will be counted. I commend him.

Senator BILL NELSON of Florida, Senator DODD, and Senator MAX CLELAND worked so hard. I ask unanimous consent someone who has also worked extremely hard on this issue and made wonderful contributions, Senator LANDRIEU of Louisiana, be added as a cosponsor to this modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. In addition, Mr. President, I express my thanks to Senator ALLARD. This is a complicated issue, and it is important we hear from a number of sources, including secretaries of state of the various States, between now and the time we go to conference. We will be seeking to get their input on this language. We have not had a chance to do that. There may need to be some additional work.

In the meantime, I support the amendment and hope we will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, Mr. ALLARD.

The amendment (No. 1755), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, under the unanimous consent agreement adopted a few minutes ago, no further amendments are in order.

Senator TORRICELLI, Senator BIDEN, and I have expressed a strong interest in an issue that cannot be addressed on the floor through amendment and, as it turns out, may not need to be offered through an amendment. I want to take a moment to speak to that before we come to the vote. Before doing so, I again compliment Senator LEVIN, the Chairman of the committee, and the ranking Republican, Senator WARNER, helping us to navigate through some difficult waters as we come to the close of debate on this bill.

The issue that Senator TORRICELLI and Senator BIDEN and I expressed concern about involves the Department of Defense. The Department of Defense, it turns out, is the only consumer of a military grade propellant which is manufactured through a joint venture between two companies, General Dynamics Ordnance Tactical Systems and Alliant Techsystems.

Previously, nitrocellulose, which is used to make this propellant had been provided to General Dynamics by two sources: Alliant Techsystems, and Expro, Inc. Green Tree Chemical Technologies, which it turns out has operations in the State of the Presiding Officer and is headquartered in the State of Delaware, provided Expro with base components used to manufacture nitrocellulose. Since the joint venture with Alliant Technologies, General Dynamics terminated their contract with Expro, Inc.

Concerns have been expressed by Green Tree Technologies that with the current joint venture we would end up with a sole source provider for nitrocellulose. This propellant is used to make, among other things, weapons; and if there is only one provider of nitrocellulose we may put ourselves in some jeopardy as a nation if we should lose that one source.

There are further concerns that have been raised with respect to possible antitrust violations. For this reason, the Federal Trade Commission has opened an investigation concerning the joint venture between General Dynamics and Alliant Techsystems. Since the Department of Defense is the only purchaser of military-grade nitrocellulose, they have the determining role in whether or not the FTC moves forward with their review.

Senator TORRICELLI prepared an amendment. It is not going to be offered, but it is an amendment that says we need the Department of Defense, specifically the Army, to signal to the FTC that they have an understanding of the concerns over the possible antitrust issues and concerns over permitting this joint venture to go forward, limiting ourselves to one source for nitrocellulose.

The amendment encourages the Department of Defense to express its view of the Federal Trade Commission investigation within 30 days of enactment. It is my understanding that the Department of Defense will formally indicate their view of the FTC investigation in the coming week.

What we had sought to accomplish through amendment appears to have been accomplished without the adoption of this amendment, which I believe is good news, not just for Green Tree Technologies, but I think it is good news for the Department of Defense and ultimately for the taxpayers of this country. With sign off from the Department of Defense, the FTC is free to move forward and to make whatever rulings or decisions they see fit.

While the amendment will not be offered, I want to say to Senator TORRICELLI, thank you very much for raising this issue and providing the leadership here in the Senate for the committee to make sure we address these matters.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I did not have an opportunity to hear all of Senator CARPER's words, but I think I understand enough to know what he has indicated, that apparently there has been now a statement from the DOD to the FTC on this matter. If so, that was the purpose of the Torricelli amendment which was supported, I believe, by the Senator from Delaware and one other Senator.

Mr. CARPER. And Senator BIDEN.

Mr. LEVIN. Senator BIDEN as well. If that information for whatever reason turns out not to be accurate, Senator TORRICELLI, Senator CARPER, Senator BIDEN, and others have my assurance that I will be putting tremendous weight on the Department of Defense between now and conference to be certain those views are expressed, whatever those views are. It is not up to me, at least, to express an opinion as to the substance of the matter. I do not know enough about it. But they have apparently now expressed those views. If they have not, I will do everything within my power to make certain they do between now and the time this bill comes back from conference.

I thank Senator TORRICELLI and Senator CARPER for their position on this matter now.

Mr. WARNER. Mr. President, might I also add the Chairman and I had to make a decision to move on the question of germaneness. I do it on my side; the chairman was prepared to do it on his side. There was clearly a question of germaneness.

We have a number of Senators—another one just appeared. We had a list of over 100 amendments. We have been waiting. We stayed here until late last night and tried to consider them. I regret if there was a miscommunication. As captain of the ship, I take responsibility. But in good conscience, I have claimed many times and stated at lunch today among my colleagues that we were moving to final passage. As far as I knew, no amendments were going to be brought up.

I regret profusely, I say to my friend, and I yield the floor if he wants to make a few comments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Very briefly, again to Senator WARNER, I understand the difficult position he and Senator LEVIN found themselves in with respect to germaneness. I thank Senator LEVIN very much for the assurances he has given us. We look forward to working with the Senator to a satisfactory conclusion.

Mr. ALLEN. Mr. President, I want to state for the record why I voted in support of the request from President Bush for an authorization of a Base Realignment and Closure Commission in fiscal year 2003.

I support a BRAC round in 2003 for three reasons: First, I am confident that with an objective analysis of their military value, Virginia bases will score well compared to other installations throughout the Nation. I am sensitive to the fact that BRAC is an emotional issue. As unemotional as we would like to make it, we cannot get completely away from the emotion that is involved with closing installations and potentially uprooting people's lives. While I am sensitive to the emotions involved, I am confident that Virginia will come out well.

Virginia bases have, in past years, demonstrated their military value and will do so again this time. As Governor of Virginia, I, in 1994, established the Virginia Office of Base Retention and Defense Adjustment. We coordinated an effective State effort to assess the attributes of our military facilities to protect Virginia interests in the 1995 BRAC rounds. Indeed, after the 1995 BRAC, some 4,000 jobs were returned to Virginia that were lost in the 1993 BRAC round.

Finally, Fort Pickett was on the 1995 BRAC list until we negotiated a transfer to the Virginia National Guard to serve as Headquarters of the Commonwealth's Department of Military Affairs. So our bases are not only operationally important to their own services but they are interwoven in a web of joint-ness in which our military puts great value. We are operating at peak capacity in Virginia. We are efficient and we are ready to serve our national interests and meet the challenges of a BRAC round.

Second, the Department of Defense has indicated that a BRAC is needed on the merits. They have indicated there is a 25 percent excess infrastructure throughout our military installations. The Bush administration believes we could save $3.5 billion by consolidating operations. We then have a responsibility to work for more efficiency so that our resources can be allocated where they are needed most. These resources can be used to improve pay for our Soldiers, Sailors, Airmen, and Marines. Savings can be used to acquire upgraded, more technologically advanced equipment, armaments, and spare parts; all to better protect our uniformed personnel. Indeed, these savings can even be used to upgrade facilities in which our services are located.

Finally, during this time of national emergency, we should give due deference to the decisions of the President, Secretary of Defense, and the Pentagon. The administration has said we, as a nation, need to authorize a commission. Secretary Rumsfeld called it "imperative to convert excess capacity into war-fighting ability." During a time of national emergency and throughout our "war on terrorism," it is important to support the National Command Authority in their decisions to wage war and structure an efficient war machine. Again, because this is a highly emotional issue and affects the lives of people throughout the land, Congress must have confidence in the recommendations of the administration, Department of Defense, and the commission. I am confident of the Secretary's ability to ensure the integrity of the BRAC process which is so important to the accurate assessment of our future operational needs and force structure.

Again, I am aware of the concerns that many of my fellow Virginians feel as we approach BRAC once again. But I remain committed to supporting the Bush administration during this time of national emergency. When thinking objectively, everyone understands the urgency of utilizing our assets in the most effective manner possible. I am confident in the Secretary and commission's ability to conduct an objective assessment of the Nation's defense infrastructure needs.

Mr. McCAIN. Mr. President, I rise today in support of S. 1438, the National Defense Authorization Act for Fiscal Year 2002. At the outset, I must commend Senate Armed Services Committee Chairman CARL LEVIN for agreeing to a compromise to the committee-reported version of the defense authorization bill, by restoring $1.3 billion for the President's missile defense proposal, and removing language that would have harmed timely deployment of a missile defense system for America. I was deeply concerned during committee consideration when the restrictive bill language on missile defense was added and the cut in the missile defense program occurred, causing committee Republicans to vote unanimously against reporting out the bill.

In my 18 years in Congress, I had never seen a Defense authorization bill reported out of committee strictly on party lines. I am very proud, however, of the unified efforts and spirit of my colleagues since the tragic attacks on September 11, and I am pleased that we are working together to enhance our national security at this crucial time in our country's history.

It is tremendously important to me that the committee included language in the defense authorization bill and report that would authorize payment of retired pay and disability pay for military retirees and other eligible veterans—a practice known as "concurrent receipt." For the past 10 years, I have offered legislation on this issue. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. I am pleased that the committee, for the first time, has included language that describes this offset as unfair to disabled career service members.

My friends, we must do more to restore retirement pay for those military retirees who are disabled. I have stated before in this chamber, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, clearly more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently to correct this inequity.

In the legislation we are considering today, there are several provisions that will significantly improve the lives of active duty members, reservists, military retirees, veterans, and their families. It will come as no surprise, however, that I would like to emphasize that this year's Defense authorization bill contains nearly $1 billion in pork—unrequested add-ons to the defense budget that deprive our military of vital funding for priority issues. While this year's total is far less than in previous years, it is still $1 billion too much. Given the grave circumstances facing our nation today, we need to demonstrate to all Americans that we can do better.

Over the past six years, Congress has increased the Presidents' defense budgets by nearly $60 billion in order to address the military services' most important unfunded priorities. Still, I think it is worth repeating, until the message sinks, in, that the military needs less money spent on pork, and more money spent wisely to redress the serious readiness and modernization problems caused by a decade of declining defense budgets.

Every year as we work on defense authorization legislation, however, certain items are funded that are not on the Service chiefs' unfunded requirements list and, frankly, whose merits are questionable. For example, I have noticed in the fiscal year 2002 bill a total increase of nearly $55 million for advanced automotive technology and related fuel cell technology research—it sounds like the Motor City will be pleased, but what about the Service Chiefs? The auto industry also must be pleased with funding for the National Automotive Center's SmarTruck Army program. In a Washington Post investigative report last year, it was revealed that the SmarTruck, which was envisioned as a modified Ford F-350 pick up, has developed into a vehicle that looks like it should be in the next James Bond movie—all paid for with American taxpayers' hard-earned money.

I am also concerned that despite the President's clear budget request for the procurement of 2 C-130J aircraft for the Air Force, the committee voted by the narrowest margin to add $99 million for an additional, unrequested C-130J for the Little Rock Air Force Base. DoD and GAO have regularly criticized the C-130J program for serious cost overruns and development delays; moreover, there is a significant surplus of this platform in the Air Force inventory—called "an embarrassment of riches" by the Air Force Chief of Staff. This continued procurement clearly makes the contractor happy,but what about the Service Chiefs? For the $99 million cost of 1 C-130J, our Navy could have procured 2 additional F/A-18 E/Fs, to respond directly to the critical need of replacing aging Navy aircraft inventory—an inventory whose airplanes average 18 years old. In fact, the CNO, Admiral Vernon E. Clark, USN, testified before the committee this year that he needs to procure 180 jet aircraft per year just to sustain the 1997 Quadrennial Defense Review level, considerably more than the 48 F/A-18 E/Fs provided in our bill.

Just as discouraging, given its pork barrel nature, is a provision that would delay the B-1B Lancer bomber force restructuring or downsizing at a cost of $165 million to U.S. taxpayers. This provision has literally made it illegal for the Secretary of Defense to reduce, retire, dismantle, transfer, or reassign the Air National Guard B-1B Lancer bomber force by 33 aircraft until the following reports have been prepared: The National Security Review, the Quadrennial Defense Review, the Revised Nuclear Posture Review, the Secretary of Defense Report on the B-1B Lancer Bomber, the Bomber Force

Structure Report, and a Comptroller General Report on the B-1B Lancer Bomber I have never witnessed a more absurd illustration of congressional micro-management, and at such a great cost; the service chiefs will be unable to make wise use of this $165 million in fiscal year 2002 and the taxpayers' money will again be spend imprudently.

I would like to mention one further example of wasteful spending. For the last several years, Congress has added money for cultural and historic preservation activities, which is funded through a program called the Legacy Resource Management Program, fancy terminology for pork. The fiscal year 2002 defense authorization bill will add $8 million to this program, principally for recovery and preservation of the C.S.C. *Virginia*, which ran aground near Craney Island near the James and Elizabeth Rivers and was set on fire after being abandoned in May 1862. Now, my friends, can't we agree that there are much more pressing needs, such as improving military readiness and providing quality-of-life benefits to our service men and women, than raising this Civil War ironclad?

I also hope that we can re-focus our attention on reforming the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as if did 50 years ago. We must continue to incorporate practices from the private sector, like restructuring, reforming, creating efficiencies, and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the growth trend of headquarters' staff and to decentralize the Pentagon's morass of bureaucratic fiefdoms. Although nearly every military analyst shares these views, this bill instead moves significantly in the direction of increasing the size of headquarters staff, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated organization and outdated practices.

In addition, I appreciate that the Administration and the majority of my colleagues supported one round of Base Realignment and Closure in 2003, but more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader, civilian and uniformed, has testified about the critical need for further BRAC rounds. We can redirect at least $6 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion that can be saved each year by eliminating "Buy America" restrictions that undermine U.S. competitiveness overseas. Despite these compelling facts, the defense bill did not address many of these critical issues. And, unfortunately, it includes several provisions that move expressly in the opposite direction. Again, I am pleased that many of my colleagues voted to support Secretary Donald Rumsfeld and General Henry H. Shelton, USA, and approve another round of BRAC by a 53 to 47 rollcall vote.

In addition, sections in this bill designed to preserve depots, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots "Centers of Excellence" does not, Mr. President, constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic in the legislating process. Similarly, whether the Center of Academic Excellence in Information Assurance Education through the information assurance scholarship program is worthy of the $5 million earmarked in the budget is certainly not academic, but clearly debatable.

Last year the Defense appropriations bill included a provision statutorily renaming National Guard armories as "Readiness Centers," a particularly Orwellian use of language. By legally relabeling "depot-level activities" as "operations at Centers of Industrial and Technical Excellence," we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

In closing, I would like to reiterate my strong commitment to continuing to work for enactment of meaningful improvements for active duty and Reserve service members. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can pay them more, improve the benefits for their families, and support the Reserve Components in a similar manner as the active forces. Our service members past, present, and future need these improvements.

We owe so much more to the honorable men and women in uniform who defend our country. They are our greatest resource, and I feel they are woefully under-represented. At this time of national sorrow, resoluteness, when we in Congress have witnessed so many moving demonstrations of American patriotism, is there any greater duty facing us than to work in unity in full support of our service men and women? We must pledge to do our best on their behalf.

Mr. President, I request unanimous consent that a list of items added to the Defense authorization bill by Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS

[In millions of dollars]

| | |
|---|---|
| Army Missile procurement: HMDA/SSS | 40.0 |
| Navy Aircraft procurement: Navy JPATS (Add 10 Navy JPATS) | 44.6 |
| Air Force Aircraft procurement: C-130J | 99.0 |
| Air Force Research and Development, Test and Evaluation: | |
| Fly-by-Light UCAV | 4.0 |
| F-15 IFF (Air Force Reserve components) | 8.4 |
| Army Research and Development, Test and Evaluation: | |
| FADEC (Full Authority Digital Electronic Control for Helos) | 8.0 |
| LOLA (Liquid or Light end Air Boost Pump for Helos) | 2.0 |
| Navy Research and Development, Test and Evaluation: | |
| JASSM | 8.1 |
| Laser Welding and Cutting | 4.3 |
| Chemical Agents & Munitions Destruction, Defense: | |
| Laser Addictive Manufacturing Initiative | 4.0 |
| M291 Decontamination Kits | 3.4 |
| Army Research, Development, Test and Evaluation: | |
| University and Industry Research Centers (lightweight composite mats) | 0.75 |
| Advanced Materials Processing Research in Nanomaterials | 4.0 |
| CKEM Miniaturized Inertial Measurement Unit (IMU) | 2.0 |
| Single Alloy Tungsten Penetrator | 5.0 |
| Actuated Coolers for Portable Military Applications | 2.0 |
| Ground Vehicle Batteries | 1.5 |
| C3 Tech and Commercial Wireless Reliability Tested | 1.0 |
| Geosciences and Atmospheric Research | 3.0 |
| Personal Warfighter Navigation-MEMS | 5.0 |
| Combat Vehicle and Automotive Advanced Technology | 5.0 |
| Mobile Parts Hospital Technology (MPHT) Program | 8.0 |
| Networked STEP-Enabled Production | 5.0 |
| Plasma Energy Pyrolysis Systems (PEPS) | 3.0 |
| Managing Army Technology Environmental Enhancement Program | 1.0 |
| Information Operations Training (Functional Area 30) | 1.0 |
| Navy Research, Operations, Test and Evaluation: | |
| Southeast Atlantic Coastal Ocean Observing System | 8.0 |
| Marine Mammal Low Frequency Sound Research | 1.0 |
| Fusion of Hyperspectral and Panchromatic Data | 5.0 |
| Advanced Personal Communicator | 3.0 |
| Bio-sensor Nanotechnology | 4.0 |
| Integrated Bioenviromental Hazards Research Program | 3.0 |
| Modeling, Simulation and Training Immersion Facility | 2.0 |
| High Brightness Election Source Program | 2.5 |
| High Performance Wave Form Generator (Electronic Warfare) | 3.0 |
| Nanoscale Devices | 1.0 |
| Nanoscience and Technology | 3.0 |
| Wide Bandgap Semiconductor Research Initiative | 2.5 |
| Ship Service Fuel Cell Technology Verification and Training Program | 5.0 |
| Nanoparticles for Neutralization of Facility Threats (Weapon) | 2.0 |
| Urban Operations Environment Lab | 4.0 |
| ITC Human Resource Enterprise Strategy | 5.0 |
| Air Force Research, Development, Test and Evaluation: | |
| Environmentally Sound Corrosion Coatings | 1.5 |
| Metals Affordability Initiative | 5.0 |
| Titanium Matrix Composites | 7.5 |
| UV Free Electron Laser | 2.5 |
| Information Protection and Authentication | 3.0 |
| Advanced Aluminum Aerostructures | 5.0 |
| Cyber Security Research | 5.0 |
| Defense-wide Research, Development, Test and Evaluation: | |
| National Nanotechnology Initiative | 5.0 |
| Bioinformatics Program | 1.5 |
| Fabrication of 3D Microelectronics Structures | 2.0 |
| Nanomaterials for Frequency Tunable Devices | 3.0 |
| 0.25/0.18 Micrometer Radiation Hardening Electronics Process | 3.0 |
| Device Pre-Detonation Technologies | 2.0 |
| Electrostatic Decontamination System | 8.0 |
| Standoff Detection of Explosives | 5.0 |
| Unmanned Ground Combat Vehicle | 11.0 |
| UXO Environmental Security Remediation | 5.0 |
| Fluorescence Based Chemical and biological point detectors | 2.0 |
| Counter Drug Activities, National Guard Support | 40.0 |
| Operations & Maintenance: | |
| Army: Live Fire Range Targets | 11.9 |
| Navy: | |
| Shipyard Apprentice Program | 4.0 |
| Corrosion Prevention (Pacific) | 2.0 |
| Air Force: Civil Air Patrol | 4.5 |
| Defense Wide: | |
| Kahololawe | 35.0 |
| Cultural and Historic Activities (Raising Civil War Ships) | 8.0 |
| MILCON: | |
| Planning and design, Mountain Home AFB, Idaho | 0.87 |
| PAX River Aircraft prototype facility | 1.45 |

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS—Continued

[In millions of dollars]

| | |
|---|---|
| Naval War College National Research Center, Newport RI | 1.79 |
| Engineering Control and Surveillacne System (ECSS) | 1.6 |
| Tactical Communications ONBD Trainer | 4.0 |
| C–17 Maint. Trainer/Sim | 21.1 |
| AEGIS ORTS | 6.0 |
| COTS Sonar for MCM | 5.0 |
| NULKA Anti-ship Missile Decoy System | 14.0 |
| Future Ship Systems Technical Demonstrations | 5.0 |
| Modular Advanced Composite Hull Form | 4.0 |
| Ocean Modeling for MCM | 2.0 |
| Advance SSN Systems Development | 1.9 |
| Power Node Control Center (PNCC) | 3.0 |
| Improved SSN Antenna UHF Technology Improvement | 3.0 |
| Supply Chain Best Practices | 6.0 |
| Modeling and Simulation Initiatives | 7.0 |
| DDG–51 Composite Twisted Rudder | 3.0 |
| Sub Composite Sail | 2.0 |
| AEGIS Common Ground and Decision Upgrade | 5.0 |
| Multi-million Maritime A/C | 53.8 |
| Army, Other Procurement: Secure Enroute Comms.—Flying LAN | 13.1 |
| Air Force, Aircraft Procurement: Defense Airborne Reconnaissance Program (U–2 SYERS Spares) | 3.0 |
| Air Force, Other Procurement: | |
| Evolved Expendable Launch Vehicle | 3.8 |
| Hydra—70 Rockets | 20.0 |
| Army Research, Development, Test and Evaluation: | |
| Tactical Unmanned Aerial Vehicles | 6.0 |
| LIDAR Sensors | 5.0 |
| Enhanced Scramjet Mixing | 2.5 |
| Navy Research, Development, Test and Evaluation: Re-entry Systems Application Program (RSAP) | 2.0 |
| Air Force Research, Development, Test and Evaluation: | |
| Hand-Held Holographic Radar Gun for the B–2 | 2.9 |
| Dragon (U–2) JMIP SYERS Polarimetric Sensor Upgrade | 4.0 |
| Space Surveillance Modernization—Camera Augmentation | 8.0 |
| Defense-wide Research, Development, Test and Evaluation: | |
| Accelerate Navy UCAV | 9.0 |
| Thermionic Technology | 8.0 |
| Magdelina Ridge Observatory | 9.0 |
| Software Defined Radio | 5.0 |
| Aerostat for CMD | 3.8 |
| SMDC Advanced Research Center | 8.0 |
| Space and Missile Defense Battlelab | 11.0 |
| Excalibur/Scorpius | 15.0 |
| Water-Scale Planarization | 7.5 |
| Bottom Anti-Reflective Coatings | 2.5 |
| Privateer C3I | 2.8 |
| Broadcast-Request Imagery Technology Development (BRITE) | 3.0 |
| Defense Systems Evaluation | 1.5 |
| Intelligence Spatial Technology for Smart Map | 1.0 |
| Big Crow | 5.0 |
| Army Operation and Maintenance: Reserve Land Forces Readiness-Information Operations Sustainment | 5.0 |
| Navy Operation and Maintenance: NAVOCEANO SURF Eagle | 4.0 |
| Air Force Operation and Maintenance: Replace/Refurbish Air Handlers at Keesler AFB Medical Center, MS | 3.0 |
| Defense-wide Operation and Maintenance: | |
| Commercial Imagery Initiative | 10.0 |
| Environmental Restoration for Former Defense Sites in Alaska and other places | 40.0 |
| Air National Guard Operation and Maintenance | 164.8 |
| Total pork (in billions of dollars) | 1.05 |

Mr. KYL. Mr. President, I rise to speak to an amendment to the fiscal year 2001 National Defense Authorization Act.

This body is understandably focused right now on the issues of terrorism and homeland defense. It is entirely appropriate. With the imminent release of the Quadrennial Defense Review, however, we should not lose sight of the broader picture of U.S. foreign policy and national security for the decades ahead. While we can and will wage the war against international terrorism that is our duty, we cannot afford to ignore other future national security concerns that will most assuredly require the United States to maintain a large and robust conventional military capability.

Chief among our concerns to U.S. national security and alliance relations remains the threat to Taiwan, and to U.S. interests in the Asia Pacific of an emerging China. My intent here is not to beat the drums of war, for the events of September 11 have already heightened our emotions and awareness of the dangers that confront us in the 21st century. It would be irresponsible of us, however, to ignore Chinese military modernization and its implications for U.S. national security. That is why I believe it imperative that the United States be more aware of the nature of China's modernization programs. An integral part of those efforts is China's acquisition of advanced technologies, including dual-use technologies.

My amendment is simple. It requires the Secretary of Defense to provide an assessment of China's efforts at acquiring certain military-related technologies, how its military strategy relates to its technology requirements, and the impact those technology requirements and that military strategy have on our ability to protect our interests in the Pacific. The amendment would also require the Secretary of Defense, in consultation with the Secretary of Commerce, to develop a list of technologies that, for purposes of national security, should be denied the People's Republic of China.

This amendment is entirely consistent with Congress' overwhelming support for such initiatives as the creation at the National Defense University of a Center for the Study of the Chinese Military, and with the emphasis we have place in force structure discussions on the future challenge of China's growing military strength. It is a commonsense amendment that I hope will have bipartisan support.

Mr. CRAIG. Mr. President, in reviewing S. 1438, I came across a provision that would have disastrous consequences, no matter what its original intentions might have been.

I am talking about section 1062, making it unlawful for individuals to possess any "significant military equipment" ever owned by the Department of Defense that is not demilitarized and giving the Attorney General the authority to seize such items. "Significant military equipment" can mean a wide variety of goods; for example, it can include military vehicles, aircraft, ammunition, firearms and parts. "Demilitarization" can mean a number of things, too, including cutting or destruction.

The Department of Defense already can, and does, demilitarize some military equipment before surplusing it. I am not advocating a change in that current authority.

However, section 1062 of S. 1438 goes well beyond this current authority. By making possession of such equipment illegal, it would create tens of thousands of lawbreakers overnight, veterans, collectors, sportspeople, even museums that have been legally purchasing surplus equipment from the government for decades. Worse, this section provides for the confiscation and destruction of items that are now private property.

Consider the chaos and injustice that would result from enactment of this provision. Veterans service organizations across the country who have acquired military firearms to use for ceremonial purposes, they would be criminals. Americans who learned to shoot and acquired a firearm through the government's own Division of Civilian Marksmanship program would find themselves being served with a warrant by the same government for the same firearm. Museum displays or airshows featuring military vehicles or crafts would be threatened. A firearm containing a military surplus replacement part would now be subject to confiscation and destruction or begin rendered inoperable. In my own state, a collector of military Jeeps would risk losing his investment and his collection through no fault of his own.

This provision is breathtaking in its reach and unfairness, capturing millions of items and their law-abiding owners. This is why an even less-onerous provision in the last DOD Authorization bill was dropped during the House-Senate conference on that bill. That same conclusion must be reached by the conferees on S. 1438; this provision must be dropped in order to prevent certain harm.

### PRIVATE INSURANCE PRODUCTS OF BRAC INSTALLATIONS

Mr. SMITH of New Hampshire. Mr. President, it is well known that concerns about future liability have been a significant impediment to the remediation and reuse of military installations closed through the BRAC process. Private insurance products have proven an effective tool for addressing the liability concerns of local governments, contractors and developers of BRAC installations. With these products in hand, local governments, contractors, and developers of BRAC installations have been willing to accept the early transfer of contaminated DOD sites, and they have been willing to accept fixed price arrangements with DOD to complete the cleanup of sites. These arrangements encourage the better coordination of remediation and reuse, accelerating both, they save the Federal Government significant money in the process. Would the distinguished managers of the bill agree that the military services should consider the use of private insurance products as a method for expediting the remediation and reuse of BRAc installations, when appropriate cost savings can be achieved?

Mr. LEVIN. I do believe the services should consider such insurance products.

Mr. WARNER. I agree.

Mr. WELLSTONE. Mr. President, I rise to address the subject of our Nation's security needs in the context of the Defense authorization bill presently before the Senate.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the targeted pay raises of 5–10 percent and deferred maintenance for base housing included in this bill. For many years running, those in our armed forces have been suffering from a declining quality of life, despite rising Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they mobilize for duty in response to the attacks of September 11th. This bill does largely address those needs, and I will vote for it today.

Even so, I have a number of concerns about the bill, especially about its missile defense provisions. The initial committee language would have cut total funding for missile defense programs from $8.3 billion to $7 billion. In addition, it would have required that President Bush return to Congress with a specific request for funds for any missile defense tests that would violate the ABM Treaty, with congressional approval then required to spend those funds. I am disappointed that this language was removed.

I oppose the plan to deploy a national missile defense shield for many reasons. The crucial question is whether a missile shield will make the United States more or less secure. After studying the matter carefully, I have concluded that deploying a missile shield is likely to make us less secure, and that we would be better off using these funds to finance key anti-terrorism initiatives.

The new funding language in the bill allows the President to choose between missile defense research and development and combating terrorism. I believe that fighting terrorism should take priority over missile defense, and should receive most or all of the new funding. I further believe that spending to combat terrorism is more important than digging silos at Fort Greely, AK. Crews there have already begun construction of a 135-acre missile field and are planning to begin building silos in the Spring of 2002. Russian officials have said they would view construction of the Fort Greely missile silos as a violation of the ABM Treaty.

Moreover, Moscow has said it would react to U.S. treaty withdrawal by abandoning all arms and nonproliferation treaties with Washington and might respond to the missile shield by putting multiple nuclear warheads on some of its missiles. Is it worth jeopardizing the system of stable nuclear deterrence that has worked for almost 40 years to build a very costly system that we don't know will work? I believe it is urgent that we strongly support the renewed efforts of Senator LEVIN and others to require the President to seek congressional approval before spending funds for missile tests that would breach the ABM Treaty.

I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. We must make sure we carefully identify the threats we face and tailor our defense spending to meet them. We could do a better job of that than this bill does, and I hope that as we move to conference, the committee will make every effort to transfer funds from relatively low-priority programs to those designed to meet the urgent and immediate anti-terrorism and defense needs of our forces.

Mr. HATCH. Mr. President, I want to express my support for this bill. On balance, I believe it will greatly benefit our national defense and our country. Importantly, we have taken steps to increase pay and benefits for our men and women in uniform and reverse the neglect of our Armed Forces over the past decade. For this alone, the legislation is an important priority.

Let me take a moment to highlight a few of the bill's other provisions that have special significance.

First is the amendment I supported concerning the waiver authority for the 50/50 rule which governs outsourcing of maintenance depot work. The amendment moves waiver authority to the Secretary of Defense from the service secretaries. It also requires the Secretary to explain how he will meet the requirements if he requests a waiver. This is vitally important in order to maintain our depot infrastructure which is a crucial national asset.

Also of great interest to our veterans is a provision in the bill that addresses the concurrent receipt problem. For too long, we have penalized our disabled military retirees by forcing them to give up their retirement in order to receive disability pay. Senator REID's amendment fixes this by allowing our military retirees to receive both their retirement pay and their disability pay. The sacrifice of disabled veterans should not be diminished by this unfair penalty, and I am happy to have cosponsored Senator REID's amendment which rectifies this inequity.

I am also pleased that S. 1438 includes another provision which would address a gross inequity in the law. Currently, a retirement-eligible service member who dies in the line of duty is not considered vested in the military retirement program. The bill we are passing today will allow for the posthumous retirement of the member and thus provide additional benefits to the surviving spouse and children.

The bill also includes an additional $5 million for consequence management training involving weapons of mass destruction. This will make use of the unique training capabilities that exist at Dugway Proving Ground in Utah. I think we will all agree this is very timely given the terrorist threats our nation is facing.

I am committed to ensuring adequate resources are available to train units, civil support teams and other teams and individuals in combating terrorism. To that end, I support the bill's provision to require the Secretary of Defense to report back on the capabilities of defense installations, such as Fort Leonard Wood and Dugway Proving Ground, to train first responders.

Along with the positive aspects of the bill, there are still provisions with which I disagree. First and foremost of these is the authorization for a round of base closures in 2003. This is simply not the moment to spend inordinate amounts of time and federal tax dollars preparing for base closings. The Nation's military bases and the military establishment need to be focused on the war effort. I hope that this unwise language will be dropped by the conferees.

Additionally, I oppose the provision concerning the Federal Prison Industries. Any change to Federal Prison Industries should be part of a comprehensive overhaul rather than piecemeal changes in an unrelated bill. The ability to put prisoners to work greatly contributes to their rehabilitation. Without a market for the goods, an important tool is eliminated. Again, I am hopeful this provision will be dropped in conference.

I was very disappointed, that the bill did not include the Service Members Protection Act. By prohibiting the Government from cooperating in any way with the International Criminal Court, this legislation would protect our service members from unjust and arbitrary prosecutions for carrying out policies of the United States Government. I will continue to work with Senator HELMS, the author of the legislation, to secure its passage.

Before closing, I also want to discuss Senator DOMENICI's amendment to make spending for the Radiation Exposure Compensation Trust Fund mandatory. I am heartened the amendment will be included in the bill we are about to pass. I strongly support this amendment and commend Senator DOMENICI on a job well done.

Over the past months, Senator DOMENICI and I have worked together to make needed improvements to the RECA program. We have been joined in this effort by Majority Leader TOM DASCHLE and Senators BINGAMAN, REID, CAMPBELL, WELLSTONE and JOHNSON.

I feel safe in speaking for all of us when I express the shock and outrage we felt upon learning that the RECA trust fund was empty and that our constituents were receiving IOUs for the compensation they deserved. We vowed to our constituents that we would work day and night to ensure that funding for RECA would be guaranteed, and when this amendment is enacted, that promise will be fulfilled for the next decade.

As my colleagues are aware, earlier this year, I introduced legislation, S. 898, which includes language similar to the Domenici amendment. This language would also make spending for RECA mandatory, so that the appropriators would automatically fund the program each year. It will guarantee that all eligible individuals would receive their compensation in a timely manner.

Despite all of our efforts, despite the RECA claimants' good faith, and despite the hard work of Justice Department officials administering the program, the Trust Fund became depleted in March of 2000. This situation was simply unacceptable. RECA claimants began receiving "IOU" letters from the Federal Government in lieu of checks until we approved this year's supplemental appropriations bill, which covered the past IOUs and all claims approved as of September 30, 2001. However, many new claims will be approved in the coming years and, therefore, it is imperative that spending for this program become mandatory.

And while these mandatory funds will provide a substantial amount of money to the RECA trust fund from fiscal year 2002 through fiscal year 2011, it is important to know that this will not completely solve our constituents' concerns, we will still need more Federal money to provide compensation to all RECA victims. Let me assure these individuals, especially my fellow Utahns, that I will continue to fight this battle until all individuals are compensated by the Federal Government.

On a whole, this is a very good bill crafted by very good lawmakers. It begins to provide the Defense Department with adequate resources after 10 years of erosion. However, this is only the first installment; there is yet much to be done. I hope to work with my colleagues in the days and months ahead to ensure that we strengthen our defense posture as quickly and as effectively as possible.

Mr. FEINGOLD. Mr. President, under normal circumstances, it is likely that I would have opposed this bill. Under normal circumstances, I may have offered amendments to realign the Pentagon's lingering cold war mentality with the realities of the post-cold war world. Under normal circumstances, there would have been a more comprehensive debate on the proposed national missile defense system.

But as we all know, these are not normal times. The tragedies that began to unfold in New York, Washington, DC, and Pennsylvania on September 11, and the bold strike against terrorism that this country and our men and women in uniform are about to launch, demand a unified Congress and a unified nation. For those reasons, I will vote in favor of this bill.

The events of the past three weeks have crystalized support for our Armed Forces and have made it very clear that we should ensure that they have the resources necessary for the daunting task that lies ahead. But this strong sense of unity does not require Congress to abdicate its responsibility to review closely the funding requests of the President, and it does not prohibit discussions about the direction of federal spending, including defense spending.

Each year that I have been a member of this body, I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of unprecedented national crisis underscores the need for the Congress and the administration to take a hard look at the Pentagon's budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-cold war world and to ensure that our Armed Forces have the resources they need for the battles ahead.

I look forward to reviewing carefully the recently released Quadrennial Defense Review, a document which I believe should have been submitted in conjunction with the fiscal year 2002 defense budget request. At a time when the Department of Defense has rightly undertaken a comprehensive review of our military and its missions, it is troubling that we will pass yet another defense bill that is largely rooted in the long-ended cold war. I commend the Secretary of Defense for acknowledging the impact of the September 11 terrorist attacks on our future defense strategy, and urge him to continue to analyze of the role of our Armed Forces in combating terrorism and other challenges of the post-cold war world.

This bill is not perfect. To be sure, there are some good things in it. I am pleased that the committee has reduced the President's procurement request for the troubled V-22 Osprey from 12 aircraft to nine. I remain concerned, however, that those nine aircraft, and the Ospreys that have already been built and are currently being built, will require costly and extensive retrofitting following the ongoing review of the program. Since it remains unclear whether many of the problems with this aircraft can be fixed, and since the Department of Defense's decision on whether to move forward with this program remains a long way off, I am pleased that the committee has included language in its report requiring the Department of Defense to study alternatives to this aircraft.

We owe it to our men and women in uniform to provide them with safe, effective equipment. Their safety should be the principle that guides the important decision as to whether to proceed with this program. We should not move forward until we know for certain that this aircraft is safe and that the design flaws addressed in numerous reports have been corrected.

We also owe it to our military personnel and their families to provide them with decent facilities and housing. For that reason, I strongly support the provision of this bill that authorizes another round of base closures. We should continue to reassess our base structure to ensure that we are maximizing the use of our defense facilities. By closing bases that are no longer needed, we can help to ensure that our military personnel and their families are not being forced to live and work in hazardous conditions. The decision to move forward with another round of base closures is an example of the hard decisions that this body will have to make as we face the realities of the Federal budget.

I am also concerned that this bill again focuses on procurement of costly weapons systems at a time when we should be redirecting more funding to readiness and to quality of life programs for our men and women in uniform and their families. I regret that this bill authorizes the conversion of four Trident I submarines to carry conventional weapons when the Defense Department requested the conversion of two submarines and the retirement of two submarines. I also regret that we continue to procure cold war-era weapons such as the Trident II submarine-launched ballistic missile and that we continue to operate the Navy's Extremely Low Frequency communications system.

This is a time for the administration, the Congress, and the country to stand together in the face of the horrific attacks on September 11. We must do everything we can to support our military personnel as they prepare to combat the forces of evil who perpetrated these vicious crimes and those who offer them financing, shelter, and support. While this bill is far from perfect, I will vote in favor of it.

Mr. WARNER. Mr. President, we are about to vote in 2 or 3 minutes; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I would like at this time again to thank all colleagues for their assistance in getting this very important piece of legislation up and carefully considered over a period of several days.

I thank the staffs—on my senior staff, Les Brownlee, who hopefully will be moving on to other assignments here in the near future, and David Lyles, his counterpart, and others. I am most grateful. Senator LEVIN and I have been on this committee 23 years. I guess this is our 23rd bill. We have had tremendous cooperation from colleagues, staff, and otherwise.

This morning it was quite clear there was unanimity on both sides of the aisle to proceed with this bill.

I thank my distinguished chairman. It is a pleasure to work with him. We had some hard decisions to make and I think we made them basically together. We eliminated from the bill many provisions which the chairman felt very strongly about regarding the missile defense funding language. But it was done, and done in a spirit to get this bill up and passed in the Senate, so now we go to the House and conference and hopefully we will send up to the President a very fine bill on behalf of the men and women of the Armed Forces.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank Senator WARNER, his staff, and all the Members of the Armed Services Committee for working in such a spirit of unity.

Our committee always is able to come together on national security matters. It has always been a joy to work on the Armed Services Committee because that committee works in such a bipartisan spirit.

There are differences from time to time, but those differences are resolved in ways which contribute to the security of this Nation. Now that we are in an emergency situation, more than ever it is essential that this committee help lead the way, in a way that does not avoid debate on issues but, where we were unable to resolve issues, that they be deferred. There are some issues that have been deferred to a later date for reasons I expressed at great length yesterday. The Presiding Officer had an opportunity to listen to that.

We have preserved our position on that. It is an important position, and we will raise that if and when the circumstances are appropriate. But for the time being, what is important is that this Senate now has a chance to express with one unified voice support for the men and women in the military, to make sure they have everything they need; that they have the resources, training, the equipment; that they have the pay; that they have the housing.

We have done everything we can, working with the administration, to speak with one strong and unified voice that the men and women in the military should be able to count on us in normal times and surely they ought to be able to count on us in these emergency times. I believe very firmly this bill does exactly that.

It could not have been accomplished, again, without the assistance of our staffs.

They are extraordinary. Again, Senator WARNER, as always, has worked very closely to make sure we could act together. For that I am grateful. I think the Nation is in his debt.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have nothing but accolades for the chairman and for the distinguished Senator from Virginia. This was a tough bill to put together. This is not the first time that it was tough and we got it done. We have had some where we didn't get it done. We had some that didn't reach conference until some events which weren't planned broke and it gave the bill momentum.

I am not here to complain about their efforts, their diligent work. But I am a little concerned about the fact that I had some very good amendments pending. There is a very serious misunderstanding because it seems to me that my staff was working with staff on a number of these amendments.

I was preparing to pull some of the amendments in a negotiation process. I want to state two of them that would have been very important to have. It has cosponsors, such as Senator MURKOWSKI, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

It has to do with trying to make sure the United States in its workings with Russia on plutonium disposition programs, which I happen to have something to do with—$200 million was appropriated to start this program in an urgent supplemental 2 years ago. You all know we have been having some very difficult problems carrying that nonproliferation agreement to fruition. It was supposed to be for America getting rid of some of its plutonium and Russia getting rid of some of theirs in a kind of collateral way. And we were putting up $200 million to get it going.

The administration has decided to change the program by cutting two or three pieces of the program but offered no plan.

All this says is when you have a plan, send it up, and we will consider it. In the meantime, we don't think you should pick a piece out of the program without telling us how you are going to keep it intact.

I think anybody around here would have accepted that, or at least would have thought it was something very serious, unless they do not care about the program. There are some who do not think the plutonium disposition program is very good. But they don't have the luxury of deciding that it is not good. It is the law of the land right now. It is hard and difficult to get it done.

An example of another one: Senator BINGAMAN, Senator LUGAR, and Senator HAGEL. This is on the coordination of nonproliferation programs and assistance thereto.

There is no question on the part of those experts around who looked at this issue that we have to coordinate these programs. We have come to the word "coordination" after this terrorist attack as it applies to a lot of programs. We must coordinate better between the FBI and their information system, the CIA and theirs, and DOE and theirs. We finally decided to get something coordinated.

Frankly, on the nonproliferation programs, we are desperately in need of coordination. God forbid that something happens and we will say, Where was the coordination? At least we can say we have been trying for a long time to get coordination. We didn't get it in this amendment because for some reason somebody here had a misunderstanding with us—neither of these two Senators—or they just didn't think we ought to be doing this kind of thing on this bill.

In a sense, the cloture may very well have closed these off, but in the middle of negotiations we thought we should probably not have thought that. We probably should not have. Unless it gets done, we shouldn't think that in negotiations.

Having said that, I want to put these two amendments in by way of some thought that will go into what I was talking about. I will choose to take the remainder of my amendments and put them in now so that somebody at some point will be able to look and see if their amendments were reasonably good amendments. I believe with the exception of one or two, which I was prepared to change or withdraw, they are very good amendments. Ultimately, they are needed and should be paid for.

I will submit the package for perusal by those who might want to take a look to see if we could have made the bill a bit better, and at least be given some reasonable consideration.

I thank the Senators. I yield the floor.

Mr. WARNER. Mr. President, if I might for 1 minute, I think the Senator from New Mexico has some very constructive suggestions. I am familiar with them. I spoke just this morning with Senator LUGAR about a letter which he wrote to the Secretary of Defense, which is the subject matter of one of these amendments. I would have signed the letter with him. Yesterday I was engaged here. I hope in the context of the conference and otherwise we can address these important matters.

Mr. DOMENICI. It will be in the RECORD.

Mr. LEVIN. Mr. President, if the Senator from New Mexico will yield, let me also say, as someone who supports those amendments, that I will be working very hard in conference to see if we can find some way that is permitted in conference to get some of those issues resolved. I happen to be one who strongly supports those amendments. I thank him.

Mr. DOMENICI. The Senator from Michigan has attended a number of meetings where these issues were discussed. They are really serious issues. They will be coming along in a very good way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I congratulate our two managers for the outstanding job they have done in getting us to this point. It was not easy. I am grateful to my chairman and to our ranking member for the excellent job they did in maneuvering and orchestrating the effort to this point. I expect we will have a very good vote, thanks in large measure to their leadership.

After this vote, it is my intention to move to the Vietnam trade bill. There may be a request to have a vote on the motion to proceed. It would be my desire to have the vote, if it is required, immediately following the vote on the Defense authorization bill. I urge Members to stay until we can clarify whether or not a second vote is required. If it is not required, the vote on the Defense authorization bill will be the final vote for the day.

We will be on the Vietnam trade bill either way—either on the motion to proceed, which I don't expect, or on the bill itself.

As my colleagues I am sure know, there is a 20-hour time limit. It is my hope and my plea that we don't feel the need to spend all 20 hours on this bill. It is an important piece of legislation. I don't minimize it. But we have a lot of work to do in what is a short workweek once again. We will take up the bill. I am hopeful we can have a good debate tonight and then vote on it tomorrow, and hopefully early in the day.

I ask my colleagues to stay on the floor until we know for sure whether there is a second vote. I urge my colleagues as well to come and debate this bill so we can move it along and, hopefully, vote on its final passage sometime tomorrow.

Mr. LEVIN. Mr. President, could I add my thanks to the majority leader for his very strong and determined leadership to bring this bill to a close. I must say it could not have happened without the determination of the majority leader to finally just simply file cloture. That is what it came to. We were not able to bring this to closure without that cloture motion.

The majority leader's leadership has been absolutely superb and essential. That is going to permit us to have a strong vote and a unified, bipartisan voice in support of our troops. Both the majority leader and the Republican leader at an earlier time had sought to limit amendments to some kind of procedure. I thank both the majority and Republican leaders for that effort. They did not succeed in achieving that, but the next step will be taken. The majority leader took that action. That is the true mark of leadership, and the Nation is very much in his debt.

Mr. DASCHLE. I thank the chairman for his comments.

Mr. WARNER. Mr. President, I join in thanking the Republican and Democrat leadership for their assistance in getting us to this point. Senator LOTT and Senator NICKLES also were on the floor last night until 8 o'clock, as was Senator REID. We thank them.

Mr. DASCHLE. I thank the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), is necessarily absent.

I further announce that if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Thurmond

The bill (S. 1438) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LEVIN. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 156, S. 1417; Calendar No. 157, S. 1418; and Calendar No. 158, S. 1419; that all after the enacting clause be stricken, en bloc; that the following divisions of S. 1438, as passed the Senate, be inserted as follows: Division A, S. 1419; Division B, S. 1418; and Division C, S. 1417; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; and that the consideration of these items appear separately in the RECORD. I further ask unanimous consent that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, as passed the Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of

America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

It is my understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels so strongly, which I happen to support. The amendment was also, of course, cosponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation's security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not in a position to take a position on the merits because I do not know enough about the merits, and I would not do it anyway. I nonetheless believe it is important that the Department of Defense express itself, as the Senator's amendment provided for, since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greentree Chemicals and these few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

## DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the RECORD.)

## MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the RECORD.)

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the RECORD.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as passed the Senate, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. To the members of our committee, including the Presiding Officer who served so well to bring this bill to the floor; to Dave Lyles and our staff on this side of the aisle; Les Brownlee and his staff, but most important perhaps of all Senator WARNER for, as always, his extraordinary efforts to produce a bill in a bipartisan fashion, I am truly indebted. More importantly, the Nation has been advantaged by his service, and I am very grateful personally to him for all of his efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate was able to work. We had no partisan votes, as I recall, on the DOD authorization bill, a very important bill for our national security and important for us. So now we can go on and finish the DOD appropriations bill, a very critical bill as well.

Again, my compliments to Chairman LEVIN and Senator WARNER for their leadership, and for all Senators working together to get this bill passed as expeditiously as we did.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VIETNAM TRADE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 154, H.J. Res. 51, the Vietnam trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 51), approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTERNET TAXING

Mr. MCCAIN. Mr. President, the Senator from Oregon and I, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from Massachusetts, Mr. KERRY, and others have been working for years on the issue of Internet tax. We still have not reached an agreement. The moratorium expires very soon.

We will be introducing legislation today for another 2-year extension of the Internet tax moratorium. I hope we can get agreement on that, and in calmer and quieter times, we will be able to address and debate the issue of international taxation, which is a very difficult, very complicated, and an increasingly important issue to Governors, legislators, mayors, and city council members.

At this point in our American history, we need an extension of a couple years so in calmer and quieter times we can come to some agreement on this very important issue. That does not mean the Senator from Oregon and I are opposed to Internet taxes per se, but we have a long way to go before we are in agreement, so we will be introducing legislation today. I hope we can get unanimous agreement on it and move forward.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 17, 2001 in Helena, MT. An openly gay student at Carroll College withdrew from school 14 days after being knocked unconscious and beaten in his dorm room. The victim did not initially report the incident due to fear of further retribution. Someone struck the student in the head with a bottle as he returned to his room from the dorm showers early in the morning and then beat him while he was unconscious. The attacker also wrote "Die Fag" on his body with an ink marker.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## ADDITIONAL STATEMENTS

## HONORING DEAN DORT, CHARLES ORLEBEKE, AND DAVID WILLIAMS

• Mr. LEVIN. Mr. President, I want to commend the services of three midwesterners who are ending their terms on the Northeast-Midwest Institute's Board of Directors.

Dean Dort, Charles Orlebeke, and David Williams have provided stable leadership, offered a wealth of ideas, and advanced the Institute's credibility. Dean Dort is vice president of international affairs for Deere & Company, which is headquartered in Moline, IL. He has been a criminal trial lawyer, a Federal Criminal Court Judge, the representative of the Secretary of the Army to the United States Congress, and Washington counsel for Deere & Company.

Charles Orlebeke is a professor of urban planning and public affairs at the University of Illinois at Chicago. He previously served as executive assistant to Michigan Governor George Romney, founding dean of the urban planning and policy program at the University of Illinois at Chicago, and assistant under secretary and assistant secretary for policy development at the U.S. Department of Housing and Urban Development.

David Williams is vice president of Earth Tech, an engineering firm based in Chicago. He has served as commissioner of public works for the City of Chicago; a member of the Illinois Public Utilities Commission; and city manager of Inkster, Michigan. The Northeast-Midwest Institute provides policy research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator MIKE DEWINE of Ohio. I again want to commend Dean Dort, Charles Orlebeke, and David Williams for their service on the board of the Northeast-Midwest Institute. They have provided valued counsel and helped increase that organization's reputation and effectiveness.•

## TRIBUTE TO DANE GRAY BALES, A KANSAS LEGACY

• Mr. ROBERTS. Mr. Chairman, I rise today to call attention to the death, August 26, 2001, of a good friend and distinguished Kansan, Dane Gray Bales of Logan, KS.

Mr. Bales was born in 1918 to a pioneer Kansas family. He served in the Army Air Corps in WWII and returned home to Kansas to work for the Hansen Oil Company.

Throughout his life he was a community builder and civic leader known across the State. Fort Hays State University gave him its Distinguished Service Award in 1985.

Mr. Bales is best known for his untiring support for higher education in Kansas. With his wife, Polly, he was life member of the University of Kansas Chancellor's Club, the School of Business Dean's Club, the School of Fine Arts Dean's Club, the Williams Fund, Jayhawks for higher education, the Mt. Oread Fund and other organizations.

They were major contributors for the Dane and Polly Bales Organ Recital Hall and the Wolff Organ and they established the first organ professorship at the University of Kansas.

I submit for the record a recent article from the Hays Daily News that comments on Mr. Bales' outstanding life of service to Kansas and the eulogy delivered by Kenneth Tidball, superintendent of schools in Logan.

I ask that the article and eulogy be printed in the RECORD.

The material follows:

[From the Hays Daily News, Sept. 2, 2001]

### LOGAN LEGACY

Flags flew at half-staff. Downtown businesses closed early. For at least an hour on

Wednesday afternoon, this small Phillips County community closed up shop to pay its respect to a man who was more than just a lifelong resident.

Dane Bales embodied the tradition of small-town Kansas. While he carried the portfolio of an accomplished businessman, political activist and world traveler, Bales' appreciation and love for his hometown was one of his greatest attributes.

It was something he had learned at an early age.

His uncle, Dane G. Hansen, the namesake of a multimillion-dollar trust fund and not-for-profit foundation in downtown Logan, exemplified the same characteristics.

Hansen never married, and at the time of his death in 1965, his estate, valued at between $9 million and $16 million, was left to a foundation bearing his name. Those funds were to be used explicitly for the betterment of area residents.

That money had grown first from a simple general store, handed down to Hansen by his parents, Danish immigrants who were part of Logan's original settlement in the late 19th century. His business dealings later developed into a lumberyard, then road construction and finally the oil business. Ultimately, Hansen's success developed into exactly what he wanted, innumerable opportunities for Kansas residents.

For 36 years, it all overseen by his nephew, the lone descendant of the Hansen family.

At the time of Hansen's death, Bales was named to head the family trust and also was one of seven men handpicked by his uncle to head the Hansen Foundation. Now, Bales' widow, Polly, said the family legacy will continue, just without a family patriarch heading the board.

The couple's only son, Dane G. Bales Jr., died of leukemia in May 1998. His widow, Carol, now of Atchison, still serves as a trustee for the trust and foundation.

Polly Bales said legal documents stipulate that the trust will continue for 20 years after the death of the Hansen family's final descendant. That now ensures it will continue through 2021.

Although his life was surrounded by great experiences and people of all walks of life, this week Bales was remembered as a man who loved a few simple things.

The Rev. Ron Lowry told the hundreds of people who packed into the Logan United Methodist Church for Bales' funeral that he frequently tries to "find the unique". things in a person. That was a simple task this week, he said. "There were so many unique things about Dane."

Neighbor Kenneth Tidball talked about Bales' passion for golf. And while he loved Kansas football and basketball, golf had been his game for a number of years. He played his last round of 18 holes less than a month ago.

Following a lifelong admiration for airplanes, at age 46 he learned to fly and bought his first plane. Also an accomplished ham radio operator, Lowry said he shared that hobby with Bales. As he talked to Polly Bales about it, she joked with Lowry that if he's ever able to send a message to Bales' signal, he was to notify Bales that she also expected to hear from him.

"I appreciated the kind of love they had for each other," Lowry said. "They were such a complement to each other."

The two met while students at the University of Kansas. Polly Bales said her husband of nearly 60 years was dating her roommate while they were in school.

"I was trying to get the two of them together," she recalled.

Then one night, Bales called and asked if she wanted to go to Kansas City to attend an Ella Fitzgerald concert.

"I said, 'Oh I sure did.' That's how it started. We dated for at least a year and a half. I wasn't trying to get him. I didn't really notice him, but that's how it worked out," she said.

Their love of the Jayhawks was a shared passion. They were members of countless school-related organizations and activities, all dedicated to the promotion of higher education.

For 21 years they have hosted the area KU Honors Program, and in recent years have welcomed KU Chancellor Robert Hemenway's Wheat State Whirlwind Tour to the Dane G. Hansen Memorial Museum and Hansen Plaza. They were among the first to tour with the KU Flying Jayhawks and traveled with the group on 30 international trips.

They were major contributors for the Dane and Polly Bales Organ Recital Hall, adjacent to KU's performing arts center in Lawrence, and the couple since have established the university's first organ professorship.

Although Polly Bales said at first they "protested a little bit" the name of the recital hall, school officials told them that the Board of Regents already had decided on its name.

"So much of what we have is because of the Hansens. We thought that would be the name attached to it, but they said it was done. That was what they had decided," said Polly Bales, a former organ student at KU. "What an honor."

In 1985, the couple were awarded the Fort Hays State University Distinguished Service Award. Two years later, they were included in the KU Gallery of Outstanding Kansans, and both have received the Fred Ellsworth Medallion from the university.

"We were in pretty heady company," Polly Bales said with a smile.

Earlier this year, the couple received the Volunteers of the Year award from a 10-state district of the Council for Advancement and Support of Education.

All of those recognitions, which Polly Bales said they both cherished, hang in the hallway of the couple's home, built on the same stretch of land where Bales was born and where he died, and just across the street from Hansen Plaza.

"I always told him he didn't go too far," Polly Bales said of her husband, joking that he was born, worked and even died in an area equivalent to the size of a couple of city blocks.

His steadfast commitment to his hometown has not gone unnoticed. His death in fact brought an end to a long-standing record in Logan, 130 continuous years of business by a member of the Hansen family.

This week's issue of the Logan Republican, the weekly newspaper, refers to Bales on its front page as "a legend."

"The love he had for our community was extraordinary. He could have chosen to make his home anywhere in the world but he chose to stay in Logan, Kansas, where his family roots had long been a part of our community. The recognition and prestige he gave our little town will forever be remembered."

Even among all of their success and fortune, Polly Bales said she knows her husband would be floored by all the attention showered on him this week. Floral shops delivered more than 80 arrangements in his name, and just one day's mail, full of sympathy cards and condolences, filled a couple of shoeboxes.

"He would be so thankful. I know he would," she said as tears filled the corners of her eyes. "I'm so lucky that I fell into this family. They're so loving, and they've always taken care of me. But I'm going to miss him."

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EULOGY FOR DANE GRAY BALES

(By Kenneth Tidball, Superintendent of Schools, Logan, KS, August 29, 2001)

A reporter from a big city newspaper called me Monday at my office to ask me why I was doing the eulogy for Dane Gray Bales. He said why isn't the governor or the chancellor of KU or Congressman Moran doing it. I told him I didn't know why, but I could tell him this, no one could be more honored, no one could feel more privileged than I did to talk about what a wonderful, kind, loving man Dane was.

I told that reporter that I felt so inadequate to do justice to the man we've come to honor today. There are so many of you gathered here that have had a much longer relationship with Dane that I have; some of you did business with Dane; some of you played golf with Dane; some of you flew, or skiied, or traveled or went to ballgames or supported KU or loved chocolate or did several of those things that made up such a large part of Dane's life; I didn't have those special opportunities.

My special opportunity was that Dane was my neighbor. When we moved back to Logan, God saw to it that we had the special privilege of moving next door to the Bales. There I learned to respect and admire a descendent of true pioneer stock, a man with more determination and tenacity than most of us have bones in our body, a man who could do hand-to-hand combat with his fountain in the yard, or underground sprinkler and make them work again. He could also talk about world affairs, the stock market, education and consumer prices.

But a special delight was I always knew things were right with the world when I would look out my east window and see Dane up on his roof with his leaf blower, or getting ready to go play golf; wrestling with his fountain or getting ready to play golf; filling his bird feeder, putting ears of corn out for the squirrels, or getting ready to go play golf. There's no doubt about it, Dane loved to play golf.

Some of his golfing buddies have told me stories about Dane's game. Rich Wallgren says his special putting technique, the jump-n-putt, should be adopted by the PGA tour.

Jerry Patterson gave me the following observation from which I now quote:

"I have played a lot of golf with Dane, all over the state of Kansas and in a few other states as well. Dane was a very honest person in all that he was involved in. At the age of 83 his golf game wasn't as good as it might have once been and after tallying up, say an 8 on a hole, the scorekeeper, which was usually Rich or I, would try to make it a little easier on him. We'd ask Dane, 'You had a 7 didn't you?' He would answer back 'No, I had a dag-blasted 8.' If you are a golfer you know when someone offers to give you one less stroke on a hole, it tests your honesty. Dane always declined.

Dane loved the game of golf and when we had finished for the day, he would often ask, 'Where are we going tomorrow?' The answer from the rest of us usually was, 'I don't care, wherever you guys want to.'"

Dane played 18 holes less than a month ago.

As dedicated as he was to his golf, he was even more dedicated to the responsibility of his office. Less than three weeks ago, Dane came back from KU medical center to work in his office for two hours because the trustee meeting was the following day. Dane faithfully felt the responsibility and the importance of carrying out the wishes of his Uncle Dane and rarely missed a meeting of either the Foundation or the Trust. As they traveled around the world, to 60 different countries, I always knew they would be home for the third Friday of the month.

There is no doubt that Dane was respected by important people and men of position. He was invited by then Secretary of Defense Dick Cheney to become a member of the Joint Civilian Orientation Committee and later the Defense Orientation Conference Association. With these organizations, Dane visited U.S. military installations in the U.S. and abroad.

Dane was among the first six men inducted into the Kansas Oil Pioneer Hall of Fame.

He and Polly were awarded the Fred Ellsworth Medallion for unique and significant service to KU and the Distinguished Service Award from Fort Hays State University. He and Polly received the Volunteer Award for District 6 for the Advancement and Support of Education.

He was a member of the Chancellor's Club, School of Business Dean's Club, Williams Fund, School of Fine Arts Dean's Club, Friends of the Lied Center, Friends of KU Libraries, Friends of Spencer Museum of Art.

Dane and Polly were honored by the KU Gallery of Outstanding Kansans in 1987.

There is no doubt about it, Dane has made his mark on the face of this earth. In the oil industry, in defense, in education, in the world of music with his role in the construction of the Bales Recital Hall at KU, and in cancer research.

A few years ago, I wrote Dane a short letter congratulating him for some recent honor bestowed upon him. I'm going to share with you the gist of that letter. "In 1964 my father met D.G. Hansen. When he came back from that meeting he told me he had just met the smartest man he'd ever met. I would say the smartest man I ever met was Dane Bales."

You know something, Dane would not like for us to make over him this way, he would be uncomfortable and embarrassed.

But I can't help it. I admired him so, I respected him so, and I, like the rest of you, will miss him so.

Dane was not a demonstrative person, but his love for Polly was legendary, and although they won't get to celebrate their 60th wedding anniversary this November, the last sentence that Dane said to Polly was "I love you." What a beautiful memory.

I'm going to close with a quotation from a letter written by a grand-nephew of Dane's just last week. "A man who spends his life doing God's work and helping others, is a man that will be remembered forever in the hearts of loved ones and all who have known him. I feel my life has been enriched having been able to say that Dane is my uncle. I know in the Bible that a 'proud person' is a sinner, but I will be forever 'honored' for what my Uncle Dane stands for and believes in. With all my love, Michael."

My life has been enriched having been able to say that Dane was my neighbor.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. McCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN:

S. 1485. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 165. A resolution establishing a Select Committee on Homeland Security and Terrorism; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DeWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):

S. Con. Res. 74. A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

### S. 70

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

### S. 96

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 96, a bill to ensure that employees of traveling sales crews are protected under there Fair Labor Standards Act of 1938 and under other provisions of law.

### S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

### S. 836

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

### S. 1140

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

### S. 1147

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1147, a bill to amend title X and title XI of the Energy Policy Act of 1992.

### S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON of Florida) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1465

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 8, a joint resolution designating 2002 as the "Year of the Rose".

AMENDMENT NO. 1721

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1721 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1724

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1724 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1750

At the request of Mr. DEWINE, his name was added as a cosponsor of amendment No. 1750 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1755

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1760

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Oregon (Mr. SMITH of Oregon), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1760 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1806

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1806 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today with Senators MCCAIN and LEAHY, I am introducing legislation that would extend the moratorium on discriminatory taxes on electronic commerce.

Senator MCCAIN is absolutely right. The moratorium expires in a few days, and we are very hopeful the bipartisan bill we are going to introduce today is going to help bring the Senate together on what has surely been a very contentious issue.

Considerable confusion even exists as to what the current law entails. For example, there are countless stories written that say there is a ban on Internet taxes. That is absolutely incorrect. The only thing that is banned today is taxes that single the Internet out for discriminatory treatment. We are extending that ban.

As Senator MCCAIN has noted, there are strong feelings on both sides of this issue. I happen to believe very strongly that no jurisdiction in this country has shown they have been hurt by their inability to discriminate against the Internet. Certainly folks in State and local government feel very strongly about it, and they have a right, at this time of economic concern, to know where the revenue is going to be for their essential needs.

Senator DORGAN, Senator KERRY, Senator HOLLINGS, and I intend to continue the very constructive conversations we have had literally for 18 months on the issue, but because it is important to move forward quickly, given the fact the moratorium expires, Senator MCCAIN, Senator LEAHY, and I are introducing our bipartisan effort today and plan to continue our conversation with our colleagues.

Mr. LEAHY. Mr. President, I want to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple State and local taxes. I am pleased to join the senior Senator from Oregon and the senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act. I commend Senator WYDEN and Senator MCCAIN for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do. E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce. Let's not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This two-year extension of the current moratorium gives our Governors and State legislatures time to simplify their sale tax rules and reach consensus on a workable national system for collecting sales taxes on E-commerce.

E-commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

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By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am pleased to introduce the Animal Health Protection Act, AHPA, of 2001. I am proud that my good friend from Indiana, Senator LUGAR, stands with me today, as well as Senators HATCH, DAYTON, AKAKA, JOHNSON, ALLARD, CRAPO, CRAIG, LINCOLN, and HELMS. This legislation modernizes and consolidates important animal health statutes. We support the AHPA as a means towards improved domestic livestock protection.

As many of my colleagues are aware, the U.S. Department of Agriculture, USDA, is currently more prepared to protect our Nation's plants from foreign pests and diseases than to protect our domestic livestock from the same threats. Last year, the Plant Protection Act, a bill that greatly improved plant protection regulations, was signed into law. We need similar action to protect animal agriculture. The AHPA will expand USDA's legal authority to protect animals to that currently afforded for plant agriculture.

The AHPA updates and consolidates animal quarantine and related laws, some of which date back to the late 1800's and replaces them with one flexible statutory framework. USDA will be better prepared to take more effective, expeditious action to protect animal health.

This legislation also gives USDA authority to specifically address modern threats to all aspects of animal health. One such threat is foot-and-mouth disease. As our friends in Great Britain can attest, an outbreak of this destructive disease can cost a Nation billions of dollars and millions of livestock. In the U.K. alone, over one million animals had to be destroyed as a result of FMD. If we do not update our laws, I worry that our Nation will be vulnerable to the introduction and spread of foreign animal diseases like FMD or "mad cow disease", BSE. The recent discovery of BSE in Japan shows that the threats are still current. The price of prevention is vigilance.

Finally, this legislation has become even more important since the tragic events of September 11. Concerns about biosecurity and possible biological or chemical attacks directed at our Nations food supply must be taken very seriously. This legislation is crucial to fully protect domestic livestock and the U.S. food supply from these threats.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR and others for working with me to get it introduced.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1482

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Animal Health Protection Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Restriction on importation or entry.
Sec. 5. Exportation.
Sec. 6. Interstate movement.
Sec. 7. Seizure, quarantine, and disposal.
Sec. 8. Inspections, seizures, and warrants.
Sec. 9. Detection, control, and eradication of diseases and pests.
Sec. 10. Veterinary accreditation program.
Sec. 11. Cooperation.
Sec. 12. Reimbursable agreements.
Sec. 13. Administration and claims.
Sec. 14. Penalties.
Sec. 15. Enforcement.
Sec. 16. Regulations and orders.
Sec. 17. Authorization of appropriations.
Sec. 18. Repeals and conforming amendments.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this Act;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this Act are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ANIMAL.—The term "animal" means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term "article" means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term "disease" means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) ENTER.—The term "enter" means to move into the commerce of the United States.

(5) EXPORT.—The term "export" means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term "facility" means any structure.

(7) IMPORT.—The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) INTERSTATE COMMERCE.—The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term "livestock" means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term "move" means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) PEST.—The term "pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS ACT.—Except when used in this section, the term "this Act" includes any regulation or order issued by the Secretary under the authority of this Act.

(17) UNITED STATES.—The term "United States" means all of the States.

### SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) In General.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) Regulations.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) Destruction or Removal.—

(1) In general.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this Act; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) Requirements of owners.—

(A) Orders to disinfect.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) Failure to comply with orders.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

### SEC. 5. EXPORTATION.

(a) In General.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) Requirements of Owners.—

(1) Orders to disinfect.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) Failure to comply with orders.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) Certification.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

### SEC. 6. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

### SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) In General.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this Act;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this Act;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this Act; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this Act.

(b) Extraordinary Emergencies.—

(1) In general.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) State action.—

(A) In general.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

"(i) the Governor or an appropriate animal health official of the State; or

"(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) Notice.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) Notice after action.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) Quarantine, Disposal, or Other Remedial Action.—

(1) In general.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) Failure to comply with orders.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) Compensation.—

(1) In general.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) Amount.—

(A) In general.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) Limitation.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this Act;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner.

### SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this Act;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this Act; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 7(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 7(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this Act.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

### SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

### SEC. 10. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

### SEC. 11. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

### SEC. 12. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

### SEC. 13. ADMINISTRATION AND CLAIMS.

(a) ADMINISTRATION.—To carry out this Act, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

### SEC. 14. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain;

(ii) $250,000 in the case of any other person for each violation; and

(iii) $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this Act that violates this Act.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this Act.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

### SEC. 15. ENFORCEMENT.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this Act.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this Act shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this Act that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by any person with the Secretary in carrying out this Act, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this Act or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(2) VENUE.—Any action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 14.

### SEC. 16. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this Act.

### SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this Act, the Secretary may use funds made available to carry out this Act for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

### SEC. 18. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97-46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a-1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d-1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87-209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading "MISCELLANEOUS" of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87-518 (21 U.S.C. 134 through 134h).

(19) Public Law 91-239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking ", or the owner's agent,"; and

(B) in paragraph (2), by striking "or agent of the owner" each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

"(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.";

(B) in the third sentence of subsection (e), by inserting "to an agency other than the Office of Administrative Law Judges" after "is delegated"; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking "animal quarantine laws (21 U.S.C. 101-105, 111-135b, and 612-614)" and inserting "animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))".

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking "of the cattle" and all that follows through "as herein described" and inserting "of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines".

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

"(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics."; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

"(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

"(C) the Animal Health Protection Act; or

"(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.".

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.

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By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I am introducing legislation today, with Senator MURRAY, that would address one of the most challenging and tragic crimes in our society. This bill is the Children Who Witness Domestic Violence Act. It is a comprehensive first step towards confronting the impact of domestic violence on children. This bill addresses the issue from multiple perspectives by providing funds for several key programs.

The bill would support multi-system interventions for children who witness domestic violence by providing nonprofit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. These working partnerships would take advantage of local resources such as counselors, courts, schools, health care providers and battered women's programs to best address the needs of children in violent homes.

The bill would also create opportunities for domestic violence community agencies and elementary and secondary schools to work together to address the needs of children who witness and experience domestic violence. For example, domestic violence agencies could work with schools to provide domestic violence training to school officials and to students so they can make appropriate referrals and can understand how witnessing domestic violence impacts children's behavior and achievement. The groups could provide anger management and other educational programming to students so they can learn about and deal with the problem as they experience it.

The bill would also provide training to child welfare, and where appropriate, to court and law enforcement personnel to assist them in recognizing and treating domestic violence as a serious problem threatening the safety and well being to both children and adults. Training would include teaching staff to recognize the overlap between child abuse and domestic violence and to better identify the presence of domestic violence in child welfare cases. Staff would also be taught how to increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent so that children can stay with their non-abusing parent when it is safe to do so.

The bill would provide funds to shelters so they can run programs to address the physical, emotional and logistical needs of children who stay there. The bill also would give funds to States to assist private and public agencies and organizations in expanding crisis nurseries—temporary respite care for children who are at risk of abuse in their homes. Such nurseries have proven effective in preventing child abuse and in keeping families together in a safe way, when possible.

Finally, the bill would fund comprehensive research to investigate the link between domestic violence and child abuse, the link between childhood exposure to domestic violence and violent behavior in youth and adults, and other key issues that can provide insight into appropriate remedies for this devastating problem.

Mr. President, I introduce this legislation today, because, as I have said before, nowhere is violence more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. To turn a blind eye to the suffering of the victims of domestic violence and their children is to be, however unwittingly, complicitous in the crime because it is out of sight and behind closed doors that domestic violence thrives.

This bill reflects the fact that the effects of domestic violence extend far beyond the moment when violence occurs. One of the most compelling marks that violence against women leaves is on our children. I am reminded of the voice of Quinese Robinson, a teenager from Minneapolis, who just last year, came home to find that her mother's husband had brutally murdered her mother. Quinese simply said, "My Mom is the most important person in our life. When he killed her, he basically killed all four of us, because we do not have a mother."

This is one story among millions. It is estimated that as many as 10 million children witness violence in the home each year, and much of this violence is repetitive. As many as 70 percent of children who witness domestic violence are also victims of child abuse. If we are serious about helping children and reducing youth violence, we cannot ignore the impact of domestic violence on children.

Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of hopelessness, depression, and anxiety. Many of these children exhibit more aggressive, antisocial, and fearful behaviors. They also show lower social competence that other children.

Children in homes where their mothers were abused have also shown less skill in understanding how others feel when compared to children from nonviolent households. Even one episode of violence can produce post-traumatic stress disorder in children. Children who witness domestic violence are at higher risk of suicide.

Jeffrey Edleson and others at the Minnesota Center Against Violence and Abuse at the University of Minnesota collected multiple studies on the devastating results of this trauma. The examples are painful, but they deserve telling. One 4 year old girl named Julie witnessed her father stab her mother to death. In describing the event, Julie consistently placed her father at the scene of the crime and recounted her father's efforts to clean up after the crime. She could not describe her father's actions but when the district attorney saw Julie stabbing a pillow and crying "Daddy pushed Mommy down," he was sure that the father had committed the crime.

A child who was being treated at San Francisco General Hospital saw his father cut his mother's throat. For a period of time after the crime, the child could not speak.

Not surprisingly, Edleson found that children growing up in violent families are more likely to engage in youth violence and that the social and economic risk factors for youth violence correspond to the risk factors for domestic violence and child abuse.

The Office of Juvenile Justice and Delinquency Prevention at the U.S. Dept. of Justice identifies family violence as a major risk factor in the lives of serious, violent and chronic juvenile offenders. It is estimated that as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence.

In addition to increasing violence, witnessing domestic violence directly hinders school achievement. Child witnesses have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning.

As this overwhelming research indicates, domestic violence and violence against women permeate our entire society. People who try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in the hearts and minds of our children, in our schools, on the streets and in our human relationships.

In the face of this devastating situation, I call on my colleagues to say to these child witnesses around the country, that they will not suffer in silence, for that is what their abusers want them to do. Their cries will not be muffled behind closed doors and by the fear inflicted by abusive parents. We need to provide these children with a way out of violence and a way to deal with the pain of violence.

This bill represents a modest step to address this devastating problem. I urge my colleagues, in the names of all of these children, to support this critical legislation.

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By Mr. MCCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, the Nation's armies of compassion have rallied in response to the events of September 11 and thus far have contributed more than $676 million to our Nation's charities. But this largess have proven an irresistible target to criminals who prey upon the generous and good-hearted nature of Americans in this time of national emergency. We heard reports of false charities exploiting well-intentioned Americans during the Gulf War and after the Oklahoma City bombing and we now hear similar reports that the September 11 attacks have given these unusually heartless criminals new opportunities to perpetrate fraud.

Almost daily we hear of American citizens receiving solicitations from phony charities. News reports from more than a dozen States, from New York to Florida to California, reveal that Americans are being asked to contribute to what turn our to be bogus victim funds, phony firefighter funds and questionable charitable organizations. The fraudulent solicitation of charitable contributions is a problem all across our Nation.

Well-meaning Americans unwittingly contribute an estimated $1.5 billion per year in contributions to fraudulent charities. This $1.5 billion is intended to feed rescue workers, shelter the homeless, and care for those who have lost loved ones. Instead, this money is siphoned into the pockets of cold-hearted criminals. In the wake of the September 11 attacks, the amount of misappropriated contributions will surely increase. The Better Business Bureau reports that inquiries from consumers about dubious fund-raising practices have increased approximately 40 percent since September 11. Unfortunately, these criminals frequently prey upon our Nation's seniors, whose fervent patriotism and generous hearts can make them easy marks for a grifter's scam.

These crooks often try to confuse their victims by using names that sound like reputable charities and relief efforts. For example, some scam artists ask for donations to the Red Cross of America or the Armenian Red Cross, not the legitimate relief organization known the world over as the American Red Cross. Other crooks use the name "firefighter fund" or "victim's survivors fund" in their fraudulent appeals.

While an informed donor is the first line of defense against sham solicitors, there also are steps Congress should take in addressing this problem. Current Federal law targets fraudulent solicitations and telemarketing scams related to the sale of products and services and sweepstakes and contests, but does not specifically cover the fraudulent solicitation of charitable contributions. That is why I rise today to offer legislation, the Crimes Against Charitable Americans Act, which would authorize law enforcement and regulatory agencies to specifically target these fraudulent solicitation.

My bill, the Crimes Against Charitable Americans Act, strengthens Federal law by first, making it a Federal crime to fraudulent solicit charitable contributions or donations. This crime would be punishable by a fine and imprisonment for 5 years, or both, and those convicted would be ordered to provide restitution to their victims. Second, my bill increases the penalty from 1 year to 5 years for those convicted of impersonating members or agents of the Red Cross in order to solicit contributions. Third, my bill directs the Federal Trade Commission, the Federal agency with primary enforcement against consumer fraud, to include charitable solicitations within its definition of telemarketing and to promulgate rules designed to end such fraudulent practices. These FTC regulations also give local and State officials the authority to prosecute violators, which will increase the possibility that scam artists will be caught and punished. Finally, this legislation broadens the definition of telemarketing in federal law to include charitable solicitations and provides for up to a 10-year sentence enhancement for anyone who fraudulently solicits charitable contributions in connection with the commission of other Federal crimes. This maximum sentence enhancement of 10 years is reserved for those criminals who target our generous seniors with fraudulent appeals for money.

There are more than half-a-million federally recognized charities in America that raised more than $200 billion in contributions last year. Those who seek to profit from tragedy, especially the events of September 11, deserve a special degree of society's scorn and a special punishment under federal law. Not only do they steal valuable resources from the most worthy of recipients, but they erode the trust of the American people in legitimate charitable organizations. America is a generous and compassionate Nation and we must preserve the integrity of our charities and their ability to help others. The Senate can protect the noble work of our Nation's charities by passing the Crimes Against Charitable Americans Act.

I ask unanimous consent that the text of the bill, a letter of endorsement from the Bluegrass Area Chapter of the American Red Cross, and information sheets from the Federal Trade Commission and the AARP about fraud and charitable donations be printed in the RECORD.

There being no objection, the bill and the additional material were ordered to be printed in the RECORD, as follows:

S. 1484

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Crimes Against Charitable Americans Act of 2001".

**SEC. 2. FRAUD AND FALSE STATEMENTS.**

Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1037. Fraud and related activity in the solicitation of charitable contributions**

"(a) OFFENSE.—It shall be unlawful for any person to knowingly and fraudulently solicit, cause to be solicited, or receive contributions, donations, or gifts of money or any other thing of value—

"(1) for an alleged charitable or beneficial organization, or an alleged charitable or beneficial purpose; and

"(2) in connection with a disaster or emergency which has been officially designated a Federal disaster or Federal emergency by the President or any other appropriate Federal official.

"(b) PENALTY.—A person who is convicted of an offense under subsection (a)—

"(1) shall be fined under this title or imprisoned for not less than 5 years, or both; and

"(2) shall be ordered by the court to pay restitution to any victim, and may be ordered to pay restitution to others, who sustained losses as a result of fraudulent activity of the offender under subsection (a).".

**SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.**

The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.) is amended—

(1) in section 3(a)(2), by inserting after "practices" the second place it appears the following: "which shall include fraudulent charitable solicitations, and";

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made."; and

(3) in section 7(4), by inserting ", or a charitable contribution, donation, or gift of money or any other thing of value," after "services".

**SEC. 4. RED CROSS MEMBERS OR AGENTS.**

Section 917 of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

**SEC. 5. TELEMARKETING FRAUD.**

Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting "; or";

(3) by inserting after subparagraph (B) the following:

"(C) a charitable contribution, donation, or gift of money or any other thing of value,"; and

(4) in the flush language, by inserting "or charitable contributor, or donor" after "participant".

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AMERICAN RED CROSS,
*Lexington, KY, October 2, 2001.*
Hon. MITCH MCCONNELL,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCONNELL, I have reviewed your proposed Crime Against Charitable Americans Act of 2001 and on behalf of the Bluegrass Area Chapter of the American Red Cross fully endorse your efforts.

Whether handling donated funds or fees for products and services, upholding the public's trust is critically important to the Red Cross. The Red Cross is committed to high standards of financial stewardship and those who fraudulently solicit charitable contributions or donations erode the basic foundations of our organization.

I commend you for stepping forward in this effort to stop those who breed on opportunities of national disaster for personal gain. If I can be of assistance in promoting this act, let me know.

Sincerely,

PAUL B. HAY,
*Executive Director.*

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### HELPING VICTIMS OF THE TERRORIST ATTACKS: YOUR GUIDE TO GIVING WISELY

In the wake of the September 11 terrorist attacks on the World Trade Center and the Pentagon, Americans are opening their hearts and wallets to help the nation recover. If you're thinking about donating to the cause, here are some tips to help you give wisely:

Donate to recognized charities you have given to before. Watch out for similar sounding names. Some phony charities use names that sound or look for those of respected, legitimate organizations.

Give directly to the charity, not solicitors for the charity. That's because solicitors take a portion of the proceeds to cover their costs. That leaves less for the victims.

Do not give out personal or financial information—including your Social Security number or credit card and bank accounts numbers—to anyone who solicits a contribution from you. Scam artists use this information to commit fraud against you.

Check out charities. Contact the Better Business Bureau's Wise Giving Alliance: 4200 Wilson Blvd, Suite 800, Arlington, VA 22203; (703) 276-0100; www.give.org.

Don't give cash. For security and tax record purposes, pay by check. Write the official name of the charity on your check. Or you can contribute safety online through www.libertyunites.org.

Ask for identification if you're approached in person. Many states require paid fundraisers to identify themselves as such and to name the charity for which they're soliciting.

To report a fraud, contact the Federal Trade Commission toll-free: 1-877-FTC-HELP (1-877-382-4357) or use the complaint form at www.ftc.gov. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. The FTC enters Internet, telemarketing, identify theft and other fraud related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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[From AARP Bulletin Online, Oct. 2001]

### TRAGEDY CAN BE OPPORTUNITY FOR CON ARTISTS

Be very cautious of anyone soliciting money to help rescuers and victims of the recent tragic events in New York and Washington, D.C. The U.S. Postal Inspection Service, and other law enforcement agencies, are warning people about phone calls, e-mails or any other attempts to obtain donations.

Shortly after the tragedy, con artists claiming to represent victims, firefighters, law enforcement or charities were asking for money. If you want to donate, contact legitimate charities yourself rather than responding to requests.

Older consumers report that, on average, they get more than six calls or letters seeking charitable donations every week. That's more than 300 calls or letters every year. More than two-thirds of older consumers are not confident that unknown callers "really represent the organization they say they do." [For more information, visit the AARP website's Telemarketing Fraud section.]

#### TIPS FOR CHARITABLE GIVING

Before you give, get more information:

Ask the charity's full name, address and telephone number.

Ask how much of your donation goes to the program that the request describes—and how much goes to administrative costs.

Call your state Attorney General or Secretary of State's office to see if the charity is registered.

Depending on your state, charities must file financial and other disclosure statements; get copies, and review them.

Don't provide your credit-card number or personal information to telephone or e-mail solicitors.

#### BE SURE YOU KNOW WHO IS CALLING

If a fundraiser calls, call the charity directly to ask if it is really sponsoring a fundraising drive.

Also beware of phony charity names that sound similar to legitimate organizations. Don't assume that you know a group because the name or symbols seem familiar.

#### PROTECT YOUR CHARITABLE DOLLARS

To ensure that your contributions actually benefit those in need, follow these guidelines:

Pay with a check or money order made out to the charity—not the fundraiser itself.

Don't give money at the door to a courier or messenger—nor by leaving a check under the doormat. Send your contribution directly to the charity.

Don't feel pressured to make a donation on the spot. There will be plenty of opportunities to contribute in the future.

Keep records of your donations and pledges, and check your records if someone says you made a pledge that you don't recall.

Know the difference between tax deductible and tax exempt. Donations to tax-exempt organizations are not necessarily tax deductible for you. If your donation is tax deductible, get a receipt.

#### ONLINE GIVING

The AARP Bulletin is providing links to some of the legitimate charities collecting money to help the victims of the September 11 tragedies.

The following Web sites can provide additional information on charitable giving and charity fraud.

Federal Trade Commission: If you suspect charity fraud, you can file a report online with the Federal Trade Commission. http://www.ftc.gov/.

Better Business Bureau: The Better Business Bureau has much advice on charitable giving, including donating used cars and tax deductibility issues. http://www.give.org/tips/index.asp.

Wise Giving Alliance: Want to check out national charities? This site has reports on hundreds of charities, how much of the money raised goes to administrative or fund raising costs, contact information and charitable missions. http://www.give.org.

## STATEMENTS ON SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 165—ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 165

*Resolved,*

**SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM.**

(a) ESTABLISHMENT.—There is established a select committee of the Senate, to be known as the Select Committee on Homeland Security and Terrorism (in this resolution referred to as the "Select Committee").

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Select Committee are—

(A) to assist the Senate in coordinating and prioritizing Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States;

(B) to consult with and receive testimony from the President's Office of Homeland Security and other appropriate Federal agencies;

(C) to make such findings of fact as are warranted and appropriate; and

(D) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Select Committee may determine to be necessary or desirable.

(2) LEGISLATIVE JURISDICTION.—There shall be referred to the Select Committee all proposed legislation, messages, petitions, memorials, and other matters relating to Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States.

(c) COMPOSITION.—

(1) IN GENERAL.—The Select Committee shall be composed, as follows:

(A) The Majority Leader of the Senate and the Minority Leader of the Senate.

(B) The chairman and ranking minority member of each of the committees designated by the Majority and Minority Leaders of the Senate, acting jointly, as having primary and preeminent jurisdiction over homeland security and terrorism.

(C) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Majority Leader.

(D) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Minority Leader.

(E) Two Members with expertise and experience in homeland security and terrorism, appointed by the Majority Leader.

(F) Two Members with expertise and experience in homeland security and terrorism, appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall serve as cochairmen of the Select Committee.

(3) CO-VICE CHAIRMEN.—The Majority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(C) to serve as co-vice chairman. The Minority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(D) to serve as co-vice chairman.

(4) SERVICE.—For the purpose of paragraph 4 or rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Committee shall not be taken into account.

**SEC. 2. POWERS.**

(a) IN GENERAL.—For the purposes of this resolution, the Select Committee is authorized—

(1) to make investigations into any matter within its jurisdiction;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) to hold hearings;

(5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(6) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(7) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; and

(8) to take depositions and other testimony.

(b) ADMINISTRATION OF OATHS.—The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

**SEC. 3. REPORTS.**

(a) TO THE SENATE.—The Select Committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the homeland security and antiterrorism activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees.

(b) FROM THE EXECUTIVE BRANCH.—The Select Committee shall obtain an annual report from the President. The report shall review the activities of the agencies or departments concerned to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States. An unclassified version of the report may be made available to the public at the discretion of the Select Committee.

**SEC. 4. INFORMATION SHARING.**

It is the sense of the Senate that the head of each department and agency of the United States should keep the Select Committee fully and currently informed with respect to homeland security and antiterrorism activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency, except that this does not constitute a condition precedent to the implementation of any such activity.

**SEC. 5. CONSTRUCTION.**

Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any homeland security or antiterrorism matter to the extent that such matter directly affects a matter otherwise within the jurisdiction of such committee.

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### SENATE CONCURRENT RESOLUTION 74—CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS IN THE WAKE OF TERRORIST ATTACKS IN NEW YORK CITY AND WASHINGTON, D.C. ON SEPTEMBER 11, 2001

Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

S. CON. RES. 74

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent

hate crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Mr. DURBIN. Mr. President, today I rise with 31 of my Senate colleagues to submit a resolution condemning bigotry and violence toward Sikh-Americans.

Last week, Amrith Kau Mago, a student at George Washington University, from my home State of Illinois, came to my office and brought the serious issue of hate crimes against Sikh-Americans in the wake of terrorist attacks on September 11, to my attention.

On the morning of September 11, 2001, our world as we knew it changed forever. On September 11, terrorists coordinated an attack on the American people by hijacking four commercial airplanes and flying them as missiles into occupied office buildings, the World Trade Center in New York and the Pentagon in Virginia. The staggering loss of life of over 6,000 innocent people, more than in any other day in our Nation's history; firefighters and police officers crushed under the rubble as they risked their lives to assist victims; shaken sense of security and confidence in our society; and a national anxiety about our future.

While we search for understanding, we must do our duty as Americans. We bury our dead. We comfort the wounded. We honor our heroes. And we work to protect and defend our Nation.

Unfortunately, in the aftermath of September 11, there are those, who in misguided anger and fear turned on their neighbors and fellow Americans. They mistook symbols of religious belief, such as turbans and beards, for distrust, terror, and destruction. In a twisted gesture of revenge, some vigilantes across America have taken it up on themselves to threaten, harass, and even kill our fellow Americans simply because some share some outward appearance of these terrorists, turbans, beards, olive skin.

In the past three weeks, the Sikh community has received nearly 300 reported incidents of threats, assaults, violence, and even death. Of course this is wrong and every American must speak out against it. Sikhism, like Islam, Hinduism, Buddhism, Judaism, Christianity, and Catholicism, is a religion based on teachings of peace, love, and equality. Over 22 million Sikhs around the world today follow there values everyday. That is why it was so painful to me to learn that Sikh Americans are suffering from injustice targeted at them simply for their dress and customs.

We must embrace the diversity that makes America what it is, a diversity that our enemies cannot understand or accept. We are a land of immigrants, and from the beginning of our Nation's history, we have always welcomed people from other nations.

Of the thousands who perished that tragic day of September 11, citizens of over 80 countries were included among Americans.

Recent terrorist attacks should never cloud our judgment when it comes to our fellow Sikh-Americans. Sikh-Americans share with us the pain and sorrow of September 11 tragedy. Hate crimes and violence, especially violence stemming from bias and bigotry should never be tolerated.

That is why today I am submitting a resolution condemning bigotry and violence against Sikh Americans. I am pleased to say that 31 of my Senate colleagues have already cosponsored the resolution and we expect that many others will join us in condemning hate crimes against Sikh-Americans. Representatives Honda and Shays have expressed interest in introducing the exact same resolution in the House. Our country stands united with all Americans, including Sikh-Americans.

More than ever before, this is a time for us all to stand together. We are, of course, the United States of America. But today, we are a United America. As we stand together strongly against terrorism, let us also stand together as a country against prejudice and injustice targeted at each other.

Our enemies may hate us but we cannot be guided by hate, and we in America cannot hate one another. We are brothers and sisters under God's eyes. We are fellow American's under our Nation's flag and with this battle we must stand together, united by love and understanding.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1821. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. Allard and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1822. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. Allard to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1823. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. Allard and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1824. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra, which was ordered to lie on the table.

SA 1825. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1826. Mr. CRAIG (for himself, Mr. Lott, Mr. Allen, Mr. Smith, of New Hampshire, Mr. Nickles, Mr. Crapo, and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1827. Mr. CRAIG (for himself, Mr. Lott, Mr. Allen, Mr. Smith, of New Hampshire, Mr. Nickles, Mr. Crapo, and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill S. 1438, supra, which was ordered to lie on the table.

SA 1828. Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. Dodd and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1829. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. Allard and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. Allard and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. Allard to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1833. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. Allard to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1834. Mr. LEVIN (for Mr. Thomas (for himself and Mr. Gramm)) proposed an amendment to the bill S. 1438, supra.

SA 1835. Mr. DOMENICI (for himself, Mr. Hagel, Mr. Lugar, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1836. Mr. DOMENICI (for himself, Mr. Thurmond, Mr. Murkowski, Mr. Bingaman, Mr. Lugar, Mr. Hollings, Ms. Landrieu, and Mr. Biden) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1837. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1838. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1841. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1842. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

## TEXT AMENDMENTS

**SA 1821.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

### Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) Uniformed Services Voter Defined.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking "Each State" and inserting "(a) In General.—Each State"; and

(2) by adding at the end the following:

"(c) Standards for Invalidation of Certain Ballots.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.".

(b) Distribution of Standards by the Presidential Designee.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking "and" before "(B)"; and

(2) by inserting before the period at the end the following: ", and (C) the standards submitted by the State under section 102(c)".

(c) Effective Date.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"Sec. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) In General.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) Coordination With State Election Officials.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) Report to Congress.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) Review and Report.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) Use of Military Installations Authorized.—Section 2670 of title 10, United States Code, is amended—

(1) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.".

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections".**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.".

### SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1822.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following:

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.".

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking "and" before "(B)"; and

(2) by inserting before the period at the end the following: ", and (C) the standards submitted by the State under section 102(c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971

(2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.".

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections".**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.".

### SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1823.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following:

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter.".

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking "and" before "(B)"; and

(2) by inserting before the period at the end the following: ", and (C) the standards submitted by the State under section 102(c)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office where such use is consistent with State law.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office under paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.".

(b) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations as polling places in Federal, State, and local elections for public office in accordance with section 2670(b) of title 10.".

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to be consistent with this section.".

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections".**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.".

### SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

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**SA 1824.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(e) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(f) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(g) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, covered United States persons participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Covered United States persons may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, covered United States persons participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which covered United States persons participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

### SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE COVERED UNITED STATES PERSONS AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

### SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

### SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

### SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter taken or directed by the President in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

### SEC. 1412. PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

### SEC. 1413. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

### SEC. 1414. SENSE OF CONGRESS.

It is the sense of Congress that the President should take all appropriate steps to remove United States support for the Rome Statute.

### SEC. 1415. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term “covered United States persons” means members of the Armed Forces of the United

States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) Extradition.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) International criminal court.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) Major non-NATO ally.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) Participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) Party to the international criminal court.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) Peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) Rome statute.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) Support.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) United states military assistance.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

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**SA 1825.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert in lieu thereof the following:

**1066. Closure of Vieques Naval Training Range.**

(a) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

"(e) National Emergency.—

"(1) Extension of Deadline.—The President may extend the May 1, 2003 deadline for the termination of operations on the island of Vieques established in Subsection (b)(1) for a period of one year (and may renew such extension on an annual basis), provided that—

"(A) The President had declared a national emergency, and such declaration remains in effect; and

"(B) The President determines that, in light of such national emergency, the actions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

"(2) Effect of Extension.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension."

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed."

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**SA 1826.** Mr. CRAIG (for himself, Mr. Lott, Mr. Allen, Mr. Smith of New Hampshire, Mr. Nickles, Mr. Crapo, and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

**SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.**

(a) Authority To Initially Waive Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in any capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) Authority To Extend Waiver of Sections 1405 and 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in any capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 1404 and 1406 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in any capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) Termination of Waiver Pursuant to Subsection (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) Application.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on Responding to Requests for Cooperation.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on Transmittal of Letters Rogatory From the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(e) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(f) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(g) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, covered United States persons participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Covered United States persons may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, covered United States persons participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which covered United States persons participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

**SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE COVERED UNITED STATES PERSONS AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.**

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

**SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.**

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

**SEC. 1410. WITHHOLDINGS.**

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

**SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.**

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter taken or directed by the President in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

**SEC. 1412. PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.**

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

**SEC. 1413. NONDELEGATION.**

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

**SEC. 1414. SENSE OF CONGRESS.**

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

**SEC. 1415. DEFINITIONS.**

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States Government, and other United States citizens for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a

United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

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**SA 1827.** Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6 of the amendment, strike line 20 and all that follows through the end of the amendment and insert the following:

### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in any capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in any capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in any capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

### SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(e) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any

United States citizen or permanent resident alien by the International Criminal Court.

(f) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(g) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

### SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, covered United States persons participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) Restriction.—Covered United States persons may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) Certification.—The certification referred to in subsection (b) is a certification by the President that—

(1) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, covered United States persons participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which covered United States persons participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

### SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) In General.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

### SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

### SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE COVERED UNITED STATES PERSONS AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

### SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of Measures To Achieve Enhanced Protection for Members of the

Armed Forces of the United States.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in Classified Form.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

### SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

### SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) In General.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter taken or directed by the President in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) Notification to Congress.—

(1) In general.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) Exception.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) Construction.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

### SEC. 1412. PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.

### SEC. 1413. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

### SEC. 1414. SENSE OF CONGRESS.

It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.

### SEC. 1415. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Classified national security information.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) Covered allied persons.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) Covered United States persons.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States Government, and other United States citizens for so long as the United States is not a party to the International Criminal Court.

(5) Extradition.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) International criminal court.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) Major non-NATO ally.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) Participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) Party to the international criminal court.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) Peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) Rome statute.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) Support.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) United states military assistance.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

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**SA 1828.** Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. Dodd and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, strike all and insert the following:

## TITLE—BIPARTISAN FEDERAL ELECTION REFORM ACT OF 2001

Strike all after the enacting clause and insert the following:

### SEC. 01. SHORT TITLE.

Short Title.—This Title may be cited as the "Bipartisan Federal Election Reform Act of 2001".

## Subtitle A—Blue Ribbon Study Panel

### SEC. 11. ESTABLISHMENT OF THE BLUE RIBBON STUDY PANEL.

There is established the Blue Ribbon Study Panel (in this title referred to as the "Panel").

### SEC. 12. MEMBERSHIP OF THE PANEL.

(a) Number and Appointment.—The Panel shall be composed of 12 members as follows:

(1) 3 members appointed by the Majority Leader of the Senate.

(2) 3 members appointed by the Minority Leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives.

(4) 3 members appointed by the Minority Leader of the House of Representatives.

(b) Qualifications.—

(1) In general.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) Party affiliation.—Not more than 6 of the 12 members appointed under subsection (a) may be affiliated with the same political party.

(3) Federal officers and employees.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Panel, are not elected or appointed officers or employees of the Federal Government.

(c) Balance Required.—The Panel shall reflect, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Panel under section 103, and regional and geographical balance among the members of the Panel.

(d) Date of Appointment.—The appointments of the members of the Panel shall be made not later than 30 days after the date of enactment of this Act.

(e) Period of Appointment; Vacancies.—

(1) Period of appointment.—Each member of the Panel shall be appointed for the life of the Panel.

(2) Vacancies.—A vacancy in the Panel shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) Chairperson; Vice Chairperson.—

(1) In general.—The Panel shall elect a chairperson and vice chairperson from among its members.

(2) Political affiliation.—The chairperson and vice chairperson may not be affiliated with the same political party.

### SEC. 13. DUTIES OF THE PANEL.

(a) Study.—The Panel shall complete a thorough study of—

(1) current and alternate methods and mechanisms of voting and counting votes in elections for Federal office;

(2) current and alternate ballot designs for elections for Federal office;

(3) current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site;

(4) current and alternate methods of conducting provisional voting that include notice to the voter regarding the disposition of the ballot;

(5) current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters and voters with limited English proficiency;

(6) current and alternate methods of voter registration for members of the Armed Forces and overseas voters, and methods of ensuring that such voters timely receive ballots that will be properly and expeditiously handled and counted;

(7) current and alternate methods of recruiting and improving the performance of poll workers;

(8) Federal and State laws governing the eligibility of persons to vote;

(9) current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections;

(10) matters particularly relevant to voting and administering elections in rural and urban areas;

(11) conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time; and

(12) the ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(b) Recommendations.—

(1) Recommendations of best practices in voting and election administration.—After studying the matters set forth in paragraphs (1) through (11) of subsection (a), the Panel shall develop recommendations regarding each matter and indicate which methods of voting and administering elections studied by the Panel under such paragraphs would—

(A) be most convenient, accessible, and easy to use for voters in elections for Federal office, including members of the Armed Forces, blind and disabled voters, and voters with limited English proficiency;

(B) yield the most accurate, secure, and expeditious system, voting, and election results in elections for Federal office;

(C) be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) be most efficient and cost-effective for use in elections for Federal office.

(2) Recommendations for providing assistance in federal elections.—After studying the matter set forth in subsection (a)(12), the Panel shall recommend how the Federal Government can best provide assistance to State and local authorities to improve the administration of elections for Federal office and what levels of funding will be necessary to provide such assistance.

(c) Reports.—

(1) Final report.—

(A) In general.—Not later than the date that is 6 months after the date on which all the members of the Panel have been appointed, the Panel shall submit a final report to Congress and the Election Administration Commission established under section 21.

(B) Contents.—The final report submitted under subparagraph (A) shall contain a detailed statement of the findings and conclusions of the Panel as to the matters studied under subsection (a), a detailed statement of the recommendations developed under subsection (b), and any dissenting or minority opinions of the members of the Panel.

(2) Interim reports.—The Panel may determine whether any matter to be studied under subsection (a), and any recommendation under subsection (b), shall be the subject of an interim report submitted as described in paragraph (1)(A) prior to the final report required under paragraph (1), and in time for full or partial implementation before the elections for Federal office held in 2002.

### SEC. 14. MEETINGS OF THE PANEL.

(a) In General.—The Panel shall meet at the call of the chairperson.

(b) Initial Meeting.—Not later than 20 days after the date on which all the members of the Panel have been appointed, the Panel shall hold its first meeting.

(c) Quorum.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

### SEC. 15. POWERS OF THE PANEL.

(a) Hearings.—

(1) In general.—The Panel may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this title.

(2) Oaths and affirmations.—The Panel may administer oaths and affirmations to witnesses appearing before the Panel.

(3) Open hearings.—All hearings of the Panel shall be open to the public.

(b) Voting.—Each action of the Panel shall be approved by a majority vote of the members of the Panel. Each member of the Panel shall have 1 vote.

(c) Information From Federal Agencies.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out this title. Upon request of the Panel, the head of such department or agency shall furnish such information to the Panel.

(d) Website.—For purposes of conducting the study under section 13(a), the Panel may establish a website to facilitate public comment and participation. The Panel shall make all information on its website available in print.

(e) Postal Services.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the Panel, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services that are necessary to enable the Panel to carry out its duties under this title.

(g) Contracts.—The Panel may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

### SEC. 16. PANEL PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(b) Travel Expenses.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Panel may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 17. TERMINATION OF THE PANEL.

The Panel shall terminate 30 days after the date on which the Panel submits its final report under section 13(c)(1).

### SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle B—Election Administration Commission

### SEC. 21. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

There is established the Election Administration Commission (in this title referred to as the "Commission") as an independent establishment (as defined in section 104 of title 5, United States Code).

### SEC. 22. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 8 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Prior to the initial appointment of the members of the Commission and prior to the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall be chosen on the basis of experience, integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 4 of the 8 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 4 years, except that of the members first appointed—

(A) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for a term of 5 years; and

(B) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for 4 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy on the Commission occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only once during any term of office to which such member is appointed.

(3) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

### SEC. 23. DUTIES OF THE COMMISSION.

The Commission—

(1)(A) not later than 30 days after receipt of the recommendations of the Blue Ribbon Study Panel (in this title referred to as the "Panel"), shall adopt or modify any recommendation of the Panel developed under subsection (b) of section 13 and submitted to the Commission under subsection (c) of such section; and

(B) may update the recommendations adopted or modified under subparagraph (A) at least once every 4 years;

(2) not later than 6 months after the date of enactment of this Act, shall issue or adopt updated voting system standards and update such standards at least once every 4 years;

(3) shall advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places to blind and disabled voters;

(4) shall have primary responsibility to carry out Federal functions under title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) as the Presidential designee;

(5) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to Federal, State, and local elections;

(6) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7);

(7) shall make available information regarding the Federal election system to the public and media;

(8) shall assemble and make available bipartisan panels of election professionals to assist any State election official, upon request, in review of election or vote counting procedures in Federal, State, and local elections;

(9) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout; and

(10) shall administer the Federal Election Reform Grant Program established under section 24.

### SEC. 24. FEDERAL ELECTION REFORM GRANT PROGRAM.

(a) ESTABLISHMENT OF THE FEDERAL ELECTION REFORM GRANT PROGRAM.—There is established the Federal Election Reform Grant Program under which the Commission is authorized to award grants to States and localities to pay the Federal share of the costs of the activities described in subsection (d).

(b) APPLICATION FOR FEDERAL ELECTION REFORM GRANTS.—

(1) IN GENERAL.—Each State or locality that desires to receive a grant under this section shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission shall require (consistent with the provisions of this section).

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) contain a request for certification by the Assistant Attorney General for Civil Rights (in this section referred to as the "Assistant Attorney General") described in paragraph (3);

(C) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(D) provide such additional assurances as the Commission determines to be essential to ensure compliance with the requirements of this section.

(3) REQUEST FOR CERTIFICATION BY ASSISTANT ATTORNEY GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2)(B) shall contain a specific and detailed demonstration that the State or locality—

(i)(I) is in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), and the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(II) is in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) in conducting elections for Federal office; and

(III) provides blind and disabled voters a verifiable opportunity to vote under the same conditions of privacy and independence as nonvisually impaired or nondisabled voters at each polling place;

(ii) permits provisional voting or will implement a method of provisional voting (including notice to the voter regarding the disposition of the ballot) consistent with the recommendation adopted or modified by the Commission under section 23(1);

(iii) has implemented safeguards to ensure that—

(I) the State or locality maintains an accurate and secure list of registered voters listing those voters legally registered and eligible to vote; and

(II) only voters who are not legally registered or who are not eligible to vote are removed from the list of registered voters;

(iv) has implemented safeguards to ensure that members of the Armed Forces and voters outside the United States have the opportunity to vote and to have their vote counted; and

(v) provides for voter education programs and poll worker training programs consistent with the recommendations adopted by the Commission under section 23(1).

(B) APPLICANTS UNABLE TO MEET REQUIREMENTS.—Each State or locality that, at the time it applies for a grant under this section, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Commission a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement.

(c) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission shall establish general policies and criteria for the approval of applications submitted under subsection (b)(1).

(2) PRIORITY BASED ON DEFICIENCIES AND NEED.—In awarding grants to States and localities under this section, the Commission shall give priority to those applying States and localities that—

(A) have the most qualitatively or quantitatively deficient systems of voting and administering elections for Federal office; and

(B) have the greatest need for Federal assistance in implementing the recommendations, as adopted by the Commission.

(3) CERTIFICATION PROCEDURE.—

(A) IN GENERAL.—The Commission may not approve an application of a State or locality submitted under subsection (b)(1) unless the Commission has received a certification from the Assistant Attorney General under subparagraph (D) with respect to such State or locality.

(B) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under subsection (b)(2)(B), the Commission shall transmit such request to the Assistant Attorney General.

(C) CERTIFICATION; NONCERTIFICATION.—

(i) CERTIFICATION.—If the Assistant Attorney General finds that the request for certification demonstrates that a State or locality meets the requirements of subsection (b)(3)(A), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements, the Assistant Attorney General shall certify that the State or locality is eligible to receive a grant under this section.

(ii) NONCERTIFICATION.—If the Assistant Attorney General finds that the request for certification does not demonstrate that a State or locality meets the requirements of subparagraph (A) or (B) of subsection (b)(3), the Assistant Attorney General shall not certify that the State or locality is eligible to receive a grant under this section.

(D) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General shall transmit to the Commission a certification under clause (i) of subparagraph (C), or a notice of noncertification under clause (ii) of such subparagraph, together with a report identifying the relevant deficiencies in the State's or locality's system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

(d) AUTHORIZED ACTIVITIES.—A State or locality that receives a grant under this section may use the grant funds as follows:

(1) IN GENERAL.—Subject to paragraph (2)—

(A) a State or locality may use grant funds to implement any recommendation adopted or modified by the Commission; and

(B) a State or locality that does not meet a certification requirement described in subsection (b)(3)(A) may use grant funds to meet that certification requirement not later than the first Federal election following the date on which the grant was awarded or the date that is 3 months after the date on which the grant was awarded, whichever is later.

(2) VOTING MECHANISM REQUIREMENTS.—Any voting mechanism purchased in whole or in part with a grant made under this section shall—

(A) have an error rate no higher than that prescribed by the voting systems standards issued or adopted by the Commission under section 23(2);

(B) in the case of a voting mechanism that is not used for absentee or mail voting—

(i) permit each voter to verify the voter's vote before a ballot is cast;

(ii) be capable of notifying the voter, before the ballot is cast, if such voter votes for—

(I) more than 1 candidate (if voting for multiple candidates is not permitted) for an office; or

(II) fewer than the number of candidates for which votes may be cast for an office; and

(iii) provide such voter with the opportunity to modify the voter's ballot before it is cast; and

(C) have the audit capacity to produce a record for each ballot cast.

(3) COMPLIANCE WITH EXISTING LAW.—Each recipient of a grant under this section shall ensure that each activity funded (in whole or in part) with a grant awarded under this section is conducted in accordance with each law described in subsection (b)(3)(A)(i).

(e) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Commission shall pay to each State or locality having an application approved under subsection (c) the Federal share of the costs of the activities described in subsection (d).

(2) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs shall be a percentage determined by the Commission that does not exceed 75 percent.

(B) EXCEPTION.—The Commission may provide for a Federal share of greater than 75 percent of the costs for a State or locality if the Commission determines that such greater percentage is necessary due to the lack of resources of the State or locality.

(f) REPORTS.—

(1) STATES AND LOCALITIES.—

(A) IN GENERAL.—Not later than the date that is 6 months after the date on which a State or locality receives a grant under this section, such State or locality shall submit to the Commission a report describing each activity funded by the grant, including (if applicable) sufficient evidence that the State or locality has used or is using grant funds to meet the requirements of subsection (b)(3)(A).

(B) TRANSMITTAL.—Upon receipt of the report submitted under subparagraph (A), the Commission shall transmit such report to the Assistant Attorney General.

(2) COMMISSION.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date on which the first payment is made under subsection (e)(1), and annually thereafter, the Commission shall submit to Congress a report on the activities of the Commission and the Assistant Attorney General under this section.

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain a description of the Federal Election Reform Grant Program established under subsection (a), a description and analysis of each grant awarded under this section, and such recommendations for legislative action as the Commission considers appropriate.

(g) AUDITS OF GRANT RECIPIENTS.—

(1) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this section shall keep such records as the Commission shall prescribe.

(2) AUDITS OF RECIPIENTS.—

(A) IN GENERAL.—The Commission—

(i) may audit any recipient of a grant under this section to ensure that funds awarded under the grant are expended in compliance with the provisions of this title; and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(B) OTHER AUDITS.—If the Assistant Attorney General has certified a State or locality as eligible to receive a grant under this section in order to meet a certification requirement described in subsection (b)(3)(A) (as permitted under subsection (d)(1)(B)) and such State or locality is a recipient of such a grant, the Assistant Attorney General, in consultation with the Commission shall, after receiving the report submitted under subsection (f)(1)(A)—

(i) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in subsection (b)(3)(A); and

(ii) shall have access to any record of the recipient that the Commission determines may be related to such a grant for the purpose of conducting such an audit.

(h) EFFECTIVE DATE.—The Commission shall establish the general policies and criteria for the approval of applications submitted under subsection (b)(1) in a manner that ensures that the Commission is able to approve applications not later than 30 days after the date on which the Commission adopts or modifies the recommendations under section 203(1).

**SEC. 25. MEETINGS OF THE COMMISSION.**

The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

**SEC. 26. POWERS OF THE COMMISSION.**

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(2) OATHS AND AFFIRMATIONS.—The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) VOTING.—Each action of the Commission shall be approved by a majority vote of the members of the Commission. Each member of the Commission shall have 1 vote.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this title.

(f) WEBSITE.—The Commission shall establish a website to facilitate public comment and participation. The Commission shall make all information on its website available in print.

### SEC. 27. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) APPOINTMENT AND TERMINATION.—

(A) IN GENERAL.—The Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 28. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title.

(b) FEDERAL ELECTION REFORM GRANTS.—For the purpose of awarding grants under section 204, there are authorized to be appropriated to the Commission—

(1) for each of fiscal years 2002 through 2006, $500,000,000; and

(2) for each subsequent fiscal year, such sums as may be necessary.

### SEC. 29. OFFSET OF AUTHORIZED SPENDING.

(a) IN GENERAL.—Budget authority provided as authorized by this title shall be offset by reductions in budget authority provided to existing programs.

(b) COMMITTEES ON APPROPRIATIONS.—The Committees on Appropriations of the House of Representatives and the Senate shall reduce budget authority as required by subsection (a) in any fiscal year that budget authority is provided as authorized by this title.

## Subtitle C—Election Administration Advisory Board

### SEC. 31. ESTABLISHMENT OF THE ELECTION ADMINISTRATION ADVISORY BOARD.

There is established the Election Administration Advisory Board (in this title referred to as the "Board").

### SEC. 32. MEMBERSHIP OF THE BOARD.

(a) NUMBER AND APPOINTMENT.—The Board shall be composed of 24 members appointed by the Election Administration Commission established under section 21 (in this title referred to as the "Commission") as follows:

(1) 12 members appointed by the chairperson of the Commission.

(2) 12 members appointed by the vice chairperson of the Commission.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) may—

(A) have experience administering State and local elections; and

(B) be members of nongovernmental organizations concerned with matters relating to Federal, State, or local elections.

(2) PROHIBITION.—A member of the Board appointed under paragraph (1) may not be a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), or hold a Federal office (as defined in such section) while serving as a member of the Board.

(3) FEDERAL OFFICERS AND EMPLOYEES.—No member of the Board may be an officer or employee of the Federal Government.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Board under subsection (a) shall be made not later than 90 days after the date on which all the members of the Commission have been appointed under section 22.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy on the Board occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—A member of the Board may serve on the Board after the expiration of the member's term until the successor of such member has taken office as a member of the Board.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a chairperson and vice chairperson from among its members to serve a term of 1 year.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

### SEC. 33. DUTY OF THE BOARD.

It shall be the duty of the Board to advise the Commission on matters relating to the administration of elections upon the request of the Commission.

### SEC. 34. MEETINGS OF THE BOARD.

(a) IN GENERAL.—The Board shall meet at the call of the chairperson.

(b) ANNUAL MEETING REQUIRED.—The Board shall meet not less often than annually.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

### SEC. 35. VOTING.

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

### SEC. 36. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation, notwithstanding section 1342 of title 31, United States Code.

(b) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

### SEC. 37. TERMINATION OF THE BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

### SEC. 38. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle D—Transition Provisions

### Transfer to Election Administration Commission of Functions Under Certain Laws

### SEC. 41. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section 21 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting "and" at the end;

(2) in paragraph (9), by striking "; and" and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

### SEC. 42. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) Transfer of Functions.—There are transferred to the Election Administration Commission established under section 21 all functions which the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) exercised before the date of enactment of this Act.

(b) Conforming Amendment.—Section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff) is amended by striking subsection (a) and inserting the following:

"(a) Presidential Designee.—The Election Administration Commission shall have primary responsibility for Federal functions under this title as the Presidential designee.".

### SEC. 43. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) Transfer of Functions.—There are transferred to the Election Administration Commission established under section 21 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) Conforming Amendment.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking "Federal Election Commission" and inserting "Election Administration Commission".

### SEC. 44. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) Property and Records.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

(b) Personnel.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.

### SEC. 45. EFFECTIVE DATE; TRANSITION.

(a) Effective Date.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Administration Commission under section 23.

(b) Transition.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

## Coverage of Election Administration Commission Under Certain Laws and Programs

### SEC. 46. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) Coverage Under Hatch Act.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting "or the Election Administration Commission" after "Commission".

(b) Exclusion From Senior Executive Service.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting "or the Election Administration Commission" after "Commission".

### SEC. 47. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) In General.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ", the Election Administration Commission," after "Federal Election Commission,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Administration Commission under section 23.

## Subtitle E—Absent Uniformed Services Voters

### SEC. 51. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.

(a) In General.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) in the matter preceding paragraph (1), by striking "it is recommended that the States" and inserting "each State, in each election for Federal office, shall"; and

(2) by striking the heading and inserting the following:

**"SEC. 104. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.".**

(b) Conforming Amendments.—

(1) Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) is amended—

(A) in paragraph (2), by striking "as recommended in" and inserting "as required by"; and

(B) in paragraph (4), by striking "as recommended in" and inserting "as required by".

(2) Section 104 of such Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(C) in paragraph (5) (as so redesignated), by striking "the State or other place where the oath is administered" and inserting "a State".

## Subtitle F—Miscellaneous

### SEC. 61. RELATIONSHIP TO OTHER LAWS.

(a) In General.—Any right or remedy established by this Act is in addition to each other right and remedy established by law.

(b) Specific Laws.—Nothing in this Act may be construed to authorize or to require conduct prohibited under the following laws, or to supersede, to restrict, or to limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Rehabilitation Act of 1973 (42 U.S.C. 701 et seq.).

(4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(5) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(c) Effect on Preclearance Requirements.—Any approval or certification by the Election Administration Commission or the Assistant Attorney General for Civil Rights of the application of a State or locality submitted under section 24(b)(1) shall not affect any requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

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**SA 1829.** Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## TITLE —EQUAL PROTECTION OF VOTING RIGHTS

### SEC. 01. SHORT TITLE.

This title may be cited as the "Equal Protection of Voting Rights Act of 2001".

### SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government "of the people, by the people, and for the people" where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

## Subtitle A—Commission on Voting Rights and Procedures

### SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the "Commission").

### SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) Number and Appointment.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political

party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) Qualifications.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) Period of Appointment; Vacancies.—

(1) Period of appointment.—Each member shall be appointed for the life of the Commission.

(2) Vacancies.—

(A) In general.—A vacancy in the Commission shall not affect its powers.

(B) Manner of replacement.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) Chairperson; Vice Chairperson.—

(1) In general.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) Political affiliation.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) Date of Appointment.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) Meetings.—

(1) In general.—The Commission shall meet at the call of the chairperson.

(2) Initial meeting.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Voting.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

**SEC. 13. DUTIES OF THE COMMISSION.**

(a) Study.—

(1) In general.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff-6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff-6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section 31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) Website.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) Recommendations.—

(1) Recommendations of best practices in voting and election administration.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) Recommendations for providing assistance in federal elections.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) Recommendations for voter participation in federal elections.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) Consistency with election technology and administration requirements.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) Reports.—

(1) Interim reports.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) Final report.—

(A) In general.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) Content.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

**SEC. 14. POWERS OF THE COMMISSION.**

(a) Hearings.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which

the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

### SEC. 15. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).

### SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle B—Election Technology and Administration Improvement Grant Program

### SEC. 21. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section 23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section 22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

### SEC. 22. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as "same-day" voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section 13(c)(2), to implement recommendations contained in such report under section 13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section 32(a), to implement the requirements under section 31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section 32(b), to implement the requirements under section 31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section 32(c), to implement the requirements under section 31(c).

### SEC. 23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section 24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section 31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

**SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section 22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section 23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

**SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.**

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section 24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section 24(b) in accordance with the general policies and criteria established under section 23.

**SEC. 26. FEDERAL MATCHING FUNDS.**

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section 22(b) insofar as a State or locality incurs expenses to meet the requirements of section 31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

**SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.**

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

**SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.**

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

**SEC. 29. DEFINITIONS OF STATE AND LOCALITY.**

In this subtitle:

(1) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term "locality" means a political subdivision of a State.

**SEC. 30. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

### Subtitle C—Requirements for Election Technology and Administration

### SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

### SEC. 32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section 31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

### SEC. 33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section 31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section 32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section 22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

### SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

### Subtitle D—Uniformed Services Overseas Voting

### SEC. 41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following new subsection (c):

"(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

"(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.".

### SEC. 43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 42, is further amended by inserting after subsection (a) the following new subsection (b):

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 42(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 45, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 48. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

## Subtitle E—Miscellaneous

### SEC. 51. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1830.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

(e) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.

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**SA 1831.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## TITLE —EQUAL PROTECTION OF VOTING RIGHTS

### SEC. 01. SHORT TITLE.

This title may be cited as the "Equal Protection of Voting Rights Act of 2001".

### SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government "of the people, by the people, and for the people" where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and

section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

### Subtitle A—Commission on Voting Rights and Procedures

### SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the "Commission").

### SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

### SEC. 13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section 31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

### SEC. 14. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) Witness Allowances and Fees.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) Gifts and Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) Application of Federal Advisory Committee Act.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

### SEC. 15. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).

### SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) Availability.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle B—Election Technology and Administration Improvement Grant Program

### SEC. 21. ESTABLISHMENT OF GRANT PROGRAM.

(a) In General.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section 23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section 22.

(b) Action Through Office of Justice Programs and Assistant Attorney General for Civil Rights.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

### SEC. 22. AUTHORIZED ACTIVITIES.

(a) In General.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as "same-day" voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section 13(c)(2), to implement recommendations contained in such report under section 13(c)(2)(B)(ii).

(b) Requirements for Election Technology and Administration.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section 32(a), to implement the requirements under section 31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section 32(b), to implement the requirements under section 31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section 32(c), to implement the requirements under section 31(c).

### SEC. 23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) General Policies.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) Criteria.—

(1) In general.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section 24, including the requirements for State plans under paragraph (2).

(2) Requirements of state plans.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section 31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

### SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section 22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section 23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

### SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section 24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section 24(b) in accordance with the general policies and criteria established under section 23.

### SEC. 26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section 22(b) insofar as a State or locality incurs expenses to meet the requirements of section 31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

### SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

### SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

### SEC. 29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term "locality" means a political subdivision of a State.

### SEC. 30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

## Subtitle C—Requirements for Election Technology and Administration

### SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

### SEC. 32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section 31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

### SEC. 33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section 31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section 32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section 22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

### SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

## Subtitle D—Uniformed Services Overseas Voting

### SEC. 41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following new subsection (c):

"(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE

Voters.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

"(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.".

### SEC. 43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"Sec. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 42, is further amended by inserting after subsection (a) the following new subsection (b):

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking "**FOR FEDERAL OFFICE**".

### SEC. 45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 42(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 45, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) In General.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) Coordination With State Election Officials.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) Report to Congress.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 48. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) Review and Report.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

## Subtitle E—Miscellaneous

### SEC. 51. RELATIONSHIP TO OTHER LAWS.

(a) In General.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) No Effect on Preclearance or Other Requirements Under Voting Rights Act.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1832.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. Allard to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

(c) Sense of the Senate.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.

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**SA 1833.** Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. Allard to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## TITLE —EQUAL PROTECTION OF VOTING RIGHTS

### SEC. 01. SHORT TITLE.

This title may be cited as the "Equal Protection of Voting Rights Act of 2001".

### SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government "of the people, by

the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

## Subtitle A—Commission on Voting Rights and Procedures

### SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

### SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

### SEC. 13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff-6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff-6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section 31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the

final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

### SEC. 14. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

### SEC. 15. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

### SEC. 16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).

### SEC. 17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

## Subtitle B—Election Technology and Administration Improvement Grant Program

### SEC. 21. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section 23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section 22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

### SEC. 22. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as "same-day" voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section 13(c)(2), to implement recommendations contained in such report under section 13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section 32(a), to implement the requirements under section 31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section 32(b), to implement the requirements under section 31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section 32(c), to implement the requirements under section 31(c).

### SEC. 23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the

approval of applications of States and localities submitted under section 24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section 31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

### SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section 22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section 23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

### SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section 24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section 24(b) in accordance with the general policies and criteria established under section 23.

### SEC. 26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section 22(b) insofar as a State or locality incurs expenses to meet the requirements of section 31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

### SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

### SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the

President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

### SEC. 29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term "locality" means a political subdivision of a State.

### SEC. 30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

## Subtitle C—Requirements for Election Technology and Administration

### SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

### SEC. 32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section 31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

### SEC. 33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section 31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section 32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section 22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

### SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

## Subtitle D—Uniformed Services Overseas Voting

### SEC. 41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following new subsection (c):

"(c) GENERAL PRINCIPLES FOR VOTING BY OVERSEAS AND ABSENT UNIFORMED SERVICE VOTERS.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters with a meaningful opportunity to exercise their voting rights as citizens of the United States.

"(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.".

### SEC. 43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 42, is further amended by inserting after subsection (a) the following new subsection (b):

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

### SEC. 45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 42(1), is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 45, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

### SEC. 48. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

## Subtitle E—Miscellaneous

### SEC. 51. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

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**SA 1834.** Mr. LEVIN (for Mr. THOMAS (for himself and Mr. GRAMM)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 6.

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**SA 1835.** Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

## Subtitle C—Coordination of Nonproliferation Programs and Assistance

### SEC. 1231. SHORT TITLE.

This title may be cited as the "Nonproliferation Programs and Assistance Coordination Act of 2001".

### SEC. 1232. FINDINGS.

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

### SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as the "Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union" (in this title referred to as the "Committee").

(b) MEMBERSHIP.—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) CHAIR.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

### SEC. 1234. DUTIES OF COMMITTEE.

(a) IN GENERAL.—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) DUTIES SPECIFIED.—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

### SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.

(a) PROGRAM REQUIRED.—The President may, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) PROGRAM ELEMENTS.—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

### SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee chair in carrying out their functions and activities under this title.

### SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

### SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

### SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

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**SA 1836.** Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr.

BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

### SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date on which the Secretary of Energy notifies the congressional defense committees of the modification.

(b) PLUTONIUM DISPOSITION PROGRAMS.—For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF NOTIFICATION OF MODIFICATION.—In notifying the congressional defense committees of any proposed modification to United States participation in a current United States or Russia plutonium disposition program under subsection (a), the Secretary shall provide the committees with—

(1) an assessment of any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and former sites in the United States nuclear weapons complex;

(2) a specification of the costs of such modification, including any costs to be incurred in long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(3) a description of the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile material disposition activities will enable the Department to meet commitments for such activities in such fiscal year.

(f) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.—The amount made available by chapter 2 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–560) for expenditures in the Russian Federation to implement a United States/Russian accord for disposition of excess weapons plutonium shall be available only for that purpose until the Secretary of Energy submits a notification of a modification to the congressional defense committees under subsection (a).

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**SA 1837.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

### SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the nation.

(b) POLICY OF UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(c) SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—(1) The National Infrastructure Simulation and Analysis Center (NISAC) shall provide support for the activities of the President's Critical Infrastructure Protection and Continuity Board under Executive Order .

(2) The support provided for the Board under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to members of the Board, and other policymakers, on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) Modeling, simulation, and analysis provided under this subsection to the Board shall be provided, in particular, to the Infrastructure Interdependencies committee of the Board under section 9(c)(8) of the Executive Order referred to in paragraph (1).

(d) ACTIVITIES OF PRESIDENT'S CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BOARD.—The Board shall provide to the Center appropriate information on the critical infrastructure requirements of each Federal agency for purposes of facilitating the provision of support by the Center for the Board under subsection (c).

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

(f) Authorization of Appropriations.—(1) There is hereby authorized for the Department of Defense for fiscal year 2002, **$20,000,000** for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under subsection (c) in that fiscal year.

(2) The amount available under paragraph (1) for the National Infrastructure Simulation and Analysis Center is in addition to any other amounts made available by this Act for the National Infrastructure Simulation and Analysis Center.

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**SA 1838.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 317, after line 23, add the following:

### SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.

(a) Evaluation Required.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) Matters To Be Evaluated.—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter; and

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficient and effective operation of Institute.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

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**SA 1839.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

### SEC. 718. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "who is on active duty" and inserting "described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Members of the uniformed services referred to in paragraph (1) are as follows:

"(A) A member of a uniformed service on active duty.

"(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

"(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

"(ii) the request for orders has been approved;

"(iii) the orders are to be issued but have not been issued; and

"(iv) does not have health care insurance and is not covered by any other health benefits plan.".

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**SA 1840.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

### SEC. 215. ADDITIONAL FUNDING FOR UPGRADES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY.

(a) Additional Funds.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207605F) is hereby increased by **$7,250,000**.

(2) The amount available under paragraph (1) for the Theater Aerospace Command and Control Simulation Facility is in addition to any other amounts available under this Act for the Theater Aerospace Command and Control Simulation Facility.

(b) Offset.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force (PE207028) is hereby decreased by **$7,250,000**.

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**SA 1841.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

### SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.

(a) Additional Funds.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy for the Advanced Tactical Laser (ATL) (PE603851D8Z) is hereby increased by **$35,000,000**.

(2) The amount available under paragraph (1) for the Advanced Tactical Laser is in addition to any other amounts available under this Act for the Advanced Tactical Laser.

(b) Offset.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by **$35,000,000**, with the amount of the decrease to be allocated as follows:

(1) **$20,000,000** shall be allocated to amounts available for Deployable Joint Command and Control (PE603237N).

(2) **$15,000,000** shall be allocated to amounts available for Shipboard System Component Development (PE603513N).

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**SA 1842.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

### SEC. 215. ADDITIONAL FUNDING FOR ADVANCED RELAY MIRROR SYSTEM DEMONSTRATION.

(a) Additional Funds.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Advanced Relay Mirror System (ARMS) demonstration (PE603605F) is hereby increased by **$9,200,000**.

(2) The amount available under paragraph (1) for the Advanced Relay Mirror System demonstration is in addition to any other amounts available under this Act for the Advanced Relay Mirror System demonstration.

(b) Offset.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by **$9,200,000**.

## NOTICE OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on S. 1480, a bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and other proposals related to energy infrastructure security.

The hearing will take place on October 9 at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements should address them to the

Committee on Energy and Natural Resources, Attn. Jonathan Black, United States Senate, Washington, D.C. 20510.

For further information, please call Patty Beneke at 202/224-5451 or Deborah Estes at 202/224-5360.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 2, 2001, to conduct an oversight hearing on the "Trade Promotion Coordinating Committee, TPCC."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 10 a.m. to conduct a hearing. The committee will receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States and on legislation that may be required to expedite the construction of a pipeline from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Nomination of Eugene Scalia, to be Solicitor for the Department of Labor during the session of the Senate on Tuesday, October 2, 2001. At 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on October 2, 2001, at 10 a.m. on surface transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Finance Committee be discharged from further consideration of the nomination of Thomas B. Wells to be a judge of the United States Tax Court; that the HELP Committee be discharged from further consideration of the nomination of Leslie Lenkowsky to be chief executive officer for the Corporation for National Service; that the Senate proceed to their immediate consideration; that the nominations be considered en bloc and confirmed; that the motions to reconsider be laid on the table, any statements be printed at the appropriate place in the RECORD, the President be immediately notified, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### THE JUDICIARY

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR WEDNESDAY, OCTOBER 3, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 3; further, on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 51, the Vietnam Trade Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Therefore, Mr. President, the Senate will convene on Wednesday at 10 a.m. and resume consideration of the Vietnam Trade Act. We hope to complete action on the Vietnam Trade Act early tomorrow morning, or certainly before noon, and begin consideration of the Foreign Operations Appropriations Act.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:26 p.m., adjourned until Wednesday, October 3, 2001, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 2, 2001:

### DEPARTMENT OF ENERGY

MICHAEL SMITH, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE ROBERT WAYNE GEE.

### DEPARTMENT OF STATE

LYONS BROWN, JR., OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES CURIE, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE NELBA R. CHAVEZ, RESIGNED.

### DEPARTMENT OF JUSTICE

DAVID E. O'MEILIA, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE STEPHEN CHARLES LEWIS, RESIGNED.

DAVID R. DUGAS, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE LEZIN JOSEPH HYMEL, JR., RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

*To be lieutenant general*

MAJ. GEN. DANIEL JAMES III, 8248

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

GREGORY A. ANTOINE, 3760 MC

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RICHARD A. GUERRA, 3992

JEFF B. JORDEN, 0532

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MARTIN B. HARRISON, 8597

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 2001:

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

### THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT.

# HOUSE OF REPRESENTATIVES—*Tuesday, October 2, 2001*

The House met at 12:30 p.m.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

## CURRENT AVIATION SECURITY SCREENING IS WOEFULLY INADEQUATE

Mr. DEFAZIO. Mr. Speaker, the House needs to move forward and quickly with a thoughtful and comprehensive transportation and infrastructure security package. It should not be just limited to aviation. There are other areas of vulnerability that go to other modes of transportation, whether they are transportation moving people or cargo, our pipelines, our dams, generating facilities, nuclear plants, a whole host of things.

For now the major focus is on aviation, and we are coming close to some agreement, but there is one vital issue still in disagreement on this package. There are a number of smaller items, but one in particular, and that is, who should be the front-line providers of aviation security at the airport? There is a whole host of places we need security.

There is what is called the backside or the airside of the airport. Access to the airplanes where people, things, contraband, could be smuggled on board, or weapons, that needs to be tightened up dramatically. Thirty-eight percent of the security breaches registered by the FAA in the last 2 years related to screening at airports.

Now, this is extraordinarily variable across the United States. Some airports, my little airport in Eugene, the screeners there do a very good job. They are very upset with me because of pushing for federalization and standardization of this, but other airports are a disaster, and we cannot allow those disastrous breaches and problems to continue.

With whom do we want to continue the current system of private contracting? We already have, documented for decades, problems with the private contracting firms. Most recently, and outrageously, we have aviation safeguards at Miami International Airport, where the manager was falsifying background checks. The company was fined more than $110,000, put on 5 years probation. The manager was sentenced to 5 years in Federal prison, and guess what, they are still providing the security screening at Miami International Airport.

Then we have Argenbright Security, which does Boston, Newark and Washington. That company paid a $1.2 million fine for doctoring records and allowing convicted felons to work at the Philadelphia airport but Miami international officials said they were satisfied with the company's work.

That is the status quo. Those are the most outrageous examples. Then we have the common examples, the fact that 90 percent of the screening personnel in the United States, unlike at my little home airport, where people stay in their jobs for years, 90 percent have less than 6 months experience because these are at all the major airports, the lowest paid entry level positions into the airport.

We had testimony to that effect almost 2 years ago, when the gentleman from Illinois (Mr. LIPINSKI) and I first proposed making these into Federal law enforcement positions where the people would be well paid, well trained, and we know they would be subjected to a thorough background check by the Federal Government, not by some private firm that sometimes has falsified those documents.

The turnover at Boston Logan Airport among screeners last year, 207 percent; Houston, 237 percent; Atlanta, 375 percent; St. Louis, 416 percent. The screener of the year 2 years ago named by the private security companies came from St. Louis. He came before our committee and said, you know, Congressman, I am really lucky. I love this job and I can afford to do it. I said, well, what do you mean you can afford to do it? He said, well, I do not have to live on the income they pay. Nobody could live on that income. He said, I have got outside sources of income. I own some rental properties and I have got a little bit of other income so I can do the job. But everybody else, they look at it as a way to work up to McDonald's or Burger King, or maybe even really the top of the scale, cleaning the airplanes.

This is not right. These people are the front line. They should be like INS, like Customs, and yes, like agriculture, where they are uniformed Federal law enforcement personnel with the right to question and detain people who might present a threat. We know they are professionally trained, they are paid well and we get rid of this turnover and the problems with the background screening.

This is the major item in contention. We cannot be blinded. I have actually had colleagues say you know what we should do, we should privatize this, and I said guess what, it has been privatized, it has been supervised by the FAA although the new rules for screening companies were delayed for about 6 years. Not because of just bureaucratic intransigence at the FAA, but because the security companies, the airlines, the Air Transport Association, and many others designed to delay those rules for years because they knew the new system would be more expensive and would be a little bit better than what we have today, but would still not be as good as a uniform, Federalized system.

That is where we need to go to assure the traveling public, and then we have to look at all the other issues that relate to aviation and other modes of transportation.

## BERLIN CONFERENCE ON TERRORISM

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, I am pleased to come to the floor today to spend a few minutes providing a very preliminary report on the status of our worldwide coalition against terrorism.

Last week, I traveled to Berlin, Germany, to join leaders of our allied nations from around the world for the first international conference on terrorism since the attacks on New York and Washington. The conference included representatives from Great Britain, Germany, France, Belgium, Italy, Korea, Japan, Ireland, Israel, and even Jordan. I was privileged to lead a discussion with His Royal Highness, Prince Hassan of Jordan, and with Nobel Laureate David Trimble of the United Kingdom.

During our meetings with America's strongest allies around the world, I arrived at four basic conclusions about our allied response to these terrorist attacks.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Number one, my colleagues should be aware that all of our friends and partners, particularly the residents of Berlin, grieve with the people of the United States.

From the piles of flowers, cards, and candles stacked waist-high on the barricades just outside the American Embassy to the teary-eyed mayor of a small town who handed a condolence book signed by everyone in his village to our ambassador, the evidence of genuine sorrow for the people of the United States was overwhelming.

On Thursday, I met with my friend, Ambassador Dan Coates, formerly of this body and now our man in Berlin, as he showed me the thousands of drawings, cards, and letters sent to the people of the United States at the embassy, some simply were addressed in crayon to our "Our Dear Friends."

As the only American official at this conference, I was inundated with heartfelt expressions of condolence, and I felt the awkward gratitude of a citizen of a nation not accustomed to asking for help.

Second, I am pleased to report that our foreign policy initiatives immediately following the attack have been an unqualified success. President Bush has reversed many previous negative impressions of our country's leadership. In comment after comment, representatives from countries that had once ridiculed the United States foreign policy heaped praise on the patience and the strength of our President.

Additionally, Hoosiers can be proud of the great work of our ambassador, Dan Coates. He has been the very personification of grace under pressure. I learned Thursday that he and his wife, Marsha, arrived in Germany only 4 days before the terrorist attacks. Less than 1 week after his arrival, he stood to receive the sympathies of over 200,000 Germans who gathered in a candlelight vigil at the Brandenburg Gate. This is a tribute all Americans should know about.

Thirdly, the European political support for military action is firm but not permanent. Most of the participants of the conference openly spoke of the need for a strong retaliatory strike. As one diplomat said, the terrorists must "learn that there is a steep price to be paid for such action."

Most also noted, however, that support for military action might not last long. Representatives from Great Britain and Germany spoke of strong antiwar movements in many NATO countries, and predicted that, after recovering from the initial shock of the attacks, left-of-center governments in these countries would, again, face pressure to withdraw support for U.S. action.

America must act boldly and rapidly in insisting upon a military response before support from our allies dissipates.

Finally, Mr. Speaker, our allies are deeply skeptical about the depth of America's commitment in the Middle East. They must be reassured. Many of our friends in the Middle East told me privately that they believed the United States has been in retreat in the region since the early 1990s. The failure to respond forcefully to terrorist attacks on our North Africa embassies and the USS *Cole*, combined with the last administration's determination to pressure Israel into trading land for peace, has sent the message that U.S. resolve in the region is weakening.

Whatever action we initiate must involve the overwhelming and sustained use of force to demonstrate our unwavering support for stability and democracy in the region. Only this type of response will allay concerns among our friends and provide a clear warning to our enemies that America is in the Middle East to stay.

Mr. Speaker, in closing, I told all of the assembled diplomats and parliamentarians at a banquet on Friday evening that it was altogether fitting that we were holding this conference in the city of Berlin.

When I first visited Berlin as a college student 25 years ago, the city was divided by a wall separating east from west. It was nearly universally accepted that this devastated city would remain divided, but the United States refused it abandon the dream of a reunified Berlin.

From President Kennedy's airlift to President Reagan's challenge that Gorbachev "tear down this wall," America stood for peace and freedom in Berlin. Today our dream of a reunited Germany and a thriving and united Berlin is a reality. If Berlin could rise from the ashes of war and division, surrounded on all sides by hostile powers, perhaps the Middle East, too, can rise from a history of warfare and deep disunity to become a place where peace and freedom prosper.

## OUR HOPE NOT BROKEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. ISRAEL) is recognized during morning hour debates for 5 minutes.

Mr. ISRAEL. Mr. Speaker, recently I attended a candlelight vigil at the Deer Park High School on Long Island on behalf of those missing and lost on the attack on the World Trade Center.

Following that ceremony, I have had the privilege of meeting with the Szewczuk family. Jessica Szewczuk gave me a poem she wrote about the Trade Center attack. Her words are particularly poignant because her father is a New York firefighter, one of the countless heroes who has saved lives in the true spirit of America.

On behalf of all of those heroes, I would like to read Jessica's poem to my colleagues. She writes:

When the Twin Towers were hit
Everyone was in shock
People screaming and running
Not believing what was happening to us
We the nation of strength and teams
The nation that gives hope and dreams
The nation that was built with confidence and care.
The nation that will always be there
When this tragedy occurred everyone went mad
The city was in chaos, really bad
People said that everyone would be torn
They were right for we continue to mourn
This tragedy will be hard to mend
But never have we been so close
Everyone is everyone's friend
This terror that happened just brought us tighter
Boosted up our confidence and made our hearts brighter
We are all working as a team, we're all helping out
The city is slowly being fixed and there is less doubt
So there goes to show that whatever may be
Our people will always be confident and free
Nothing can ruin our foundation
No one can take apart this nation
No one can kill America's heart
Nothing can rip our bond apart
Our flesh and blood has built this great nation
Our hearts and mind have created America's foundation
So whatever happens and whatever goes on
America will always continue to be strong
Nothing can make us weak
Only help build our strength to the highest peak
No one can ever put us to defeat
For America's heart will always continue to beat.

I am privileged to represent the Szewczuk family in the United States Congress.

## THE RURAL PROBLEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in 1908, President Roosevelt charged the Country Life Commission with the task of solving the "rural problem." He identified this problem as the fact that the social and economic institutions of this country are not keeping pace with the Nation as a whole.

☐ 1245

Uttered almost 100 years ago, those words just as easily describe our situation in America today.

Many people are aware that there is indeed a farm crisis plaguing rural America. However, this crisis does not stop at the farm. Consider the crumbling infrastructure, lack of educational and employment opportunities, out-migration of our youth, inadequate health care facilities, and a growing digital divide. These are just a few of the struggles our rural communities must overcome.

Consider the following sobering statistics: of the 250 poorest counties in

America, 244 are rural; 28 percent of the housing stock in rural America is considered physically deficient; rural workers are almost twice as likely to earn the minimum wage than their urban counterparts; 12 percent of rural workers earn the minimum wage, whereas only 7 percent of the urban workers earn the same. Because of this, the face of poverty in rural America is a working family. Two-thirds of the rural poor live in a family where at least one member is working.

These are serious problems that require our attention. In the light of these and other difficulties, it is not surprising that we are witnessing a great hollowing out in rural areas. Consider the recent statistics. The census says that people are leaving in large numbers from rural America. The growing gap between rural and urban America threatens to turn this into an irreversible gulf. We must take steps to close this gap before it is too late.

Tomorrow, I will join with my colleague, the gentleman from Pennsylvania (Mr. PETERSON), to offer an amendment to the farm bill that will seek to provide rural America with additional resources to address these pressing problems. The amendment will increase critical funding to three important areas.

First, it will provide almost $50 million annually for drinking water and wastewater facility infrastructure grants for small towns and rural areas. In a recent survey of its members, the National Association of Counties, which has endorsed this amendment, found that water infrastructure needs was the number one concern of its counties nationwide.

Rural and small non-metropolitan areas face particular needs and challenges in meeting their drinking and wastewater infrastructure needs. Water systems located in communities with less than 10,000 residents account for 94 percent of community water systems in this country. Many of them with low tax bases. The Environmental Protection Agency reported in 1997 that small communities, serving less than 3,300 residents, are in need of $37.2 billion through the year 2014 just to keep up with the current challenges. A sound infrastructure is a prerequisite for both quality of life and for economic development. We must not allow a disproportionate amount of infrastructure dollars to flow simply to urban areas.

Second, this amendment will provide almost $50 million annually to provide rural areas with strategic regional planning and implementation grants. Unlike our urban areas, rural communities often do not have the capacity to inventory their assets and to plan for their collective future. Just as our urban communities require careful planning, strategies and long-term thinking, so do our rural communities.

This important funding would enable rural communities to join together across county lines to have a marketing area where they could be competitive across jurisdictions so they can work together for the good of rural residents throughout the region. We must not consign our rural communities to a slow disappearance by doing nothing. We must help them increase their own capacity and draw upon their natural assets and to develop their future collectively.

Finally, this amendment provides $10 million per year for value-added agricultural development grants. If our agricultural producers are to innovate and survive, we must enable them to capture more of the profit in their own communities.

This amendment does not add new policy to the farm bill as passed out of the committee or change current policy in the bill. It simply seeks to build upon the work that the committee has already done by increasing resources available to the areas that the chairman and the ranking member of the committee have determined appropriate.

I am aware that some will say that I am taking away from farmers, but I submit to my colleagues that rural communities include farmers, their families, their neighbors, and communities. So I urge my colleagues to consider this rural amendment to the farm bill.

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## RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

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□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

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## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, source of life and constant guide to Your people, yesterday Members of this House stood at ground zero in New York City. Their stunned silence grieved the loss of over 5,000 lives; and hopefully, brief words of encouragement helped so many workers remove the dreadful consequences of evil which tried to crush the ordinary work-a-day world of America.

With Your power to save, strengthen this Congress and Your people across this Nation that we may realistically embrace both the loss and the mighty task of the future.

Throughout the history of New York and this Nation, You have blessed us, Lord, time and time again.

Whereas evil has no imagination and feeds only on itself, Your blessings of goodness spiral into a dynamic of creativity and help us to see signs of hope born of pain and standing in the midst of suffering.

May the vacuous space left by the World Trade Center open the minds and hearts of peoples of the world to deeper compassion and a new level of human understanding.

Already in the smoking crater of death, we witnessed apostles of self-sacrifice and dedicated service: police, firefighters, FEMA workers, public officials, and volunteers.

From the dust and twisted steel of Ground Zero, may the twin towers of liberty and unity lift all of us to a new dedication to perform our daily tasks well as true believers and builders on Your blessings, both now and forever. Amen.

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## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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## PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

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## NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Madam Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, October 1, 2001:

H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2883, INTELLIGENCE AUTHORIZATION, FISCAL YEAR 2002

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Madam Speaker, last night a Dear Colleague was sent to all Members informing them that the Committee on Rules may meet later this week to grant a rule for the consideration of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002.

This letter stated that the committee amendment, including the classified annex, is now available for Members to review on request to the Permanent Select Committee on Intelligence. The committee report was filed last Wednesday, September 26.

In order to have an informed debate, I invite and encourage Members to come to H-405 in the Capitol and review the classified annex and allow committee staff to explain the provisions or answer any questions they may have about the bill. This opportunity is offered to any Member of the House. It does not include staff. Members will be asked to sign the customary non-disclosure agreement prior to access to the classified annex. That is routine. Members may call Mr. Bill McFarland, the committee's director of security if they are so inclined.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Permanent Select Committee on Intelligence. This is the normal process that has been followed in previous years.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Given my expectation that H.R. 2883 will reach the floor later this week, I urge any Members who plan to file amendments to do so at their earliest opportunity.

## NORTH KOREAN ATROCITIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to speak of the suffering people of North Korea. I am sending each of my colleagues in the House a copy of the most recent Life and Human Rights in North Korea publication, published by the Citizens Alliance for North Korean Human Rights. I urge Members to read this publication, which includes eyewitness accounts of the horrifying torture inside North Korean prison camps and reports by the United Nations.

Many North Korean's understandably attempt to flee, but some of them are captured. For women, especially those who have been trafficked into China as sex slaves or domestic servants, a return to North Korea is especially difficult.

For example, North Korean women who have dyed their hair or worn earrings undergo painful punishment. Their heads are pounded against the wall; earrings wrenched with pliers from their ears. They said afterwards, after the beatings, starving, and forced labor, they are hard to recognize.

In addition, the reports state that "North Korea not only conducts terrorist operations, but operates warfare training facilities to train international terrorists and other revolutionaries around the world."

Madam Speaker, the North Korean people must be helped. I urge all Members to take a good look at this book and do whatever they can for the population of North Korea.

## LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2001

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Madam Speaker, the people in the Rio Grande Valley of South Texas are facing what looks to be one of the worst drought years of all time. After 6 years of record low rainfall levels this summer, for the first time in recorded history, the once mighty Rio Grande River stopped flowing completely before it reached the Gulf of Mexico. The region's two reservoirs are currently at less than one-third of capacity, with no relief in sight.

Today, several of my South Texas colleagues and I have introduced the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001. Our legislation will help provide badly needed water relief to the farmers, ranchers, and communities of South Texas. This legislation incorporates modern technologies into our water management system to conserve and maximize our limited water resources.

Much remains to be done. However, the legislation that we are introducing today will provide a valuable first step; and I hope that all my colleagues will join me in supporting it.

## REVITALIZING THE TOURISM ECONOMY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, since the evil terrorist act of September 11, thousands of Nevadans have been laid off; and they now face an uncertain future, just as other Americans employed in the tourism industry do. Like many tourist destinations, visitors to Las Vegas, Reno, Lake Tahoe, and other Nevada destinations depend heavily upon convenient and safe airline travel.

The administration has gone to great lengths to ensure that airline travel today is safer than ever before, and this Congress has provided over $15 billion in emergency funds to the airline industry. Yet, our tourism economy continues to suffer. I believe that this downturn is temporary; and for the first time since the terrorist attacks, now many hotels are beginning to report more reservations than they are cancellations.

Madam Speaker, supporting our tourism industry is a crucial component of our national well-being, just as is our war against terrorism. We cannot allow terrorists to scare the American public into staying home.

Madam Speaker, I applaud the elected officials who, like myself, have been traveling our Nation's airways. I hope that the American public will follow our example and return to the skies and to the fun and entertaining vacation sites in Nevada and across the United States.

## GENERAL SHELTON CONGRESSIONAL GOLD MEDAL ACT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, yesterday the Nation bid farewell to a true American hero as General Hugh Shelton retired as Commander of the Joint Chiefs of Staff. The General wore our nation's uniform for 38 years, and America owes him a special debt of gratitude for his unsurpassed leadership as our senior military officer.

As America prepares to wage war against terrorism, we should thank General Shelton for his dedication to duty and professionalism. He is a soldier's soldier, an inspiration to U.S. military personnel, and someone who has earned the respect and admiration of all of his fellow Americans.

General Shelton was born in the small town of Speed, North Carolina. He graduated from North Carolina State University in my congressional district and previously commanded the XVIII Airborne Corps at Fort Bragg and the Army's Special Operations Command. He is truly North Carolina's favorite son.

Madam Speaker, to honor General Shelton, I have introduced H.R. 2751, the General Hugh Shelton Congressional Gold Medal Award. This bipartisan bill will bestow a fitting tribute to this superior warrior and great American. I urge all of my colleagues to join me in supporting this important legislation.

## HONORING FALLEN FIREFIGHTERS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today in strong support of H.J. Res. 42, a resolution to honor our fallen firefighters.

The events of September 11 highlighted the hard work and dedication of many emergency personnel. Many of us watched the pictures on the evening news of men and women walking into burning buildings carrying injured people to safety and retrieving bodies beneath the buried rubble.

Today, after those recent terrorist attacks and the rescue efforts that ensued, it seems especially poignant and timely that Congress pass a resolution as a memorial to such acts of heroism.

Firefighters are the first persons to respond to any emergency. They are ambassadors of courage, wisdom, and heroism.

In my home State of West Virginia, there are many dedicated firefighters who put their lives on the line each year. Between 1981 and 1999, West Virginia has lost 25 firefighters in the line of duty. Honored in last year's ceremony was Arch Russell Sligar. This year we will honor Robert Cowey Brannon. Those are just two names of the many men and women who have lost their lives.

Madam Speaker, in light of the recent demonstrations of bravery by the New York and Washington area firefighters, as well as the endless acts of service and sacrifice of all firefighters, I urge passage of the resolution, and that we will be lowering our flags to half-mast every October 7 in their honor.

□ 1415

## SUPPORT THE CENTERS FOR EXCELLENCE PROGRAM

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the Centers for Excellence program and other health professions. The President's budget for the year 2002, Madam Speaker, has called for a drastic 60 percent reduction in these Health Resources and Service Administration health programs.

The HERSA agency, in addition, has announced this week that they would be also limited to only $12 million for this program for the year 2002, a significant decrease. According to the Health Education Program Act, the first $12 million is set aside for the Historically Black Colleges and Universities. Thus, in order to continue the Hispanic and native Americans and other programs, we urge an increase in the existing budget for the Center for Health Care Services, which is at $30 million.

The Centers for Excellence programs are essential and still needed to help increase the number of minorities in the health professions throughout the country. The program has a proven track record of producing and graduating more minority students than any other schools. So we encourage and we ask our fellow colleagues to support the $30 million that we have had in the past. Hispanics now represent 12 percent of the population; and we need additional nurses, so we ask for my colleagues' support.

## HONOR FALLEN FIREFIGHTERS BY FLYING FLAGS AT HALF-STAFF

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I rise today to urge the unanimous support of my colleagues for H.J.Res. 42. This resolution simply requires Federal Government entities to fly the American flag at half staff on Sunday, October 7.

I ask my colleagues and all Americans to extend this extraordinary honor in conjunction with the annual memorial service in honor of fallen firefighters by the National Fallen Firefighters Foundation, which is located in Emmitsburg, Maryland, in the district I have the great privilege to represent in the House of Representatives.

The October 7 service is the highlight of the foundation's annual weekend of events to honor the sacrifice of firefighters who lost their lives in the line of duty. Particularly this year, we honor the hundreds of firefighters in New York City who on September 11, 2001, gave our country what President Abraham Lincoln called the last full measure of devotion to our country. This is the very least that we as individuals and as a government can do to honor and commemorate the selfless call to duty by these brave men and to offer some small measure of comfort to their grieving families, friends, relatives, and coworkers.

Madam Speaker, we owe it to them, ourselves and posterity to ensure that their deaths shall not be in vain.

## URGING SUPPORT FOR MILLER/MILLER AMENDMENT TO H.R. 2646

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, tomorrow we will be debating the farm bill; and in that bill is the sugar program, which hurts workers in my district.

Since the sugar program has been in effect, employment in the confectionery industry has fallen 11 percent since 1991. The sugar program has contributed to that fall because candymakers in Chicago, in my district, pay more than twice the world market price for sugar. As long as these supports continue and we pay this inordinate amount, we are going to lose employment and employment opportunities.

Madam Speaker, I urge my colleagues to support the Miller-Miller amendment.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

## NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 169) to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 169

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Effective date.

TITLE II—FEDERAL EMPLOYEE DISCRIMINATION AND RETALIATION

Sec. 201. Reimbursement requirement.

Sec. 202. Notification requirement.
Sec. 203. Reporting requirement.
Sec. 204. Rules and guidelines.
Sec. 205. Clarification of remedies.
Sec. 206. Study by General Accounting Office regarding exhaustion of administrative remedies.
TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE
Sec. 301. Data to be posted by employing Federal agencies.
Sec. 302. Data to be posted by the Equal Employment Opportunity Commission.
Sec. 303. Rules.

## TITLE I—GENERAL PROVISIONS

### SEC. 101. FINDINGS.

The Congress finds that—

(1) Federal agencies cannot be run effectively if they practice or tolerate discrimination,

(2) the Committee on the Judiciary of the House of Representatives has heard testimony from individuals, including representatives of the National Association for the Advancement of Colored People and the American Federation of Government Employees that point to chronic problems of discrimination and retaliation against Federal employees,

(3) in August 2000, a jury found that the Environmental Protection Agency had discriminated against a senior social scientist, and awarded that scientist $600,000,

(4) in October 2000, an Occupational Safety and Health Administration investigation found that the Environmental Protection Agency had retaliated against a senior scientist for disagreeing with that agency on a matter of science and for helping Congress to carry out its oversight responsibilities,

(5) there have been several recent class action suits based on discrimination brought against Federal agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service,

(6) notifying Federal employees of their rights under discrimination and whistleblower laws should increase agency compliance with the law,

(7) requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over agencies' compliance with the law, and

(8) penalizing Federal agencies by requiring them to pay for any discrimination or whistleblower judgments, awards, and settlements should improve agency accountability with respect to discrimination and whistleblower laws.

### SEC. 102. DEFINITIONS.

For purposes of this Act—

(1) the term "applicant for Federal employment" means an individual applying for employment in or under a Federal agency,

(2) the term "basis of alleged discrimination" shall have the meaning given such term under section 303,

(3) the term "Federal agency" means an Executive agency (as defined in section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission,

(4) the term "Federal employee" means an individual employed in or under a Federal agency,

(5) the term "former Federal employee" means an individual formerly employed in or under a Federal agency, and

(6) the term "issue of alleged discrimination" shall have the meaning given such term under section 303.

### SEC. 103. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning more than 180 days after the date of the enactment of this Act.

## TITLE II—FEDERAL EMPLOYEE DISCRIMINATION AND RETALIATION

### SEC. 201. REIMBURSEMENT REQUIREMENT.

(a) Applicability.—This section applies with respect to any payment made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code (relating to judgments, awards, and compromise settlements) to any Federal employee, former Federal employee, or applicant for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 204.

(b) Requirement.—An amount equal to the amount of each payment described in subsection (a) shall be reimbursed to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, of such fund, or of such account available for the enforcement of any Federal law) available for operating expenses of the Federal agency to which the discriminatory conduct involved is attributable as determined under section 204.

(c) Scope.—The provisions of law cited in this subsection are the following:

(1) Section 2302(b) of title 5 of the United States Code, as applied to discriminatory conduct described in paragraphs (1) and (8), or described in paragraph (9) of such section as applied to discriminatory conduct described in paragraphs (1) and (8), of such section.

(2) The provisions of law specified in section 2302(d) of title 5 of the United States Code.

(3) The Whistleblower Protection Act of 1986 and the amendments made by such Act.

### SEC. 202. NOTIFICATION REQUIREMENT.

(a) In General.—Written notification of the rights and protections available to Federal employees, former Federal employees, and applicants for Federal employment (as the case may be) in connection with the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) shall be provided to such employees, former employees, and applicants—

(1) in accordance with otherwise applicable provisions of law, or

(2) if to the extent that no such notification would otherwise be required, in such time, form, and manner as shall under section 204 be required in order to carry out the requirements of this section.

(b) Posting on the Internet.—Any written notification under this section shall include, but not be limited to, the posting of the information required under paragraph (1) or (2) (as applicable) of subsection (a) on the Internet site of the Federal agency involved.

(c) Employee Training.—Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies applicable to such employees under the laws cited in section 201(c).

### SEC. 203. REPORTING REQUIREMENT.

(a) Annual Report.—Subject to subsection (b), not later than 180 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year—

(1) the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged,

(2) the status or disposition of cases described in paragraph (1),

(3) the amount of money required to be reimbursed by such agency under section 201 in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees, if any,

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1),

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2)), and

(6) a detailed description of—

(A) the policy implemented by such agency to discipline employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

(b) First Report.—The 1st report submitted under subsection (a) shall include for each item under subsection (a) data for each of the 5 immediately preceding fiscal years (or, if not available for all 5 fiscal years, for however many of those 5 fiscal years for which data are available).

### SEC. 204. RULES AND GUIDELINES.

(a) Issuance of Rules and Guidelines.—The President (or the designee of the President) shall issue—

(1) rules to carry out this title,

(2) rules to require that a comprehensive study be conducted in the Executive Branch to determine the best practices for Federal agencies to take appropriate disciplinary actions against Federal employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(3) based on the results of such study, advisory guidelines incorporating best practices that Federal agencies may follow to take such actions against such employees.

(b) Agency Notification Regarding Implementation of Guidelines.—Not later than 30 days after the issuance of guidelines under subsection (a), each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a written statement specifying in detail—

(1) whether such agency has adopted and will fully follow such guidelines,

(2) if such agency has not adopted such guidelines, the reasons for the failure to adopt such guidelines, and

(3) if such agency will not fully follow such guidelines, the reasons for the decision not to fully follow such guidelines and an explanation of the extent to which such agency will not follow such guidelines.

### SEC. 205. CLARIFICATION OF REMEDIES.

Consistent with Federal law, nothing in this title shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States.

### SEC. 206. STUDY BY GENERAL ACCOUNTING OFFICE REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the General Accounting Office shall conduct a study relating to the effects of eliminating the requirement that Federal employees aggrieved by violations of any of the laws specified in paragraphs (7) and (8) of section 201(c) exhaust administrative remedies before filing complaints with the Equal Employment Opportunity Commission. Such study shall include a detailed summary of matters investigated, of information collected, and of conclusions formulated that lead to determinations of how the elimination of such requirement will—

(1) expedite handling of allegations of such violations within Federal agencies and will streamline the complaint-filing process,

(2) affect the workload of the Commission,

(3) affect established alternative dispute resolution procedures in such agencies, and

(4) affect any other matters determined by the General Accounting Office to be appropriate for consideration.

(b) REPORT.—Not later than 90 days after completion of the study required by subsection (a), the General Accounting Office shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a report containing the information required to be included in such study.

## TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE

### SEC. 301. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.

(a) IN GENERAL.—Each Federal agency shall post on its public Web site, in the time, form, and manner prescribed under section 303 (in conformance with the requirements of this section), summary statistical data relating to equal employment opportunity complaints filed with such agency by employees or former employees of, or applicants for employment with, such agency.

(b) CONTENT REQUIREMENTS.—The data posted by a Federal agency under this section shall include, for the then current fiscal year, the following:

(1) The number of complaints filed with such agency in such fiscal year.

(2) The number of individuals filing those complaints (including as the agent of a class).

(3) The number of individuals who filed 2 or more of those complaints.

(4) The number of complaints (described in paragraph (1)) in which each of the various bases of alleged discrimination is alleged.

(5) The number of complaints (described in paragraph (1)) in which each of the various issues of alleged discrimination is alleged.

(6) The average length of time, for each step of the process, it is taking such agency to process complaints (taking into account all complaints pending for any length of time in such fiscal year, whether first filed in such fiscal year or earlier). Average times under this paragraph shall be posted—

(A) for all such complaints,

(B) for all such complaints in which a hearing before an administrative judge of the Equal Employment Opportunity Commission is not requested, and

(C) for all such complaints in which a hearing before an administrative judge of the Equal Employment Opportunity Commission is requested.

(7) The total number of final agency actions rendered in such fiscal year involving a finding of discrimination and, of that number—

(A) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(B) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(8) Of the total number of final agency actions rendered in such fiscal year involving a finding of discrimination—

(A) the number and percentage involving a finding of discrimination based on each of the respective bases of alleged discrimination, and

(B) of the number specified under subparagraph (A) for each of the respective bases of alleged discrimination—

(i) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(ii) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(9) Of the total number of final agency actions rendered in such fiscal year involving a finding of discrimination—

(A) the number and percentage involving a finding of discrimination in connection with each of the respective issues of alleged discrimination, and

(B) of the number specified under subparagraph (A) for each of the respective issues of alleged discrimination—

(i) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission, and

(ii) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission.

(10)(A) Of the total number of complaints pending in such fiscal year (as described in the parenthetical matter in paragraph (6)), the number that were first filed before the start of the then current fiscal year.

(B) With respect to those pending complaints that were first filed before the start of the then current fiscal year—

(i) the number of individuals who filed those complaints, and

(ii) the number of those complaints which are at the various steps of the complaint process.

(C) Of the total number of complaints pending in such fiscal year (as described in the parenthetical matter in paragraph (6)), the total number of complaints with respect to which the agency violated the requirements of section 1614.106(e)(2) of title 29 of the Code of Federal Regulations (as in effect on July 1, 2000, and amended from time to time) by failing to conduct within 180 days of the filing of such complaints an impartial and appropriate investigation of such complaints.

(c) TIMING AND OTHER REQUIREMENTS.—

(1) CURRENT YEAR DATA.—Data posted under this section for the then current fiscal year shall include both—

(A) interim year-to-date data, updated quarterly, and

(B) final year-end data.

(2) DATA FOR PRIOR YEARS.—The data posted by a Federal agency under this section for a fiscal year (both interim and final) shall include, for each item under subsection (b), such agency's corresponding year-end data for each of the 5 immediately preceding fiscal years (or, if not available for all 5 fiscal years, for however many of those 5 fiscal years for which data are available).

### SEC. 302. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

(a) IN GENERAL.—The Equal Employment Opportunity Commission shall post on its public Web site, in the time, form, and manner prescribed under section 303 for purposes of this section, summary statistical data relating to—

(1) hearings requested before an administrative judge of the Commission on complaints described in section 301, and

(2) appeals filed with the Commission from final agency actions on complaints described in section 301.

(b) SPECIFIC REQUIREMENTS.—The data posted under this section shall, with respect to the hearings and appeals described in subsection (a), include summary statistical data corresponding to that described in paragraphs (1) through (10) of section 301(b), and shall be subject to the same timing and other requirements as set forth in section 301(c).

(c) . COORDINATION.—The data required under this section shall be in addition to the data the Commission is required to post under section 301 as an employing Federal agency.

### SEC. 303. RULES.

The Equal Employment Opportunity Commission shall issue any rules necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

### GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 169, as amended, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today is a historic day for the House, as we are about to consider, and likely pass, what Jack White at Time Magazine called "the first new civil rights law of the 21st century."

I, along with the gentlewoman from Texas (Ms. JACKSON-LEE), introduced H.R. 169, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001, or the No FEAR

Act, to address an outrage in the Federal Government. The Federal Government should serve as a model of the best practices for a fair and open work environment. But after a year-long investigation, I was surprised to discover that some Federal agencies appear to be allowing discrimination and retaliation against their own employees.

The General Accounting Office has also investigated discrimination in the Federal workforce and found complaints grew tremendously in the 1990s. In fact, in fiscal year 1999, the number of complaints to the Equal Employment Opportunities Commission was about 120 percent greater than the number of complaints in 1991. The GAO also reported that complaints alleging retaliation against employees who had participated in the complaint process had increased as well.

That very type of retaliation is what has brought us here today. A number of brave EPA employees and scientists came forward to tell the Committee on Science, which I chaired in the last Congress, about a culture of intolerance and hostility at the EPA. By assisting a congressional investigation, those employees risked retaliation, and some experienced it.

In fact, the Labor Department concluded that the EPA had retaliated against a female scientist because the Committee on Science used a memorandum she wrote 10 years prior to one of the hearings on the issue. She did not even know the committee had obtained her memorandum, but she was still punished by the agency.

The problem is threefold: first, many employees and managers are not aware of their rights and responsibilities, due to inadequate notification requirements. Second, Federal agencies in Congress cannot assess the extent of the problem due to inadequate reporting. Third, Federal agencies are not accountable for the misdeeds of their employees, as Federal agencies found guilty of discrimination do not have to pay judgment settlement costs.

The bill is aimed at preventing and reducing discrimination and retaliation in the Federal workforce by requiring better notification, reporting, and accountability from Federal agencies. The No FEAR Act would require agencies to pay for all court settlements or judgments for discrimination and retaliation cases, rather than allowing them to use a government-wide slush fund. This will make the agencies more accountable for their actions.

The bill's notification requirement is aimed at improving workforce relations by increasing managers' and employees' knowledge of their respective rights and responsibilities. The act's reporting requirement will help determine if a pattern of misconduct exists within an agency and, if so, whether an agency is taking appropriate action to address the problem, such as disciplining those employees or managers involved in the misconduct. Tracking this information is critical to understanding whether a problem exists.

Finally, the bill ensures that the Federal agencies abide by the same laws by which private citizens and businesses must operate. Just like private sector employees, Federal employees are protected against discrimination and retaliation. Just like the private sector, Federal agencies must be held accountable.

Madam Speaker, H.R. 169 enjoys a broad show of diverse support. The NAACP has endorsed this bill, as well as the National Taxpayers Union. As the National Taxpayers Union stated in urging Congress to enact the legislation, "The No FEAR Act promotes the virtues of fiscal responsibility and accountability in government."

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I believe that this is an important day and a historic day, and it is a reflection on the value of persistence and determination.

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for having both persistence and determination. Both of us served on the House Committee on Science just a session ago when the gentleman chaired that committee and we heard some very disturbing testimony. Out of that testimony before the Committee on Science, together we worked on what is now H.R. 169, the No FEAR Act. I would like to thank him for his work, along with the gentleman from Michigan (Mr. CONYERS), the ranking member, and all of my colleagues from both sides of the aisle, for working with us and supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169, the No FEAR Act, is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's Federal workplace. What better timing than in the contrast of recognizing how important our Federal workers are, how we are unified under one flag, hoping and pushing forward the democracy and principles that we all believe in.

Madam Speaker, in fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our Federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the Federal workplace by protecting Federal employees from retaliation for filing complaints either against an agency or other employees of the Federal Government who act in supervisory roles. The Federal Government must be the national role model.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, OSC; the Merit Systems Protection Board, MSPB; and the Department of Labor's Occupational Safety and Health Administration, OSHA. Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process time indicate that further legislation is greatly needed. I believe many agencies and many groups saw fit for such, such as the NAACP.

Since its introduction into the 106th Congress as H.R. 5516, the Notification and Federal Employee Antidiscrimination Retaliation Act of 2000 has stood for the principles that Federal employees should have "no fear" in reporting discriminatory behavior by their Federal agency employers. Like its predecessor, the legislation before us today, H.R. 169 demands that agencies be held accountable for their misdeeds; but it expands the accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Committee on Science held a hearing entitled "Intolerance at EPA: Harming People, Harming Science?" Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964. During that hearing, the gentleman from Wisconsin (Mr. SENSENBRENNER), the then chairman of the Committee on Science, illuminated the dangerous precedent set by the EPA, stating: "While EPA has a clear policy on dealing with employees who discriminate, harass, and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by the EPA."

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo's case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high-profile nature of the case, I believe these actions send the wrong message to EPA and Federal employees.

One manager was actually transferred from his original office, the Office of International Activities, to Dr. Coleman-Adebayo's present office. He will now be the counselor to the assistant administrator for Pollution Prevention, Pesticides and Toxic Substances.

I'd like to thank Judiciary chairman JAMES SENSENBRENNER, Ranking Member JOHN CONYERS, and all my colleagues from both sides of the aisle for supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169 (the No Fear Act), is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's Federal workplace.

My friends, in fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. The complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our Federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way toward ensuring equality, job security, and the rule of law in the Federal workplace by protecting Federal employees from retaliation for filing complaints against either the agency or other employees of the Federal Government who act in supervisory roles.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, (OSC), the Merit Systems Protection Board, (MSPB), and the Department of Labor's Occupational Safety and Health Administration, (OSHA). Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process times indicate that further legislation is greatly needed.

Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2000 (No FEAR Act), has stood for the principle that Federal employees should have "no fear" in reporting discriminatory behavior by their federal agency employers. Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Science Committee held a hearing entitled "Intolerance at EPA—Harming People, Harming Science?" Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964. During that hearing, then-chairman of the Science Committee SENSENBRENNER illuminated the dangerous precedent set by the EPA, stating, "While EPA has a clear policy on dealing with employees that discriminate, harass and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet [sic] to be disciplined by EPA."

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo's case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high profile nature of the Dr. Coleman-Adebayo's case, I believe these actions send the wrong message to EPA and Federal employees.

One manager was actually transferred from his original office (the Office of International Activities) to Dr. Coleman-Adebayo's present office. He will not be the counselor to the Assistant Administrator for Pollution Prevention, Pesticides and Toxic Substances. This assignment gives the appearance that such harassment and retaliation is tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violations of civil rights are ongoing.

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This is a very serious matter of discrimination, and, I believe, obstruction of justice.

No FEAR contains four major provisions which address this problem.

First, the bill requires accountability throughout our Federal workplace. Disturbingly, under Federal law, Federal agencies are not held liable when they lose judgments, awards, or compromise settlements in whistleblower and discrimination cases.

Second, No FEAR requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws, and to report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency.

Third, No FEAR recognizes Congress' intent that such legislation is necessary, but should not otherwise limit the ability of Federal employees to exercise other rights under Federal law.

Finally, No FEAR requires each Federal agency to send an annual report to Congress listing, among other things, the number of cases and the disposition of the cases.

I am glad that the manager's amendment corrected the source of funds from which the recovery should come. It excludes all agency enforcement funds from being used to reimburse the general Treasury for discrimination or whistleblower judgments against the agency.

This is a timely piece of legislation. I would like to thank Kweisi Mfume, the President of NAACP, for taking the leadership in helping us to promote this legislation, and for testifying before our respective committees.

Again, let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), and all of our colleagues. I ask that this House unanimously support the No FEAR legislation in this very special time to promote our civil rights and civil liberties.

Madam Speaker, let me simply, again, offer my thanks and appreciation, and on behalf of the other Members, let me just mention that I know that several Members, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. WYNN), will have statements and have offered their support.

Mrs. MORELLA. Madam Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, most judgments or awards against the federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, who are here in the gallery today, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA.

She is someone who suffered terribly from her battle but preserved and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

Mrs. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 169, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MEMORIALIZING FALLEN FIREFIGHTERS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 42) memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland, as amended.

The Clerk read as follows:

H.J. RES. 42

Whereas 1,200,000 men and women comprise the American fire and emergency services;

Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

Whereas fire and emergency services personnel respond to over 16 million emergency calls annually, without reservation and with little regard for their personal safety;

Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That each year, the American flags on all Federal office buildings will be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Joint Resolution 42, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Joint Resolution 42. This joint resolution recognizes the memorial of thousands of Americans who have fallen while serving as fire and emergency personnel throughout the years in America by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service. This year, this day is Sunday, October 7.

Every year, thousands of Americans attend public and private ceremonies at the campus of the National Fire Academy in Emmitsburg, Maryland, during the National Fallen Firefighters Weekend. While these ceremonies are in remembrance of lost loved ones and close friends who have fallen while serving as fire and emergency personnel, it is also an opportunity to show support for those who continue to put their lives on the line, providing aid and protection for others.

This Memorial Service is conducted by the National Fallen Firefighters Foundation, in partnership with FEMA's United States Fire Administration. It is a national memorial service dedicated to all fallen firefighters and emergency personnel.

House Joint Resolution 42 joins the Federal Government in praise and prayers for our fallen heroes by lowering the American flag to half-staff on the day of this memorial service.

Madam Speaker, every year, many of those actively participating in fire and emergency services in America suffer debilitating injuries. Between 1981 and 1999, Wisconsin lost 35 fire and emergency personnel, including Mr. Dana R. Johnson and Mr. James Is-Berner, who will be honored in 2002 at the National Fallen Firefighters Weekend.

Overall, during the same period of time, the National Fallen Firefighters Foundation reports that America has lost 2,077 fire and emergency personnel in the line of duty.

While the risks and dangers are reflected by the number of Americans that have fallen while serving as fire and emergency personnel, the number of those participating in this essential service to our communities continues to grow. Currently, Madam Speaker, fire and emergency personnel in America are 1.2 million people strong, and they can be found in every community of every State and territory in our Nation, where they respond to over 16 million emergency calls every year.

While we can speculate on how to better fortify our homeland, it is clear that our first line of domestic response is largely comprised of fire and emergency personnel.

Nothing demonstrates the significance of fire and emergency personnel more than their dedication and sacrifice in America's response to the terrorist attacks of September 11. More than 300 fire and emergency personnel died as a result of these attacks, and thousands of other fire and emergency personnel are still digging through the rubble, a dangerous task in and of itself. Of those still at the scene, it is reported that over 1,500 have been injured.

Madam Speaker, the response of our fire and emergency personnel was instantaneously initiated in the face of danger with the hope that lives could be saved. President Bush has said that in the face of terrorism, Americans must decide to live in fear or to live in freedom. Our fire and emergency personnel fearlessly answered that question and sent a clear message to the entire world: America will not be intimidated.

While America has always recognized the emergency service that fire and emergency personnel provide to our communities, on September 11, all Americans joined in their bond. Although fire and emergency personnel participate in career and voluntary positions with a variety of skills that defy virtually every obstacle, each of these individuals share a commonality, unity and brotherhood.

On September 11, we watched in utter disbelief as horrific terrorist acts were committed before our very eyes. Most people did not realize that our fire and emergency personnel had already begun to respond. Shortly thereafter, it was clear that an act of war had been committed against our Nation, and our fire and emergency personnel had begun fearless rescue efforts to save their own and to save others that had become victims of these attacks.

Madam Speaker, there is no siren or warning system for a response of this magnitude. It is a call of nature, it is a call to danger, and it is a way of life for the fire and emergency personnel in the United States of America.

Finally, Madam Speaker, we can join in remembrance of all Americans that have fallen while serving as fire and emergency personnel, and in support of those who continue to serve or who join this noble effort by voting in support of House Joint Resolution 42. I urge all of my colleagues to take the time this weekend, the weekend for this year's National Firefighters Memorial Service, to remember all those that have given their lives serving as fire and emergency personnel, and in support of all those who continue to provide this service.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank the chairman and I would like to thank the author of this legislation, the gentleman from Delaware (Mr. CASTLE), legislation that was authored prior to September 11, but could not be more fitting and more timely: that is, to memorialize fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

It is worth noting that 1,200,000 men and women comprise the American fire and emergency services. It is particularly worth noting that in this time that we have experienced, beginning with the morning of September 11, 2001, how many Americans now will turn toward those who have always offered their lives, their hearts, and who have championed the cause of saving others and putting others first before anyone else.

It is worth noting that these losses are faced not only in New York, but also in the bravery of those who went to save lives in Somerset, Pennsylvania, and, as well, those who saved lives and sought to save lives at the Pentagon.

But we might just say that the devastation in New York so poignantly causes us to reaffirm this commitment to the need to acknowledge our firefighters. I believe that there is no more honor or no greater honor than to acknowledge them and associate them with the flag of the United States.

Some people may say that lighting candles and religious services and paying homage to the flags and those we have lost will not allow us to move forward, but I do believe it will give us a sense of unity and it will bind us together, and acknowledge to those families that these are very special people.

Might I cite to the Members a commentary in the New York Times about what the New York firefighters are experiencing:

“The hasty patchwork does little to match the physical and emotional devastation. The New York Fire Department lost 343 people of its 11,400 member force. One out of every 33 people on the force is listed as dead or missing. The remains of 49 have been identified. The toll on the Department is evident on the faces of firefighters throughout the city. They drag themselves to funerals, sit stunned in station houses, absorbing the losses, and pick depressingly through the gigantic debris pile that holds the obliterated remains of their colleagues. But yet, they go on.”

In the state of Texas, from 1981 to 1999, 107 firefighters were lost. In the year 2000, 11 firefighters were lost, and several in the city of Houston. So even before the tragic and horrific terrorist acts of September 11, we knew about the dangerous and lifesaving work that our Nation's firefighters perform every day.

Approximately one-third of all active fire and emergency service personnel suffer debilitating injuries, making it one of the most dangerous jobs in America. Since the attacks on the World Trade Center and the Pentagon, where we watched firefighters risk and sacrifice their own lives so others may live, it has become even more imperative to honor firefighters who have died in the line of duty.

The losses to the New York Fire Department cannot go untold. As I indicated, they lost 343, and one out of every 33 people on the force is listed as dead or missing. Unfortunately, the rescue teams have found the remains of fewer than 50 firefighters, and the losses in New York affected both the rank and file and the elite firefighting units.

Chief Cassano of the Fire Department's Special Operations Commands says his unit was decimated, having lost 95 of its 452 men. They are having to promote individuals who would rather not be promoted to fill in for the losses.

The losses suffered by the New York Fire Department are devastating, to be sure. But even without an extraordinary catastrophe like that which occurred at the World Trade Center, approximately 100 firefighters die in the line of duty each year. Last year alone, 11 firefighters were killed in my home State of Texas.

House Joint Resolution 42 was introduced in March, 2001, long before the recent attacks, but this joint resolution could not be more timely. This resolution would lower the flags on all Federal office buildings each year to coincide with the annual memorial service for fallen firefighters that takes place in the National Firefighters Memorial in Emmitsburg, Maryland. Maybe this year we will see such memorials around the country.

This year's service will take place on October 7 in a nationally-televised ceremony. I can think of no better time to pass this legislation to honor our Nation's fallen firefighters whose bravery and courage saved lives every day.

I am very proud of Texas Task Force 1, a Texas group of firefighters who went to New York to be of assistance, and I am very proud of my community this past weekend at the Heights Fire Station, when we gathered together to raise money for the Red Cross and firefighters, and saw the pictures and recognized the need all over the country for saluting our firefighters and certainly helping those fallen in New York.

Going to ground zero myself this past Friday, I was able to see that there are those who are still working, despite the obstruction, despite the challenge, despite the sadness. Our hats are off to all of them.

I conclude, Madam Speaker, by reciting the fireman's prayer:

“When I'm called to duty, God, wherever flames may be
Give me the strength to save some life, whatever be its age;
Help me embrace a little child before it is too late
Or save an older person from the horror of their fate
Enable me to be alert and hear the weakest shout
And quickly and efficiently to put the fire out.
I want to fill my calling and to give the best in me
To guard my every neighbor and protect their property.
And if according to your will I lose my life
Please bless with protective hand
My children and my wife.”

This bill is a tribute to the fallen firefighters from Texas, from New York, and from around the country who dedicate their lives to saving the lives of others. I urge my colleagues to enthusiastically support House Joint Resolution 42.

Even before the tragic and horrific terrorist attacks of September 11, we knew about the dangerous and life-saving work that our Nation's firefighters perform every day. Approximately one-third of all active fire and emergency services personnel suffer debilitating injuries—making it one of the most dangerous jobs in America.

Since the attacks on the World Trade Center and the Pentagon—where we watched firefighters risk and sacrifice their own lives so that others may live—it has become even more imperative to honor firefighters who have died in the line of duty.

The losses to the New York Fire Department cannot go untold. The NYFD lost 343 people of its 11,400-member force in the September 11 attack. One out of every 33 people on the force is listed as dead or missing. Unfortunately, the rescue teams have found the remains of fewer than 50 firefighters.

And the losses in New York affected both the rank and file and the elite firefighting units. Chief Cassano, of the FDNY's Special Operations Command, said that his unit was “decimated,” having lost 95 of its 452 men.

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I can think of no better time to pass this legislation and honor our Nation's fallen firefighters, whose bravery and courage save lives every day.

In closing, I would like to recite the Firemen's Prayer.

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To guard my every neighbor and protect their property
And if according to your will I lose my life
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My children and my wife.

This bill is a tribute to the fallen firefighters from Texas, from New York and from around the country who dedicate their life to saving the lives of others.

I urge you to support H.J. Res. 42.

□ 1445

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the principal author of this resolution.

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me the time, and I also rise today in strong support of the Fallen Firefighters Act of 2001. As the author of the bill, I am proud to be able to help honor our firefighters.

This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all Federal buildings to be lowered half staff one day each year on the observance of the National Fallen Firefighters Memorial Service. This year's service will be held this Sunday, October 7, in Emmitsburg, Maryland, at the National Fallen Firefighters Memorial. President and Mrs. Bush are scheduled to attend the ceremony.

This year's service will be especially emotional in the wake of the terrorist attack on America where hundreds of brave men and women gave their lives to save those of thousands of strangers. I have personally visited the World Trade Center and the Pentagon and continue to be amazed by the work these men and women continue to do on a daily basis and the work they have done that has saved thousands upon thousands of lives.

I continue to be touched as I attend numerous town ceremonies in the wake of the tragedy by the support that both for firefighters in our communities and their unwavering dedication to their communities, fellow firefighters, and our country.

Firefighters provide one of the most valuable services imaginable to this country and its people, that of saving lives and safeguarding our precious lands. With integrity, firefighters preserve the safety in the communities they serve with tireless dedication and commitment. These heroes need to be recognized and thanked by all Americans, not just in the wake of this horrible tragedy but to the nearly 1.2 million men and women who serve our country as fire and emergency services personnel on a daily basis. Firefighters are our first line of defense in both natural and man-made disasters, walking into burning buildings and battling forest fires with determination and defiance.

Approximately one-third of our Nation's finest suffer debilitating injuries each year, making it one of the most dangerous jobs in America. Furthermore, approximately 100 men and women die in the line of duty every year. Many are volunteers. Since 1981, every state in America, as well as the District of Columbia and Puerto Rico, have lost firefighters serving in the line of duty.

Since 1981 the names of 2,077 fallen fire heroes have been added to the Roll of Honor. Ninety-six men and women who lost their lives in 2000 will be honored in October. This year the name of Arnold Blankenship, Jr., of Greenwood, Delaware, will be placed on the 2000 memorial plaque. Sadly, Mr. Blankenship is not the first firefighter in Delaware to be memorialized. He will join H. Thomas Tucker, James Goode, Jr., W. Jack Northam, and Prince A. Mousley, Jr.

Lowering the flag on Federal buildings 1 day a year will remind all Americans of the patriotic service and dedicated efforts of our fire and emergency services personnel. In October 2002, the over 300 firefighters who lost their lives in the attack on America will also be honored at the National Fallen Firefighter Memorial Service, along with 81 of their colleagues who also died in the line of duty during 2001, and sadly, that number may grow by the end of this year.

It is important for this legislation to be in place to honor all of these heroic men and women who have served our community and our Nation. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America's fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1961 Congress passed a joint resolution honoring America's police officers who died in the line of duty in recognition of their dedicated service to their communities and amended it in 1994 to lower the flag to half staff. Today, we take the first step in bestowing the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers.

I would like to thank all the Members who sponsored this legislation, and I urge my colleagues to support this legislation and recognize these heroic men and women.

Ms. JACKSON-LEE of Texas. Madam Speaker, can the Chair indicate how much time we have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from Texas (Ms. JACKSON-LEE) has 13½ minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10½ minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER), someone who has often risen to this floor in support of the outstanding work of our Nation's firefighters.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership on this committee. I thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this legislation to the floor, and I want to congratulate my good friend, former governor of Delaware, the gentleman from Delaware (Mr. CASTLE), for authoring this legislation.

I might say that the gentleman from Delaware has the honor of representing probably one of the very best fire departments in America and, indeed, the world. A service that is, I think, without denigrating my Maryland firefighters in any way, without anybody surpassing them in their role they play, not only in their community but in this country.

Madam Speaker, I have the honor of co-chairing the Fire Service Caucus with my good friend, the gentleman from Pennsylvania, Fire Chief Weldon, who temporarily is a Member of Congress for many years, but he was a fire chief. He knows firsthand the dangers that exist. I have the honor of being the honorary chief at Company 26 in Prince George's County, Maryland.

I rise today in support of the gentleman from Delaware's resolution to require the flying of the American flag at half staff to honor not only all fallen firefighters but as well emergency medical response teams who are in lock step with the fire fighters in responding to crises.

The tragic events of the last month have, of course, reminded all of us of the valor and sacrifice of our Nation's first responders. The enormous loss of life would have been much higher if it were not for their bravery, displayed on television just a few days ago.

In New York, as frightened citizens raced down the staircase of the World Trade Center, firefighters raced up the staircases to fight the 2,000 degree fire; going at the fire, not from it. That fire was engulfing the building. Their task was to evacuate the wounded. Sadly, as we know, over 300, 343, as has been mentioned, lost their lives in that fire and in the buildings' collapse.

They are mourned today, along with their colleagues, who died at other fires and other emergencies. This weekend, I and many of my colleagues will go to Emmitsburg, Maryland, to attend the National Fallen Firefighters Memorial annual observance. There we will add the names of 101 firefighters from 38 States who were killed in the line of duty in the year 2000. In one 120-minute period, we lost three and a half times as many firefighters and emergency response personnel and police as we lost in all of 2000. That is the magnitude of what happened on September 11.

Madam Speaker, there was a newspaper ad in today's paper, and it said, "The True Badges of Courage." We have all heard about the Red Badge of Courage. We have all heard it said, "that is a badge of courage." The true badges of courage are those worn by our police personnel, those worn by our fire personnel, and those worn by our emergency medical response teams. These men and women who died last year may not have died in a terrorist incident, but their sacrifice is equally great and equally tragic. This resolution honors them and those that will follow, and I urge all of my colleagues to support the measure.

Now, Madam Speaker, let me add this. The gentleman from New Jersey (Mr. PASCRELL), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), myself, and many others, as well as all of the people on the floor here supported the Fire Act, which we passed as a part of the defense authorization bill last year. And in that context, we appropriated $100 million, $100 million for over 32,000 fire companies in America. There have been, I think I am correct, $3.5 billion worth of requests for training, for equipment, and for HAZMAT training, equipment to deal with hazardous materials.

Flying the flag at half-staff is an appropriate thing for us to do; but, my colleagues, as we vote on this resolution, I trust that we will also commit ourselves to, at a minimum, adding $50 million as we consider the VA–HUD appropriations bill. We need not only to add the 50 million additional dollars that were put in the Senate bill to get that fund to $150 million, but we are authorized at $300 million.

The firefighters and emergency responders of America need better training and better equipment. We give billions of dollars to law enforcement throughout this country. It is right and proper that we do so. But we have seen a dramatic example of how critical the fire service and emergency medical response teams are in league with our law enforcement officials. My hope is that as we appropriate funds to ensure that America can respond to terrorism or to other calamities, that we will empower our firefighting personnel and emergency response teams to do so with as much safety to themselves and much effectiveness on behalf of the safety of others as we can possibly do.

And so I rise in strong support of this resolution. And we ought to salute that flag when we see it at half-staff and remember those who have fallen as they responded to the call to save lives, protect property, and make America a safer place. But let us also remember that we need to invest more of our treasure in protecting our firefighters and emergency response teams and giving them better equipment and better training to do their jobs better so that America, our communities, our schools, and our homes will be safer places.

Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership, as well as the gentleman from Wisconsin (Mr. SENSENBRENNER); and, clearly, I thank the gentleman from Delaware (Mr. CASTLE) for honoring the Emmitsburg event, but we need to honor Emmitsburg's 1-day event for the other 364 days of the year as well.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), who was a fire chief before his election to Congress and who, together with me, are the only Members of Congress that own Dalmations, the firefighters' mascot.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for yielding me this time and would now tell him that I am the proud owner of my third Dalmation. He has two; I now have three. So we are part of the Dalmation Caucus.

I rise in strong support of this legislation, Madam Speaker. We have to ask the basic question: Who are the firefighters? We think they are the people that put out the fires. They are older than the country is itself. The first fire department was formed 250 years ago. They are in every community, 32,000 departments. But they do not just fight the fires. They are the first in on the floods, the hurricanes, the tornadoes, and the earthquakes. They rescue the cats in the trees. They pump the cellars out when they are flooded. When a child is lost, they are the first ones to organize a search party.

□ 1500

The places where they work are where the Boy Scout troops meet and the Girl Scout troops meet. It is where you vote on election day. They organize the parades, the July 4 celebrations. They are the heart and soul of America. There is no single group of people in this country, none, that does what our firefighters do.

Eighty-five percent of them are volunteers. Imagine, Madam Speaker, having our police department hold a chicken dinner to raise the money to buy a police car. Imagine asking our highway department to have a tag day to buy the garbage truck. Yet, all across America, fire departments, many of them volunteer, go out and scrape to raise the dollars to protect their towns.

They are now being asked to deal with unbelievable disasters. The World Trade Center is the epitome of what can occur, but they were there. I was on the scene Friday when it happened. I was talking to the head of the local union, Kevin Gallaher, and to the national president, Harold Schaitberger. They said firefighters have made it to the 80th floor to rescue people coming down.

The least we can do is to have our country pay tribute to them. The least we can do is do what my colleague said and start to fund them at somewhere near the level that our military and police officers get. Our military gets $300 billion a year. Our police officers get $4 billion a year from the Federal Government. The amount of money our fire and emergency service workers get is $100 million for the first time this year. We can do better.

I support this legislation. I congratulate my good friend and colleague and my other good friend and colleague and the chairman of the committee. I ask my colleagues to vote for the flag but vote for the support of our America's heroes, our fire and EMS personnel.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman, for yielding me time. I thank the gentleman for bringing this bill to the floor. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership.

I certainly want to rise in strong support of memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

Madam Speaker, I would like to commend the gentleman from Delaware (Mr. CASTLE) for introducing this legislation, which I hope will have unanimous support of this House. These brave men and women have given the ultimate sacrifice in answering the call to help.

Yesterday, with some other Members of the House, I visited New York City and saw ground zero for the first time. It is indeed ground hero. The devastation was more than ever could have been envisioned, and I know I will never forget what I saw there.

What is even more indelibly stamped in my mind is the obvious evidence of heroism that has taken place at that site. We all know of the heroic actions made by firefighters and rescue workers in the moments after the planes first struck the towers. But they have continued to compromise their safety since September 11 while searching the World Trade Center for survivors and in aiding in the monumental clean-up efforts.

Words cannot express our gratitude for their hard work and their sacrifice during these difficult times. As a matter of fact, 343 of these firefighters became victims themselves.

The bravery that New York has demonstrated during these times is also occurring here in the Washington, D.C. area. Firefighters, police, and other search and rescue workers have been working at the Pentagon to support our Nation's recovery efforts. I visited with rescue workers there shortly after the terrible tragic event occurred and noted their search for potential survivors of the terrorist attacks. The courageous workers at the Pentagon, and I want to single out the Montgomery County, Maryland, Urban Search and Rescue Team, 70 strong, like the rescue workers in New York, demonstrated selfless acts of heroism as they searched for survivors of the tragedy.

All of these rescue workers during this tragedy, like all firefighters and rescue workers before and since, endure the shock, sadness and loss that we all feel from witnessing horrific events. However, they preserve, through the experience, working hard to meet the needs of our neighbors and friends who have been personally impacted by devastating events, such as the attacks on September 11. They persevere. We should certainly give them credit.

This gesture of memorializing fallen firefighters by lowering the American flag to half-staff is an important way of honoring those individuals who have valiantly given the ultimate sacrifice to protect their neighbors. Therefore, I do urge all Members to support this legislation, to help to remember our fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Fighters Memorial Service in Emittsburg, Maryland, and to remember them in our prayers.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman for yielding me time.

I want to associate myself with the very passionate, pointed and eloquent remarks of all of those who have spoken.

It occurs to me, as it does all of us, that during and since September 11 when the terrorist attack took place, we have seen many indications of heroics. We have seen many people rise to the occasion. But, of course, firefighters rise to the occasion each and every day of their lives, whether there is a national crisis or not. They wake up in the morning, knowing that they are going to an uncertain future. I commend all of those who would pause, stop for a moment, and pay tribute to these men and women. It seems to me there is nothing less we could do than to make sure that there is adequate compensation and appropriated resources for their needs.

Finally, I remember a poem that I grew up listening to, "The Charge of the Light Brigade." It seems to me that the words of that poem suggested that "Their's not to reason why, their's but to do and die . . . into the jaws of Death . . . they rode.

Madam Speaker, these men and women ride or walk each and every day into an uncertain future. They are to be commended, and I commend the author of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his eloquent support of this legislation; and finally say, firefighters appeared on September 11 at the World Trade Centers, Pentagon, and Somerset, Pennsylvania, as they appear in our neighborhoods around the Nation.

I thank the gentleman from Delaware (Mr. CASTLE) and his cosponsors for this legislation and associate myself with the remarks of the distinguished gentleman from Pennsylvania (Mr. WELDON) and the distinguished gentleman from Maryland (Mr. HOYER) and advocate for greater funding for the fire act. We must do no less, for when I went home, my firefighters asked me about greater funding. I believe the tragic events of September 11, along with this very important legislation, refocuses on these valiant heroes who offer their lives every day. We must fund them at the maximum amount. I ask support for H.J. Res. 42.

Mr. SMITH of Michigan. Madam Speaker, I rise in strong support of H.J. Res. 42, which would require American flags on all federal office buildings to be lowered to half-staff in honor of the annual National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

H.J. Res. 42 recognizes the over 300 New York firefighters who gave their lives to save others during the terrorist attack on the World Trade Center. According to the International Association of Fire Fighters, more public safety officers were lost in the terrorist attack on the United States than any other single event in modern history.

What happened at the World Trade Center will live in our memories forever. We can be proud that at a time of great peril, New York's firefighters answered the call. They conducted themselves with a selflessness and dedication that does credit to themselves, their city, and their country.

This resolution also recognizes the heroic firefighters in every small town and suburb and big city across America who gave their lives. Last year in Michigan alone, four firefighters died in duty-related incidents. Each of these deaths is a tragedy for family, friends, and community.

I will not forget their sacrifice, and neither will America. This resolution honors all those who gave their lives to protect their communities. I urge my colleagues to support it.

Mr. GILMAN. Madam Speaker, I rise in strong support of H.J. Res. 42, resolving that each year the American flags on U.S. Federal buildings will fly at half staff in memory of our Nation's fallen firefighters.

As our Nation moves forward with steadfast resolve in the wake of the recent terrorist attacks, we remember the bravery and selfless sacrifices of all the men and women in uniform who rushed in to save their fellow citizens in emergency situations throughout the history of our great Nation. On average, our Nation loses over 100 firefighters in the line of duty each year. This sad statistic will regrettably increase at least threefold this year.

In my own district we lost over 35 firefighters and police officers in the barbaric September 11th attacks on New York. That is more firefighters in one day from one congressional district than the entire state of New York lost between 1998 and 2000. The grief and anger which we share with the families of our firefighters, police officers, and fellow citizens strengthens our collective resolve. We are comforted by the undaunted courage of our fallen firefighters and the love and dedication they had for their chosen profession.

Many more will follow proudly and courageously in this uncommon profession. Many more may have to pay the ultimate sacrifice. It is a small but proper tribute to these brave men and women that we ask our nation to remember their sacrifices by lowering our nation's flag in their memory. Accordingly, I urge my colleagues to fully support this important, timely bill.

Mrs. CHRISTENSEN. Madam Speaker, certainly, nothing will memorialize the courageous and outstanding firefighters of this nation, more than the vivid pictures of them responding so selflessly, endangering and too often sacrificing their own lives to save those placed in peril by the terrorists actions of September 11th. Their heroism continues even today, and will be evident far into the future in their addressing of this tragedy as it is in the everyday lives of all Americans.

I am proud of the work of our Virgin Island firefighters, who have worked tirelessly and with inadequate and substandard equipment to protect the property and the lives of my constituents. That is why our offices worked so hard to bring them badly needed equipment dollars. I thank FEMA for hearing our pleas, and providing close to $1 million to provide the tools they need to do the job they have committed themselves to.

We are deeply and forever indebted to the over 300 firefighters who did not make it out of the World Trade building and eventual debris alive. We are also indebted to their families. I also thank the VI firefighters for their raising funds for their families and traveling to New York City to offer support and help. We also today and this week remember all of our nation's firemen and women who have fallen in the line of duty.

As ranking member of the Subcommittee on Parks Recreation, and Public Lands I want to especially remember those who have given their lives in fighting fires in our nations parks and public lands, and in protecting them and neighboring properties.

So I gladly join my colleagues in support of H.J. Res. 42 memorializing fallen firefighters by lowering the American flag to half staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg Maryland.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the joint resolution, H.J.Res. 42, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HONORING CAL RIPKEN, JR.

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H.Res. 247) honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation.

The Clerk read as follows:

### H. RES. 247

Whereas Cal Ripken, Jr., played in 2,632 consecutive Major League Baseball games and holds the all-time record for consecutive games played by a Major League player, shattering Lou Gehrig's record of 2,130;

Whereas Ripken has over 3,000 career hits and ranks 14th on the all-time hit list;

Whereas Ripken is 1 of only 7 players to have 400 home runs and 3,000 hits in a career;

Whereas Ripken was an All-Star 19 times in his Major League career, twice winning Most Valuable Player of the All-Star Game;

Whereas Ripken was named to Major League Baseball's All-Century Team;

Whereas Ripken has won 2 Golden Gloves and 2 Most Valuable Player awards;

Whereas Ripken played all 21 of his Major League seasons with the Baltimore Orioles, choosing to stay with his team in an era dominated by free agency;

Whereas at one point during his career with the Orioles, Ripken's brother Bill Ripken was also playing for the team, and his father, Cal Ripken, Sr., was managing;

Whereas Ripken has been a model citizen for Harford County, Maryland, and the Baltimore City metropolitan area while contributing millions of dollars and countless hours to community projects;

Whereas Ripken and his wife Kelly have led their community in projects ranging from battling illiteracy to helping inner-city youth through various foundations, including the Kelly and Cal Ripken, Jr., Foundation, the Baltimore Reads Ripken Learning Center, and the Reading, Runs, and Ripken program; and

Whereas Ripken has pledged $9,000,000 for the construction of a baseball facility in Harford County, Maryland, which includes 6 baseball fields, recreational facilities, and dormitories: Now, therefore, be it

*Resolved*, That the House of Representatives honors Cal Ripken, Jr., for an outstanding career, congratulates him on his retirement, and thanks him for his contributions to baseball, to the State of Maryland, and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

### GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 247.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to speak on House Resolution 247, a resolution introduced by the distinguished gentleman from Maryland (Mr. EHRLICH). This legislation is cosponsored by all Members of the House delegation from the State of Maryland and others.

I am proud to be personally associated with this resolution, and I rise in strong support of it, congratulating Cal Ripken, Jr., baseball's true ironman, on a 20-year career full of great achievements and dramatic moments. He is a hero to Marylanders and to all Americans.

During his 2 decades as a Baltimore Oriole, Cal Ripken embodies what it means to love the game of baseball. His grace, talent, determination, and strength of character have been obvious both on and off the field. Cal will retire this week as one of only seven players in the history of baseball to collect more than 3,000 hits and 400 home runs in a career. The other six are in the Hall of Fame, and we look forward to the summer day in 2006 when Cal will join them.

His place in baseball history has long been secure. Cal set a Major League record with 345 home runs as a shortstop, won the Rookie of the Year and two American League Most Valued Players awards, earned two Gold Glove awards, and led the Orioles to their last World Series triumph in 1983.

Cal Ripken is the consummate professional. All he wanted to do was come to the park every day, work harder than anyone else, and play the game. And from May 30, 1982 until September 19, 1998, Cal did just that..for every single game. He shattered what was thought to be an unbreakable record, Lou Gehrig's streak of playing in 2,130 consecutive games. When Cal decided to voluntarily end "the streak," he had bested Gehrig's mark by more than three full seasons. It is unimaginable that his record of 2,632 games will ever be approached.

And what is amazing about Cal Ripken, Jr., is that he has had as many triumphs off the field as on it. He and his wife long ago founded the Kelly and Cal Ripken, Jr., Foundation, which primarily supports adult and family literacy, youth recreation, and health-related programs in the Baltimore, Maryland area. He is active in medical research, supporting the performing arts and other civic activities. It speaks for itself that just last year the Babe Ruth Baseball League chose to name its youth division, which teaches baseball to children between 5 and 12 years of age, after Baltimore's own ironman.

For 20 years, Cal Ripken, Jr., wore number 8 on the back of his jersey, but he was always number one in our hearts. Thanks for the memories, Cal.

Madam Speaker, I want to commend the gentleman from Maryland (Mr. EHRLICH) for introducing H.Res. 247, and to all of the cosponsors of the resolution. I also want to thank the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform; the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. WELDON); the gentleman from California (Mr. WAXMAN); and the gentleman from Illinois (Mr. DAVIS), the ranking members respectively on the Committee on Government Reform and the Subcommittee on Civil Service for expediting consideration of this measure.

Madam Speaker, I urge all Members to support House Resolution 247.

Madam Speaker, I reserve the balance of my time.

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Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am sure that there are those who would want to ask the question, given the circumstances of our time and our being, why are we taking time to honor athletes? Why are we taking time to tell people about individuals who have hero status that are not necessarily related to September 11?

Then there are those who understand that the individuals we honor, such as Cal Ripken, represent the essence of what is good and wholesome in our Nation, represent the essence of courage, of endurance, of skill, the kind of courage, endurance and skill that can serve us well in any endeavor.

Cal Ripken holds the major league record for the most consecutive games played. On September 6, 1995, in the 14th season of his streak, Ripken surpassed the previous record of 2,130 consecutive games played which had been set by Lou Gehrig in 1939, and which, for many years, had been considered unbreakable. Ripken's streak of 2,632 consecutive games over nearly 17 seasons ended on September 20, 1998, when he asked to be taken out of the starting line-up. His durability, attitude and mastery of the fundamental skills of baseball made him one of the sport's most respected performers of the late 20th century.

Calvin Edwin Ripken, Jr. was born in Maryland and grew up in Maryland. He was signed by the Baltimore Orioles after he graduated from high school in 1978, and he debuted in the major leagues for the Orioles in 1981. By 1983, he was considered one of the best shortstops in the major leagues, leading the American League that year in hits, doubles, runs and assists.

Ripken's play in 1983 earned him the American League's Most Valuable Player award. Ripken's baseball accomplishments are numerous. In 1984, he established an American League fielding record with 583 assists. Six years later, he set a single season record for fielding percentage by a shortstop when he registered a .996 mark in 1990, committing only three errors in 680 chances.

In 1991, when Ripken won the American League Most Valuable Player award for the second time, he had a .323 batting average with 34 home runs and 114 runs batted in during the season. That same year, he was also the Most Valuable Player of the All-Star game and the American League Gold Glove winner for fielding at shortstop.

In 1997, Ripken moved from shortstop to third base. The change of position did not affect his streak. In 1998, Ripken continued at third base and led American league third basemen with a .979 fielding average. He was also voted to the All-Star game for the 16th consecutive time.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Maryland (Mr. EHRLICH), the sponsor of this legislation.

Mr. EHRLICH. Madam Speaker, I would like to thank the gentlewoman, my friend from Montgomery County, and thank her for the time.

We all just heard the records. It probably should be repeated: 2,632 consecutive games; Most Valuable Player awards, two; 19 All-Star games; 3,000 hits; 14th all time in hits; one of seven players to have 400 home runs and 3,000 hits in a career; American League Rookie of the Year in 1982; born, raised, bred and lives in the Second Congressional District. I know the gentlewoman from Maryland is proud of that, and the Third right next door, we have been joined by the gentleman from Maryland (Mr. CARDIN) who shares our pride in Cal's accomplishments. He is the best shortstop I have ever seen and a great athlete. Three errors in one season and all those chances, a .996 fielding percentage speaks for itself, an incredible athletic feat.

But I would like just a minute or two to talk about something outside the numbers, the statistics, the records, the legend, and, that is, what a role model is. It is an often overused and abused term these days in this country, even prior to the events of 2 weeks ago. It is overused and abused because it is not correct in many contexts.

With regard to this man and this family and what they have meant to Aberdeen and Harford County and the metropolitan area and the State and the country and the national pastime, it is appropriate. He lives it every day. It is the way he conducts himself, like a pro, with the children and understanding the importance of giving back, as a professional athlete, the wealth of fame he has. Many do not give back. He does. Cal does. It is why he is the most popular athlete in America today.

He gives back in so many ways. He gives back with respect to literacy programs, in helping kids, and $9 million for little leaguers to learn the game, learn it the right way, learn it the Ripken way, giving back to us, to make us better, giving back to our kids to make their lives better. That is what a real pro is about. That is what an American hero is truly all about.

I am really happy to join my colleagues today in honoring our friend and national hero, Cal Ripken.

Mr. DAVIS of Illinois. Madam Speaker, it gives me great pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend for yielding me this time. I just want to follow up on some of the comments that the gentleman from Maryland (Mr. EHRLICH) made. It is true that he grew up in the Second Congressional District, he lives and played most of his career in the Third Congressional District, but he is truly the pride of all of Maryland. He is what we think a sports figure should be, a role model should be, and a person that gives back so much to his community beyond just playing baseball. We have heard these numbers. As the gentleman from Maryland (Mr. EHRLICH) said, they are worth repeating.

Americans across the Nation have taken joy in the many successes of Cal's remarkable career, from his 2,632 consecutive major league games, to his 3,000 career hits and 400 home runs and his 19 All-Star appearances. He redefined our notion of what a shortstop should be, paving the way for a new generation of stars, including Alex Rodriguez and Derek Jeter. He represents all that is right with sports and competition in America.

Madam Speaker, over a long career that has been defined by consistent excellence, Cal has also demonstrated an ability to rise to the occasion and perform best when the spotlight was brightest. His career batting average in the postseason is a remarkable .328. I think none of us will forget that when he tied Lou Gehrig's record and then when he went on to beat Lou Gehrig's record for the most consecutive games, in both of those games, with everyone in the Nation focused on Camden Yards, he hit home runs. And the second home run, the President of the United States was actually in the press gallery calling the game, calling the home run.

During that time, he met the Nation's attention with humor and good will, frequently staying on the field long after the end of a ball game to sign autographs for thousands of fans. His performance, both on the field and off, coming at a time when baseball had been rocked by the cancellation of the World Series, led many sportswriters to declare that Cal had "saved baseball." In the process, we can say that he showed us the essence of grace under pressure.

Of course, we in Maryland take special pleasure and celebrate Cal as one of our own. Number 8 has played all 21 years of his major league career as a Baltimore Oriole. While that is rare enough in major league sports, at one point Cal's brother Bill was playing for the Orioles as well as his father, Cal Sr., was managing the team. The Ripken family has played an extraordinary role in the Baltimore community for a generation.

As the people of Maryland have enjoyed Cal's career and shown him unending support, Cal has been a strong community leader. As my colleague from Baltimore County pointed out, he and his family have given generously to many worthy projects and have led on many more, including the Baltimore Reads Ripken Learning Center and the Reading, Runs and Ripken program. He has truly given back so much to our community in addition to what he does on the field.

With Cal's retirement from major league baseball, we look forward to his continued role as a leader in our community. Among other efforts, Ripken is building a major, new baseball facility in his hometown of Aberdeen, just north of Baltimore.

Madam Speaker, at a time when the sports news is often dominated by reports of labor unrest or athletes involved in unsavory behavior or owners running their team with no apparent regard for the feelings of loyal fans, Cal Ripken, Jr. has stood has a symbol of all that is good and right about baseball. For Cal, it has always been the game that matters the most. His dedication to the rhythms and rituals of the game, his commitment to doing a job he loved as well as he could, day in and day out, has stood as an example to millions of Americans, and especially America's children, that we can admire and aspire to what he has done.

Madam Speaker, this weekend will be the end of an extraordinary career by Cal Ripken as he plays his last game at Camden Yards. His legacy will live on. He will serve as a model for future generations. I urge my colleagues to join me in celebrating the outstanding career of Cal Ripken, Jr.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

After listening to all of the accomplishments of Cal Ripken, there is no wonder that we would take time to congratulate and honor him on his retirement.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for his comments and those that have been offered by all of those who have spoken on this particular issue. It is true that Cal Ripken wore the number 8 on his back but is number 1 in our hearts. We are very proud in Maryland of the record that he has set, of him as a role model, and we are very proud of him as Americans.

Mr. BEREUTER. Madam Speaker, this Member rises in support of H. Res. 247, to honor, congratulate, and thank Cal Ripken.

In less than a week, Cal Ripken will conclude his remarkable baseball career and it's certainly appropriate to take this opportunity to recognize his contributions both on and off the field. Throughout his 21 years in the majors, Cal exemplified the highest possible level of sportsmanship. His constant dedication and unmatched work ethic earned him the respect and admiration of teammates, opponents, and millions of fans.

Quite simply, Cal knew the right formula for success. He combined a serious approach to the game's fundamentals with an infectious enthusiasm and sense of fun each time he went on the field. Cal's determination as well as his love of the game were obvious for all to see.

Cal clearly put up some of the most impressive numbers in baseball history during his Hall of Fame career. He also set a new standard for shortstops with his power hitting and nearly flawless fielding. He is one of only seven players with at least 400 home runs and 3,000 hits.

However, the most amazing number in Cal's illustrious career is certainly 2,632, the number of consecutive games he played. It's a record that virtually everyone agrees will never be matched and it symbolizes an unequaled commitment to doing a job and doing it right.

Many of Cal's accomplishments can be quantified, but these numbers offer only a glimpse of his profound influence throughout baseball and society. He became a role model for children and adults alike who saw what can be done through preparation, hard work, and perseverance.

Cal's unique style of play appealed to fans on many different levels. The intense baseball fan admired his meticulous attention to detail and studious approach to the game. The casual fan appreciated his dramatic home runs and extraordinary defensive plays. Even those who didn't follow baseball admired all that he represented as a player.

The Iron Man won gold glove and silver bat awards, but it was the intangibles that helped set him apart. Perhaps more than anything, it's Cal's character and strong values that make him such a special individual. His loyalty, demonstrated by playing his entire career with the Baltimore Orioles, was extended to his teammates and those who enjoyed watching him play.

Off the field, Cal always had times for the fans. He also put an emphasis on giving back to the community. He and his wife have supported numerous charities through the Kelly and Cal Ripken, Jr. Foundation and have promoted adult literacy, medical research and numerous other worthy causes.

Fortunately for baseball fans everywhere, Cal has made it clear that he plans on staying involved in the game that he loves. His commitment to share his knowledge with young players means that the "Ripken Way" will continue even after Cal retires.

Madam Speaker, this Member is pleased to join all of America in saying "Thank you, Cal" and wishing him well.

Mr. WATTS of Oklahoma. Madam Speaker, I rise to presonally congratulate an American icon—a role model in the game of baseball and culture—Cal Ripken, Junior.

In the world of sports, it is pretty difficult to find someone who children can look up to, admire and emulate. Too often, popular figures seem to lose their roots and gain a false sense of pride. But not Cal Ripken. He is a class act—a stand-up guy. In the Major Leagues, he takes us back to the future by reminding us about the best of what was, while breaking records and re-defining what is. He has kept baseball historians and statisticians on their feet by constantly out-performing himself and others. The awards he has won speak for themselves.

Cal Ripken, Junior picked a team and stuck with it through thick and thin. Like the heroes of yester-year, Ripken chose not to shop around for the highest bidder. Rather, he excelled while being a team player in the truest sense of the words.

Off the field, Cal Ripken, Junior was a classy a guy as he was on the infield. We recognize him as a model citizen for the good works he has performed. Ripken has given his time and money to investing in our nation's youth, combating illiteracy and other laudable missions.

It is never easy to say goodbye. I do not doubt the difficulty involved with retiring from the game of baseball. But there is something to be said for going out on top. In fact, I just saw Ripken hit a grand slam a few week ago.

For the service Cal Ripken, Junior has performed on his own time and the amazing talent he has demonstrated inside the park, Congress commends Mr. Ripken. There may never be another like him in Baltimore. I look forward to watching Cal Ripken's last game and wish him a lifetime of happiness in his retirement.

Mrs. MORELLA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 247.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## CONGRATULATING TONY GWYNN ON ANNOUNCEMENT OF HIS RETIREMENT FROM BASEBALL

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 198) congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball.

The Clerk read as follows:

H. RES. 198

Whereas Tony Gwynn has a lifetime batting average of .338, 15th on the all-time career leaders list, which includes baseball legends as Ty Cobb, Rogers Hornsby, and Tris Speaker;

Whereas Gwynn has 3,127 career hits, and only 16 players have more hits than Gwynn, including Ty Cobb, Hank Aaron, and Stan Musial;

Whereas Gwynn is the owner of eight Silver Bats for the eight batting titles he has won, tying him for the National League record with Honus Wagner, with only Ty Cobb of the American League having won more titles;

Whereas among the all-time Padres career leaders, Gwynn is first in batting average, hits, runs batted in, and runs;

Whereas Gwynn has not only proven to be a great hitter but a great defensive player, winning five Gold Glove awards;

Whereas of the 20 seasons Gwynn has played, he has had a batting average of .300 or better in 19 of those seasons;

Whereas throughout his career, Gwynn has been selected to 16 All-Star teams;

Whereas Gwynn has played in two World Series, in 1984 and 1998;

Whereas, in an era when money dominates the game of baseball, Tony Gwynn chose to play in San Diego for the Padres when it was believed that he could have earned more money with another team in another city;

Whereas Gwynn is an example of good sportsmanship, having always conducted himself with dignity, and has been a role model for young people and for all Americans;

Whereas Gwynn has proven himself to be an active leader not only in the clubhouse but also in the community;

Whereas Gwynn and his wife Alicia are philanthropists dedicated to their support for the Tony and Alicia Gwynn Foundation, the Casa de Amparo, the Police Athletic League, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many more organizations; and

Whereas for his community involvement, Gwynn was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Tony Gwynn on the announcement of his retirement, honors him for an outstanding career, and thanks him for his contributions to baseball and to his community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 198.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Our colleague the gentlewoman from California (Mrs. DAVIS) introduced House Resolution 198 on July 17, 2001. The gentlewoman from Indiana (Ms. CARSON) cosponsored the measure. The legislation was referred to the Committee on Government Reform on July 17.

I rise in strong support of House Resolution 198, a resolution congratulating Tony Gwynn on his distinguished career with the San Diego Padres. Tony Gwynn has announced his retirement from his home team and Major League Baseball. This legislation commends Tony Gwynn on his many achievements: a lifetime batting average of .338, which is 15th best all time; his ownership of eight silver bats of the eight National League batting titles that he has won; and his career total of 3,140 hits, and counting.

Madam Speaker, Tony Gwynn has not only proven to be a great hitter but also a great defensive player, winning five Gold Glove awards. He has been selected to 16 All-Star teams and has played in two World Series, in 1984 and 1998.

□ 1530

Tony Gwynn epitomizes good sportsmanship, always conducting himself with dignity. He is a role model for young people, young athletes, and all Americans.

He is a leader not only in the clubhouse, but also in the community. He is a supporter of the Police Athletic League, the Casa de Amparo, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many other philanthropic organizations. Additionally, Gwynn and his wife, Alicia, have established the Tony and Alicia Gwynn Foundation.

Tony has been recognized for his community involvement. He was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

Madam Speaker, Tony Gwynn has been an asset to professional baseball and to his community. He has had an outstanding career; and on behalf of all Americans, I thank him for his contributions and the joy that he has brought to the sport of baseball. I want to wish him and his wife, Alicia, and his two children, Anthony II and Anisha Nicole, a very happy and fulfilling life together as Tony enjoys his retirement.

Madam Speaker, I want to take the opportunity to commend the distinguished gentlewoman from California for introducing House Resolution 198 and for her hard work in ensuring its passage.

I urge all Members to support H. Res. 198.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when I was a child, my mother used to try and convince us to work by telling us that we should never rest until your good becomes better and your better becomes best.

Tony Gwynn is one of the best hitters in baseball history. Between 1994 and 1997, he won four consecutive batting titles, with averages better than .350. The left-handed outfielder became the first National League player in more than 70 years to accomplish this feat.

Gwynn's eight total career batting titles tie him with Honus Wagner for second on the all-time list. Only Ty Cobb, with 12 career batting titles, has more.

Anthony Keith Gwynn was born in Los Angeles and educated at San Diego State University, where he played baseball and basketball. He was selected by the San Diego Padres of the National League in 1981 in the free agent draft. After playing in the minor leagues, he joined the Padres in 1982.

In 1984, Gwynn led the National League in batting with a .351 average and helped lead the Padres to the National League pennant. In 1987, Gwynn topped the league again, with a .370 average, the highest National League mark since Stan Musial hit .376 in 1948. Gwynn then led the league in batting for the next two seasons, with averages of .313 and .336.

He did not win the batting title from 1990 to 1993, but he maintained his excellent hitting, registering averages of .309, .317, .317, and .358. In 1994, the Major League season ended in August because of a player strike, but Gwynn reclaimed the batting title by hitting .394 in the abbreviated campaign. This was the highest average in the major leagues since Ted Williams hit .406 in 1941.

Over the next three seasons, Gwynn extended his string of batting titles, batting .368 in 1995, .353 in 1996, and .372 in 1997. He became the first National League player to top .350 in five consecutive seasons since Rogers Hornsby achieved that feat in six straight campaigns from 1920 to 1925.

Although best known for his hitting, Gwynn was recognized for his fine fielding during several seasons and won five Gold Glove Awards as one of the best defensive outfielders in the National League in 1986, 1987, 1989, and 1991.

I congratulate the gentlewoman from California (Mrs. DAVIS) for introducing this resolution and would urge its support.

Mrs. MORELLA. Madam Speaker, I reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS), the author of this resolution.

Mrs. DAVIS of California. Mr. Speaker, I rise today in strong support of my resolution in congratulating and commemorating Tony Gwynn of the San Diego Padres upon his retirement from Major League Baseball. After 20 amazing seasons, Tony has decided to retire from the Padres and from baseball.

At San Diego State University, Tony was actually a basketball star, a game that he thought came more natural to him. But when a career in basketball was not likely, Tony had to work hard at the game of baseball to get to the skill level he is at now.

Tony is living proof that if you work hard, you can achieve almost anything. Tony has studied the game, he has studied the art of hitting. And years later, he has not rested at the game of baseball; but, rather, he still watches and studies film and analyzes pitchers.

His strong work ethic paid off. Soon after Tony signed with the Padres, he immediately established himself as a consistent hitter. In his first full season with the Padres, he had a batting average of .351 and won his first of eight batting championships. In that first year of 1984, he took his team to the World Series.

After that season, Tony never hit below .300. He currently has a lifetime batting average of .338, which is fifteenth on the all-time career list, a list that includes Ty Cobb, Rogers Hornsby, and Tris Speaker.

Two years ago, Tony reached a coveted baseball milestone by getting his 3,000th hit. His career hit total now is 3,139; and he has got a game to go. So we are still counting.

While he has proven himself adept at hitting, Tony has proven himself also to be a great defensive player, winning five Gold Glove Awards. This year, Tony topped off a Hall of Fame career as an honorary player in the All-Star game. It was his sixteenth All-Star game appearance.

As well as his leadership on the field, Tony has proven to be a leader off the field. He and his wife, Alicia, have been active in so many organizations in San Diego. Tony has been involved with dozens, such as his Tony and Alicia Gwynn Foundation. He has also lent his time to the San Diego Police Athletic Leagues, the Jackie Robinson YMCA, and the Casa de Amparo, just to name a few of the organizations that he and his wife have been involved in. And he was been rewarded for his efforts. In 1998, Tony was named Individual of the Year at the Equal Opportunity Awards Dinner.

Throughout his career, Tony has been an example of good sportsmanship, having conducted himself with dignity. He has been such an exemplary role model for young people and for all Americans. Many people believe that Tony could have left the San Diego Padres to play in another city with another team for much more money than he was earning in San Diego. But he chose to stay. He chose to stay in San Diego, for his love of the game and his love of San Diego, a rare act today.

On October 7 of this year; an era will come to an end in San Diego, the era of one of the greatest hitters in the game of baseball; the era of a San Diego sports icon; the era of Tony Gwynn.

It will be strange now to watch a San Diego Padres game and not see Tony come up to the plate in a clutch situation. Of course, we all expect him to get a hit.

Tony Gwynn has always been a staple of San Diego and is a true hometown hero. I hope my colleagues will join me in honoring a great baseball player and a great human being for his tremendous accomplishments.

Mrs. MORELLA. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON), a real patron of the game of baseball, but more a patron of excellence.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from Illinois for yielding me time. I certainly also thank the honorable gentlewoman from Maryland (Mrs. MORELLA).

Mr. Speaker, I am not going to be redundant, because there are so many wonderful accolades that we could give retiring Tony Gwynn in this hour. But in deference of time, let me just very briefly give honor to whom honor is due.

I have known Tony Gwynn; his wife, Alicia Gwynn; their son, Anthony II; and daughter, Anisha for many years. As a matter of fact, they have dual residence. They also have property in Indianapolis, Indiana; and truly Alicia and Tony have been very generous to the community in Indianapolis, Indiana. They undergird the principle unto whom much is given, much is required.

Tony is fifteenth on the all-time hit list, with over 3,140 hits. He has won eight batting titles and is a 15-time All Star. He will join the baseball Hall of Fame on the first ballot. He is only the fifth National League player and seventeenth overall to play at least 20 seasons in the Major Leagues with one team.

In 1994, Tony hit for the highest average, .394, since Ted Williams hit above .400 in 1941.

Behind all these baseball achievements, Tony is a man who cares and supports the community. As we have heard from previous speakers, he has been acclaimed in so many ways. He won the Roberto Clemente Man of the Year Award, which recognizes the player who best combines sportsmanship and community involvement with excellence on the field. He is a man who received the 1999 Lou Gehrig Memorial Award, given annually by the Phi Delta Theta Fraternity to the Major League player who best exemplifies the character and the leadership of the Hall of Fame first baseman, both on the field and off. He has been inducted into the World Sport Humanitarian Hall of Fame in Boise, Idaho, and received the Branch Rickey Award as the top community activist in Major League baseball.

Mr. Speaker, if I was a publicist for Tony Gwynn, I think I would make it very simple and simply say "Gwynn wins," because Tony Gwynn has won a place in the hearts of all of the sports enthusiasts across the country, across the world, and Tony Gwynn wins the hearts of all of the young people that he has touched and that he has been a wonderful example for throughout his lifetime.

As we celebrate America, let us celebrate an extraordinary American, Tony Gwynn, who stands for all that is right in America; a true sportsman, a man who exudes family values in the very highest sense. I am blessed that I know the Gwynn family. I have won by knowing the Gwynn family.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my mother probably just said it best when she said, good, better, and best. Never rest until your good becomes better and your better becomes best. Tony Gwynn was always among the best.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in sequence, we have talked about two of the best baseball players who are retiring; and we look upon them as role models, as great Americans, participating with great excellence in the American sport of baseball. So I congratulate the sponsor of this legislation, the gentlewoman from California (Ms. DAVIS), and the cosponsors. I want to thank the gentleman from Illinois (Mr. DAVIS) for managing the bills on that side of the aisle. I urge all Members to support House Resolution 198.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor not only a great baseball player but also a great citizen of San Diego. Tony Gwynn epitomizes excellence on and off the field of play. On the field he has awards and accolades most players can only dream about: the highest batting average among active players, over 3,000 hits, 8 batting titles, and 5 gold gloves.

Off the field, he has given back to his beloved community, San Diego. Tony and his wife, Alicia, established the Tony and Alicia Gwynn Foundation in 1994 to fund deserving local charitable organizations. He is also a leading participant in the Padres Scholars program that provides $125,000 per year in college scholarships for San Diego middle school students. He is active in various other philanthropic organizations, including the Police Athletic League, Casa de Amparo, the New Haven Home and the Epilepsy Society of San Diego. For his work, Tony was named the 1999 Roberto Clemente Man of the Year, given annually to the Major League Baseball player who combines extraordinary skills on the baseball field while being devoted to his community.

Tony Gwynn will continue giving back to the only community he has ever played baseball for by returning to his alma mater, San Diego State University, to become its baseball coach following the 2002 college season. There he will teach young players the intricacies of the game he has helped shape.

It's been a joy to watch Tony Gwynn play the game—and I join his friends and family and wish him luck with the beginning of his coaching career. Everybody knows he will be a success because he does not know the meaning of the word failure.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate and commend my constituent from Poway, California: Tony Gwynn of the San Diego Padres, for his achievements on and off the field.

Mr. Speaker at the end of this season, Tony Gwynn will end his storied career in San Diego. I want to congratulate him for his hard work and commitment.

Mr. Speaker on August 6, 1999, Tony Gwynn hit the 3,000th base hit of his career. As many baseball fans know, this was not an easy accomplishment. In the history of Major League Baseball, only 22 other ball-players hit 3,000 or more base hits. This achievement places Tony Gwynn in the pantheon of baseball legends including: Roberto Clemente, Lou Brock, and Hank Aaron.

In 20 seasons, all with the San Diego Padres, Tony Gwynn has been the master of putting the ball into play. In the Padres 1998 National League Championship season, Tony had almost as many home runs as strikeouts, and struck out looking only three times. His hands are lightning-quick and he's able to wait until the last millisecond before connecting with the ball wherever it is pitched. He goes after the first good pitch he sees and almost always hits it, so he rarely walks. And Tony is renowned for his ability to hit balls through the left side of the infield.

Tony has batted over .300 in 19 of those seasons and in the strike-shortened season of 1994, batted an amazing .394. His career batting average is an astounding .338.

Futhermore, off the baseball diamond, Tony has been a tremendous asset to the San Diego community. Tony, along with his wife Alicia, have given their time and effort in philanthropic causes. They don't like to talk about community efforts, but the Gwynns are involved in more than two dozen organizations—San Diego Police Athletic Leagues, Sickle Cell Anemia Foundation, Padres Scholars, the Casa de Amparao, Neighborhood House, the Jackie Robinson Family YMCA to name a few—that benefit from his time, attention and money.

In 1998, Tony led all Padres players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacin, Mexico, in March 1998. In addition, Tony was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner. He was also the 1995 Branch Rickey Award winner, and 1998 Padres Nominee for Major League Baseball's Roberto Clemente Man of the Year Award.

These days children often pay to get professional athletes' autograph, picture, or signed memorabilia. Tony Gwynn has no part of this. Tony stays late at events to sign autographs; he's nice to young people; he's nice to everybody. I hope my colleagues will join me in honoring this tremendous individual for his multitude of accomplishments.

I want to submit for the RECORD a copy of a resolution that I introduced last Congress, and urge all my Colleagues to support this resolution today.

H. RES. 284

Whereas on August 6, 1999, Anthony ('Tony') Gwynn, of the San Diego Padres major league baseball organization, hit his 3,000th career base hit;

Whereas the last person in the National League to have 3,000 career base hits was Lou Brock, on August 13, 1979;

Whereas in the history of major league baseball, only 22 other players have 3,000 or more base hits in their careers, including such greats as Roberto Clemente, Rod Carew, and Hank Aaron;

Whereas Tony Gwynn is considered to be one of the greatest major league hitters of the modern era, and was proclaimed the 'Greatest Hitter Since Ted Williams' by Sports Illustrated;

Whereas Tony Gwynn has won eight batting titles, tied for the National League record only with Honus Wagner, and topped only by the American League legend Ty Cobb;

Whereas throughout his career Tony Gwynn has consistently conducted himself with dignity, modesty, and selflessness that has been an inspiration to all Americans;

Whereas Tony Gwynn has also distinguished himself off the baseball diamond as an active and valued member of the San Diego community;

Whereas Tony Gwynn, along with his wife Alicia, continue their award-winning philanthropic efforts, and are extremely active in supporting the Tony and Alicia Gwynn Foundation, the Casa de Amparo, Police Athletic League, New Haven Home, Neighborhood House, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many more organizations;

Whereas in 1998, Tony Gwynn led all Padres players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacan, Mexico, in March 1998; and

Whereas Tony Gwynn was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, as well as the 1998 Padres nominee for Major League Baseball's Roberto Clemente Man of the Year Award: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates and commends Tony Gwynn of the San Diego Padres for his amazing accomplishments on and off the baseball field, and thanks him for many years of unsurpassed baseball excitement.

Mr. HUNTER, Mr. Speaker, I want to commend the outstanding achievements of baseball great, Tony Gwynn, and give my full support to H. Res. 198, introduced by my San Diego colleague, SUSAN DAVIS. Throughout his 20 year career as a professional baseball player with the San Diego Padres, Tony Gwynn has been a role model both on and off the field.

October 7th will mark the end of Tony Gwynn's professional baseball career as a player; a career played entirely in San Diego. Only 16 players in baseball history have played at least 20 seasons and spent their entire career with one team.

Throughout his remarkable career, the future Hall of Famer compiled a lifetime batting average of .338, gained over 3,000 hits (17th most in major league history), won 8 batting championships, 5 Gold Gloves, and is a 15–time National League All-Star. He currently leads all active players in career batting average, hits, and strikeout to walk ratio. He has struck out only 425 times in 9,186 career at bats; averaging only one strike out every 23.8 plate appearances.

Not all of Tony Gwynn's accomplishments have been on the field. His ties to the San Diego community are just as strong as his numbers in the field. It is well known that Tony and his wife, Alicia, are great contributors to humanitarian efforts and devote themselves to community service. While they are widely recognized for helping build and furnish a YMCA in San Diego, what is not as well known are the other philanthropic efforts in which the Gwynns participated. They have helped pay funeral costs for those who could not afford them, obtained Christmas presents for needy families, and bought blocks of Padre tickets for children to sit near him in the right field seats.

Tony and his wife have a son, Anthony II and a daughter, Anisha Nicole. Anthony is a freshman baseball player at San Diego State University, which is his father's alma mater. Now Anthony will have the ability to play once again with his first coach. Tony recently accepted the head coaching position for next year's San Diego State baseball team, continuing his efforts to give back to the community and the sport he loved so much.

Mr. Speaker, Tony Gywnn is deservedly one of the most respected and admired professional athletes in the world. His dedication to his profession, family, and community provides a role model we all can look up to. We will miss number 19 in the Padre line-up, but thank him for all the great moments he has given to the San Diego community and wish him the best of luck in his future endeavors.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

□ 1545

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 198.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, a "Dear Colleague" letter has been sent to Members informing them that the Committee on Rules plans to meet at 2:30 p.m. on Wednesday, October 3, 2001, to grant a rule for the consideration of H.R. 2883, the Intelligence Authorization Act for fiscal year 2002.

The Committee on Rules may grant a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Intelligence filed its report on the bill on Wednesday, September 26. Members should draft their amendments to the bill as reported by the Committee on Intelligence.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

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## NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 203) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "National Small Business Regulatory Assistance Act of 2001".*

***SEC. 2. PURPOSE.***

*The purpose of this Act is to establish a pilot program to—*

*(1) provide confidential assistance to small business concerns;*

*(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations;*

*(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;*

*(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and*

*(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.*

***SEC. 3. DEFINITIONS.***

*In this Act, the definitions set forth in section 36(a) of the Small Business Act (as added by section 4 of this Act) shall apply.*

***SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.***

*The Small Business Act (15 U.S.C. 637 et seq.) is amended—*

*(1) by redesignating section 36 as section 37; and*

*(2) by inserting after section 35 the following new section:*

***"SEC. 36. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.***

*"(a) DEFINITIONS.—In this section, the following definitions apply:*

*"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.*

*"(2) ASSOCIATION.—The term 'Association' means the association, established pursuant to section 21(a)(3)(A), representing a majority of Small Business Development Centers.*

*"(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term 'participating Small Business Development Center' means a Small Business Development Center participating in the pilot program.*

*"(4) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under this section.*

*"(5) REGULATORY COMPLIANCE ASSISTANCE.—The term 'regulatory compliance assistance' means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.*

*"(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'Small Business Development Center' means a Small Business Development Center described in section 21.*

*"(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.*

*"(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.*

*"(c) SMALL BUSINESS DEVELOPMENT CENTERS.—*

*"(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—*

*"(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;*

*"(B) training and educational activities;*

*"(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;*

*"(D) technical assistance; and*

*"(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.*

*"(2) REPORTS.—*

*"(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—*

*"(i) a summary of the regulatory compliance assistance provided by the center under the pilot program; and*

*"(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.*

*"(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.*

*"(C) INTERIM REPORTS.—During any time period falling between the transmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.*

*"(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the pilot program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency.*

*"(d) DATA REPOSITORY AND CLEARINGHOUSE.—*

*"(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall—*

*"(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and*

*"(B) transmit to the President and to the Committees on Small Business of the Senate and House of Representatives an annual report that includes—*

*"(i) a description of the types of assistance provided by participating Small Business Development Centers under the pilot program;*

*"(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the pilot program;*

*"(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the pilot program;*

*"(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the pilot program, including any activities conducted in partnership with Federal agencies;*

*"(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;*

*"(vi) any recommendations for improvements in the regulation of small business concerns; and*

*"(vii) a list of regulations identified by the Administrator, after consultation with the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations.*

*"(e) ELIGIBILITY.—*

*"(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the pilot program only if the center is certified under section 21(k)(2).*

*"(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the pilot program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.*

*"(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2001.*

*"(f) SELECTION OF PARTICIPATING STATE PROGRAMS.—*

*"(1) IN GENERAL.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the pilot program established by this section:*

*"(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.*

*"(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.*

*"(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.*

*"(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.*

*"(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.*

*"(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.*

*"(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.*

*"(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.*

*"(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.*

*"(J) Group 10: Washington, Alaska, Idaho, and Oregon.*

*"(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after promulgation of regulations under section 5 of the National Small Business Regulatory Assistance Act of 2001.*

*"(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the pilot program.*

*"(h) DISTRIBUTION OF GRANTS.—*

*"(1) IN GENERAL.—Each State program selected to receive a grant under subsection (f) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—*

*"(A) the amount made available for grants under this section for the fiscal year; and*

*"(B) the ratio that—*

*"(i) the population of the State; bears to*

*"(ii) the population of all the States with programs selected to receive grants under subsection (f) for the fiscal year.*

*"(2) MINIMUM AMOUNT.—Notwithstanding paragraph (1), the minimum amount that a State program selected to receive a grant under subsection (f) shall be eligible to receive under this section in the fiscal year shall be $200,000.*

*"(i) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the pilot program, the Comptroller General of the United States shall conduct an evaluation of the pilot program and shall transmit to the Administrator and to the Committees on Small Business of the Senate and House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all Small Business Development Centers.*

*"(j) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2002 and each fiscal year thereafter.*

*"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.".*

***SEC. 5. PROMULGATION OF REGULATIONS.***

*After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—*

*(1) priorities for the types of assistance to be provided under the pilot program;*

*(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;*

*(3) standards relating to any national service delivery and support function to be provided by the Association under the pilot program;*

*(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and*

*(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.*

***SEC. 6. PRIVACY REQUIREMENTS APPLICABLE TO SMALL BUSINESS DEVELOPMENT CENTERS.***

*Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:*

*"(9) PRIVACY REQUIREMENTS.—*

*"(A) IN GENERAL.—No Small Business Development Center, consortium of Small Business Development Centers, or contractor or agent of a Small Business Development Center shall disclose the name or address of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, except that—*

*"(i) the Administrator shall require such disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency; and*

*"(ii) if the Administrator considers it necessary while undertaking a financial audit of a Small Business Development Center, the Administrator shall require such disclosure for the sole purpose of undertaking such audit.*

*"(B) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

This legislation is supported on both sides of the aisle as an example of how Republicans and Democrats can work together in the interests of small businesses and the Nation as a whole. The gentleman from New York (Mr. SWEENEY) is the principal author of the legislation, and I commend him for his hard work in shepherding this bill.

The bill is designed to help small businesses cope with the maze of Federal, State, and local regulations that have created such a heavy monetary and time-consuming burden for Main Street, America. Every day, we all receive complaints from our constituents about their inability to understand regulations that are written in legalese rather than plain English, and about arbitrary actions taken by some regulatory agencies.

This bill establishes a pilot program to provide regulatory compliance assistance to small businesses. We will keep a watchful eye on whether the pilot program is accomplishing the objective of helping small businesses cope with regulations.

The bill requires that the Congress receive a progress report annually on the pilot program's accomplishments. The General Accounting Office is also required to provide a program of evaluation to Congress no later than 3 years after the pilot program is established.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in today's business environment, one of the greatest obstacles blocking the path to prosperity for this Nation's small businesses is regulatory compliance. Small businesses regularly find themselves lost in a maze of Federal regulations that are designed to create safer and healthier workplaces. In fact, a recent poll ranked regulatory burdens as the seventh biggest concern for small businesses, and the Small Business Administration estimates those burdens cost up to $5,100 per employee.

Small firms are less equipped to deal with regulations than large corporations. Business owners want to comply with regulations because they know that a safe and healthy workplace and environment makes them more productive. But often, they do not know how to comply or where they should start.

Today, we take a big step in supporting our Nation's small businesses navigate the regulatory process with the passage of the National Small Business Regulatory Assistance Act. This legislation establishes a 3-year pilot program to provide confidential and nonpunitive advice to small businesses that are trying to weather a storm of complex Federal regulations.

Business owners sometimes fear approaching agencies for compliance assistance because these are the very agencies charged with enforcement. They worry, can I talk about OSHA requirements with the Department of Labor? Can I discuss environmental regulations with the EPA?

By creating a compliance program through the SBDC national network, we will provide a neutral, nonthreatening environment which small business owners may use to get important information and advice without fear of retaliation. The SBDCs already have a good reputation for aiding local enterprises. This legislation creates a one-stop shop for regulatory compliance that will help small business owners who want to do the right thing to do the right thing.

In addition, this legislation will establish a database clearinghouse for information gathered by the SBDC based on their interaction with local businesses. This data would be useful in further identifying the compliance needs of small businesses and tailoring assistance to them.

But while SBDCs provide more compliance assistance and gather more information, we must ensure that the sensitive information brought forward by small businesses is kept absolutely confidential. This legislation guarantees privacy for those who receive compliance assistance and extends this protections to all small businesses that seek any assistance from their local SBDC. This legislation bars the sharing of information that any SBDC collects on a business with any third party or agency. This will guarantee that small businesses receive the assistance they need in complete confidence and privacy.

Mr. Speaker, we want all our businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities; but oftentimes, small businesses do not have access to the resources they need if they want to comply with regulations in good faith. With the adoption of this legislation, we are giving small businesses the support they need to navigate the often-complicated arm of Federal regulations.

In closing, let me thank the gentleman from New York (Mr. SWEENEY), my colleague, for this bill. I strongly urge the adoption of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the author of this legislation.

Mr. SWEENEY. Mr. Speaker, first, let me begin by thanking the chairman and the ranking member for the opportunity to speak on behalf of my bill and for their diligence and their effort and their patience in working with me in introducing this bill.

Mr. Speaker, for nearly 25 years, Congress has recognized that small businesses face substantial regulatory burdens. The Small Business Regulatory Enforcement Fairness Act recognized what almost all small businesses would agree on, that Federal regulations are complex and often difficult to understand. The act would require Federal agencies to prepare plain-English compliance guides when issuing new regulations that would have a significant economic impact on a substantial number of small business entities.

The act simply represents a start in providing regulatory assistance to small businesses; and as a former member of the Committee on Small Business, I have a vested interest in maintaining the success of small business and will continue to build upon this foundation with this bill.

Unfortunately, there exists a multitude of regulations that small businesses find difficult to understand, let alone comply with. We know that the vast majority of small business owners are honest, hard-working people who want to do the right thing. Clearly, this bill is an effort to help these small business owners.

Mr. Speaker, it is highly unlikely that my colleagues or their staffs or even the committee staffs read the Federal registry on a daily basis; yet that is what Government asks small business owners to do in order to determine which regulations affect them and what they must do to comply.

Let me give an example. The proposed regulation to prevent ergonomic injuries was just 11 pages long. However, OSHA admitted that 11 pages were not self-explanatory and that determining the best method of complying would have required a small business owner to wade through nearly 1,500 pages of supplemental explanation and economic analysis.

In the spirit of helping these entrepreneurs, I have reintroduced the Nation Small Business Regulatory Assistance Act, H.R. 203. This legislation would assist small businesses in successfully finding their way through the maze of regulations that have proliferated in recent decades.

After a great deal of effort and energy during the 106th Congress, we breathed new life into what began as an outstanding initiative but, unfortunately, had little prospects for implementation. This new and improved legislation has a proven record of support. On September 26, 2000, the House passed the previous version of the National Small Business Regulatory Assistance Act by voice vote. The differences between H.R. 203 and the bill that passed under suspension last year are minor and I believe constitute necessary improvements, such as making an authorization of funds to ensure that the pilot project does not detract from the important role played by SBDC.

Mr. Speaker, H.R. 203 would amend the Small Business Act to establish a pilot program in 20 States. The administrator, in consultation with the National Association of Small Business Development Centers, would select two States from each of the 10 Federal regions. Within the pilot program, small business development centers would develop partnerships with Federal agencies and be a point of contact for small businesses to turn to for free-of-charge confidential advice concerning regulatory compliance. I would expect that these consultations will take place with those individuals who have experience and expertise in a particular area of regulatory compliance.

To continually track progress and seek improvements to the program, the Small Business Administration is required to submit regular reports on the assistance provided by the centers to the Small Business Administration. The SBA would, in turn, maintain a clearinghouse of all of the information submitted and report to the President, the House and the Senate small business committees.

In addition, the General Accounting Office would conduct a study of the pilot programs' efficiencies to determine whether the programs should be expanded and/or modified. The reports submitted by the SBDC to the Small Business Administration will include a description of the types of assistance provided, the number of small businesses that contacted participating SBDC, the number of small business concerns assisted by SBDC, information and outreach and, most importantly, any conflicting information or advice given by Federal agencies to one or more businesses.

This type of cooperation is not new, Mr. Speaker. Some small business development centers have already started to think outside the box. They have fostered relationships with different Federal agencies and independent compliance groups to build upon each other's resources in order to assist small business owners with regulatory compliance.

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H.R. 203 is not meant to replace current regulatory reporting compliance programs, but to supplement them. When relevant, participating SBDCs may refer businesses to existing regulatory compliance programs. H.R. 203 intends to take these successes and apply them nationwide to ensure small business has somewhere to turn for every compliance concern with every Federal agency, not just those emanating from the EPA, OSHA, or the IRS.

An example: A wholesale auto salvage business in upstate New York is one such success story. The owner purchased his business unaware the soil was contaminated, having been a salvage yard for the previous 60 years. Unfortunately, he exhausted his funds with the cleanup and pending buyout of his partner.

With no place to turn and the possibility of losing his livelihood, he contacted the local SBDC for assistance in obtaining funds. The SBDC counselor was able to work with the New York State Department of Environmental Conservation liaison to agree to some type of remediation.

The result: After 40 hours of invested time and effort, the counselor was able to get the city to back away from its original threat to close his business. This business's inventory is now growing after a nearly terminal reduction to facilitate the cleanup, and cash flow figures are improving steadily.

We all know that compliance with Federal regulations remains one of the main challenges confronting small business owners. These entrepreneurs are not seeking to evade the law. Due to the complexity of the regulatory process, they often simply do not know the right course of action.

Mr. Speaker, before being elected to Congress, I served as the Commissioner of Labor in New York. I know firsthand the difficulty that exists in trying to balance the needs of running a small business and maintaining a safe working environment.

While I was State Labor Commissioner, I instituted an exhaustive review process that evaluated nearly 150 rules and regulations, resulting in the elimination of 56 regulations. That represented a 30 percent reduction of outdated, unnecessary, and redundant restrictions on New York's businesses.

In addition, I implemented a directive for the Public Employee Safety and Health Program, PESHP, to increase the rate of workplace compliance. This proposal had three objectives: to educate employers and employees, to increase regulatory compliance rates, and to reduce what I considered a hidden tax on small businesses.

As a result of that approach that I have just described, in 1995, failure to abate notices, which inform an employer that it has not corrected a violation in a timely manner, numbered only 99 in the entire State of New York, down from 244 the previous year.

With government working cooperatively with employers and businesses in a non-threatening environment, compliance rates are proven to dramatically increase while workplace injuries and deaths are significantly reduced. This type of partnership is what is needed to assist our small businesses with navigating the maze of Federal Government regulations.

My legislation, H.R. 203, will forge a partnership among the regulatory agencies, the Small Business Administration, and the Small Business Development Centers for the purpose of helping small-sized companies comply with complex regulations, rather than resorting to heavy-handed enforcement activities.

Again, Mr. Speaker, I want to thank the gentleman from Illinois (Mr. MANZULLO) for all his efforts and all his support, and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), a fellow New Yorker.

Mr. Speaker, this is a good government bill, and I urge the support of all my colleagues.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN).

Mr. CHRISTENSEN. Mr. Speaker, I rise today in support of the two Committee on Small Business bills before us today, which are aimed at improving and expanding the extend and scope of services provided by the Small Business Administration's Small Business Development Centers' program, and encouraging entrepreneurship.

The SBDCs are the premier technical assistance providers to America's entrepreneurs. Many small businesses often operate near or at their profit margin and do not have the resources to hire legal and technical experts.

The SBDC in my district, the U.S. Virgin Islands, as well as those across the Nation, are always looking for innovative and cost-efficient ways to improve their services to the small business community.

To address the difficulty in meeting the regulatory burden, the House Committee on Small Business, under the leadership of our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and our chairman, the gentleman from Illinois (Mr. MANZULLO), has held many hearings to examine the complex and wide web of regulations that small businesses are subjected to, including those in the health care industry, through the Center for Medicare Services, formerly known as the Health Care Financing Agency.

The National Small Business Regulatory Assistance Act of 2000 would assist small businesses in handling their regulatory burden without the threat of sanctions for doing so. Without a doubt, small businesses need and would benefit from as much free technical assistance as Congress can make available. As a matter of fact, it is only appropriate that we provide some relief from the regulatory morass that Congress is partly responsible for.

Research shows that small businesses that receive technical assistance are twice as likely to succeed in the marketplace as those which do not. H.R. 203 would utilize the existing SBDC network to provide free counseling, training, and education about the intricacies of Federal regulations.

The second bill that will be before us, establishing a national vocational entrepreneurship development demonstration program is a great approach to encouraging individuals to start their small businesses. The Vocational and Technical Entrepreneurship Act would allow the SBDCs to work with colleges and vocational schools. Learning to start and run your own business is itself a very important trade, and many who work in the trade sector enter these professions with the goal of one day starting their own business.

This initiative would develop a program that guides and provides training for future skilled workers, many of whom would begin working in other companies to obtain the skills necessary to start a business of their own.

Mr. Speaker, today, in the face of the tragedy which struck this country 3 weeks ago and its long-term and far-reaching impact, help for our small businesses is needed more than ever. I applaud and thank the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for H.R. 203, and Mr. Udall for H.R. 2666, as well as thank and applaud the leadership of the chairman, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership on these two bills. I also thank the entire committee.

This would send a clear message that we intend to improve and expand the scope of SBDCs in providing needed comprehensive free and confidential services, and that we will continue to improve this, and to make help more available to our small businesses across the country.

I urge my colleagues to join me in supporting this bill, H.R. 203, and the next bill, H.R. 266.

Mr. MANZULLO. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business.

Mr. PENCE. Mr. Speaker, I thank the gentleman and the chairman of the Committee on Small Business for yielding time to me, and for sponsoring this important bill, which I believe will help small businesses all across America.

I am also grateful to all of my colleagues for the support for the amendment which I offered to this legislation in committee. I believe this bill represents a very important change in the way our government assists small business owners, entrepreneurs, and risk-takers in our economy.

As chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, I held a roundtable earlier this year to hear from dozens of national trade and industry groups that represent small business in America.

These groups raised concerns about a wide variety of regulations. Yet, they all had one overarching concern, Mr. Speaker, that small business owners are being deluged by complex, often arcane Federal regulations that they are unaware of until a representative of the Federal agency walks through the door and hands them a citation.

This situation engenders distrust from the Federal regulatory apparatus because businesses perceive that the Federal government is not there to help, but instead, to play the game of "gotcha." That "gotcha" mentality is not good government. Small business owners want to comply with Federal regulations.

The agencies have even conceded that more than 90 percent of all businesses are doing their level best to comply. However, in order to do so, they must first know that the regulations apply to them. This is a necessary precondition. However, given the complexity and scope of the CFR, it is unlikely that an average small business owner will be an expert on these myriad regulations, or even begin to understand what must be done in compliance.

When we pass laws here, we expect them to be followed. When Federal agencies promulgate regulations, they expect them to be followed. However, if the Federal Government does not provide a mechanism for advising small businesses, then Federal regulations will not be followed and the goal we seek will not be met.

H.R. 203, Mr. Speaker, provides that mechanism to assist small business owners. Small Business Development Centers already exist to provide assistance to small business owners in the operation of their businesses. Small business owners come to SBDCs to help start or grow a business. At that time, the center could also provide information on regulatory compliance. Since these centers are located at colleges and universities throughout States that will be part of the pilot project, small business owners should have easy access to regulatory compliance and assistance from these centers.

Despite what some stereotypes may suggest, Mr. Speaker, small businesses want to obey the law. They want to comply with Federal regulations. H.R. 203, finally and lastly, gives them the means to do just that. That is why I heartily endorse this bill, and I urge all of my colleagues to support this reform measure.

Mr. Speaker, I thank the gentleman from Illinois (Chairman MANZULLO) for his outstanding leadership, as well as the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her outstanding leadership, and for the bipartisan efforts on the part of both of these great members in moving this legislation out of the Committee on Small Business.

Finally, I would like to thank the author of this legislation, the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for their work in bringing this important idea into the laws of our land.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 203, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2666) to amend the Small Business Act to direct the administrator of the Small Business Administration to establish a vocational annual technical entrepreneurship development program, as amended.

The Clerk read as follows:

H.R. 2666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Vocational and Technical Entrepreneurship Development Act of 2001".

**SEC. 2. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new section:

**"SEC. 36. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.**

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

"(2) ASSOCIATION.—The term 'Association' means the association of small business development centers recognized under section 21(a)(3)(A).

"(3) PROGRAM.—The term 'program' means the program established under subsection (b).

"(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

"(5) STATE SMALL BUSINESS DEVELOPMENT CENTER.—The term 'State small business development center' means a small business development center from each State selected by the Administrator, in consultation with the Association and giving substantial weight to the Association's recommendations, to carry out the program on a statewide basis in such State.

"(b) ESTABLISHMENT.—In accordance with this section, the Administrator shall establish a program under which the Administrator shall make grants to State small business development centers to enable such centers to provide, on a statewide basis, technical assistance to secondary schools, or to postsecondary vocational or technical schools, for the development and implementation of curricula designed to promote vocational and technical entrepreneurship.

"(c) MINIMUM GRANT.—The Administrator may make no grant under the program for an amount less than $200,000.

"(d) APPLICATION.—Each State small business development center seeking a grant under the program shall submit to the Administrator an application in such form as the Administrator may require. The application shall include information regarding the applicant's goals and objectives for the educational programs to be assisted.

"(e) REPORT TO ADMINISTRATOR.—The Administrator shall make a condition of each grant under the program that not later than 18 months after the receipt of the grant the recipient shall transmit to the Administrator a report describing how the grant funds were used.

"(f) COOPERATIVE AGREEMENTS AND CONTRACTS.—The Administrator may enter into a cooperative agreement or contract with any State small business development center receiving a grant under this section to provide additional assistance that furthers the purposes of this section.

"(g) EVALUATION OF PROGRAM.—Not later than March 31, 2004, the Administrator shall transmit to Congress a report containing an evaluation of the program.

"(h) CLEARINGHOUSE.—The Association shall act as a clearinghouse of information and expertise regarding vocational and technical entrepreneurship education programs. In each fiscal year in which grants are made under the program, the Administrator shall provide additional assistance to the Association to carry out the functions described in this subsection.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2002, 2003, and 2004. Such sums shall remain available until expended.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

### GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield such time as myself may consume.

Mr. Speaker, the purpose of H.R. 2666 is to provide entrepreneurial assistance to persons with vocational and technical skills to help them own and operate their own businesses, rather than being employees of companies in which they have no direct ownership interest.

A further and equally important purpose of the Act is to stimulate economic activity to create new job opportunities, and to help tradesmen and tradeswomen realize the full potential of the free enterprise system.

Many persons within the United States have technical or vocational skills, but do not have business experience or training to help them succeed in the small business community. Currently, small businesses employ mechanics, technicians, carpenters, plumbers, machinists, and draftsmen. However, the Act is needed to provide the essential training in business constantly necessary for these skilled workers to start their own businesses, to survive in the business world, and to grow.

In providing these needed services, the Act relies upon the present infrastructure of the Small Business Development Centers, which are proven by past performance to deliver services that greatly enhance the chances of a small business surviving as compared with those who do not receive such assistance.

The present global economy requires that this Nation remain as a competitor. Fostering the growth of small business, as it is anticipated this Act will do, is another building block in strengthening our international competitiveness.

The Act establishes a 3-year pilot program providing Small Business Administration grants to Small Business Development Centers for technical assistance to secondary schools and postsecondary vocational and technical schools. It also aims to develop and implement curricula to promote vocational and technical entrepreneurship.

The grant applicant must outline its goals and objectives for assistance to be provided in the educational curricula to be implemented with grant funds.

It is the desire of the Committee that States' Small Business Development Centers pay particular focus to helping underserved subcenters in the area of vocational and technical entrepreneurship training.

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Those small business development centers receiving grants under the pilot program must report to the Small Business Administration within 18 months. The 18 months starting from the date they receive the grant monies and detailing how the grant funds were used.

In addition, not later than March 31, 2004, the SBA must conduct an evaluation of the program and report the results of this evaluation to Congress. The Act designates the Association of Small Business Development Centers as a clearinghouse for the collection of information and expertise regarding vocational and technical or entrepreneurship programs. The minimum amount of a grant under the pilot program is $200,000. The bill authorizes $7 million annually for each year of the 3-year pilot program.

Lastly, I want to commend my fellow member of the Committee on Small Business, the gentleman from Pennsylvania (Mr. BRADY), for the hard work he has put in as the author of this legislation. I urge my colleagues to support H.R. 2666.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to take the time to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the Committee on Small Business, as well as the committee staff's hard work in bringing this bill to the floor. I thank them all.

We are all still shocked, saddened, and angry as a Nation at the tragic events that unfolded September 11, 2001. The character of America was attacked, our values and our way of life. The spirit that is America is characterized by our freedoms, the ability for each and every individual, regardless of circumstances, to build a better life. We must rebuild our lives, rebuild our economy, rebuild our communities, and rebuild our Nation.

A part of the American freedom includes the spirit of entrepreneurship, talented individuals starting their own business. Each day in my home State of Pennsylvania, five new businesses are started because of the work of the Small Business Development Centers. These centers have developed a proven system that works to provide education on starting and managing a business.

My bill, The Vocational and Technical Entrepreneurship Development Program Act of 2001, will put the same successful curriculum used by the SBDCs into selected vocational and technical schools throughout the United States. This bill will allow those who wish to return to school to learn a new trade and those first-time technical and vocational graduates an opportunity to not only start their own business but to have a successful business by being fully prepared to manage a firm.

For decades, small businesses have contributed to most of our employment growth by creating half of all jobs and doing it more than 60 percent faster than larger firms. Let us look toward the creation and successful maintenance of business enterprises to help rebuild our economy and strengthen our Nation.

Again, I would like to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the Committee on Small Business, as well as all the working of the committee staff.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no more speakers. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as she might consume to the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania (Mr. BRADY), for producing this innovative legislation.

At the core of H.R. 2666, The Vocational and Technical Entrepreneurship Development Act is a great idea. Start with two of the most powerful forces for productivity and innovation in the American economy, join them, and then harness their combined energy.

This bill will join the productive powers of a skilled workforce with the innovation of entrepreneurship. This act will help develop a curriculum that will help these workers get the training they need to build and grow their own small business.

There are many skilled workers out there who see a demand for more of this field. They may be working for shops that have to turn away new jobs. So they decide to start their own business to meet that demand, but in many cases, they do not know where to start.

Running your own business is complex and requires new skills, skills that can be taught and learned. It is even more important now as we enter less certain times that we harness the talent and energy of this entrepreneurial class.

Small business forms the backbone of our communities and our economy. In the past decade, small businesses realized unprecedented growth and job creation. We want to spur even more growth in this untapped market sector of the economy at a time when we really need it.

The gentleman from Pennsylvania's (Mr. BRADY) bill will do just that by joining the innovation of entrepreneurship with the hard work of skilled labor. Combined, they build a new strong force for our economy.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2666, the Vocational and Technical Entrepreneurship Development Act and would like to commend the gentleman from Pennsylvania, Mr. BRADY, for his proposal.

This initiative brings together two great traditions of American enterprise. First is our well-founded faith in hard work and skills as the sure way to a better life. Plumbers and carpenters, joiners and electricians, auto mechanics and computer technicians, they would all agree—you must have skills to succeed. We know that Americans work harder and smarter than anyone else in the world. Our families, communities and nation benefits from this hard work.

Mr. Speaker, there is another American tradition leading to a better life. That is entrepreneurship—talented people taking the reins and responsibility for their own business. It is a bedrock truth that these small businesses support half of our economy. More importantly, small businesses employ our skilled workers—our mechanics, technicians, electricians, and carpenters. Small businesses furnish half our jobs, and nearly half our gross domestic product. There is no boundary to what small business can do, and we want to help expand this limitless sector.

My colleague's legislation would create a one-of-a-kind training program that unites these two long-standing traditions by assisting vocational and technical students become entrepreneurs in addition to skilled workers. Many of today's workers who participate in career training or vocational education, are not provided the entrepreneurial knowledge that can assist them to successfully grow and develop their own business venture. H.R. 2666 utilizes the existing network of small business development centers (SBDCs) to transfer their entrepreneurial expertise to students enrolled in secondary schools, or postsecondary vocational or technical schools.

Created by Congress in 1980, the SBDC Program fosters economic development by providing management, technical and research assistance to small businesses. However, they do not have an organized program for providing this type of assistance. By establishing this effort initially as a pilot, we can build upon the experience and innovation of SBDCs to expand their resources and if proven successful, the pilot could be made a permanent part of their services.

Mr. Speaker, for 20 years the SBDC Program has been SBA's primary delivery system for entrepreneurial assistance. Located in each state, the program's counseling services guides and mentors business owners through the process of addressing a business development opportunity or problem. Over eleven hundred service centers, serving every Congressional District, ensure small businesses have the support they need.

H.R. 2666 requires SBA to establish a pilot project offering grants to selected State Small Business Development Center Programs. The State Program will implement the assistance on a statewide basis by partnering their individual service centers with secondary schools, or postsecondary vocational or technical schools. The purpose of the partnership is to develop a cohesive curriculum on starting and operating a successful business venture, thus assisting students in these institutions obtain the entrepreneurial knowledge they need to strike-out on their own. The curriculum will be offered to the students by their teachers or instructors. In addition, the curriculum can be modified by the teacher to provide assistance that is relevant to the particularly industry sectors for which the students are learning the skills. The local SBDC service center will also be available if students need further counseling or training during, or even after, their schooling.

SBDC counselors will play an important role during the initial development phase by assisting the teacher prepare and deliver the curriculum, but this initial assistance will not become permanent. I want to assure my fellow colleagues that SBDC resources will not be used to staff educational institutions. The purpose of H.R. 2666 is not to replace teachers with SBDC counselors, but to develop the curriculum that enables teachers to transfer the entrepreneurial knowledge to their students. It is important to differentiate the curriculum developed through the partnership from current classroom training sessions offered by SBDCs. These training sessions are offered in conjunction with SBDC host institutions and in no way should H.R. 2666 be construed to limit them.

H.R. 2666 will also increase the productivity and strength of the overall SBDC Program. By increasing the number of potential entrepreneurs, the number of potential SBDC clients increases. It also increases the effectiveness of current SBDC assistance by offering entrepreneurial knowledge during the learning phase and before the initial entrepreneurial phase. After graduating from their career or vocational training, students will have the basic tools and understanding that will make future SBDC assistance more efficient and productive, increasing the rate of successful start-ups.

In closing Mr. Speaker, by providing entrepreneurial knowledge at the same time workers are learning a specific trade skill, career opportunities are expanded. Students not only become more marketable in the workforce, but can become a small business owner. In addition, they become the employer, expanding the local job market, and revitalizing and developing the economic growth of the community.

Mr. Speaker, we want more Americans to run their own shop. This proposal goes a long way to helping build a new entrepreneurial generation that will create more jobs and provide for more families while serving our communities.

I urge my colleagues to support this innovative initiative.

Mr. MANZULLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as he might consume to the gentleman from New Jersey (Mr. PASCRELL), a dear friend.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of my good friend, the gentleman from Pennsylvania's (Mr. BRADY) bill, H.R. 2666, The Vocational and Technical Entrepreneurship Development Act.

I support this bill because it provides well-needed assistance to a critical, critical element of our workforce. Often neglected on this floor, a workforce that is often neglected by society as well. Many who work in the trade sector, from construction to plumbing to carpentry, go out every day and perform jobs that are absolutely essential to our Nation and our economy. Yet there are seemingly few incentives offered to young people who may wish to pursue such a career.

We certainly provide accolades to the young student who studies the liberal arts. Indeed, the young man, the young lady who reads Ellison or Dickens is often touted and rightfully provided with loans or grants to help with his or her studies.

But what about the student whose skills and interests lie with an area of vocation? They are just as valuable to America, just as intelligent. They need our support.

I applaud the gentleman from Pennsylvania (Mr. BRADY) for this bill. I certainly know of many people in my own hometown of Patterson, New Jersey, who would benefit from this initiative. Providing grants from the Small Business Administration to provide technical assistance to high schools and vocational and technical schools to promote small business ownership in their curriculum, I believe, is a great idea.

Many who work in the trade sector enter these professions with the goal of one day starting their own business. So this program offers a perfect initiative, a perfect incentive to enter the trade sector by giving students greater options and providing training as a business owner.

This legislation will help get young future trade workers thinking about what it actually takes to run and own a business. This is a great, well-needed initiative; and I urge my colleagues' support.

I might add in conclusion, Mr. Speaker, that while I commend the sponsor of this bill, I also commend the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) for establishing an environment within the Committee on Small Business to respond to all of America, not just a particular segment. They have provided such an environment, and I commend them for that. And I also commend the gentleman from Pennsylvania (Mr. BRADY).

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), and I want to thank the gentleman from New Jersey (Mr. PASCRELL) for his remarks. Unfortunately, in these last couple of weeks, we all feel, in our heart, that we are all from New York.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this legislation; and I want to commend the chairman, the gentleman from Illinois (Mr. MANZULLO), and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their leadership of the Committee on Small Business and the expeditious as well as impartial way in which they handle our business. I think it is a testament to their leadership that both these bills are on the floor today, and I simply commend them.

I also want to commend the gentleman from Pennsylvania (Mr. BRADY). He has put his finger right on a tremendous need. I interact with many small business operations, with many trades persons, and I can guaranty the moment this legislation is put into effect the Chicago Public School System, the Chicago Federation of Labor, the City Colleges of Chicago, and many other small units in the area where I live and work will pounce on it as a godsend and a lifesaver.

I also want to commend the gentleman from New York (Mr. SWEENEY), because he also put his finger on another great need, and that is the need to help small businesses comply with the myriad of regulations that they sometimes have to go through and really have difficulty figuring out what to do. So this is a great day, I think, for small business and a great day for the Committee on Small Business. And so I commend all those involved.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend my colleagues for bringing H.R. 2666 forward. There probably is no better time, Mr. Speaker, for us to bring this forward than today.

We know entrepreneurship makes our country great. In San Diego, there are many new businesses in technological and biological fields that have mushroomed as an impetus for our robust economy. We know at the university level, San Diego State University's highly acclaimed business administration school has an entire program teaching its students the skills of entrepreneurship, and that is why it is so important we resolve and bring this measure forward today because it provides the equity we all need for making such critical training available to students of vocational and technical schools.

I know as a school board member that we often wrestled with the programs that were coming forward, actually bringing students often out of the vocational arena. We need to value their creativity and their moxie, their desire to really have an impact, to have their own businesses and to bring their creativity and often their risk-taking into this arena and make this kind of training available to them.

So I applaud my colleagues for this. We need to provide for all business entrepreneurs at all educational levels as we move forward with these kinds of initiatives.

Included in this initiative is a report back to the Congress in 18 months, and I will certainly be very interested in learning what became of these dollars. Often we do not always know. It will give us an opportunity to look at the great improvements and the successes that came out of the program and give us an opportunity to learn as well from the students, from the people that were involved.

I know that we are going to have many new businesses created out of this initiative, and I look forward to seeing that happen.

Mr. MANZULLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I simply want to thank the chairman and ranking member and the staff of the Committee on Small Business for allowing this bill to come to the floor today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 2666, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2385) to convey certain property to the City of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2385

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Virgin River Dinosaur Footprint Preserve Act".*

***SEC. 2. VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.***

*(a) AUTHORIZATION FOR GRANT TO PURCHASE FOOTPRINT PRESERVE.—As soon as is practicable after the date of the enactment of this Act, if the City agrees to the conditions set forth in subsection (b), the Secretary of the Interior may award to the City a grant equal to the lesser of $500,000 or the fair market value of up to 10 acres of land (and all related facilities and other appurtenances thereon) generally depicted on the map entitled "Proposed Virgin River Dinosaur Footprint Preserve", numbered 09/06/2001–A, for purchase of that property.*

*(b) CONDITIONS OF GRANT.—The grant under subsection (a) shall be made only after the City agrees to the following conditions:*

*(1) USE OF LAND.—The City shall use the Virgin River Dinosaur Footprint Preserve in a manner that accomplishes the following:*

*(A) Preserves and protects the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.*

*(B) Provides opportunities for scientific research in a manner compatible with subparagraph (A).*

*(C) Provides the public with opportunities for educational activities in a manner compatible with subparagraph (A).*

*(2) REVERTER.—If at any time after the City acquires the Virgin River Dinosaur Footprint Preserve, the Secretary determines that the City is not substantially in compliance with the conditions described in paragraph (1), all right, title, and interest in and to the Virgin River Dinosaur Footprint Preserve shall immediately revert to the United States, with no further consideration on the part of the United States, and such property shall then be under the administrative jurisdiction of the Secretary of the Interior.*

*(3) CONDITIONS TO BE CONTAINED IN DEED.—If the City attempts to transfer title to the Virgin River Dinosaur Footprint Preserve (in whole or in part), the conditions set forth in this subsection shall transfer with such title and shall be enforceable against any subsequent owner of the Virgin River Dinosaur Footprint Preserve (in whole or in part).*

*(c) COOPERATIVE AGREEMENT AND ASSISTANCE.—*

*(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the City for the management of the Virgin River Dinosaur Footprint Preserve by the City.*

*(2) ASSISTANCE.—The Secretary may provide to the City—*

*(A) financial assistance, if the Secretary determines that such assistance is necessary for protection of the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve; and*

*(B) technical assistance to assist the City in complying with subparagraphs (A) through (C) of subsection (b)(1).*

*(3) ADDITIONAL GRANTS.—*

*(A) IN GENERAL.—In addition to funds made available under subsection (a) and paragraph (2) of this subsection, the Secretary may provide grants to the City to carry out its duties under the cooperative agreement entered into under paragraph (1).*

*(B) LIMITATION ON AMOUNT; REQUIRED NON-FEDERAL MATCH.—Grants under subparagraph (A) shall not exceed $500,000 and shall be provided only to the extent that the City matches the amount of such grants with non-Federal contributions (including in-kind contributions).*

*(d) MAP ON FILE.—The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.*

*(e) DEFINITIONS.—For the purposes of this section, the following definitions apply:*

*(1) CITY.—The term "City" means the city of St. George, Utah.*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(3) VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.—The term "Virgin River Dinosaur Footprint Preserve" means the property (and all facilities and other appurtenances thereon) described in subsection (a).*

□ 1630

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a very unique thing happened a little over a year ago in St. George, Utah. That is in Washington County. There was a retired ophthalmologist by the name of Dr. Sheldon Johnson. He had some property to the east of St. George and wanted to level it. So he had a backhoe and all the necessary things, a front loader. He was working there, and he had gone down about 10 feet and all of the sudden he came to some very large flat rocks. He turned one over and lo and behold he found dinosaur prints like the one sitting right here.

This dinosaur print is one of the most unique ones that I think has ever been found in America. He was a little nervous about it so he kept turning others over. Before long there was actually dozens of dinosaur prints. There was not only prints like this one, but there was tail drags and the whole thing. He said, What have I found here? I found something quite amazing.

Paleontologists started coming from all around the world. In fact, over 50 countries have been here. They looked at these things and said, They have to be preserved. Dr. Johnson is sitting there, not knowing what to do with these things. He goes to the State and the State people say, That is wonderful. All the universities say, This is a wonderful thing to see. People come from France and say, This has to be preserved. But no one figures out how to do it because this is the up side of the print and not the down side. When it is sitting there, rain, wind other things start to erode it.

Dr. Johnson is sitting there with his wife. He has got literally thousands of people, over 150,000 people from 54 countries, standing there wanting to see this fabulous find of Dr. Johnson. How does he do it? The city said, Dr. Johnson, we would like to help you. The county says the same thing. The State says the same thing. So we took a look at it and said, If this is really the find of the century regarding this thing, something ought to be done.

As you know, our current President probably is not as inclined to make monuments as our past President, who was very good at making monuments. He could make 10 a day without any trouble whatsoever. But this President was not inclined to do it. He decided it should be done a different way. We thought maybe it would be a good idea if we made kind of a coordinated effort between the Federal Government, who in this bill is authorizing $500,000 to help out, the State of Utah, universities, and countries who have come up with a combined effort to be able to display these.

A lot of people have asked, Are there more? Well, there could be dozens of them for all we know. We are all nervous about turning over any more rocks until someone figures out a way to take care of these things. This is a good step forward without the Federal Government coming in with their huge resources and spending any hard-earned money we take out of the Park Service to figure out a way to do this.

This bill, H.R. 2385, as amended, would authorize up to $500,000 to the City of St. George to facilitate and purchase up to 10 acres of land where the footprints and tail drags are located for the protection of this resource.

Mr. Speaker, I think this would be a good thing to do. It is interesting to see how many people come to visit. You go down there and there are actually bus loads and bus loads of yellow school buses and children spilling out to see this. There are people coming in so that we have to have interpreters there to speak their language because they want to see this. So we do not really have a way to take care of this, and this is starting to get it going.

Dr. Johnson wanted to send this out to all the Members of Congress so they can see what it actually looks like to see prints. This is the first time they have even had the toe nails in the prints and the tail drags and things like that. This unique experience happened to this retired ophthalmologist 5 miles east of St. George. Now we have a chance to preserve this for time and all eternity, and people can come to see it.

I would suggest to the House that this is one of those better things that we could be doing right now to help out something that people will come from all over to see it.

Mr. Speaker, I think this is interesting because just outside of St. George this little thing has created worldwide attention. People from South Africa have come there, people from Brazil, people from Australia, New Zealand. We will now ask some of them to pony-up a few bucks to help this thing out.

Mr. Speaker, it is interesting that in September of 1996 the President created the Grand Staircase Escalante, 1.7 million acres; and all that money has gone into it and all that work has gone into it. In the short time this has been around, it has had a higher visitation than the Grand Staircase. Of course, there is nothing to see in the Grand Staircase but sagebrush, but maybe some people want to see that.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just as fascinated by this find as our esteemed chairman.

H.R. 2358, as reported by the Committee on Resources, is a bipartisan proposal to provide the technical and financial assistance for the preservation of important paleontological resources that have been found in the district of the gentleman from Utah (Mr. HANSEN).

The private property in question contains dinosaur tracks that have been seen that were discovered last year. It was evident from our hearing on H.R. 2385 before the Committee on Resources and the Subcommittee on National Parks, Recreation, and Public Lands that this was a very interesting and exciting dinosaur-related find. However, the original proposal to buy the site and give the land to the city of St. George, Utah, was highly unusual.

The administration, while generally supportive, also had a number of concerns with the bill as drafted.

The gentleman from Utah (Chairman HANSEN) and members of his staff worked closely with the minority and the administration to address the concerns of the bill. As a result, an amendment in the nature of a substitute was adopted by the Committee on Resources that incorporated the suggestions made by the minority regarding the acquisition of this site, as well as the changes suggested by the administration.

I believe that the committee amendment significantly improves the bill and would provide a very efficient way to assist in the preservation of the unique and well-preserved dinosaur tracks in Utah. I appreciate the willingness of the gentleman from Utah (Chairman HANSEN) and his staff to address the issues identified with his legislation. I support the passage of H.R. 2385 and commend our chairman on this project.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the new chairman of the Subcommittee on National Parks, Recreation, and Public Lands.

Mr. RADANOVICH. Mr. Speaker, I lend my support to this bill. I believe it is a rare opportunity to protect these resources by creating a long-lasting public-private partnership that will protect these fossils, while at the same time provide opportunities for the scientific community to study these important findings and allow the general public rare glimpses into life during the Jurassic Period. I think it is exceptional that this is getting more attendance than the Grand Escalante Staircase Monument.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 2385.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, today we have an opportunity to pass legislation that will truly preserve history. Not our history, but the history of the Earth over 200 million years ago, the history of the dinosaurs.

200 million years ago, scientists believe that the redrock desert of Southern Utah was part of a large shallow lake. Dinosaurs fed at the shoreline of this lake. They walked this Earth, and they left their tracks.

Early last spring, in a time far removed from the dinosaurs, a retired ophthalmologist living in St. George, Utah, began leveling out a part of his yard and discovered what is now being cited as one of the best collections of dinosaur footprints ever on Earth. These 150 footprints show the tracks of multiple species of dinosaurs. They are detailed, revealing claws, three toes, and the joints where dinosaurs may have crouched down.

Paleontologists currently believe these footprints may be a record of the first meat eater in the dinosaur age and potentially include a previously unknown species.

Since the discovery of these tracks, Dr. Sheldon Johnson and his wife, LaVerna, have generously shown thousands of visitors through their property to see the tracks. In one 2-week period, over 12,000 people journeyed to Southern Utah to witness this amazing discovery.

Despite the individual generosity of the Johnsons, in the long term these tracks must be preserved. This bill will allow the appropriate preservation of these tracks in the necessary condition. It will help the city of St. George cope with the visitors, and it will leave a history of dinosaurs preserved for over 200 million years for many more generations to discover.

Mr. Speaker, I am pleased to support this legislation, and I personally look forward to visiting this site often during my frequent trips to the St. George area.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2385, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## TOMAS G. MASARYK MEMORIAL

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1161) to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia, as amended.

The Clerk read as follows:

H.R. 1161

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) IN GENERAL.—The Government of the Czech Republic is authorized to establish a memorial to honor Tomas G. Masaryk on the Federal land in the District of Columbia.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c), 6(b), 8(b), and 10(c) of that Act shall not apply with respect to the memorial.

(c) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1161 introduced by the gentleman from New York (Mr. GILMAN) would authorize a memorial to be built on Federal land in the District of Columbia to honor Tomas G. Masaryk, the first President of Czechoslovakia.

Mr. Masaryk embodies the close ties between the governments of the United States and Czechoslovakia. He was well acquainted with the United States from repeated trips to this country over the period of 4 decades as a philosopher, scholar, and teacher.

President Masaryk's close personal relationship with many Americans, including President Woodrow Wilson, ultimately led to the recognition by the United States of a free Czechoslovakia in 1918.

The bill, as introduced, specified an exact location for the memorial, but was later amended to merely state that the memorial would be established on Federal land in the District of Columbia and that the memorial would be in compliance with the Commemorative Works Act.

Moreover, the passage of this bill would not result in any expense to the Federal Government. The bill, as amended, specifies that the United States will pay no expenses associated with the establishment or maintenance of the memorial.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge all of my colleagues to support H.R. 1161, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to welcome our new chairman of the Subcommittee on Parks and Public Lands, the gentleman from California (Mr. RADANOVICH), to his chairmanship of the subcommittee. I look forward to working with the gentleman.

Mr. Speaker, Tomas G. Masaryk was a professor of philosophy who became the first President of Czechoslovakia and served in that capacity until ill health forced his retirement in 1935.

Based on his public service and writings, which include the Czechoslovakian Declaration of Independence, many have referred to Masaryk as the father of democratic Czechoslovakia.

H.R. 1161, as introduced, authorizes the American Friends of the Czech Republic to establish a memorial to Tomas G. Masaryk on a specific parcel of Federal land at 19th Street and Pennsylvania Avenue here in Washington, D.C. The legislation stated that the memorial would be established in accordance with the Commemorative Works Act, and that it would be funded privately.

Clearly, Mr. Masaryk is an important and compelling figure not only in Czech history but in the history of democracy. However, in order for the legislation to achieve its own stated goal in order to comply with the Commemorative Works Act, the bill was amended during consideration by the Committee on Resources. The amendment removed the language identifying the specific site of the memorial and included language making clear that the memorial is to be a gift from the Government of the Czech Republic.

Mr. Speaker, with these amendments, we support H.R. 1161.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, the sponsor of this legislation, the gentleman from New York (Mr. GILMAN), has been detained; and he will be producing a statement for the RECORD.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

□ 1645

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 1161, to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Tomas Masaryk, the first President of Czechoslovakia, stands in history as the embodiment of the close ties between the United States and Czechoslovakia. H.R. 1161 celebrates Tomas Masaryk's life achievements and quest for democracy, peace, freedom and humanity. The statue of Mr. Masaryk exemplifies the democratic ideal best expressed by his words, "Not with violence but with love, not with sword but with plow, not with blood but with work, not with death but with life, that is the answer to Czech geniuses, the meaning of our history and the heritage of our ancestors."

I have a community in the neighborhood where I live and the district where I represent who are descendants of Czech heritage. On behalf of all of them, I would urge all of my colleagues to support H.R. 1161.

Mr. GILMAN. Mr. Speaker, I want to thank the Chairman of the House Resources Committee, Representative JAMES HANSEN and Ranking Member, Representative NICK RAHALL, National Parks, Recreation and Public Lands Subcommittee Chairman RADANOVICH, and former Chairman HEFLEY who were instrumental in bringing H.R. 1161 before us today. I would also like to express my thanks to the leadership for bringing H.R. 1161 to the Suspensions Calendar today.

H.R. 1161, which enjoys bi-partisan support was introduced earlier this session and authorizes the Government of the Czech Republic to establish a memorial in honor of Tomas Garrigue Masaryk, the first President of Czechoslovakia.

Consideration of this bill is very timely as Jan Kavan, the Czech Republic's Deputy Prime Minister of Foreign Affairs, began a series of high level meetings in Washington, D.C., with our colleagues in the Congress and with Secretary of State Powell. On October 1, 2001, the Deputy Prime Minister was the guest at a luncheon sponsored by the American Friends of the Czech Republic, an organization which I am honored to have worked with in support of H.R. 1161.

By considering this bill, we are celebrating Tomas Masaryk's life long achievements and his quest for democracy, peace, freedom, and humanity. The statue of Mr. Masaryk will immortalize a true friend of the United States and a pioneer for world democracy. Tomas Masaryk exemplifies the democratic ideal best expressed by his words, "Not with violence but with love, not with sword but with plough, not with blood but with work, not with death but with life—that is the answer of Czech genesis, the meaning of our history and the heritage of our ancestors."

Mr. Speaker, Tomas Garrigue Masaryk, the first president of Czechoslovakia, stands in history as the best embodiment of the close ties between the United States and Czechoslovakia. He knew America from his personal, firsthand experience from continuous visits as a philosopher, scholar and teacher, which took place over four decades. He taught at major universities in the United States, and he married a young woman from Brooklyn, New York, Charlotte Garrigue, and carried her name as his own. For four decades he saw America transform from pioneer beginnings to the role of a world leader.

President Masaryk's relationship with America is best illustrated by his writings, speeches, interviews, articles and letters which can be found in our national archives—notably the Library of Congress. Masaryk's personal relationships with Secretary of State Lancing, Colonel House and most notably President Woodrow Wilson, led to the recognition by the United States of a free Czechoslovakia in 1918. For six months Masaryk traveled throughout the United States writing the Joint Declaration of Independence from Austria that was signed in Philadelphia and issued in Washington on October 18, 1918, where he was declared the President of Czechoslovakia.

Today, Masaryk stands as a symbol of the politics of morality. A steadfast disciple of Wilson, Lincoln and Jefferson it is befitting that he be honored as a world leader and a loyal friend of the United States by a monument to his work.

Mr. Speaker, on September 19, 2001, President George W. Bush wrote to Milton Cerny, President of the Czech Republic, offering his support for this memorial project, and I request that his letter be made a part of the RECORD. Moreover, the National Capital Memorial Commission has expressed its unanimous support for this memorial which will be presented as a gift by the Czech Republic. All costs associated with maintaining the memorial will be paid for by American Friends of the Czech Republic at no cost to the taxpayers or the U.S. government.

It is my understanding that this legislation will receive speedy consideration in the Senate where Senator CHUCK HAGEL, the sponsor of a similar bill is awaiting referral of this legislation. I am hopeful that with the passage of H.R. 1161 today and with the concurrence of the Senate, that the White House will expeditiously sign it into law so that an unveiling of this memorial to Tomas Masaryk may take place early next year to coincide with a visit to Washington, D.C., by Vaclav Havel, the President of the Czech Republic.

Mr. Speaker, I urge my colleagues to fully support H.R. 1161, authorizing the citizens of the Czech Republic to establish a memorial in honor of Tomas Garrigue Masaryk, the first President of the Czech Republic and the father of Czech democracy!

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.".

A motion to reconsider was laid on the table.

## LONG WALK NATIONAL HISTORIC TRAIL STUDY ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1384) to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail, as amended.

The Clerk read as follows:

H.R. 1384

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Long Walk National Historic Trail Study Act".*

***SEC. 2. FINDINGS.***

*Congress finds the following:*

*(1) Beginning in the fall of 1863 and ending in the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years.*

*(2) Thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure, or conflicts between the tribes and United States military personnel.*

***SEC. 3. DESIGNATION FOR STUDY.***

*Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:*

*"( ) The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelley, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1384, introduced by the gentleman from New Mexico (Mr. UDALL) and amended by the Subcommittee on National Parks, Recreation, and Public Lands, would authorize the Secretary of Interior to study the suitability of designating a series of routes that are to comprise the Long Walk National Historic Trail in Arizona and New Mexico as part of the National Trails System.

Mr. Speaker, the Long Walk Trail is significant due to the fact that in the fall of 1863 and the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands in Arizona and New Mexico to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years. During that time, thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure or conflicts between tribes and United States military personnel.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge an "aye" vote on H.R. 1384.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control 20 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1384, the Long Walk National Historic Trail Study Act.

New Mexico's Third Congressional District is one of the most majestic regions in this country. It is a scenic land with a unique civilization that is part Native American, part Spanish and part Anglo. As such, the history of the region speaks to some of the most proud moments in American history. However, we have also seen some of our Nation's most tragic events. One of the most tragic is the Long Walk of the Navajo people and Mescalero Apaches. In 1863, the Navajo and Mescalero Apache Indian tribes were forced by gunpoint from their ancestral lands to walk roughly 350 miles from northeastern Arizona and northwest New Mexico to the Bosque Redondo in eastern New Mexico.

More than 150 years ago, the United States engaged in a military campaign against the Navajo and Mescalero Apache people. This campaign was an extension of U.S. policy to remove the Navajo and Mescalero Apaches from their homeland. This was an attempt to quash their rebellion against what was an unwelcome intrusion from the U.S. Government. Colonel Kit Carson then ordered his men to "round up" and remove the Navajo from their native area. The campaign was a brutal one and the Navajo and Mescalero

Apaches were forced to surrender themselves to Carson's forces in 1863.

The U.S. chose the Bosque Redondo, a very remote and desolate site near Fort Sumner, New Mexico, as the place where the Navajo and Mescalero Apaches would be confined and forced to live. More than 8,000 Navajo and 500 Mescalero Apaches were then forced to trek over 350 miles under military escort from portions of Canyon de Chelley, Albuquerque, Canyon Blanco, Anton Chico and Canyon Piedra Pintado, New Mexico, to Bosque Redondo, New Mexico. Once imprisoned at Fort Sumner, the Navajo and Mescalero Apaches faced starvation, malnutrition due to inadequate and poor quality food rations, disease caused by unclean water, and exposure to harsh weather conditions because of inadequate clothing and unsuitable shelter. Thousands perished under these deplorable conditions.

After roughly 4 years of imprisonment, President Ulysses S. Grant issued an executive order terminating the military's role and entered into treaty negotiations with the Navajo and Mescalero Apaches. When an agreement was made, the Navajo and Mescalero Apaches were allowed to return home in the same way as they had arrived, on foot. Thus, the Navajo and Mescalero Apaches had spent nearly 4 years total as prisoners from their own land.

Mr. Speaker, this period in our Nation's history is a sad one. Our relationship with the tribes has come a long way since that time, but there is still more that can be done to strengthen the relationship. For this reason, I am hopeful that the National Park Service, in conducting this feasibility study, will engage in a proper amount of collaboration and consultation with the Navajo nation and the Mescalero Apaches. I am grateful that the gentleman from Utah (Mr. HANSEN), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Colorado (Mr. HEFLEY) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have allowed this bill to come to the floor for a vote today. I hope that once the feasibility study is conducted, we can enter into the next step of designating the Long Walk as a national historic trail. The Long Walk remains one of the most tragic events in our Nation's history, yet today very few Americans realize the atrocities that were committed against native peoples. By taking these necessary steps to declare this area a national historic trail, we will commemorate the people who made the treacherous Long Walk and were interned at Bosque Redondo. The 8,000 Navajo and 500 Mescalero Apaches who made the Long Walk, and especially the 3,000 who perished, should be remembered. I am hopeful that designating the Long Walk a national historic trail will prove to be a significant step in recognizing and learning from this tragedy.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MATHESON), a leader in this Congress on Native American issues.

Mr. MATHESON. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from New Mexico (Mr. UDALL) for bringing this important piece of legislation to the floor.

In 1863, one of the darkest incidents in American history occurred in what is now Arizona and New Mexico. It was in that year that Colonel Kit Carson began his campaign against the Navajo people.

Riding out of Fort Defiance, Colonel Carson's troops stormed into the Navajo's sacred Canyon de Chelley and burned hogans, stole food and slaughtered livestock. The mission was to subdue the peaceful Navajo, and when the ransacking was over, 8,000 men, women and children were forced to March 350 miles to a barren wasteland. This was nothing more than a prison camp. There was no wood for fires, the ground could not support crops and the water was brackish.

For 4 years, the Navajo starved until the government finally relented and granted the Navajo a new reservation that included their sacred lands. During their confinement, 25 percent of the Navajo died. This legislation is just a small tribute to the suffering and the proud heritage of the Navajo nation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

One historian once said that those that don't know their history are condemned to repeat it. We would never want to repeat the sad chapter of history known as the Long Walk. By designating this trail as a national historic trail, we can learn from our mistakes. Inhumane treatment of human beings, atrocities against native peoples, should never occur. The Long Walk National Historic Trail will stand as a monument, reminding us we can do better. We can be a better people. We can be a more compassionate and humane Nation.

I would like to thank the gentleman from California (Mr. RADANOVICH) for his hard work on this and I look forward to working with him through the legislative process to get this done. I thank him very much for his bipartisanship.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1384, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.".

A motion to reconsider was laid on the table.

## BOOKER T. WASHINGTON NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1456) to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

The Clerk read as follows:

H.R. 1456

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Booker T. Washington National Monument Boundary Adjustment Act of 2001".

**SEC. 2. BOUNDARY OF BOOKER T. WASHINGTON NATIONAL MONUMENT EXPANDED.**

The Act entitled "An Act to provide for the establishment of the Booker T. Washington National Monument", approved April 2, 1956 (16 U.S.C. 450*ll* et seq.), is amended by adding at the end the following new section:

**"SEC. 5. ADDITIONAL LANDS.**

"(a) LANDS ADDED TO MONUMENT.—The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled "Boundary Map, Booker T. Washington National Monument, Franklin County, Virginia", numbered BOWA 404/80,024, and dated February 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

"(b) ACQUISITION OF ADDITIONAL LANDS.—The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

"(c) ADMINISTRATION OF ADDITIONAL LANDS.—Lands added to the Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1456, introduced by the gentleman from Virginia (Mr. GOODE), would expand the boundary of the Booker T. Washington National Monument in Franklin County, Virginia, through the purchase from willing sellers of 15 acres adjacent to the existing monument.

Mr. Speaker, Booker T. Washington, perhaps the most notable African American educator of his day and founder of the Tuskegee Institute in Alabama, was born into slavery in 1856 on a 200-acre tobacco farm in southwestern Virginia. Today, the Booker T. Washington National Monument preserves and protects the birthplace and childhood home of Mr. Washington and interprets his life experiences and his significance in American history.

The monument is one-half mile from the rapidly growing commercial crossroads of Westlake Corner and commercial and residential development is visible from the park. Much of the farmland around the park is for sale, including the 15-acre proposed piece of property. If authorized and acquired, the 15-acre parcel of land would be added to the park's agricultural permit program in order to preserve the agricultural setting of the park.

The Park Service estimates the purchase and acquisition cost of the 15-acre parcel will be approximately $400,000. The Park Service's Northeast Region has determined this project as its top land acquisition funding priority for fiscal year 2003.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources, the administration and the surrounding communities in southwestern Virginia.

I urge an "aye" vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. I would first like to associate myself with the remarks of the gentleman from New Mexico (Mr. UDALL), his closing remarks on H.R. 1384, establishing the Navajo Long Walk National Historic Trail.

On this bill, Mr. Speaker, H.R. 1456, which would modify the boundary of the Booker T. Washington National Monument in southwestern Virginia, we are pleased to also be in a position to manage this bill. H.R. 1456 would include approximately 15 acres of adjacent agricultural land to the monument.

□ 1700

The bill authorizes the Secretary to acquire the property from willing sellers, using donated or appropriated funds. It is our understanding that while this property has not been available previously, it is currently on the market. Seven of the 15 acres to be added were part of the original plantation on which Booker T. Washington was born, but addition of the entire parcel will protect the area from encroaching commercial development. This boundary adjustment was recommended by the most recent general management plan for the monument.

Mr. Speaker, Booker T. Washington is a significant figure in American history. As you have heard, born into slavery in 1856, he went on to found the Tuskegee Institute in Alabama in 1881 and is recognized as the leading African American educator of his time. He has left a legacy that continues to enrich the African American community and this Nation.

I am proud as a member of the Congressional Black Caucus and ranking member of the Subcommittee on National Parks, Recreation, and Public Lands of the Committee on Resources to support the expansion of this national monument as a means to further protect Booker T. Washington's valuable legacy.

I want to thank and commend my colleague, the gentleman from Virginia (Mr. GOODE), for his work on this bill, and urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE), the sponsor of the bill.

Mr. GOODE. Mr. Speaker, I want to thank the gentleman from California (Chairman RADANOVICH) and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for their support, and the support of the Committee on Resources for this legislation.

H.R. 1456 would expand the boundary of the Booker T. Washington National Monument located in Franklin County, Virginia. I am a native and lifelong resident of Franklin County, so I have some personal knowledge and familiarity with the monument and the surrounding area. I can attest to the rapid growth that the area has experienced over the last few years. The proximity of the monument to Smith Mountain Lake poses a real threat to the rural character and pastoral nature of the Booker T. Washington National Monument.

A 15-acre parcel of land adjacent to the monument has been put up for sale by the owner. The legislation would facilitate the purchase of this property and expand the monument boundary. It is important to note that 7 of the 15 acres were part of the original Burrough farm. With the encroaching development, I hope that we can act now to maintain the rural character of the Booker T. Washington National Monument before the opportunity is lost.

If one drives down Route 122 in Franklin County where this monument is located, you can see the rapid growth and expansion on all sides of it. This 15 acres is in a high area which would preserve a good vista for the monument as it exists today. If we do not act right away, I am afraid the opportunity will be lost.

The 224-acre park is comprised of rolling hills, woodlands, fields, the Burrough homeplace, and two slave cabin sites. The park portrays Washington's rural life on a small tobacco farm and what it was like, and the rural character is critical to the park's interpretation of the life on such farms during the period just prior to the Civil War.

I hope that we can maintain the rural character of the Booker T. Washington National Monument. I believe that this is a worthwhile endeavor for the National Park Service, it is worthwhile for the memory of Booker T. Washington, and I urge my colleagues to support this bill.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1456.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2385, H.R. 1161, H.R. 1384 and H.R. 1456, the four bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-226) on the resolution (H. Res. 248) providing for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, which was referred to the House Calendar and ordered to be printed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 5 o'clock and 6 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1730

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 5 o'clock and 30 minutes p.m.

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## APPOINTMENT OF CONFEREES ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Mr. OLVER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2904 insist on the House position regarding all items included in the House passed bill for overseas military construction.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. OLVER) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. HOBSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct as a bipartisan effort to help the men and women serving overseas in the defense of our country.

The motion is simple. It tells the House conferees to hold the line and support the overseas requests made by the President and those added in the House.

Mr. Speaker, September 11 has taught us that our men and women must be ready, wherever in the world they are stationed. The President requested almost $900 million in military construction projects overseas. The committee carefully reviewed those projects, and we have supported them. It meets needs for barracks, for maintenance facilities, for runways for our air forces, for warehousing, family housing, barracks, all of those. It all will make substantial contributions to our readiness.

But the House has added, in addition, several items. Through the leadership of the chairman, he and I have had an opportunity to visit several of the bases that are involved in this. Members of the subcommittee joined us, and other Members of the House joined us in that. We have directly visited and can bear witness to the severe inadequacy of some of these facilities. The total of that is less than 1 percent of this military construction budget as it was passed through the House. They are all very badly needed projects, as both the chairman and I can attest.

Let me just give a couple of examples.

In Japan, actually in Okinawa, which is where most of our forces in Japan are, there is a what-was-never-adequate facility for the training of our Army Special Forces in urban warfare. It is now utterly worn out and virtually unusable. That is additionally in this legislation.

In Korea, there is a barracks replacement for singles in Korea. The conditions of housing in Korea up and down the line are well known as being abysmal. Families avoid, if at all possible, deployment in Korea, so the vast majority of our deployments are in fact singles, and their housing is anywhere from rundown to positively disgusting. So that has been funded in our bill.

Then, as another example, we have a modernization of the base engineering complex for engineering and maintenance, and all of the operational facilities at our largest Air Force base. In the process of that modernization, which is in Korea at our main air base, which is at the front line of protection for our substantial forces in Korea, that will allow hundreds of housing units to then be brought within the perimeter of the protection of that base.

Those are all extremely important things to be done, and they need to be done in this legislation. Mr. Speaker, they are badly needed. They are in direct support of the missions that we know will come, even if September 11 had not happened.

Mr. Speaker, I urge all Members to vote in favor of this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate my ranking member for working with me on this bill, and working with me and the other members of the Committee on this issue.

We have seen what we ask our troops to do. We have asked them to do a lot of things for us, especially at this time. Today, the U.S. is blessed with the most well-trained military forces in our history. Soldiers, sailors, Marines, and airmen are ready and willing to accept any challenge presented by our adversaries.

Yet, for all their training, many of these facilities they work in are decrepit and falling apart. There is an increasing concern that the performance of our troops could be jeopardized by the conditions of the buildings in which they work.

As the Quadrennial Defense Review points out, the defense infrastructure has suffered from underfunding and neglect. Facility sustainment has been funded at only 75 to 80 percent of the requirement, resulting in a backlog of repair bills estimated at almost $60 billion. Likewise, the average rate of replacing existing facilities is 192 years, at a rate that is unacceptable, particularly with the technological changes needed to deal with today's security threats.

The result of neglecting the facilities is the decaying infrastructure that is less and less capable of supporting our troops, sailors, Marines, and airmen. The infrastructure needs of the facilities in the U.S. are important, but no less important than the infrastructure needs in bases located overseas.

Like bases in the U.S., there are antiterrorism and force protection measures we must take at all bases overseas. Similarly, housing must be decent, safe, and working conditions must not jeopardize the troops' performance.

One of the things that happened in our committee, for the first time that I can remember, is that three of the CINCs, General Ralston, General Blair, and General Schwartz, all came in and testified that overseas MILCON, and especially housing, was their number one priority on their list of priorities for their troops.

This is a time when we ask young people to go out and put their lives on the line. They should do that, and they will do that, with great honor and dignity for this country. This country owes them the same dignity in the places where they work every day and where they live.

So I want to thank my ranking member for putting up this motion, and I hope every Member of this House supports this motion.

Mr. HOBSON. Mr. Speaker, I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OLVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until 6 p.m.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 5 o'clock and 43 minutes p.m.), the House stood in recess until 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules and then the motion to instruct conferees on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 169, by the yeas and nays;

H.J. Res. 42, by the yeas and nays;

Motion to Instruct Conferees on H.R. 2904, by the yeas and nays.

The Chair will reduce to 5 minutes the time for electronic votes after the first such vote in this series.

## NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 169, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 169, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 360]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Engel
Houghton
Hunter
Jones (OH)
Kaptur
Lipinski
Pickering
Schaffer
Taylor (NC)
Towns

□ 1824

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws; to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.".

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules and on the motion to instruct on which the Chair has postponed further proceedings.

## MEMORIALIZING FALLEN FIREFIGHTERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 42, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the joint resolution, H.J. Res. 42, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 10, as follows:

[Roll No. 361]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Engel
Houghton
Jones (OH)
Kaptur
Lipinski
Pickering
Schaffer
Simpson
Taylor (NC)
Towns

□ 1834

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.".

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the period of time for the vote on the motion to instruct conferees on H.R. 2904.

## APPOINTMENT OF CONFEREES ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct conferees on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, offered by the gentleman from Ohio (Mr. HOBSON), on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. HOBSON), on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 12, as follows:

[Roll No. 362]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee

Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NAYS—1

Paul

### NOT VOTING—12

Doggett
Engel
Granger
Houghton
Jones (NC)
Jones (OH)
Kaptur
Lipinski
Pickering
Schaffer
Taylor (NC)
Towns

☐ 1846

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOBSON, WALSH, MILLER of Florida, and ADERHOLT, Ms. GRANGER, Messrs. GOODE, SKEEN, VITTER, YOUNG of Florida, OLVER, EDWARDS, FARR of California, BOYD, DICKS and OBEY.

There was no objection.

☐ 1845

## ELECTION OF MEMBERS TO COMMITTEE ON THE JUDICIARY

Mr. PORTMAN. Mr. Speaker, I offer a resolution (H. Res. 249) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

*Resolved*, That the following named Members be and are hereby, elected to the following standing committee of the House of Representatives:

Judiciary: Mr. Bryant to rank after Mr. Goodlatte; and Mr. Pence.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, tomorrow we will be taking up the agricultural bill for agricultural programs for the next 10 years.

Farmers are in a predicament right now in terms of low commodity prices. In fact, some of those commodity prices are the lowest they have been in 20 years. So we are seeing a lot of farmers go out of business, go into bankruptcy, especially because the land value for recreational use, for use by people that want a country estate, is bidding up those land values far more than can be accommodated by current commodity prices for those farm products those farmers are producing.

The question this Nation is facing is do we want to maintain a strong agricultural industry in the United States so that we do not have to be dependent on importing our foodstuffs, our feed, our food, like, for example, we have in energy. We have increased our dependence on petroleum energy to the extent that if OPEC and those countries that send petroleum energy to this country decided to cut off that available supply, we would at least temporarily see our economy collapse, because right now, we are importing almost 58 percent of our total energy supplies. I think it is important that we do not let that happen to agriculture.

Tomorrow, I have an amendment on the agricultural bill that I think will reduce some of the criticism that some Members in this Chamber have of the agricultural farm programs and the payments. Federal payments, the subsidy payments that are made to agriculture. That amendment puts a real limit on how much any one farmer can receive from Federal Government programs in terms of price-support subsidy.

Right now, the limit for price supports is said to be $150,000 per year per farmer. Actually, it is a hoodwinking to suggest that there is a limit, a real limit of $150,000, because what we have in farm programs, and it is somewhat complex, but in price supports, there are four ways that a farmer can achieve the benefits of the price-support program: one is loan deficiency payments; the second is marketing loans; the third is derived from a nonrecourse where the farmer can take out a loan on the commodity and give the Government title to that commodity and receive the same benefits as if they were getting an LDP or a marketing loan. So what they do is an end run, if you will, around the $150,000 limitation, and that $150,000 limitation is reasonable in terms of the acreage that any normal family farm in this country produces.

Let me give my colleagues an example. The average farm in this country is approximately 500 acres in size; but $150,000, based on the last 2 years, one would need to have 6,000 acres of corn, 6,200 acres of soybeans, and 17,000 acres of cotton and, likewise, 1,300 acres of rice to accommodate that limitation of $150,000. Yet, our technical language of this farm bill that we will be taking up tomorrow says any farmer that is big enough, and there are 30,000-, 40,000-, 80,000-acre farms; in fact, in Florida, there is one landowner that owns 130,000 acres, receiving over $1 million in government benefits.

My amendment that I hope this body will consider tomorrow sets a real limit by saying it is not only loan deficiency payments and marketing loans, but it includes limitations on the benefits from certificates and forfeitures from that nonrecourse loan. It is reasonable. It saves, according to the CBO, $520 million over the life of this farm program. That money would be better spent with the kind of farmers that need the help most, and that is the average family farm in this country.

### SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

(The Associated Press reported recently that over 154 individuals received more than $1 million in farm aid last year! Limit massive government payments to the largest recipients—Vote for the Smith/Clayton/Holden/Armey/Shays/McInnis payment limitation amendment to the Farm Bill!)

DEAR COLLEAGUE: Over the years, Congress has established caps on the amount of money a producer can receive from federal farm program price supports. Unfortunately, these payment "limits" on loan deficiency payments, LDPs, have easily been avoided by the unlimited use of commodity certificates, which give the farmer the same dollar benefit as an LDP. In fact, a CRS report on commodity certificates stated that, "while purported to discourage commodity forfeitures, certificates effectively serve to circumvent the payment limitation." (CRS Report 98–744 ENR)

My amendment would establish a REAL PAYMENT CAP by including commodity certificates among the methods of price support that are limited. The Congressional Budget Office has scored this amendment as saving $528 million over the life of the Farm Bill.

The limitation in this amendment will only affect the very largest of recipients. For instance, the average acreage it would have taken to reach this limit in the last two crop years was over 6,000 acres of corn and soybeans, 1,950 acres of cotton, and 13,000 acres of wheat and 17,000 acres of rice! Note: The average U.S. farm size is 450 acres.

The Bush Administration recently released a report, Food and Agricultural Policy: Taking Stock for the New Century, that clearly refers to the flaws with current farm price supports, stating, "Past attempts at tailoring or directing benefits to particular groups have not proved very successful . . . payment limits to individual farmers have not proved effective." This is because of the loophole allowing farmers to keep the equivalent loan benefit and forfeit the crop.

Difficult future budget decisions, coupled with the increased press scrutiny of farm price support programs, may threaten to reduce the continued strong public support for American agriculture. Setting a real limit on farm payments will help to maintain this support, and save taxpayers $528 million dollars!

Please consider cosponsoring and speaking in favor of this amendment on behalf of the American family farmer.

Sincerely,

NICK SMITH,
*Member of Congress.*

### SUPPORT MILLER-MILLER AMENDMENT TO H.R. 2646

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, like my colleague from Michigan, I also rise to talk about the farm bill that we will be debating on tomorrow. Of course, in that bill is the sugar subsidy program. There is going to be an amendment, the Miller-Miller amendment, and I rise in strong support of it. The sugar program hurts working people in my congressional district and the Miller-Miller amendment would help to redress the harm that they have suffered.

The candy industry is important to the Chicago area. There are 31,000 confectionery employees in Illinois, with 15,000 of those in Cook County. Unfortunately, employment in the confectionery industry in Chicago has fallen 11 percent since 1991. The sugar program has contributed to this decline.

Along with other members of the Illinois delegation, I have repeatedly spoken on this floor about the injury caused to my constituents by the sugar program. We have not been alone. Mayor Daley and the Chicago City Council strongly oppose the sugar program. They are joined in this opposition by city business leaders and the Chicago Federation of Labor.

For companies that make nonchocolate candy, sugar is a large portion of their total costs. The U.S. sugar program supports prices in our domestic market so that candymakers in Chicago are forced to pay more than twice as much for sugar as their competitors abroad. For example, on September 25, the price of raw sugar in the United States was 20.65 cents per pound. On the same date, the world price of raw sugar was 6.84 cents per pound.

Candy manufacturers and workers must compete with the candy that is made offshore, using world-priced sugar. Imports of hard candy have been rising, from less than 12 percent of the U.S. market in 1997 to 19 percent in 1999. These imports make it difficult for our companies and workers to compete, because a major part of their ingredient cost, sugar, is so much cheaper than in our domestic market. It is the classic unlevel playing field that we hear our colleagues from agriculture districts talk about so frequently. But in this case, it is the workers in Chicago and other places throughout the country who are on the wrong end of the field.

The sugar programs helped cause the candy industry's problems through price supports and import quotas. The Miller-Miller amendment reforms the price support system; it does not abolish the sugar program. The amendment does not say that there should be no assistance to sugar growers and producers; it reduces price supports modestly and increases the penalties that sugar processing companies must pay when they fail to repay their government loan.

Mr. Speaker, I believe that the sugar program, and I strongly believe in supporting farmers, but I believe that we have to support the needy and not the greedy. So I would urge my colleagues to vote for the Miller-Miller amendment and give the workers throughout America, and especially those in the confectionery industry, an opportunity to work and not see their jobs moved to other countries and other places.

□ 1900

### CLAYTON AMENDMENT TO FARM SECURITY ACT OF 2001 WILL HELP FARMERS, THEIR FAMILIES, AND COMMUNITIES

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, on tomorrow we will have the Farm Security Act of 2001. It is our farm bill. It is our farm bill for the next 10 years.

I want to tell the Members, food security is very important to this country. Indeed, we should protect the opportunities for our producers to produce, but also to make a decent living, so there is a vested interest in seeing that the farm bill is indeed enacted appropriately.

Mr. Speaker, I rise to talk about the opportunity of making that farm bill even more responsive to a larger number of citizens who live in rural America. We have a title called Rural Development. It is a title that the committee itself had the foresight to include.

It provides clean water and infrastructure for wastewater facilities. It provides economic development, and strategic planning so that small communities can come together and plan for their future. It also provides for additional resources in something we call value-added, where producers can add more profitability and add more processes right there at the local level, making more money for the raw commodities they produce.

In order to provide more money for a larger number of people, we have to have something called shared sacrifice, meaning our farmers, who indeed need resources, must begin to see this as in their value, as well.

So the amendment that I will propose does require a reduction of farm subsidies. It represents an addition of 2 percent overall to a reduction, which will give to these rural development activities $1.065 billion over the next 10 years.

As I said, they will go for three important areas.

First, $45 million a year will go for clean water and wastewater facilities, which rural communities desperately need. There is a report out now by the EPA which says that communities of 3,000 or a little better for the next 15 years would need $37 million just to speak to the deficiencies as they are now, not even to anticipate the things they may need to plan for, or plan for contingencies, given the new scare regarding water resources.

In addition, as we look at the resources coming to rural communities, we know rural communities do not have the advantage of planning and coordinating or the staff capacity of writing grants so they can benefit. Most of the resources that come to rural communities come in the form of loans or guaranteed loans, so we do not have the community development funds as urban communities have. So the strategic planning part of it will allow a community to have that opportunity.

Finally, as I stated, the value-added portion will simply add funds to our farmers' capacity to have long-term profitability of their raw products.

Now, there will be those who say we should not take one dollar from the farmers whatsoever, but I would submit that I think farmers do care about clean water, I think farmers do care about economic development, I think farmers do care about value-added. These dollars are included for all rural communities. They are included for farmers, for their families, their neighbors, and their communities.

So when we ask for the shared sacrifice, it is not as if we were saying that this will not benefit farmers. We are just recognizing that the crisis in rural communities includes the farmers, but it does not stop at the field. It includes the communities that are losing, because there is high-tech industry leaving the area. It includes the despair that out of 250 poorest counties, 244 of them are in rural communities.

It does not ignore the fact that our census data show most of the young people are leaving rural communities. We are creating an almost irreversible gulf there. It means that if we are not careful, we are going to have this as a wasteland if we do not address these issues.

So our attempt to put new resources in rural development is to acknowledge the crisis that exists in rural America. So I ask my colleagues as they consider the bill to understand that this resource will also be for farmers, it will be for their families, their neighbors, and their communities.

I would think that most of the farmers that I know, when we explain it to them, they will say, well, we are willing to share for the benefit of all of us who live in rural communities, because we know in the long run, unless these communities are viable and sustainable, that they will not have the resources. Their taxes go up when they have to pay for water resources. They lose their most productive citizens when they have to go somewhere else to work, when we do not have the infrastructure or the digital divide being addressed.

Those kinds of things add to the viability of the rural community, and farming is an essential part of it, but it is not the only part. So we want to make sure that our rural communities and our farmers will have an opportunity for a future. I just stress to my colleagues, they have an opportunity tomorrow, as we consider that amendment, to see the value of using that amendment to share with all.

Finally, there are about 6.6 percent of our citizens who live on farms, and there are more than 94 percent in the rural communities that are non-farmworkers. So this is an opportunity to allow the farm bill, or an opportunity to provide some leadership on this and speak to the larger group of people who can be benefited.

## DISPLACED WORKERS RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we have all been affected by the tragedies of September 11 in one way or the other. As a Nation, we see things in a new way. We are looking through a veil of shock, of anger, and of grief.

Congress has already moved with breathtaking swiftness to approve $15 billion for an airline bailout, a bill, by the way, that allows the top executives in the airline industry to keep their current salaries while their companies receive huge Federal payments, and while their workers are losing their jobs.

But so far, when it comes to the airline workers, Congress just cannot seem to find time to help. But one thing has not changed: This Congress is still overlooking the needs of American workers.

Mr. Speaker, more than 100,000 airline employees have already been laid off as a result of the terrorist attacks. It is clear that in the coming weeks, the number of layoffs will increase. Yet, no action has been taken to help workers in the airline industry.

Mr. Speaker, it is disgraceful that we have done nothing to help the pilots, the flight attendants, baggage handlers, and the other employees who have lost their jobs as a result of September 11. It is certain that many of these workers will depend on unemployment benefits for longer than usual. Some will not be able to return to their jobs in the airline industry and will need training to qualify for new jobs. Displaced workers and their families will also need health care coverage while they are getting their lives back to normal.

That is why I am an original cosponsor of H.R. 2955, the Displaced Workers' Assistance Act. This legislation provides meaningful assistance to those workers who have lost their jobs as a result of the terrorist attacks on September 11.

The Displaced Workers Assistance Act makes displaced workers eligible for an additional 52 weeks of unemployment insurance, and displaced workers who normally would not be eligible for unemployment insurance would receive 26 weeks of federally-financed payments. Those workers who cannot reasonably expect to return to their jobs within the airline industry would be eligible for retraining.

Finally, H.R. 2955 would ensure that displaced workers and their families have health insurance by reimbursing the cost of their COBRA payments, or for workers who do not qualify for COBRA, it would cover them under Medicaid.

Just as the airlines need our help because of the tragic events of September 11, so do the airline workers, those who find themselves without jobs, without the skills they need to obtain new jobs, and without health insurance for themselves and their families. These are the very people that made the airline industry successful in the first place.

We have used their skills, we have used their dedication, and now we need to make sure that they are safe, as well as the airlines. As we help the industry overcome its losses as a result of the September 11 attacks, let us not forget the airline workers.

## THE DISPLACED WORKERS ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, last month the House of Representatives voted to help our Nation's airlines keep flying. We also promised relief for American workers. I will state that we promised, we promised help for American workers.

I am here today to remind Members of that promise, and to remind Members that it is not the money that keeps our planes in the air, it is not the money that keeps our economy growing, it is hard-working Americans. We must refocus our efforts. This is not about an industry, this is about hard-working Americans being able to feed their families, being able to feed their families.

Laid-off ground crews and flight attendants deserve a guarantee of health care coverage and an unemployment benefit. Also, it is our duty, I state, it is our duty to provide additional training to those whose duties will forever be changed, and I state, forever be changed.

We all realize that over 100,000 have been laid off. In my immediate area, it is expected that 12,000 will be expected from L.A. International Airport to be laid off.

I am also proud to be a cosponsor of H.R. 2955, this Displaced Workers Assistance Act. That is what the bill is. Mr. Speaker, we must bring this bill, we must bring this bill to the floor. We must stand in solidarity with the airline industry workers and hundreds and thousands of those other hard-working Americans across the Nation impacted by this massive layoff and jobs lost.

Hard work will be our Nation's strength, and I state, will be our Nation's strength. Hard work will fuel our self-reliance.

Mr. Speaker, let us get to work on behalf of the airline employees. Let us get to work on behalf of the working people, on behalf of the working people affected by this tragedy across the Nation.

On September 11, our enemy struck us at the heart. Our enemy struck innocent Americans, and I state, innocent Americans in their workplace, in their workplace, not on the battlefields. Those who died in the World Trade Center and the Pentagon, in the hijacked planes, died at work, died at work. At the top of the tower were restaurant employees preparing for the day, financial analysts devoted to keeping our economy strong, government employees securing our Nation from the Pentagon. Eight pilots and 25 flight attendants were sacrificed for the terrorists' causes, and were struck down while doing their job, not to mention the 80 police officers and the 329 firefighters who also lost their lives.

It is impossible to imagine an event with greater capacity to compel America to unite in action, to unite and to take action. No citizen was untouched. No citizen across the United States or the world was untouched. Working people around the country all wanted to know what they could do to help. They continue to ask, "How can we help our Nation?" Firemen and women, police officers, medical crews, labored around the clock in dangerous and dramatic conditions. No doubt that their work was straining and heartbreaking, but they did it. Why? Because they believed in helping America.

We, too, as Members of Congress must do all that we can. I state, we, too, as Members of Congress, must do all that we can. We must work for the American people. We must commemorate their hard work and the sacrifices. We must never forget that for some of those, it was the ultimate sacrifice.

We must provide relief, and I state, we must provide relief related to the workers: the flight attendants, the pilots, the ground crew, security workers, as well as workers in the hospitality industry. We must do what is right for America. We must help working families. We must support this legislation. We must come together. We must bring it to the floor.

Only together in solidarity in working can we bring our Nation back to its strength. We must all come together.

□ 1915

## RELIEF FOR DISPLACED WORKERS

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise to urge quick action to address a crisis in our country. The number of workers displaced from the airlines and related industries since the devastating terrorist attacks of September 11 have been steadily growing and now stretches beyond 100,000.

Our air infrastructure is, in many ways, the backbone of our economy; and its strength is essential to the economic health of the United States. The September 11 tragedy and subsequent shutdown of the airways had a severe financial impact on carriers and led to massive layoffs. In response, this House passed, with my support, a $15 billion package of cash assistance and loan guarantees to help the airlines weather this recent storm.

It continues to be my strong hope that by promoting the continued viability of air travel this aid will also help other businesses relying upon the airline industry, businesses like aircraft manufacturers, travel agents, rental car agencies, hotels and restaurants, all of which have been affected by the recent shutdown in air travel.

Unfortunately, the airline assistance package is unlikely to help the thousands of workers who have lost their jobs in recent weeks, and we must not turn our backs on them in this critical time. If we truly hope to boost our Nation's economy, we must ensure that these men and women receive unemployment benefits, health care, and the training needed to minimize the transition time between jobs.

Mr. Speaker, I am proud to be an original co-sponsor of legislation which will give these workers a helping hand at a time when it is desperately needed. These measures introduced by the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) would allow displaced airline industry employees to petition the Department of Labor for special benefits akin to those provided under the Trade Adjustment Assistance program.

Specifically, eligible employees would receive unemployment benefits for 78 weeks instead of the usual 26, and even those who would not otherwise qualify for unemployment would be entitled to 26 weeks of benefits.

In addition, laid-off workers would receive up to 78 weeks of job-training assistance to ensure they could reenter the workforce as quickly as possible.

Finally, displaced workers would be provided up to 18 months of federally subsidized COBRA premiums, and those workers without COBRA would receive temporary Medicaid coverage.

Just as importantly, the assistance would be available to all airline and airport workers, including transit workers, as well as employees of airline suppliers, such as service workers and airplane manufacturers.

Mr. Speaker, we took an important first step by providing financial assistance to stabilize the airlines, restore confidence in air travel, and protect the millions of workers still employed in the airline industry. However, our work cannot end there. We must act quickly on behalf of the workers and their families who have been impacted by widespread layoffs. They desperately need our help to pay bills, buy groceries, maintain access to health care, and learn the skills they need to quickly find new employment.

Mr. Speaker, I urge my colleagues to join me in telling these hardworking Americans that we have heard their plea and they can count on us to respond.

## AIRLINE WORKER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. HASTINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. HASTINGS of Florida. Mr. Speaker, I can pretty much assure the Speaker that I will not take the whole hour, but the gravity of why I am here allows that time is of no moment.

Time stood still on September 11 for this country and the world. Indeed, time ended for the countless victims that we know so well now lost their lives and many are still missing. Time stood still for the families of those victims and continues to stand still.

When that kind of tragedy occurs, in spite of our hope that we will get back to normal, the reality is that we will be normal; but it will be a different kind of normal, and those persons that were lost, Americans and persons from other parts of the world, will have their memories best served if those of us that have the immense responsibility of assisting in getting to the different normal were to take our time and make sure that we do everything that we possibly can to protect the interests of those victims, their families and the various workers and the industries and entrepreneurs that make this great structure of ours function.

Toward that end, last week I filed a bill that I come to the floor to speak about tonight, the Displaced Workers Relief Act, which is H.R. 2946; and in addition thereto, the minority leader and myself filed yet another measure that deals with virtually the same subject, but expands the definition of eligible employees.

I am proud to report to America this evening that 100 Members of the United States House of Representatives have signed on in that short period of time to the bill that was filed by my Republican colleague, the gentlewoman from Pennsylvania (Ms. HART), and myself as the initial movers of 2946. Among that 100, are 10 other Republicans. And, hopefully, in time, more will see the wisdom of this particular measure or will come forward with measures of their own so that we will not be standing still while the lives of others are lost.

There are so many creative notions as to what ought be done, and this is minuscule by comparison to some that have been introduced on either side of the aisle. In the other body, Senator JEAN CARNAHAN filed the legislation that our minority leader, the gentleman from Missouri (Mr. GEPHARDT) and myself and other cosponsors filed.

It is not that all of us do not understand the seriousness of where we are in this country, but there is such a great need for us not to obfuscate, for us not to be about the business of trying to one-up each other, of our being prepared to sit down. I am fond of saying that we probably should be locked up here in the Capitol, all 540 of us that represent the people of this great country, until such time as we have come up with appropriate legislative answers that will address our needs and the needs of our constituents.

In the past 2 weeks, Mr. Speaker, more than 100,000 airline employees have been laid off as a result of the terrorist attacks on September 11. In the coming days, weeks, and months, it is almost certain that the number of layoffs in the airline industry alone, as well as the industries directly affected and indirectly affected by airline travel, will affect all of us as far as the change that comes; will affect us all and the effects of same will be drastic increases in unemployment.

The residual from this tragedy is beyond anything any of us ever comprehended would happen in our homeland. And it has not only devastated one portion of our industry that we rushed, correctly, to assist, the airline industry, the linchpin, the literal vertebra of this country insofar as our commercial activity is concerned, we correctly addressed that. But at that time, we left out the airline workers; and we left out the collateral. And now we say we are going to come back to that.

I want to make it very clear that while I am advocating this evening in this legislation for airline workers, I really am advocating for all of America and all of America's workers. When the National Airport is not open, it does not just affect United States Congress persons, it affects 16 million people that travel through that airport, and it affects everybody from the salesperson of the magazines and newspapers that we purchase to the sky captains, to the mechanics, to the restaurant workers. All of us are affected when this kind of tragedy occurs.

Aviation experts as well as the Government Accounting Office note that the airline industry has a high multiplier effect. It is thought by some that for every 100 jobs created by the airline industry an additional 250 jobs are created by those industries who service the airlines. In turn, as many as 250,000 workers may have already lost or will soon be on the brink of losing their jobs.

I was standing on the floor speaking with both the representatives from Hawaii, and I am sure the gentlewoman from Hawaii (Mrs. MINK) will not mind my telling this story about the loss that is occurring not only in Hawaii, but in my home State of Florida, in California, and all over this Nation. The City of Washington, D.C. has under 50 percent registration in its hotels. But the gentlewoman from Hawaii was telling me that she and her family were planning a celebration, a family reunion. And what transpired when she went to a meeting where they were organizing the effort, they learned that the hotel that they were scheduled to hold their family reunion in is closing.

I can tell my colleagues that that is going to happen in an awful lot of places. The vignettes, Mr. Speaker, the anecdotes that we all have picked up on on both sides of the aisle from our colleagues are ad infinitum with reference to the losses that are occurring.

I went to the Miami International Airport yesterday. I had received a letter from the Miami-Dade Mayor, Alex Penelas, as well as my county commissioners in Broward and Palm Beach County that have come here to discuss, among other things, the losses that are the derivative in all of this. Yesterday, I saw two people that were leaving the airport, having been alerted that their jobs were no longer needed, one woman, a Latino lady, with tears in her eyes. Now, we have a responsibility to do something about that; and I, quite frankly, believe that we will and that we can.

One of the things that Minority Leader GEPHARDT or Senator CARNAHAN's bill, and I cannot continue to talk about this bill without continuing to mention my colleague, the gentlewoman from Pennsylvania (Ms. HART), but what we forgot was something that a lot of us forget, that is definitional with reference to legislation. We forgot to include Guam and American Samoa and the Virgin Islands and Puerto Rico and the District of Columbia in our definition. So I will be amending my legislation to reflect that. And I thank my colleague, the gentleman from Guam (Mr. UNDERWOOD), for bringing that to my attention.

Very occasionally we file legislation not mindful that Americans in our territories also need to be contemplated. What would have happened had my legislation fortunately passed is that Guam would not have been eligible for any of the consideration that I had offered.

□ 1930

That must be corrected. Those kinds of little things are why we need to share, why we do need to make sure that we are talking with each other.

The Mayor of Dade County wrote me about the airline and aviation industry, that it is the county's primary economic engine, consisting in that county alone of more than 90,000 workers and representing more than 9 percent of the county's total workforce. The loss of jobs and income in Miami Dade and in Broward, that is Ft. Lauderdale, my major city that I am fortunate and privileged to represent, and in Palm Beach County, the multiplier is something in the neighborhood of 160,000 workers at airports alone. Without them there is no doubt that Florida's economy is going to be hindered for years to come.

If Florida's economy, just like the District of Columbia's economy, is hindered, then all of America's economy is hindered.

I am fond of teasing my friends who act parochially all the time by telling them if the sparrow falls, it will not necessarily fall in their district. I mean no offense when I say that, but this is not a district thing. It is an American thing. It is an international thing. We live in a global village, and we are fortunate that God has given us the privileges that we have in this country. To preserve them, this Congress, this institution, has the responsibility of passing not just this legislation but companion legislation that will address all of our needs.

A lot of times we do not take into consideration the human dimension when tragedy occurs. I want us to be sure that, while we did what I perceive to be the right thing in protecting airplanes, that we do what is the right thing in protecting people.

When we introduced this legislation, among the things that the gentlewoman from Pennsylvania (Ms. HART) and I hoped would happen is that we would extend unemployment benefits from 26 to 78 weeks. This is the same amount provided to workers under the Trade Adjustment Assistance Program.

We hope and we believe that it would be helpful to provide 26 weeks of unemployment insurance benefits for workers who would not otherwise qualify. The gentlewoman from Pennsylvania (Ms. HART) and I feel and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and Senator CARNAHAN feel that to extend job-training benefits from 15 to 78 weeks, this is the same amount provided under the Trade Adjustment Assistance Program, and it is the right thing to do for America.

We would want to provide up to 78 weeks of federally subsidized Consolidated Omnibus Budget Reconciliation Act of 1985 premiums, COBRA it is referred to in the vernacular here. We will provide up to 72 weeks of optional Medicaid coverage to workers who are not covered under COBRA, and they are too numerous to mention.

Under either bill, all airline and airplane workers, including transit workers as well as employees who work for airline suppliers, such as service employees and plane manufacturers, like the upwards of 30,000 people in the State of Washington in the Boeing manufacturing part of the airline industry, not to mention the other places where parts are made, those persons too will be eligible to receive these benefits. The two bills are cost-effective ways to assist workers and their families as they deal with these hard times and at the same time, help stimulate our faltering economy.

Working families will not be saving this meager assistance that we are trying to provide them. On the contrary, they will be putting it back into the economy at a time it desperately needs it. Everywhere I look in this country industries and businesses are hurting. Hotels are reporting record lows in occupancy levels.

I am a native Floridian. For the very first time in Florida, Florida's hotels are occupied at a single digit level. Need I remind people of Las Vegas and Mississippi and California and Hawaii and other places, not to mention just New York and the places where the tragedy impacted severely, physically. The residual is that we are losing.

I filed another measure to assist in protecting travel agencies who were losing customers by the dozens, and their number of unemployed within the next 2 weeks is expected to be 8,500.

The cruise industry that borders my shores, including the day cruise industry, those persons that provide some luxury, and I will be filing another measure that will now address the American family and the American middle class who misses out so often when we do things here in the House of Representatives, and that measure that will be introduced before the end of the day tomorrow or at the earlier portion of the next day, that will be cosponsored by the gentleman from California (Mr. FARR) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE), will give the hotel industry and the travel industry a shot in the arm if we would allow tax deductions for families when they take their vacations in the places that we need to get back to normal.

Service industries dependent upon airlines are closing their doors as we speak. One person said to me that in the Fiji Islands, people got off of the airplane and were ready to go on their cruise. They were deboarded from the cruise line because the tour operators at the rest of their destinations, which included the territories, had gone bankrupt.

We need to fly planes but protect people. Both of the bills that we are using as vehicles here in Congress can use all of my colleagues to address the human dimension in national tragedy we all know affects us all.

Mr. Speaker, let us look at another country which is accustomed to terrorism and how they handled their situation.

Yesterday morning, USA Today ran an editorial arguing that Congress should not be helping out hurting industries and unemployed workers in this time of need. The paper claimed that Federal assistance to these faltering industries is unnecessary and fails to truly stimulate the economy. Fortunately, USA Today was fair, and I had the opportunity to respond to what I perceive to be a misleading and incorrect editorial.

Mr. Speaker, I take tonight as an opportunity to ask USA Today to consider again the response that I offered and to allow for other Members of Congress to display their views, which I am sure they are willing to do.

In preparing the response, I was curious as to how other countries dealt with acts of terrorism and the result of these cowardly acts. As many of us would have done, I sought a visual, a country which has dealt with terrorism for more than 50 years. Interestingly enough, in responding to decreasing profits in many industries and increasing unemployment as a result of continuing terrorist attacks in Israel, the Israeli Government has responded in a similar manner to how we are responding here in the United States.

Just in the last week and a half, the Israeli Government provided the hotel industry with emergency funds to offset their single digit occupancy levels. The Israeli cabinet has approved emergency measures to fight unemployment that has come as a result of the increasing amounts of terrorism within Israel's borders. It is time for Congress to follow that kind of lead and not allow any unemployed worker to go on living without help.

Mr. Speaker, I have been joined by several of my colleagues, and I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, when we come in on a daily basis, we pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all..

Mr. Speaker, I rise tonight in support of the Displaced Workers Assistance Act, and any other measure that is pending before this Congress; and I am here to enlist the eyes, ears and hearts for support for the Displaced Workers Act and any other measure that may be out there.

Mr. Speaker, how would my colleagues, Members of the United States Congress, feel if we appropriated billions of dollars to this institution, and show up the next day once that measure had been enacted, only to find that we are no longer employed, that our employment has been abruptly terminated without notice, that we are no longer receiving a paycheck or severance pay or insurance or benefits.

That is why I believe that any delay in assisting those workers who were dramatically affected by the September 11 incident would be a delay in justice and thus a denial of justice to the numerous people who were affected by the horrendous and tragic September 11 event.

In 1900, Mr. Speaker, when Wilbur Wright designed this remarkable instrument that would eventually annihilate space and circumscribe time, the Wright brothers' idea some 98 years later, sought and obtained billions of dollars in bail-out funds from this Congress.

We preserve the Wright brothers' marvelous invention. Now with equal haste it is imperative, I believe, that we treat our brothers and sisters right.

So I rise tonight, Mr. Speaker, to suggest that we have fewer people flying, and with fewer people flying we have fewer planes in the air. With fewer planes in the air, we need fewer people to fly and man and maintain these airplanes.

I have heard heartbreaking examples all over the place about people who suddenly and abruptly lost their jobs. I have a lady in my district who had been employed by the airlines for some 38 years. Her daughter and her husband met a very tragic accident and lost their lives; and she is trying to maintain the family, and they left behind some five children, school-aged children. Suddenly she became unemployed. She has no benefits and has yet to get any kind of support to support the children whose mother and father died prematurely.

Mr. Speaker, the Congressional Black Caucus this weekend had an event at the Grand Hyatt; and I heard the sorry, sad stories of the employees there and wanted to applaud the Congressional Black Caucus for going ahead with the event. I am glad we did not suspend it because the hotel held a few employees over to handle the event, and they lost their jobs at the end of the Congressional Black Caucus weekend. These were maids. They were service workers, they were counter agents, and just an abundance of workers lost their jobs.

I understand at Washington National the figure goes all over the place, some 10,000 people. I had a lady call me because she would see me coming in and out of the airport from Indianapolis on a weekly basis, and shared with me the sad situation she faces, a disabled husband hurt on his job, and they are living off a meager worker's compensation check that will expire in the next 2 or 3 weeks.

While I understand the rationale in part for assisting the airline industry, we cannot wait any longer to assist the employees, the sky caps that were on the curb, the baggage handlers, the cargo handlers, the ticket agents, all of these people who have been affected by that tragic situation on September 11.

□ 1945

We helped out the airline industry. Let us help out the people who are we the people of the United States who are in dire need.

I extend my heartfelt gratitude to the honorable gentleman from Florida for allowing me to speak on behalf of this measure and to applaud him for having the foresight and the insight to try to help all of those who have been so severely affected.

Mr. HASTINGS of Florida. I thank the gentlewoman.

Mr. Speaker, I am very pleased to yield to the gentleman from Washington (Mr. INSLEE). I mentioned earlier the losses. I am sure that the gentleman from Washington will be able to bring us current. I am sure that my statistics do not reflect all of the collateral damage that has been done in his great State.

Mr. INSLEE. I thank the gentleman from Florida (Mr. HASTINGS), I thank the gentlewoman from Pennsylvania (Ms. HART) and Minority Leader GEPHARDT for their leadership in bringing this to the attention of the House. I and about 100 other Members were in New York City to see the devastation. The personal loss of life there is so stunning it defies description, but I think it is the responsibility of this House to very promptly deal with the loss of income, the loss of living ability of many other families across the country that have been caused by this terrorist act.

In my neck of the woods, I represent the area north of Seattle. We have 20 to 30,000 workers at Boeing that may have layoffs hit them in the next year as a result of the decline in airline usage in the next year or so. There are 20 to 30,000 families as a direct result of this terrorist act that are looking at a loss of health care benefits, potentially a change in their career and a real problem paying the grocery bill. It seems to me very important for our Chamber this week to pass a measure that will give assurance to those families that they will not be left out in the lurch when we deal with this terrorist act.

There are a couple of reasons for that, I think. One, we have got to realize that while we have responded to the immediate corporate needs of the corporations that run our airlines, and I think that was an appropriate and necessary thing to keep this infrastructure going in our country, it is impossible for me to go home and explain to my families at Boeing who have been directly laid off as a result of these terrorist acts why the U.S. House would deal with the needs of the corporations, legitimate as they are, and not deal with the personal needs of the workers who have been damaged as well.

They have needs to pay the grocery bill and their rent that are every bit as much pressing as the needs to keep those lines of credit going for the airlines. We hope that the House will send a strong message this week when we pass the airline safety bill that we are going to deal with airline workers as well. It just is not right to sort of shuffle off individual family members' needs to the back of our legislative calendar. That just is not right. We need to deal with that at the same time.

I want to applaud Speaker DENNY HASTERT of our Chamber who has helped us find unity in dealing with this challenge in the last several weeks. We hope that he will be successful in forging a bipartisan consensus on how to deal with these laid-off families' needs as well as the corporate needs that we did.

The second reason I think this is necessary is this is part of our counterterrorism effort. Our conflict involves our military and our intelligence forces, but it also involves depriving the terrorists of what they want, which is a disruption, instilling fear in the American people. To the extent that the American government provides a safety net, provides security to families, we defeat the terrorists. This is a counterterrorism effort when you tell the terrorists they are not going to succeed in putting 130,000 families out on the street, away from their homes, with an inability to deal with their financial crisis. This is a way of beating the terrorists in their efforts to strike fear in our heartland.

And, third, we are going to have to talk about a stimulus package. I think it is appropriate that we deal with this on a global basis or a national basis, but if we are going to stimulate anything, we need to stimulate the ability of these people who are laid off, these 130,000 families in the next several months, let us make sure they can stay afloat to send a message of confidence to the American people.

So, Mr. Speaker, I hope that we will all be successful this week, not next week, not next month, not at the end of the legislative calendar, but in our next round of discussions to help these families. I, again, thank the gentleman from Florida (Mr. HASTINGS) for his leadership.

Mr. HASTINGS of Florida. I thank the gentleman from Washington (Mr. INSLEE) very much.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida and member of the Committee on Rules. It is very important to note how early he recognized this issue and how quickly he moved with legislation, in fact, the week of this tragic and terrible incident, in addition to the need for stabilization of airlines, along with the mourning for the enormous loss of life, to begin to put in place a structure that will respond to the numbers of individuals, again I want to emphasize, working people who are being impacted by this heinous act.

We all know what terrorism is all about. Tomorrow, the Committee on the Judiciary marks up the antiterrorism bill. We have used that word more often now than we have ever used it probably in our lifetime. Terrorism is fear, intimidation. It wants you to turn on your fellow neighbor. It wants you to be fearful. It wants you to feel crushed. There is nothing more crushing than a hardworking individual, Americans who believe so much in the work ethic, self-supporting, believing in their employer, being laid off with no potential opportunity for employment.

And so I was certainly one who supported the stabilizing of the airports and providing the resources and support for the airlines. But equally important is recognizing that these are families that now are without income. We must move on this legislation, the legislation filed by the gentleman from Missouri (Mr. GEPHARDT), premised on the legislation that the gentleman from Florida (Mr. HASTINGS) filed earlier, the legislation filed in the Senate by Senator CARNAHAN is clearly legislation that I wish was moving this week, because even as we see the return of individuals to our airlines and flying and all of us have said, please, we are working, it is safe, we believe that we have the responsibility to ensure safety, and we are committed to doing so along with the airline industry, and, of course, our airport system. We want Americans and others to fly. But at the same time we know it will be a transitional period, and there are people who are being laid off now who will be off for a period of time until this whole idea of flying is restored. But as those individuals are laid off, then we know that the hotel workers, small businesses with employees and others that tie into the industry, travel agents, tourism, we hear the call to come back to Las Vegas and we know how much you can lose or gain in Las Vegas, but it is part of the economy, the call to come back to Disney World and Disneyland, to go visit our national parks and our wonderful capital of the United States of America. We heard a great announcement today that Reagan National is going to open, so we know changes will come about, but this legislation is so key.

As I entered the airport today, sky caps were saying thank you, because we restored privileges to have curbside check-in. Changes are being made, but it is still important to have legislation that extends the unemployment assistance and provides job training because we do not know where this will lead us.

So, Mr. Speaker, I want to join my colleague and I want to thank him for this special order and allowing me to proceed because of the time element. But I am very much concerned that we do not move this legislation quick enough. I want to note my appreciation to the Leader and as well the Speaker. I believe that the two of them can help us move this legislation quickly. I hope that maybe, I assume we want it marked up, I do not know the procedures, I would almost like a suspension bill, but if it has to go through committee, I would ask those committees to mark this up quickly. I would like to see this on the floor, as I said, this week, but certainly next week because there is nothing like supporting the flag of the United States with our arms around the American worker who makes the engine of this economy move.

They are falling on hard times now. This legislation is not a handout, it is a hand up. Each of us in our respective districts know these families. We go to church with these families. We have got to help them.

I ask the airlines as I close, each of them would do well, and I would welcome it if they would send us a letter of support indicating their commitment as well to these workers and those who are impacted tangentially through the industry. We are all one big family. For the airlines to stabilize, I wish them well, and I will be working with them as hard as I can.

I see my colleague from Texas. We represent Continental Airlines in our community. We want them to survive. Let us work with the American worker as well. I thank the gentleman for his kindness.

Mr. HASTINGS of Florida. I thank the gentlewoman. I make note of the fact that when we prepared the legislation, the gentlewoman was the second person to speak with me about being an original cosponsor.

Mr. Speaker, I yield to my distinguished colleague and good friend from Houston, Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I join my colleagues tonight in support of our Nation's working men and women who have been laid off as a result of the terrorist attacks. I thank the gentleman from Florida (Mr. HASTINGS) for spearheading not only this legislation, but also tonight's special order.

Just over a week ago, we gathered in the House and passed bipartisan legislation designed to take care of the critical needs of one of the most visible victims of the economic effects of these attacks, our national air transportation system. Due to the restrictions placed on air carriers in the aftermath of this tragedy as well as the understandable reluctance of Americans to resume flying, Congress passed the Air Transportation System Stabilization Act which provides critically needed economic assistance to our airlines. I believe that that bill was a necessary and responsible action to these attacks. I was hoping we could do it even the week of the tragedy, but it ended up the next week. I support other measures that will provide additional aid to additional industries that have been similarly impacted.

However, in our rush to help out these companies across America, we must not forget the working Americans who are losing their jobs because of these attacks. Even with the aid that Congress provided, layoffs at the airlines since September 11 have passed the 100,000 mark. For example, Continental Airlines, our hometown airlines in Houston, the largest employer in my hometown of Houston, has announced that they are laying off as many as 12,000 workers systemwide, 3,000 of them locally in Houston. These layoffs, combined with a decrease of close to 100 flights a day into Continental's hub at Intercontinental Airport, will have a substantial impact that will be felt throughout our local economy.

That is just the tip of the iceberg. It is still possible that additional layoffs could happen in the airline industry. Further, other transportation-related businesses, such as restaurants, hotels and car rental agencies have all begun laying off significant portions of their workforce. That is why I feel that the Displaced Workers Relief Act is so crucial.

This legislation will provide needed relief to hardworking Americans and families as they deal with this difficult time. At the same time, this relief will serve as a stimulus for our economy. The bill would extend unemployment and job training from 26 weeks to 78 weeks for these workers. This is the same amount provided to workers under the trade adjustment assistance program. For workers not otherwise qualified for unemployment insurance benefits, the bill would provide 26 weeks of unemployment insurance. More importantly, it would provide up to 78 weeks of federally-subsidized COBRA premiums and provide optional temporary Medicaid coverage for these workers without COBRA. COBRA is the part where if you are laid off, you can continue to buy your insurance from your group insurance, your employer. The problem is oftentimes that it is so expensive, you are laid off, you do not have any income, you cannot even afford the insurance. That is why we need to pass this legislation as a package. Hopefully the airline security is immediately adjacent to it so we can do it. All airline and airport workers, including transit workers as well as employees who work for airline suppliers, such as service employees and plane manufacturers, will be eligible for these benefits.

That is why I urge the House quickly to do that. Mr. Speaker, I am proud that Continental Airlines was one of the airlines that said that they would not abrogate their union contracts, they would pay their employees under their union contract and not have the emergency provisions in their contracts. I am proud that they are our hometown airline and they are treating their employees well. Other airlines were not.

□ 2000

That is why today I was disappointed when I heard that Reagan was reopening and that Continental was not getting some of the slots based on being the fifth largest airline. We are working on that as a delegation from Houston.

I thank the gentleman for this bill. Hopefully there are a lot of things we can do, and this is one of the things we need to do for our employees.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman. I have a very strong feeling that American Airlines should have some of those slots, if we are going to open it, safely, for all of the airlines to be able to undertake to do their responsibilities as well.

Mr. Speaker, sometimes bipartisanship takes on characteristics where even on one side of the aisle there may be divisions on issues. Tomorrow, if America is looking, my good friend, and he is my good friend, the gentleman from Chicago, Illinois (Mr. DAVIS), is going to be opposing a measure that I support. So if they want to see Democrats in a cat fight, wait until tomorrow when the gentleman and I go at it. But tonight, for America, the gentleman and I stand totally together. We will have our dispute about the sugar industry and the confectionery industry on tomorrow. I do not want to take too much of the time, since I control it.

I now yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Displaced Workers Relief Act of 2001 as proposed by my colleagues, the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART). I want to commend both these Members, because, once again, the gentleman from Florida (Mr. HASTINGS) is out front dealing seriously with the needs of working class Americans, making sure that there is balance in our decisions, so that everybody gets a piece of the action.

This bill will provide much-needed relief and assistance to families that are affected as the airline industry is facing a very tough challenge in the aftermath of the terrorist attacks on September 11. Analysts had already projected an overall loss of about $3 billion in 2001, the worst performing year since 1992. With the terrorist attacks on our shores, those losses will very likely escalate. Even though most airports are back in operation, yet the airlines are flying with less than 75 percent of their capacity. In other words, layoffs, the high level of unemployment, are directly affecting employees of the airlines and associated industries.

We have just entered the fall season, meaning that children are back in school, mortgages have to be paid, and life must continue. To minimize anticipated hardships affecting hardworking families of our respective districts, I support wholeheartedly H.R. 2946, known as the Displaced Workers Relief Act of 2001, and once again commend and congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for taking to heart the needs of American workers.

Mr. HASTINGS of Florida. Mr. Speaker, I was about to commit a major mistake. The previous speaker pro tempore, the gentleman from Connecticut (Mr. SIMMONS), is a cosponsor of this measure as well, and, in light of the fact that he was in the Chair, I was not ignoring that. I want to acknowledge and thank the gentleman, not only for his support, but for his demonstrated leadership here in the House of Representatives.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), a champion of working and rural Americans, who clearly understands that this tragedy has impacted us all and has impacted North Carolina's industry, its hotel industry, its tourism, and its rural communities.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding and thank him for his leadership.

Mr. Speaker, Congress passed within 10 days of the terrorist attack a bailout package for our airline industry, which they indeed needed. Now, about 10 days later, we have an opportunity to pass a bill, H.R. 2946, to provide relief for displaced workers. We must support America's workers.

I again want to congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for their collective leadership, and all of those who are cosponsors. I am pleased to say I am also a cosponsor of this bill.

In addition to the hardships suffered by airlines during this crisis, thousands, indeed, hundreds of thousands, of airline and airport workers have lost their jobs or may lose their jobs and need help from the Federal Government.

We also should find ways to help the millions of workers in hotel and travel industry jobs who also may become unemployed during this crisis.

I would like to place into the RECORD a statement by Mr. John Wilhelm, President of the Hotel Employees & Restaurant Employees International Union.

STATEMENT BY JOHN W. WILHELM, PRESIDENT

The devastation of the hospitality industry nationwide cannot be overstated. Between one-third and one-half of our Union's members will be laid off this week, and the same proportions are true for the larger non-Union sector of our industry, resulting in at least three million workers laid off.

Our Union supports temporary relief for the companies in our history. In addition, we believe temporary relief for the employees is essential, not only for the sake of the workers and their families, but for the sake of our nation. The hospitality industry has driven the recovery of central cities over the last decade. We are the largest welfare-to-work employer. The collapse of our industry has dire implications.

Supplemental Federal unemployment insurance is important, and has considerable precedent. It may also prove necessary, in New York and perhaps in other states, to provide Federal help for state unemployment systems.

But the most important issue we need to focus on is health care for these laid-off workers and their families. They will be able to scrape by on unemployment compensation, but in no way will they be able to pay for continued health care coverage after layoff.

Moreover, it is very much in the national interest for the existing health plans, both corporate and union, to continue to cover them. We cannot afford for those existing health plans to be destabilized, because that will mean that even when the industry recovers, the trend toward more uninsured Americans will continue. In addition, the public health system in this country cannot absorb all these laid-off workers.

Mr. Speaker, Mr. Wilhelm is giving the needs of what he saw on September 25, the needs of millions of laid-off hospitality workers for Federal help with unemployment compensation as well as with continued health care coverage.

These workers and small business operators in communities all over our Nation constitute the backbone of their local economies, in North Carolina as well as other States. These workers may be expendable to the airlines, but they are essential to the economic well-being of their families and their communities. Their economic security is as important to the Nation as the fiscal soundness of our airlines. We should help both.

These workers receive low wages and have meager resources to draw upon during a crisis like this. Neighborhood food pantries and food banks currently have insufficient inventory to respond to the sudden increase of unemployed workers. We must expedite this package and hope that the distribution of these funds to families becomes a reality, because the community resources will not be sufficient to address this emergency for food and housing and utilities in the interim.

Our economy was declining before the attack of September 11. It is now getting worse. We must find ways to restore the public confidence, capacity, and commitment to our economy: that is, for people to travel and spend money. We must ensure the safety of Americans when they travel. We also must retrain unemployed workers and marshal their talents and skills into productive enterprises, including infrastructure development in rural and urban communities and the development of affordable housing. We also must raise the minimum wage to a meaningful level of wage.

We must take these steps and others towards recovery. We must understand we have already depleted our Social Security trust funds and are resorting to deficit spending, because already we have spent the projected budget surplus. And we have very few resources because of the unwise, huge tax cuts earlier this year.

These are tough times and require wise stewardship of our economy. As we move forward, Mr. Speaker, to recover and rebuild, we should move forward together. We have bailed out the airlines, and now we have an excellent opportunity to respond and help workers who so desperately need it. They have lost their jobs due to the crisis resulting from the terrorist attack. We now have an opportunity to support the American workers. We must support the American workers.

Again, I congratulate the gentleman from Florida (Mr. HASTINGS) on his leadership and all of those who cosponsor this legislation.

Mr. HASTINGS of Florida. I thank the gentlewoman.

I would alert my colleague, the gentleman from Pennsylvania (Mr. WELDON), and his traveling companions, and I would ask the American public to pay attention to the next hour that interrelates in this global village. I just want the gentleman from Pennsylvania (Mr. WELDON) to know that we have less than 10 minutes, and I will not take all of that time. His traveling companions are my good friends, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. REYES), with whom I serve on the Permanent Select Committee on Intelligence. And they are going to consume the next hour, and I am sure they are going to enlighten us with reference to recent and laborious travel they have undertaken and as it relates to our present circumstances.

Mr. Speaker, last week I received a call from George Mador. Mr. Mador is the President of L&M Aircraft Services, and he called my office looking for help. L&M is a small aircraft maintenance company that services charter airlines transporting passengers to and from the Bahamas. L&M has only seven employees, and many of them have been with the company for the majority of the company's existence. However, in the wake of the terrorist attacks on September 11, L&M is now facing imminent bankruptcy; and its seven employees, therefore, are facing certain unemployment.

George told me that he did not want to get out of bed this morning because of the reality that he will have to lay off at least half of his staff by the end of the week as a result of zero income in the past 3 weeks.

Last week's payroll left George and some of his employees without a paycheck and L&M $500 in the hole. With no apparent income coming in the past 2 weeks, the future of L&M airport services and its seven employees are undoubtedly in jeopardy.

At the three international airports that I am privileged to serve, Fort Lauderdale/Hollywood, Palm Beach, and Miami, there are more than 300 small businesses like L&M that are now on the verge of bankruptcy as a result of lost income. In Miami-Dade, as I have said earlier, the airline industry is the economic engine representing more than 9 percent of the county's total workforce. Thousands of employees already have or will lose their jobs, and hundreds of businesses will go under nationwide if Congress does not expedite this legislation, as well as other legislation.

The headline in this morning's Palm Beach Post read, "Florida's layoffs worst in 10 years." That is not unique to Florida. It happens to be the place that I am privileged to represent. But those layoffs nationwide are immense, and we have a responsibility here in this institution to do something about it and to do it now, for all of the workers of this country.

This country has a historical precedence in protecting our economy when it needs it most. During the Depression, and I was born during that period, and my mother saw the earlier stages of the real Depression, the 1929 crash. Although we were in a different kind of society, I can tell you that the week of the crash itself, 1,000 persons committed suicide.

So last week when I introduced this legislation someone said I was being incendiary, because I was using the facts to demonstrate what can and likely will happen in this country, and among those things are increased child abuse, increased domestic violence, increased alcoholism, and, indeed, crime will increase.

People ask, how can we afford to do what you are saying, Al? I ask them, how can we afford not to? During the Depression, President Roosevelt worked with Congress and initiated the New Deal. From Social Security to Job Corps programs, the WCC and the WPA, the New Deal succeeded in stimulating a dead economy, much more dead than ours is now, while at the same time creating a safety net and programs such as Social Security that would provide immediate relief as well as long-term security.

Reflecting on the programs that were created in the New Deal, President Roosevelt in 1936, the year of my birth, said, "America got something for what we spent, conservation of human resources through the CCC camps and through worker relief, conservation of natural resources, of water, soil, and forest; billions of dollars for security and a better life. While many who criticize today were selling America short, we were investing in the future of America."

Today, at a time when our country mourns and hurts, it is the responsibility of the Federal Government and the United States Congress to do what it needs to do in order to help all Americans deal with these hard times, all working Americans especially. For Congress to remain silent at a time hundreds of thousands of Americans have lost their jobs as a result of the terrorist attacks would be nothing short of irresponsible.

Another Roosevelt quote from May of 1932. President Roosevelt said, "The country needs, and unless I mistake its temper, the country demands, bold, persistent experimentations. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something."

Domestic security is not just protecting our borders with guns and soldiers. It is not just protecting our planes and airports. On the contrary, domestic security is also about protecting our economy.

□ 2015

It is about protecting our industries and our entrepreneurs, and it is about protecting all of America's workers. If we fail to consider these crucial elements of our country, while charting a response to the cowardly acts of terrorism that occurred 3 weeks ago, then we ultimately allow the terrorists to succeed in altering our lives for not just days, but for years to come; and that new normalcy that we will have will be but a fading memory of the old normalcy before September 11.

I want to applaud, Mr. Speaker, as I conclude, all of the agencies of our government: FEMA, the firefighters in New York and at the Pentagon that came from all over this great country of ours; the police officers here on Capitol Hill that have worked, as reported today in Roll Call magazine, some of them, lots of them, most of them, 72 hours a week, protecting the interests of America's Congress persons, as well as those of us that live here and work on Capitol Hill. I applaud those officers, the officers in New York, as well as those from around the country.

I would like to especially applaud the FBI for the enormity of the task that they have undertaken in the face of sometimes unwarranted criticism; the same for the Central Intelligence Agency, and FEMA, which lost its own building, its own offices, in the World Trade Center. They too are to be complimented.

But most of all, the people of New York City, the people of Washington, D.C., the people in Pennsylvania where the tragedies struck home the hardest, and they felt the victimization more than those of us with our rhetoric, more than those of us with our creative notions about what we can do in order to set and stabilize our economy. They felt that pain, and they responded in kind as Americans are wont to do when they are faced with difficult and tragic times.

I ask all of our colleagues, what would we be doing, what would we be doing if a tactical nuclear weapon had been used in either of the three sites where folks were victimized and lost their lives and families who are still mourning them? And what makes anybody think that if these fools had the tactical nuclear weapon that they would not have used them, for they feel they have some divine mandate from God to eliminate people who do not think like them.

Had it been a nuclear tactical weapon, none of us would have gone home, no airports would be open, and we would be here in this building and the people in the other body would be in that building until such time as we could conference with real solutions, not just for big dogs feeding at the trough, but for all Americans. I entreat this country to answer that question, How we can afford it? Simply by saying, we cannot afford not to afford it. There are outyears in this tax cut that has been put forward. Anybody in their right mind would know that we can repeal those tax cuts in the years 3, 4, 5, 6, 7, 8, 9 and 10, and take care, as Franklin Roosevelt did, of the needs of our country now.

## DISPLACED WORKERS RELIEF

The SPEAKER pro tempore (Mr. TIBERI). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to also lend my voice to the 100,000 displaced airline workers. The terrorist act of September 11 left a colossal void in the hearts of all Americans. It has not only had an emotional impact on our Nation; it is having a significant economic impact as well.

I believe, Mr. Speaker, that we have a responsibility as Members of this House to assist those whose lives have been threatened by the downturn of the aviation industry and their jobs are on the line for possibly cuts and layoffs. The economic crisis is not just limited to the employees, though, of the major commercial carriers who feel the pinch of an industry-wide slowdown. It is affecting the sky caps that do not know whether or not they can count on checking bags at curb sides to make a living. The crisis is affecting counter agents. I talked with a young lady who is a mother of six, single parent, Latino, who is saying that she is being laid off because there are not enough people who are coming to purchase tickets to get on the planes. It is affecting the travel agents who fear for the future of their small businesses as bookings decline. A lot of those, Mr. Speaker, are women-owned businesses. It is the hotels that are near the airport, where the workers, the cleaning ladies, the cooks, and all others are affected by this displaced workers program.

We also have the tourist attractions. We know that tourism is $6.7 trillion to this economy. If we do not have tourists coming to the various States coast to coast, workers will lose their jobs in the aftermath of this cowardly act of September 11.

It is the thousands of workers, including workers from Boeing and other aviation and engine manufacturers, who face massive layoffs as a result of this tragedy. It is essential for the administration and Congress to move aggressively in addressing the needs of America's workers. These men and women are hard-working individuals who are buying their homes, raising their families, and making significant contributions to the greater economy.

In the days and weeks ahead, we will face enormous financial pressures; and so will they, including credit card bills, mortgage payments, and utilities, tuition bills, medical bills, and other essential outlays. I would like to see the Congress take up an immediate package which would address the medical care needs, job retraining, and severance pay. The tragic incidents of September 11 have already touched and affected so many Americans, Mr. Speaker. We should do everything in our power to limit further damage to the American economy and, most importantly, to American families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of the 140,000 airline industry workers who have been or are expected to be laid off.

I am a cosponsor of Mr. GEPHARDT'S legislation, H.R. 2955, the Displaced Workers Assistance Act. I urge the House swift adoption of this or similar legislation. However, I also want to call attention to legislation I introduced in March, long before this crisis. My bill, H.R. 886, would eliminate Federal income taxation of unemployment benefits.

The Congressional Budget Office estimates that 90 percent of all unemployment compensation claimants owe taxes on their benefits and that Federal taxation eats up 17 percent of their benefits. This is a form of taxation that is regressive and cruel, because it takes from those who need it most at a time when they are most in need.

The aviation sector is certainly the hardest hit due to the September 11 events. The effects are now rippling throughout the economy and have pushed an economy that was teetering on the brink of recession over the edge. My bill would not only relieve the economic hardship that airline workers will experience but also the hardship that workers in other parts of the economy will experience as the economic downturn continues.

While my tax cut is eligible to individuals who become unemployed regardless of their income, it would have the greatest benefit to low-income taxpayers who have to make the greatest adjustments to meet basic necessities such as rent, utilities, food, and clothing for themselves and their children.

Mr. Speaker, I urge swift adoption of H.R. 886, as a stand-alone bill, as part of an airline employee relief package, or in a broader economic stimulus package.

The terrorist attacks of September 11 not only caused tremendous physical destruction to lives and property but also dealt a body blow to our air carriers. Airlines hemorrhaged more than $1 billion in the week following the attacks, when their planes were ordered by the Federal Government to be grounded. They continue to lose money because passengers are still hesitant to fly.

Airlines have taken painful steps to control their costs, including reducing flight schedules and laying off thousands of workers.

Congress acted swiftly and decisively to stabilize the financial situation of the airlines, by passing a $15 billion package of grants and loan guarantees. I supported this legislation because I recognized that if it did not pass, American Airlines in my district could be forced to lay off even more workers and other airlines could be forced to file bankruptcy.

At the same time, I was troubled that the financial stabilization bill was an incomplete package that did not also provide relief for the heart and soul of our airlines—its workers.

Now that the airlines are already receiving their distributions in grant assistance, it is time to finish the job. We must ensure that there are adequate resources to provide airline workers with extended unemployment benefits, training opportunities, and continuation of health care coverage for them and their families.

Mr. Speaker, I urge expedited consideration of the Displaced Workers Assistance Act and my bill to eliminate Federal taxation of unemployment benefits.

Mr. TOWNS. Mr. Speaker, I want to join my colleagues in voicing support for a legislative initiative to address the tremendous economic impact the September 11 bombings have had on employees working in the airline industry.

Our efforts to support the airline companies will hopefully be matched just as quickly this week by action on H.R. 2946, The Displaced Workers Relief Act authored by my friend, the gentleman from Florida, Mr. HASTINGS.

Finally, as we move forward with this effort let us be mindful of the efforts by some airlines, like Delta, to offer alternative employee leave programs. Our efforts here in the Congress should not supersede these programs, particularly where the airline's offer may be better for the employee.

America's 100,000 airline employees need immediate relief and we should act this week, Mr. Chairman, to make sure that they receive that relief. I urge my colleagues to support action for America's airline employees.

Ms. WATERS. Mr. Speaker, in the aftermath of the September 11 terrorist attacks, thousands of workers have lost their jobs.

Over the past 3 weeks, over 100,000 people have lost their jobs. Individuals who earn their living in the airline, hotel, tourism, and other related industries have been hit extremely hard. Many other industries have felt the pinch, too.

We all know that the Twin Towers provided jobs for thousands of analysts, brokers, and other financial workers, but it was also the source of jobs for janitors, window washers, cooks, and others. The Service Employees International Union (SEIU) represented over 500 of these workers.

These were not high paying jobs, and many of these individuals live paycheck to paycheck without large savings accounts. Now, their future remains in doubt.

Congress acted swiftly to help the airline industry but forgot about the airline employees.

Organized labor decried the bailout bill. They insisted that any bill passed should help all the workers who lost their jobs because of these disasters—not just the airline industry.

And they are right.

We should be extending and increasing unemployment benefits for workers. We should be increasing job training opportunities. And we should be increasing access to healthcare.

Our country's livelihood depends on these workers and we should do everything possible to assist them through these tough times.

Some of the proposals we have seen will help displaced workers, but we should do more by creating jobs by investing in infrastructure, helping small businesses, and supporting programs that help businesses invest in our communities.

If we pursue this course, jobs will be created and businesses will surely benefit.

We will never forget that thousands of lives were lost and many more were devastated because of these terrorist acts. But as Members of Congress we can help put these lives back together.

## A NEW VISION FOR U.S.-RUSSIAN RELATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to lead a Special Order that we expect will involve a number of our colleagues who just returned last evening, as I did, from a whirlwind 5-day trip around the world to try to deal with the issue of, not just the terrorism that occurred on September 11, but to improve and change our relations with Russia.

Mr. Speaker, this trip was not scheduled after September 11, but rather had been scheduled in August, when our Russian friends contacted me and asked me to bring over some ideas that I had to improve the relationship between our two countries and to give them some of the ideas I was working on as the basis for the upcoming Bush-Putin summit and to change direction in our relationship.

The preparation of a document entitled "A New Time, a New Beginning" was, in fact, the subject of that presentation; and the delegation that traveled with me that I had the pleasure of chairing, along with the gentleman from Texas (Mr. ORTIZ), my good friend, as the cochair, was designed to present this document to the Russian leadership. We did that in a series of meetings in Moscow over 3 days.

We met with the representatives to the President of Russia; the Prime Minister of Russia; President Putin; leaders of the Duma; Deputy Speaker Sliska; the chairman of the International Affairs Committee Yablako; Chairman Kulikov; and a number of the various leaders of the Russian Government. And every one of them was extremely excited about this new direction in our relationship.

The package, which will not be presented here in detail, that will occur several weeks from now, it is just for discussion purposes now, involves us in 11 specific areas with the Russians. Instead of focusing on the differences in defense and foreign policy, the new initiative focuses on cultural relations, economic relations, energy and natural resources, defense and security, environmental cooperation, health care, judicial and legal, local government, science and technology, space and aviation, and agriculture. I will include a summary of these documents now, to be made a part of the RECORD of this Special Order at this point in time in the presentation.

### A New Vision for U.S.-Russian Relations

Those of us who value the U.S.-Russian relationship have been on a roller-coaster ride for the past decade. During the heady days of the fall of the Berlin Wall and the following collapse of the Soviet Union, it appeared that our two countries would cooperate as never before. The world cheered when Presidents Bush and Yeltsin hailed a new "strategic partnership" between America and Russia.

There followed, however, a dark period—marked by misguided American policies and rampant Russian corruption. The Russian economy sagged as American aid—money meant for the Russian people—was siphoned off and stashed in Swiss banks and American real estate investment. At the same, NATO's war in Kosovo strained the already sinking bilateral relationship. What were the results of this increasingly bitter disenchantment? A more aggressive Russian foreign policy, increased proliferation from Moscow to rogue states, and the final coup de grace: Russia and China announced last year a new "strategic partnership"—against the interests of America and the west.

Now is the time, with new leaders in Washington and Moscow, to improve the relationship for the long-term.

My interest in this relationship began when I was nineteen years old, when a college professor convinced me to switch my major to Russian Studies. Since that time, I have been fascinated with the Soviet Union and Russia—and have traveled there more than twenty-five times.

I began my travels when I was a member of my local County Council and was invited to travel to Moscow by the American Council of Young Political Leaders. I have continued to visit Russia since my election to Congress, as a member of the House Armed Services Committee and later as co-chairman of the Duma-Congress Study Group, the official interparliamentary exchange between the U.S. and Russia.

My interactions with leaders across Russia have taught me that the Russians are a proud people, historically aware, and mindful of Russia's unique global rule. Increasingly, they are becoming aware of the limitless possibilities for U.S.-Russian cooperation on a host of issues.

This brief paper, then, is an effort to weave together a comprehensive program of U.S.-Russian cooperation across a wide-range of issues.

Too often, the focus of our bilateral relations has been on defense and security—precisely the issues on which our interests often collide. It would be more useful, as we move forward with a Russian policy for the 21st century to take a more holistic approach—one that takes into account Russia's myriad concerns as well as our own.

Therefore, in consultation with many of the leading experts on Russia, I propose a series of initiatives to engage Russia on issues like the environment, energy, economic development, health care—as well as defense and security. Some of these are new ideas, but many are not. Many of these initiatives are already underway, and need additional support to make even greater progress.

Such engagement is in the U.S. interest as well as Russia's. For if the U.S. and Russia are cooperating on issues across the board, Russia will be more likely to work closely with America on the national security issues that matter most to us—missile defense, the war against terrorism, and proliferation.

This is not, and will never be, a finished product. The contours of our bilateral relationship change daily with world events. Not will it likely be turned into a grand legislative proposal, although certainly parts of it may be. I hope only that it is a starting point for discussions between Russia and America on ways that we can forge a new relationship that will benefit both our countries.

For if we make a new American-Russian relationship, one based on common interests that benefit the citizens of both countries, than we will make great progress—not just for America and Russia alone, but for peace and stability across the globe.

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### A New Time, a New Beginning

#### SUMMARY OF KEY RECOMMENDATIONS

*Cultural Development*

Expand cultural ties outside the major cities.

Assist Russian regional museums generate tourism.

Provide for more Russian language and cultural studies in U.S. schools.

*Economic Development*

Help facilitate Russia's accession to the WTO and its acceptance of all WTO agreements.

Increase funding for OPIC and EX–IM Bank projects in Russia.

Work with Russia to improve intellectual property rights.

*Energy/Natural Resources*

Foster cooperative pilot projects, starting with oil and gas exploration in Timan Pechora.

Convene bilateral task force to discuss the energy ramifications of the war on terrorism.

Eliminate bureaucratic obstacles to joint cooperation on energy.

*Defense and Security*

Initiate new bilateral talks similar to the Ross-Mamedov talks on a Global Protection System.

Move forward with joint talks on a new nonproliferation regime.

Encourage progress on the RAMOS program and restructure the Nuclear Cities Initiative.

*Environmental Cooperation*

Develop a revolving fund to assure development of promising Russian technologies.

Expand debt for nature swaps.

Dramatically expand cooperation on marine science research.

*Health Care*

Increase emphasis on chronic diseases like cardiovascular and diabetes.

Develop more extensive physician exchange programs.

Augment existing cooperation between NIH and appropriate Russian research institutes.

*Judicial Systems*

Support expansion of jury trials into all Russian regions.

Expand Environmental Public Advocacy Centers into Russia.

Encourage a doubling of the number of legal clinics in Russia.

*Local Governments*

Propose ways to expand the tax base available to local governments.

Encourage political participation by increasing local partisan affiliations.

Encourage the gradual devolution of services to the local level.

*Science and Technology*

Increase cooperation in the area of nuclear fuel cycles.

Expand cooperative fusion research on nonpolluting energy solutions.

Involve Russian industry in embryonic U.S. nanotechnology efforts.

*Space and Aeronautics*

Utilize commercial joint ventures to enable Russia to meet its Space Station obligations.

Increase joint projects on space solar power, propulsion technology, and weather satellites.

Cooperate on mutually-beneficial planetary defense tracking technologies.

Mr. WELDON of Pennsylvania. This entire document, which we have briefed to the administration, and which I have given to Senator LEVIN and Senator LUGAR and have talked to Senator BIDEN about on the phone, will be presented to our colleagues in a formal context after we have had a chance to make some modifications and changes. We have also presented this initiative to the White House, to the Vice President's staff, to the National Security Council, the Defense Department, and the State Department.

Truly, it was a landmark opportunity for us, a historic opportunity, to change the direction in our relationships with the Russians.

Mr. Speaker, the other activity that we did on this trip, which grew out of the September 11 incident, was to try to find a way to further support our President to build an international alliance that would work together on terrorism. To that end, we drafted a piece of legislation, had it translated into Russian, faxed it over in advance of our trip, and asked the leaders of the Duma, which is their congress, to consider passing an identical bill to one that we have passed in the House. This legislation calls for the creation of a joint task force on terrorism involving Members of the House and the Senate, the Duma, and the Federation Council.

Our Russian colleagues were very much supportive, indicated that they could pass such a measure in 3 weeks. At this point, Mr. Speaker, I will enter the actual resolution in the CONGRESSIONAL RECORD.

H. CON. RES. —

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. FINDINGS; DECLARATION OF POLICY.**

(a) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens when terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.

(2) In the past, similar acts of violence have been committed against the Russian Federation and its citizens.

(3) Such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of both the United States and the Russian Federation.

(b) DECLARATION OF POLICY.—Congress—

(1) condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors; and

(2) reaffirms the importance of joint efforts between the United States and the Russian Federation to provide the fullest possible level of cooperation on antiterrorism activities.

**SEC. 2. UNITED STATES CONGRESS-RUSSIAN FEDERATION PARLIAMENT JOINT TASKFORCE ON ANTITERRORISM.**

(a) NEGOTIATIONS.—The Speaker of the House of Representatives (in consultation with members of the Duma Congress Study Group) and the majority leader of the Senate shall seek to enter into negotiations with appropriate officials of the State Duma and the Federation Council of the Russian Federation for the establishment of a joint taskforce on antiterrorism.

(b) MEMBERSHIP.—The joint taskforce shall consist of members of the House of Representatives and the Senate and members of the State Duma and the Federation Council.

(c) DUTIES.—The joint taskforce shall provide for increased cooperation between the United States Congress and the Russian Federation Parliament on issues relating to antiterrorism.

Mr. WELDON of Pennsylvania. Mr. Speaker, this is a bill that I hope our colleagues will support. The 11 members of our delegation will be the original bipartisan sponsors of this bill. We have not yet dropped it. But it will be, in fact, the first time that the parliaments and the governments, legislatures of Russia and the U.S., pass an identical bill, perhaps even on the same day, because they are 8 hours ahead of us, that calls for the creation of a joint task force to work together on terrorism.

Mr. Speaker, we thank our Russian friends for their condolences, we thank them for offering to allow our airplanes to use their airspace to assist us in intelligence, and we thank them for their support of our trip on the second leg of our journey to Rome.

In Rome, Mr. Speaker, we traveled for 30, 40 minutes outside of town under heavy security to visit the King of Afghanistan living in exile.

□ 2030

The king of Afghanistan was thrown out of that country in 1973. He has lived outside of Rome under heavy security since that time. We made a special visit to him to enlist his support in eventually returning to his native country to convene a cooperative effort with those leaders in the northern front, now called the Joint Task Force, or the Unified Front, to overturn the Taliban government, to remove Osama bin Laden, and to support the people of Afghanistan taking over their government.

Our meeting with the King lasted for 90 minutes. It was extremely constructive. Our colleagues will discuss it in more detail when they speak.

Following that meeting, we met for 90 minutes with approximately 10 or 12 leaders of the various military factions in Afghanistan who had flown in to meet with us and the King. We were convinced that this new effort is broad, it is across the spectrum in Afghanistan, and involves all the various tribes.

We are convinced that we should continue, as our President has said, to support this Unified Front with both money and any type of military support that they would require. In fact, we have prepared recommendations to present to President Bush, the Secretary of State, Secretary of Defense, the National Security advisor, on additional efforts that can assist this Unified Front to remove Osama bin Laden.

Following our trip to Rome and our meetings with the King and the Unified Front, we went on to Ankara, Turkey. On Sunday and Monday in Turkey we met with leaders of their parliament, leaders of their government, and thanked them again for their outpouring of support for our people. We thanked them for their steadfast loyalty to America during very difficult times.

Turkey has been one of our strongest partners during good times and bad times. Turkey, a 99 percent Muslim nation, has no problem standing up with America and proudly performing any task that we ask them. In fact, Turkey has a unique position. They are best of friends, not just with the U.S., but also with Israel, with Russia, and with Pakistan.

In our meetings with the Turkish military and with the Turkish leadership, we came to the conclusion that we should put further emphasis on Turkey playing a lead role in helping us to remove Osama bin Laden and to remove the Taliban, assuming they continue to disagree with the President's request to turn bin Laden over.

Again, we make specific recommendations to the administration which are contained in a document that I will offer as part of the CONGRESSIONAL RECORD.

The document referred to is as follows:

U.S.-RUSSIA-TURKEY PARTNERSHIP: ANTI-TERRORISM AND AFGHANISTAN

[A Bi-partisan Congressional Delegation led by Representative Curt Weldon: Russia-Italy-Turkey—September 26–October 1, 2001]

OVERVIEW

This Congressional delegation to Moscow was originally planned in August as part of the continuing dialogue of the Congress-Duma Study Group, chaired on the U.S. side by Chairman Weldon (R-PA). After the September 11 terrorist attack in New York and Washington, the delegation saw an opportunity to reinforce President Bush's coalition building effort and expanded its mission to consult with leaders in the region to gain information that could prove helpful to the Congress and Administration in furthering the war on terrorism. As a result additional stops were scheduled for Rome and Ankara. In addition to the original agenda in Moscow that sought to expand the basis of discussions with the Duma (atch 4, "A New Time, A New Beginning," an eleven point agenda), the delegation prepared and presented to the Russians proposed legislation (atch 5) on counter terrorism that the delegation hopes to see passed in both the Duma and Congress.

In Moscow, representatives of the Duma, Federation Council and executive branch officials were enthusiastic about both the 11-point program proposed for broadened Congress-Duma discussions, and the counter terrorism legislative proposal. All of the Russian officials encouraged the Delegation to pursue its fact-finding opportunity with the exiled Afghan King and United Front/Northern Alliance leadership in Rome.

The main objective of the counter terrorist, fact-finding portion of the trip was to explore recommendations by key allies that would enhance the understanding of Congress by seeking insights into the difficult challenges in the fight against terrorism, especially in Afghanistan. In Rome, the delegation had an in-depth discussion with Zaher

Shah and United Front field commanders from diverse areas of Afghanistan provided a detailed briefing on the current military situation. Turkish military and foreign policy leaders, as well as members of Parliament, gave the delegation poignant insights and their perspectives on defeating the Taliban and other terrorist forces.

### FINDINGS

In all countries, there appeared to be unanimous support and approval for the President's efforts to build a strong coalition against terrorism and to put an end to Osama bin Laden (OBL) and the extremist Taliban regime. Russian and Turkish leaders supported the delegation's effort to meet with King Zaher Shah, whom they believe can be a unifying figure, as well as the United Front commanders. Both Russia and Turkey recommended that Afghan resistance forces conduct the bulk of the fighting and hunting bin Laden inside of Afghanistan with adequate support from America and our allies. Humanitarian support in areas controlled by the United Front is also a necessary component both during and after the current crisis.

In Rome, the resistance commanders, representing all groups and many regions of Afghanistan—north and south—expressed a willingness to work with the King as a symbol of unity and were confident that with adequate material support and limited air support that they could overturn Taliban rule in a rapid period of time. [There is less than two months before Winter sets in, when snow will prevent offensive actions in much of the country.] Most commanders believe they could root bin Laden and his terrorist forces out of their mountain bases.

Russian and Turkish experts expressed serious concern about instability in Pakistan. The consensus advice to the United States was against basing US forces inside of Pakistan or using Pakistan territory as a support base for military or humanitarian efforts. All parties reminded the delegation that Pakistan facilitated the creation of the Taliban and has been its primary political and military backer.

King Zaher Shah presented a three-part plan for peace in Afghanistan: (1) Conduct a loya jirga of tribal elders inside of Afghanistan; (2) Establish an interim coalition government, including any moderate Taliban, to serve for two years to begin post-war recovery, integrate returning refugees and to write with Constitution; (3) Conduct nationwide elections to choose leaders and to choose a form of government.

King Zaher Shah and the field commanders believe that the Taliban are weak and vulnerable. The Talibs have lost the support of the Afghan people due, in large part, to their brutal rule and the presence of international terrorists as their shock troops. The United Front commanders claim that the core of Taliban forces are some 10,000 international terrorists recruited by bin Laden and some 25,000 Pakistanis. They estimate the Taliban's Afghan troop strength at 40,000. The resistance claims 70,000 to 75,000 total anti-Taliban forces.

The resistance commanders also claim that many Afghan Pashtuns currently allied to the Taliban are in contact with the United Front and plan to switch sides when a coordinated offensive begins. They believe the Taliban could collapse rapidly. In order to begin the offensive before Winter sets in, the United Front requires an immediate infusion of ammunition and other supplies. Essential items include communications gear, long-range artillery, rockets, anti-tank weapons and anti-aircraft capability. The Taliban is estimated to have approximately a dozen fighter aircraft, a limited number of attack helicopters and 20 battle tanks, which must be eliminated if the battle is to be won.

Zaher Shah expressed an openness to direct U.S. military support for the resistance if the United Nations did not respond in a timely manner. Turkish experts recommend that currently an emergency humanitarian aid program is desperately needed. And a much-needed infrastructure development program should be done in a way that would not overwhelm the Afghan people's ability to absorb it. The Under Secretary of the Turkish Foreign Ministry, Ugur Ziyal, said Turkey has accomplished effective programs using limited funding—unlike high-cost and high-overhead UN and USG programs—by working closely with the Afghan people.

Turkish officials expressed a frustration of often being ignored by the West, especially in dealing with their own terrorism problem, which has led to the deaths of over 30,000 citizens during the past two decades. However, Turkey considers the United States as a steadfast friend. As they already have modest humanitarian aid programs in United Front zones of Afghanistan, they would be willing to be a facilitator of US aid.

### RECOMMENDATIONS

Avoid placing US forces in Pakistan.

Expedite US assistance to the Afghan United Front to conduct operations before winter begins. Be prepared to respond to possible rapid changes on the battlefield and in Kandahar and Kabul.

Support the return of King Zaher Shah to Afghanistan as a unifying figure between all ethnic groups and factions and to conduct a loya jirga.

After the Talibs/bin Laden are defeated, cost-effective developmental assistance—not bloated "nation building"—could go a long way. Turkish experts said $10 to $20 million of targeted aid would do tremendous good if a team of experts worked with indigenous Afghans.

Develop greater intelligence cooperation with turkey. Utilize Turkish NGOs as conduits for some U.S. aid into Northern Alliance zones of Afghanistan.

Establish a Congress-to-Congress working group with Turkey.

Consider forgiveness of Turkey's FMF debt.

### CODEL WELDON

Representatives: Curt Weldon, Solomon Ortiz, Bob Clement, Dana Rohrabacher, Clifford Stearns, Robert Cramer, Roscoe Bartlett, Nick Smith, Silvestre Reyes, Brian Kerns, Todd Platts.

Staff: Al Santoli, Office of Rep. Rohrabacher; Xenia Horzczakiwskyj, Office of Rep. Weldon; Doug Roach, Professional Staff Member, Committee on Armed Services.

### KEY CONTACTS

Russia: Ambassador Vershbow, U.S. Ambassador to Russia; Lyubov Sliska, 1st Dep. Speaker of the Duma; Andrey Kokoshin, Dep. Chairman of the Committee on Industry, Construction, Industries, and High Technologies (former National Security Advisor to President Yeltsin); Vladimir Lukhin, State Federation Council Chairman, Yablako, Former Chairman International Affairs Committee/Russia Ambassador to the United States; Konstantin Kosachev, Vice Chairman International Affairs Committee; Anatoly Savin, Kommeta Institute; Anatoly Kulikov, Chairman of the Terrorism Task Force, Russian Duma; Valkov, First Dep. Head of Pres. Putin's Advisory Committee; Vladimir Andrianov, Sr. Advisor to Prime Minister; U.S.-Russia Business Council; American Chamber of Commerce; Moscow Petroleum Club.

Italy: Exiled King of Afghanistan, King Mohammad Zaher Shah (86); Prince Mir Wais Zaher (40), youngest son and "closest aid"; Mostapha Zaher, King's grandson. United Front/Northern Alliance Commanders: Malik Zarin (Konar Province); Haji Nasir (Nangehar Province); Haji Khaleq Ghor (Onazon and Farak Provinces); Commander Arif (Kandahar Province); General Awari (Shomali Plains, Kabul area, and Bagram Airfield, North of Kabul); Commander Kazeni (Parwan Province); Abdul Khalig (Kuman Province); Commander Jegdalak (Kabul Area); Commander Zaman (Nangahar Province); Yunis Kanoni, delegation spokesman (Panjer Valley).

Turkey: Turkish Ministry of Foreign Affairs, Ambassador Ugur Ziyal, Undersecretary (DEPSEC equivalent), (Faruk Logoglu, new Turkish Ambassador to the USA). Turkish General Staff: LTGEN Koksal Karabay, Turkish Gen. Staff (TGS), Turkish Land Forces; LTGEN Turgut, TGS, Turkish Air Forces; MGEN Nusret Tasdeler; COL Kusu, briefer; Namik Tan, American Desk, Dept. Head.

### MEETING WITH AMBASSADOR ZIYAL, UNDERSECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS, TURKEY—OCT. 1, 2001

### KEY POINTS

The Ambassador lived in Afghanistan in 1948–1952.

There is no "nation" of Afghanistan, just a collection of various groups/tribes/clans/warloads. They unite to confront foreigners. It is near impossible to assert central control, but the exiled-King could be a unifying symbol.

The Taliban originated in Pakistan. They were initially welcomed because they established order out of the chaos of the end of the war against the Soviet invasion they "bring out worst in humanity and Islam" they are "hardest on their own" who deviate from their hard line—viewed as heretics. They were supported by Arab Afghans—"radical Saudis pumped in millions"—and support was provided by other Gulf Arabs.

The Taliban "became force of evil." OBL is a supreme organizer. He created a "senseless organization of terror."

The OBL/Taliban network "recruits the young to brain wash them." It is impossible to protect society against suicide bombers.

Turkey has a humanitarian (3 clinics) presence in Northern Alliance areas in Afghanistan.

Turkey had a school in Kabul, but couldn't agree with Taliban on a curriculum and the Turks left—"Taliban wouldn't listen to reason—they are fanatics."

King is a figurehead. Authority lies with tribal leaders. There could be a role for him as an umbrella, interim leader. Tribal leaders will cooperate if they see it in their interest to do so. Groups change sides very easily—for various reasons: money, power, jealousy.

Rep Bartlett: (Referencing Turkish General Staff Brief: "There seems to be a bewildering array of terrorist groups. The US is focusing on the Taliban. How much of the "problem" is the Taliban?

Ambassador: OBL is 5 percent of the (terrorist) problem.

"US tends to personify issues, for example Saddam and Sadat." Particular realities of each nation need to be addressed without regard to what leaders happen to be present at the time.

Is the King's three part plan realistic?

Ambassador: Yes. Local tribal leaders are the only real option, however. Forming a "Democracy is a tall order—until quality of life versus survival becomes the issue. Afghanistan leaping to a democracy is unlikely."

Rep Ortiz: Are you concerned about the survival of the Pakistani government?

Ambassador: "We are concerned."

On the Peace Process: "American policy has hurt American standing in the region—Arafat sees he made a mistake." We talk to both sides. With Barak, things were close. It is important that Israel be accepted—it would benefit regimes in the area. Saddam has gained ground just by giving lip service/propaganda. Everyone in the area is concerned, even the Omanis. Israeli responses to Palestinian attacks are disproportionate.

Recommended course of action:

The Northern Alliance first needs ammunition and U.S. military strikes against main Taliban armament (10 planes and 20 tanks).

"The U.S. needs to stay involved to raise the quality of life" Afghans need help to survive what the Taliban has done to them—large sums of money is not required if you employ Afghans to provide assistance to fellow Afghans. ("UN overhead very high"). "We would be willing to help."

Chairman Weldon: How much would it take—$10 million—or $20 million?

Ambassador: "That would go a long way if implemented locally—billions would be a disaster. It could not be absorbed—would only lead to corruption."

Need allies on the ground—United Front/Northern Alliance—"and they are willing." "They are willing because the Taliban is seen as destroying the country and way of life"

Ambassador felt that Taliban could fall within 30 days. "If allies of the Taliban see them losing, their allies will desert them."

Mr. Speaker, this document entitled "U.S.-Russia-Turkey Partnership: Anti-terrorism in Afghanistan" has a summary of our trip, the details of who we met with, the specific recommendations, and a call for action.

Mr. Speaker, we also need to understand as Americans that if and when we remove Osama bin Laden, that is not going to eliminate the terrorism problem in America. The government of Turkey identified at least a dozen other major terrorist groups that have killed over 30,000 innocent people in Turkey over the past 10 years.

We need to understand that Osama bin Laden is only one network, accounting for about 5 percent of the international terrorism in the world. We must understand that this is just a beginning. Removing the Taliban and Osama bin Laden, allowing the people of Afghanistan to take back their country, is only the first step in what President Bush has described as a long-term process.

We in the Congress went on this mission in full support of our President. At every stop, we reiterated the fact that we only have one President in America, one Secretary of State, and the 11 Members of Congress who traveled together were in total and complete unanimity that our President speaks for us. We are behind his leadership 100 percent.

I want to thank our colleagues for traveling. They were outstanding Members. I am going to ask each of them now to make comments about their thoughts on the trip. I will simply be here to monitor the time so everyone gets a chance to speak.

Mr. Speaker, I yield to our good friend and colleague, the gentleman from Texas (Mr. ORTIZ), an outstanding senior Member of the Congress who has been in the House for 20 years, a senior member of the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for his leadership. I think it was a great trip, a very productive trip. We were able to learn things that we were not used to talking about from countries like Turkey, Russia, some of the other countries who have had terrorist acts. For the United States, it was something new.

I think that individually I was able to learn a lot from Turkey. Turkey will continue to play a very, very important role in the defense of this country that is so dear to them. But we feel sometimes that we have neglected Turkey. They are proud citizens, they are proud soldiers. They have stood by our side during almost every conflict that we have been involved in.

One of the things that really impressed me was the relationship that our good chairman, the gentleman from Pennsylvania (Mr. WELDON) has with the officials from Russia and the people of Russia.

We were received with open arms. Not only that, they stated that they were willing to work with us. This legislation that the chairman is talking about is very, very important, not only for the United States, but for the rest of the world. This is a cancer that has to be removed.

Bin Laden, even though we were able to dispose of him, to remove him from power, he has been able to train many young men to conduct the same terrorist acts that have been conducted all over the world. We just hope that the Muslim and Islamic leaders can explain to the rest of the world that this is not Islamic religion, this is not the teachings of the Muslim world; this is hatred, this is murder. Hopefully, we will be in a position to do better as a world, to be more understanding.

I know Muslims do not preach hate. They do not condone the killing. But I am so happy that I went on this trip, because this was really a fact-finding trip. Mr. Speaker, I want to say again, I thank the gentleman for his leadership.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for his leadership and support as a co-leader of this delegation. We came away with some very special feelings, and he came away with some special symbols of our relationship. I thank him for the cooperation that he has given me.

I yield to the gentleman from Tennessee (Mr. CLEMENT), our next member of the delegation.

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I returned Monday from a very successful bipartisan congressional delegation that included meetings with the Russian Duma, the exiled king of Afghanistan, representatives of the United Front fighting the Taliban, and Turkish foreign and military affairs officials.

I want to praise my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Texas (Mr. ORTIZ), for chairing this trip. I also want to commend all of my colleagues for their hard work and dedication to these meetings. We had a real team working together, and I think because of our teamwork, we were very successful.

Mr. Speaker, I want to say also that this is not a battle between the East versus West, it is not a battle that is Muslim versus Christian. It comes down to a travesty that happened September 11 that hurt, injured, and lost the lives of many Americans.

But what I learned on this trip when we traveled to Russia and Italy and Turkey is that most of the world has experienced terrorism for a number of years. We have been immune from terrorism, but not anymore. Now we have to face up to our responsibilities, knowing that other countries have had to live with it for many years, and now we, as the superpower.

We are the only superpower now. It used to be the Soviet Union and the United States, so now it has come down to just the United States. It puts us in a position where we must act, and we will act. The United States and our allies will move against the terrorists. It probably is very soon.

But I have also learned from meeting with the other countries that they accept and are excited about the possibilities of the United States working with them to combat terrorism in the world. Because if we do not work together, we cannot solve the problem. Even if we knock out or even if we capture or even if we bring to justice Osama bin Laden, and even if the Taliban regime comes to an end very shortly, which very well could happen, that does not mean it is the end of terrorism, because there are many terrorist groups and organizations, some of which are even operating in the United States, many of which operate in other countries.

But if we work together, if we share our intelligence, if we understand one another, it does not have to happen. People can live in peace, and people do not have to live in fear. But we have to bring these people to justice, and we have to demonstrate to the world that we care about their fellow man.

We know that there are a lot of wonderful Muslims in our own country. They care about their faith, just like we Christians care about our faith. We do have a great country, and it was a great honor, I say to the gentleman from Pennsylvania (Chairman WELDON), to be with him on this wonderful trip, which was a fact-finding trip.

As the gentleman mentioned a while ago, we are going to share this trip with the Secretary of State, with the Defense Department, with the national security agencies, and with a lot of entities, even our fellow Congressmen and U.S. Senators, for them to know what happened, how it happened, and that through our trip, and I really believe this, we are going to save a lot of lives. We are going to minimize the loss of life that could have occurred if we had not taken this trip.

God bless the gentleman and God bless this country.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT), our good friend and colleague.

To follow up, we met with the King for 90 minutes at his residence on Sunday, and following that we met for 90 minutes with a dozen or so members of the Unified Front. It was on Monday, the day after we left, that that group came together and publicly announced a solidarity.

We would like to think that our conversations with both of those groups helped to convince them that America was there to work with them as Afghanistani people take over their own country and take back their land from this terrorist operation, this Taliban organization, that does not abide by the rules of civilization, but rather, abides by some commitment to destroying and killing people.

We also said to them, Americans are good people. In fact, we are the largest supplier of humanitarian aid to the Afghan people even today; that assuming we can get rid of the Taliban and Osama bin Laden, and begin to clean up this terrorist network, we are prepared for the long haul to support efforts and endeavors to help them improve their health care, feed their people, take care of their housing and environmental problems; to work with them to join the community of nations.

I think, in fact, this trip did have a significant part of the success in allowing, the day after we left, the King and the opposition leaders to come together in a way that we have not seen up until now.

Mr. Speaker, the gentleman from Michigan is another one of the vital leaders of the task force who was a leader on technology issues in the House. He played a critical role and was involved in both our discussions and in questions, and in engaging in our meetings. We had some 19 meetings in each of our stops.

I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Quite often, we in Congress get in partisan debates here, and are, in effect, sort of in a shell. But on this CODEL, 11 Members of Congress broke out of that shell and went on a CODEL to other parts of the world that was totally bipartisan, probably the most effective trip that I have ever taken.

For the record, I say to the gentleman from Pennsylvania (Mr. WELDON), allow me to read in the Members that went on that CODEL.

Of course, the chairman of the CODEL was the gentleman from Pennsylvania (Mr. WELDON).

The cochairman was the gentleman from Texas (Mr. ORTIZ), a Democrat.

Other Members were the gentleman from Tennessee (Mr. CLEMENT), a Democrat; the gentleman from California (Mr. ROHRABACHER), a Republican; the gentleman from Florida (Mr. STEARNS), a Republican; the gentleman from Alabama (Mr. CRAMER), a Democrat; the gentleman from Maryland (Mr. BARTLETT), a Republican; myself, from Michigan; the gentleman from Texas (Mr. REYES), a Democrat; the gentleman from Indiana (Mr. KERNS), a Republican; and the gentleman from Pennsylvania (Mr. PLATTS), a Republican.

Sometimes when legislators go and meet with legislators from other countries, the discussion back and forth is more frank than it is sometimes with the bureaucrats, with the diplomats, who have a more formal agenda. So some of the debate and the discussion and some of the criticism of the United States for things that it might have done in the past I think were more readily outcoming to end up not only with a frank discussion, but with actual friendship of these legislators in these other countries.

So I think some of the information that we have garnered is going to be the information that the State Department needs to have, as well as the President of the United States. I saw somewhat of a welcoming by these other countries that have experienced terrorism, that finally the United States is taking it seriously enough to help them do something.

□ 2045

Our briefings in Russia were excellent. Our briefings in Italy were excellent, but let me just read a couple paragraphs out of several good briefings that we had in Turkey. And they gave us several booklets on terror because they have been studying and putting up with terror for a long time.

I think it was about eight different terrorists groups. The PKK was one of these groups and the introduction to this book on terrorism or the PKK says, this booklet provides a detailed account of some of the terrorist attacks perpetrated in Turkey by the PKK, which is the Kurdish acronym for the Kurdistan Workers Party, one of the most brutal terror organizations in the world, both in terms of number of the victims of its terror acts.

By the way, these acts have been committed, and they go on to say, as a result of the indiscriminate terrorist attack of the PKK, over 30,000 Turkish citizens have lost their lives since 1984, and among these were thousands of innocent victims that included women and children and the elderly and infants.

We learned that the terrorist organizations are organized throughout the world and the training of these terrorists often begins with orphans that are then taken in by the terrorist groups and started to be indoctrinated into the religion and they are indoctrinated and brainwashed, if you will, not just over a short time period but a longer time period. So what we are dealing with is individuals that have been so indoctrinated over their young lives that it is going to be very difficult to indoctrinate them the other way around.

So the question becomes not only what do we with bin Laden, what do we do with other terrorist leaders, what do we do with all these other individuals that have been so trained that their main goal in life is to get rid of the predicament they are in and cause these murders of people that have that same understanding of democracies that we have in the United States.

It is going to be a huge challenge, but one thing we gain from these meetings in other countries is that other countries are willing to help us. One of their questions was are we going to have the will power, the, if you will, intestinal fortitude in the United States to continue this fight against terrorism, not for just months but possibly for years, possibly for a generation if we are going to be successful because the total economic well-being of all of these citizens of the world depend, I think, on our success in this particular battle against terrorism.

And with that I thank the gentleman from Pennsylvania (Mr. WELDON) for his leadership on this trip.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our colleague and friend, the gentleman from Michigan (Mr. SMITH) for his comments, for his outstanding contribution on the trip, and for his involvement in the follow-up that is going to be necessary to implement the recommendations that we have, in fact, suggested.

Mr. Speaker, I now yield as much time as he may consume to the gentleman from Texas (Mr. REYES), my good friend on the other side of the aisle and this was truly a bipartisan effort. We are good friends anyway, but when the plane took off the ground, we were all one group working together. This gentleman is the chairman of the Hispanic Caucus, representing all of our Hispanic Members in the House, and besides that, a senior member of the Committee on Armed Services, and someone who is a tireless advocate for defending our country, my good friend from El Paso, Texas.

Mr. REYES. Mr. Speaker, I appreciate the gentleman from Pennsylvania (Mr. WELDON) yielding the time, and Mr. Speaker, this is an important time for our country.

I as well as a number of our colleagues that had the privilege of traveling this weekend and going to Russia, going to Italy, and then winding up the trip in Turkey feel confident that this is one of the most important trips we have taken. This has the ability of redefining the way we look not just at our foreign policy but at the way we deal with the rest of the world.

I want to congratulate our chairman and very good friend Chairman WELDON for his vision and his leadership in putting together a comprehensive document that I hope we will use to define a new relationship between us and Russia.

I had the privilege of participating in a number of the discussions, and it was clear the respect that Chairman WELDON enjoys in Russia, but more than that, I considered it a great privilege to have been part of this trip because at every one of the places that we visited, starting with the visit to Moscow, one of the most poignant moments was driving by the American embassy and seeing huge piles of flowers and wreaths and notes from the citizens of Moscow offering their condolences to a country that lost a number of its citizens on that tragic day of September 11.

Moving on to Rome where we met with a very humble, I thought, king but a committed individual that is willing to do anything and everything, including, he told us, going to Afghanistan the next day. He said I will go back to Afghanistan tomorrow if it makes a difference to my people. A very humble individual that at that point discussed with us his three point plan. A three point plan that includes some very significant recommendations.

The ability to come together in a loya jirga, which is a meeting of the senior members of the Afghanistan leadership in Afghanistan, and he was willing to be there alongside with them, but more important, to put together a plan that they would elect a leader for an interim period of 2 years with the guarantee that they would have democratic elections so they would have a democratic government to lead the people.

Finishing out our trip, we visited in Ankara, Turkey, with our best ally in the region, a very tough neighborhood, a neighborhood that has seen repeatedly a tremendous amount of unrest, a very unstable region of the world, but yet a region of the world where we can always rely and count on the friendship, the support, the commitment of the Turks and the Turkish government. And what an important series of meetings and briefings we held there and listened to their recommendations that essentially, if the chairman will recall, they backed up what we heard from the ground commanders from Afghanistan, and that was we do not need to send American troops on the ground. All we need to do is support the Afghanistan's United Front versus the Northern Alliance that we refer to now. More importantly, the fact that if we do not need to risk American lives on the ground in Afghanistan, we should not do it.

Second, we should support the Afghanistan movement. The Northern Alliance, whether we call them the Northern Alliance or the United Front, as they prefer to be called, they know and they explained to us that they have the capability, they have the wherewithal to bring this to a conclusion and defeat the Taliban and its government and take care of Osama bin Laden in the process.

We all know and we have heard from a number of colleagues today that Osama bin Laden and the Taliban are a small part of the bigger challenge we face as we fight terrorism, but a fight worth taking on, a fight that we heard in Moscow, that we heard in Rome, and that we heard in Ankara that it is going to entail a tremendous amount of effort, a tremendous amount of commitment and, ultimately, the benefits will be a safer more prosperous world for everyone.

So I appreciate the opportunity to participate with the chairman on this trip; and more than that, I appreciate the gentleman's confidence and the confidence of the gentleman from Texas (Mr. ORTIZ) in including me in this delegation. I am very proud this evening, jet lag and all, I am proud to stand here before the American people and tell my colleagues that the kind of dedication and commitment we saw on behalf of our country with this delegation will bring us great results.

Mr. WELDON of Pennsylvania. I thank my distinguished colleague, the gentleman from Texas (Mr. REYES). Besides his intellect, besides his aggressiveness and his common sense, his wit added much to the trip. He kept us all smiling as we went from city to city, plane to plane, nonstop, in trying to accomplish and did accomplish all of our objectives.

So it was great and the gentleman's humor added much to our trip. I thank him.

Mr. REYES. I thank the gentleman.

Mr. WELDON of Pennsylvania. Mr. Speaker, the next member of the delegation who traveled is a senior Member of the House, someone who has earned the respect of our colleagues on both sides of the aisle. He is involved in a number of issues. This, I believe, was his first trip to Moscow; but he was as involved as any other Member and played a key role in helping us articulate our message to the leaders in each of the countries we visited, the gentleman from the State of Florida (Mr. STEARNS).

Mr. STEARNS. I thank the gentleman for yielding to me, and I am delighted to be here. I thought I would select this side of the aisle just to show what a bipartisan effort the gentleman created through his leadership on this very strategic and important trip that we took to Moscow and, of course, the outskirts of Rome to meet with the exiled king of Afghanistan, and then back into Turkey.

I think, as has been expressed by my other colleagues, Turkey has a key role to play here; and we can learn much from what Turkey has done to combat terrorism. More specifically, in the last 20 years, Turkey has had 30,000 people killed by terrorist acts. Certainly this is a menace in the country, but they have put together an entire program to combat terrorism. And we were briefed by the general staff of the Turkish army on what they had done to protect themselves and their country, and they made broad recommendations for the United States and all countries around this globe of ours to put into place what is necessary if we expect to control terrorism.

Turkey, as my colleagues know, is a land between Europe and Asia and is protected by the straits between the Black Sea and the Mediterranean. Turkey is quite simply one of the most important countries in the region. It is interesting to note that some of their neighbors are the most hostile, aggressive people: Syria, Iraq, Iran. Prior to that, of course, they were close to Russia, with Georgia, Armenia, and Azerbaijan. So it is a very difficult, tough neighborhood, and Turkey occupies a strategic position and is of utmost importance to us.

In fact, Incirlik is an Air Force Base we have there; and through the kindness and support of the Turkish government, we have our military planes there, which has a radius which covers all these countries. So it is extremely important to have the friendship of Turkey. I thought I would put into the record some of the recommendations they have suggested for us, and I hope President Bush will take note of some of these recommendations.

President Bush has done an outstanding job of bringing together consensus. The Prime Minister of England today, Tony Blair, gave an outstanding speech, putting in perspective some of the things that we have to cope with as a free democracy, a civilized country, when we deal with terrorists.

The terrorist attacks of September 11 has shown that we need international consensus. There are four things that the Turkish government has recommended. First of all, believe it or not, there is not a common definition of what terrorism is throughout the world. Each country seems to have a little different definition for it. If we cannot define what it is, it is going to be hard to go after it. So the first thing we have to do is to define what terrorism is.

And the second thing the Turkey generals suggested is international law related to terrorism, specifically oriented to reciprocity, so that if we are trying to get a terrorist returned to the country where the crime occurred, there will be the ability to do so.

□ 2100

The third thing they said was to establish an international organization that would actually struggle day to day and work out strategic and tactical efforts to defeat terrorism. Today we have not established either in the European Union or in NATO or any community that encompasses all the countries and international organizations.

The last thing they say we should do is to publicize a list of active terrorist organizations and where they are. I think a lot of Americans would be extremely surprised to find that a lot of the cells of these terrorists organizations are in the free democracies. There are a lot of countries that we think they would try to extricate these cell organization, but indeed they are there. They are being harbored there, and perhaps some of these democratic countries do not know it. But in many cases if these terrorist organizations were listed and were discussed and publicized throughout the free world, the countries that are interested in democracy and freedom, they would try to make greater efforts to rid themselves of this menace.

I would conclude by also saying that the gentleman from Pennsylvania (Chairman WELDON) did an excellent job. My colleague, the gentleman from California (Mr. ROHRABACHER), who came into Congress with me in 1988 did an exceptional job also. The gentleman from California, when he was able to set up some of these appointments and because of his long experience dealing with Turkey and also dealing with Afghanistan, and, in fact, having been over there many times on his own participating, he understood a lot about the nuances of this whole situation. It is nice to have his support.

I hope all my colleagues will read some of the recommendations of our report. I hope tonight the gentleman from Pennsylvania will go through and perhaps touch on some of them. Considering the fact that Turkey has lost so much because of the embargo on Iraq, we might consider forgiveness of Turkey's IMF debt. That is something the gentleman might want to touch on. It will probably be anathema to many Members of Congress; but if you put into perspective some of the sacrifices that Turkey has made, I think there might be some way to help them, because their economy is starting to falter; and we do not need to have that country under that kind of economic stress when we are trying to deal with the terrorists in that area.

Mr. Speaker, I will conclude by saying it was an exceptional trip. I think we have made a difference. Every Member of Congress comes here for one reason and one reason only: he or she wants to make a difference, as small as that might be. Tonight, with this trip I think we just did that. I wanted to praise the chairman and I look forward to working with him on other issues.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our friend and colleague, the gentleman from Florida (Mr. STEARNS), for his comments and for his outstanding contributions on our trip and in our meetings.

He mentioned a point that we will be following up on, that is, the fact that Turkey, which has been one of our most loyal allies, has approximately $5 billion of foreign military sale debts, that we have sold them equipment to help defend our interests and their interests in the region.

Just by their involvement in Desert Storm where they immediately supported the U.S. President's position against Iraq in 1991, when that occurred, they cut off approximately 2 to $3 billion of sales annually of products to Iraq, resulting in a $30 billion net decrease in their economy. They did that because they are our friends. When our President asked them to respond, they did not hesitate. They immediately cut off contact with Iraq; and they immediately, even though it cost them billions of dollars, they immediately said we are going to stick with America because America stuck with us back at an earlier time when their sovereignty was being threatened.

So the comments of the gentleman about the need for us to consider forgiving that $5 billion of debt, maybe over a period of time, maybe all at once, whatever it might be, I think is an outstanding recommendation and one that I would wholeheartedly support.

Mr. STEARNS. Mr. Speaker, if the gentleman would yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman.

Mr. STEARNS. Mr. Speaker, maybe a forbearance or some type of policy, as you point out, where they are strategically located, and to give us an Air Force Base at that particular site, at Incirlik, and to allow us to have this full freedom with our Air Force is absolutely crucial to that area to protect it.

As I pointed out earlier, their neighbors are hostile and aggressive and their economy is faltering. A lot of the problems they are having is perhaps because of their loyalty to the United States. I think in times of crisis like this, where you have opportunity and danger, it is probably very important to consider how to help them so that their economy is strong and they can continue to support us without any kind of reservation. So some type of forbearance should be thought of by us here in Congress.

Mr. WELDON of Pennsylvania. Mr. Speaker, I agree with the gentleman and thank him for his comments. I would just add that as we found out that Turkey is a 99 percent Muslim state, yet it is 99 percent behind America and the allies in this effort.

That proves the point that President Bush and all of us have been making. This is not a war against Islam. This is not a war against Muslims. This is a war against a radical band of cowards who hide in the hills, right now hiding in the deep caverns of the mountains of Afghanistan because they know they have done wrong and they are afraid to show their faces. They are being hidden and kept their by the Taliban government that is just as bad as they are because they are harboring these terrorists that will not bring them forward.

Turkey is a critical player. I thank the gentleman for raising that point, and I thank him for his comments.

Mr. Speaker, I would like to turn to one of our junior members. When you first come to Congress you are not expected to play a pivotal role. You are expected to be involved and learn and try to sort out what is going on; but this gentleman has hit the ground running. He has been in the House less than a year. He comes from a very dynamic part of Pennsylvania. He jumped at the opportunity to play a role as we asked to have some younger Members in seniority go on the trip with us.

Two freshmen Members traveled on this trip with us. They were outstanding contributors. This gentleman, who should have a seat on the Committee on Armed Services because of his interest on defense and security issues and because of his commitment to America's security, was an outstanding contributor. He was involved in our discussions. He was articulate in asking questions, and he was credible in offering advice in each of our meetings.

Mr. Speaker, it is a great pleasure to welcome the gentleman from the State of Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I appreciate the gentleman yielding time to me and allowing me to share some thoughts. I especially want to thank the gentleman for organizing this delegation trip to Russia, to Rome, and to Turkey, and for including me as a freshman Member. From a personal sense, it provided an exceptional opportunity for me to become much more informed on a number of foreign affairs matters dealing with Russia, dealing with our challenges in Afghanistan, dealing with Turkey in a broad sense but also in a very specific sense.

Mr. Speaker, I felt in our nonstop visits throughout the three nations, I received a crash course in the issues of national security and foreign affairs. I also echo my thanks to the ranking Democratic Member, the gentleman from Texas (Mr. ORTIZ), for his welcoming me into the delegation, and, as a freshman Member, being given this opportunity.

Mr. Speaker, before a couple of comments on the stops, I would like to thank the Air Force and Navy personnel who were critical in making this trip happen. Our Navy liaisons were our escorts at all the stops, the Air Force personnel who assured our safe travel abroad and back, the State Department personnel who played critical roles in our meetings being facilitated. There is a tremendous team of public servants throughout the world doing great work on the Nation's behalf.

I took away from every meeting we had, whether it be with military officials, with civilian elected officials, with private citizens, every person started their conversation with us first with a deep expression of sympathy to our Nation and the loss of lives that we have encountered as a result of the attacks on September 11; and second, from the civilian and military leaders, a strong commitment of support in our war against terrorism, and a strong commitment of support to ensure that justice does prevail as we track down the murderers of our citizens on September 11.

As Americans we have united here at home in this battle against terrorism. Abroad our friends are uniting with us in defeating terrorism and bringing justice to bear against the culprits involved in these attacks.

When I look at the three sites of our stops, I will share some quick comments. In Moscow I came away greatly enthused that the good that we look for in all evil in talking about the attacks on September 11, making sure that we find the good; and one of the good is going to be our relationship with Moscow, specifically relating to joining together and fighting terrorism, and the opportunity to build a strong and lasting relationship with Russia on a whole host of issues: agriculture, energy, national security and defense issue, law and justice issues, environmental issues. The opportunity is extremely important that we move forward and develop much further a relationship with Russia for the good of our Nation and our citizens and Russia and her citizens and the world in total.

From the elected members of the Duma we met with, I could see their sincere commitment in working with us and have our nations grow closer.

The final two stops, Rome, with the Afghan King, King Zahir Shah, his commitment to try to help his people, and to the courageous commitment of the military leaders that came to Rome to meet with the King and with us. Their commitment to return their nation to a nation where their citizens are safe, secure and living in peace, to have an open and free government, returned to that nation; and the King's three-part plan where he wants to lay out and have the tribal leaders come together to pick an interim leader for their state to go forward and replacing the vacuum that will be created when the Taliban government is removed, as it must be removed, for the sake of the Afghan people and for the sake of people around the world being free from the terrorist state that they are harboring in their country.

The Turkish vision was overwhelming. The knowledge that they shared in our visit Sunday and Monday morning, I came away very grateful that we have such a strong and loyal ally in that region, as was referenced by the gentleman from Florida (Mr. STEARNS), how we need to better appreciate their loyalty and friendship in the issue of foreign military sales, and how we should look at forgiveness of that debt, and that is not something that they asked for.

In fact, when it was raised how we can help Turkey, the chairman of their Foreign Affairs Committee in the Grand National Assembly saying in a time of crisis, as we are in today, it would be inappropriate to ask for something in return for our support. We want to help as a friend because it is the right thing to do, not because we will get something for it. We Members brought up that issue as something that they deserve, not just for their support now, but for their loyalty as a great ally of us.

Mr. Speaker, the foreign minister, his insights, I think we need to give great weight; and we have recommended them in our report to the administration. Sometimes as Americans we think that we have all of the answers to the world's problems, and we forget that there are a lot of experts that we need to turn to. The foreign minister had a wealth of knowledge on Afghanistan and the relationships between the Northern Alliance, now the United Front, and Pakistan and how we can be effective in working with the citizens.

Mr. Speaker, a final comment relating to the war on terrorism and how it applies to Afghanistan specifically, is that the King and the military leaders did not come to us and say, come in and save us and do their work. They came to us and said, help us liberate ourselves. They did not ask us to go into the country to rid them of the evil, but help them in doing it themselves. That is what America has been about, standing up on one's own two feet. That is what they are trying to do. They just need some assistance.

I conclude by saying it was a privilege of being included and being given the opportunity to garner such information and knowledge from this trip.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PLATTS) for his involvement and participation in the trip. He was a vital part of our delegation. He will be a continuing rising star in the Congress.

Mr. Speaker, it is now my honor to introduce another member of our delegation who played the most critical role in the Italian portion of our trip. The expertise of the gentleman from California (Mr. ROHRABACHER) on Afghanistan is broad and deep, and it did not start with the bombing of the World Trade Center. He has traveled to that region of the world on numerous occasions. He has interacted with the leadership of Afghanistan, those in exile and those trying to take back their country, and probably has as good a perspective as anyone in the Congress, if not on the Hill, on Afghanistan. I also appreciate the cooperation and support of his assistant, Al Santoli.

Mr. Speaker, I yield to the gentleman from California (Mr. ROHRABACHER).

□ 2115

Mr. ROHRABACHER. I thank the gentleman very much. We have a very special system of government and we have a very special group of people that live in the United States of America. We are a group of people who are not one race, but we are every race on the planet because we have people who have come here from every ethnic and racial group. We do not represent just one nationality, because we have people who have come here from Europe, from Asia, from Africa, from Spanish-speaking countries and from French-speaking countries.

We have Muslims and we have Buddhists and we have Christians and we have Catholics, and we have about every religion there is, but what ties us together as a people is a love of liberty and justice that was first discovered back about 225 years ago when our Founding Fathers saw that this was something that bound them together as a Nation, and that would be the unifying factor and established this government that we have. How government is made in our country and how policy is made is not just by passing laws like this but, instead, there is a competition of ideas and a national debate that moves forward on any important issue.

What we just did with the leadership of the gentleman from Pennsylvania (Mr. WELDON) or should I say Chairman WELDON, not as chairman of our delegation but chairman in the Committee on Armed Services of a very important subcommittee, but what we did in this delegation is make sure that we became part of the national debate, first by educating ourselves firsthand as to what the people on the scene were experiencing and feeling, what was the information on the front lines, and to try to educate ourselves, and then to be articulate and to speak out on the issues as we see them.

That is what has happened. We are now part of that national debate. I really appreciate the leadership that the gentleman from Pennsylvania has provided on this and, by the way, many of the other issues that I have personally involved myself on, I find the gentleman from Pennsylvania got there first and the gentleman from Pennsylvania was providing some leadership when I just sort of jumped on.

I was very happy that on this trip I was able to contribute because I do have a long-term commitment to the people of Afghanistan, I worked with them while I was in the Reagan White House to help get them the weaponry they needed to defeat the Soviet Union. It was their defeat of Soviet troops in Afghanistan in the 1980s that permitted us in the United States to have an era, a 10-year period of prosperity and happiness and peace. The fact is we were spending $100 billion a year less on military than we did during the Cold War. This, because the Afghan people were so brave. But we walked away from the Afghan people. We walked away and we let them sleep in the rubble. We did not even help them dig up the land mines we had given them to fight the Russians. If there was one, not demand, plea, by the Afghans that we met on this trip, the field commanders who are standing up against the terrorist Taliban regime, the one plea was, please, yes, help us defeat the Taliban by giving us the ammunition we need to do the fighting, but please don't walk away and leave us alone once the fighting has started. Help us build a country where our children can be healthy. Help us build a country where we can have an education system. Help us build a country where people can live decent lives. Don't walk away and abandon us like you did the last time we fought a battle that so benefited the United States as well as benefitting ourselves.

I heard that plea, I have heard that plea a long time before, but I am sure some of our fellow members of this CODEL had not heard that before. We did not do the right thing by Afghanistan, and it came back to hurt us. That was a mistake that we made. I will have to say that is not a partisan mistake. That was made by George W. Bush's father when George Bush, Sr. was President. There were some mistakes made. He made another mistake. One mistake he made is after the Gulf War, instead of finishing the job, he permitted his advisers to convince him not to finish off the Saddam Hussein regime. Well, I am afraid we are beginning to make some of these same mistakes again.

We have now the ability to get rid of this terrorist Taliban regime that has so brutalized the people of Afghanistan, and at the same time, has its fingerprints all over the atrocity that was committed in the death of thousands of our fellow citizens in New York on September 11, this murderous Taliban regime that has been a haven for terrorists, for bin Laden. It has been a regime that has permitted 60 percent of the world's heroin to be grown and distributed from within its borders, a regime that makes a mockery of all human rights and has murdered so many of their own people that their own people are terrorized.

That regime is not that much different than the regime of Saddam Hussein. We left Saddam Hussein in power and now there are those in our own State Department, perhaps some of the same people who advised George W.'s father to permit Saddam Hussein to remain, who are now advising George W. Bush to just demand that bin Laden be handed over and let the Taliban stay in power. That cannot happen. That would be making a lie out of George W.'s tremendous speech that he gave here just a week and a half ago.

Either we rid the world of the terrorist regime, the Taliban regime in Afghanistan, or no dictatorship and no terrorist will take our word and take it for granted that they cannot get away with their evil deeds in the future. We will be encouraging dictatorships and terrorist regimes in the future to believe that they can attack the United States, or harbor and help people who are attacking the United States and get away with it.

No, the Taliban must be overthrown. Bin Laden must die. We learned on this trip that we have the means to do this. We have the means to accomplish this end. We met with the king of Afghanistan who is one of the most beloved people in his country. Poor Commander Masood was assassinated a short time ago right before the attack on the World Trade Center. But the king, he is in his 80s, as we met him, it was clear that he has a very sharp mind, but what is more important is that he is surrounded by the most educated and aggressive young Afghans who are willing to come back and provide the expertise needed to govern that country. The king has promised a temporary transitory regime, a regime that will be just a transition regime that after the overthrow of the Taliban would serve for only 2 years, as I am sure the gentleman has explained this already, and then after 2 years, would give way to some sort of a democratic process that would be put in place so that the Afghan people could control their own destiny through the ballot box.

With our help in rebuilding their country, we can bring a new era of peace to Afghanistan, and instead of being a springboard to destroy the stability of Central Asia and undermine democracy and freedom in Russia and to be a terrorist haven that would murder millions of Americans, or at least thousands of Americans, Afghanistan can become a civilized part of the world community. We have got that opportunity now. We cannot pass it up. Our State Department, I do not know what has gotten into people's heads. I cannot understand the incompetence of people who are still advocating the policy of keeping the Taliban in power.

By the way, we had incompetence as well with our intelligence community who permitted this attack to succeed in the first place. We need to clear out the executive level people in some of these agencies and departments. We need to make sure that we stand firm and that we send a message to the world, if you slaughter Americans, you will pay the price. It is not just rhetoric. We have got to make sure that those words mean something.

It has been my privilege to serve on this delegation with Chairman WELDON. Without Chairman WELDON'S leadership, we could not have, not only had the transportation but we could not have gotten the support we needed to have such a successful mission. Now we are back and we are part of the debate. It is what we are saying here tonight, and what we said out in our press conference today, and what we will say during our briefings to the senior members of this administration, will play a large role in making sure that the President chooses the right path, the path to long-term peace and tranquility which is the path of strength and courage and not dealmaking with tyrants and terrorists.

I am very, very grateful to the gentleman from Pennsylvania. I know all of us learned a lot. I think we have accomplished a lot with this journey to Central Asia, to see our friends in Turkey who are standing with us so solidly and to talk to also those people in Russia who want to be our friends, and in the future, build a better future for both our peoples and for the whole world.

Mr. WELDON of Pennsylvania. I thank our friend and colleague for his comments, for his outstanding leadership, for his involvement on these issues long before September 11.

Mr. Speaker, I would ask our colleagues to read the text of the material that is in this special order, the additions that we have supplied, and get a full sense of understanding of what 11 Members of Congress did over the past 5 days. We will be briefing the administration and our leadership, the Speaker and the minority leader and Members of the other body throughout the next several weeks.

Together, supporting our President, we can win, we can replace Osama bin Laden, we can remove the Taliban and allow the people of Afghanistan to regain control of their homeland.

## NATIONAL SECURITY IN WAKE OF EVENTS OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, first of all I would like to pass some comments on to a former employee, a former reporter here, who is facing some trying times as he sits in the hospital, Bob Cochran. Bob's son works here in the House. Bob, while I cannot speak to the TV audience, I know that if he were here today, all my colleagues would go up, pat him on the back and wish him our very best. He set a good record while he was here. Once again, he faces another challenge. I am sure that he will be successful.

This evening, Mr. Speaker, I want to visit with my colleagues at length about the Nation's security. Obviously that is the issue on everyone's mind since September 11 and the tragedy that we all witnessed on TV. There are a number of issues that I want to visit with Members about this evening. One of them is the description of the events and the battle that we face, given by even Tony Blair today or Rudy Giuliani yesterday when he spoke to the United Nations, the first time a mayor of New York City has spoken to the United Nations in I do not know how many years. And our brothers in thought and our brothers in capitalism and our brothers in democracy, the United Kingdom and Tony Blair and his speech and his remarks this evening. I want to go over a few of those remarks because I think they are very pertinent.

My analogy of the situation, of the challenge that we face, that our President is so ably leading us through at this time, is a battle that you can figure like it is against a cancer. You know that that cancer is there. We know the viciousness of cancer. I can tell you that some people, as time goes on, some people in our country are saying that, well, this is a perfect example, a perfect time for us to turn the other cheek, for us to kiss and make up, and to pretend that that cancer, that you do not have to eradicate it off your arm or eradicate it from your body, that you can love it off your body, that you can pray it off your body.

I have no doubt, I am a Christian, I strongly believe in a supreme being, but I believe that our supreme being expects us to have some self-help, that our supreme being does not think that we think that we can discover a horrible cancer on our body and pray it off, or wish that it was not there and somehow it is going to disappear on its own. Or pat it with your hand and think that that cancer is going to turn friendly. Do not be mistaken. I do not think anybody on this floor is. I hope you are not. But do not be mistaken.

This bin Laden is the most vicious cancer that you have ever encountered. It is not a cancer that you can negotiate. The President of this country has made it very clear we will not negotiate with this cancer. It is a cancer that you have no choice but to eradicate, because if you do not, it will be a battle you wish you would not have lost. We cannot, as an American Nation, we cannot as a free world, any country in this free world, afford to lose this battle.

Do not be taken in by some of the peace protesters across the country who interestingly enough in this country have the right to protest and they are protesting against the action that we should take against bin Laden because of the viciousness that it may involve.

□ 2130

This is against bin Laden, whose very strike at the center of America was not to take American lives. That is not the intent of this cancer that is trying striking us. The intent of that cancer that is striking us, the intent of bin Laden and his followers out there, is to destroy a nation, to see the United States and all countries of democracy buckle at the knees, to take them down, as communism was taken down in Russia. That is what their goal is.

These protestors, who are so strong in their thought, ought to take just a moment to see how bin Laden and his followers treat women, for example, what they think about human rights, what they think about homosexuality, what they think about the ethnic issues and the all-men-are-created-equal type of philosophy. Take a look at the prevalence of class structure, of which bin Laden came from, and which bin Laden rules. It defies everything that these peace protestors believe in.

What he is seeking to do is to destroy the constitutional right that our country allows for people to have the freedom of speech, for people to go out and protest. But yet their vision seems to be shortsighted.

Then there are those who I have seen in the last few days who say, well, somehow we can love this thing off, or we can pray this thing away. Look, we need all the prayers we can get and it will be a strong element of our success, and we need all the love we can gather throughout the world. There is no question about that. In fact, our country has given more foreign aid to Afghanistan than any country in the history of Afghanistan. Our country, of any country in the world, believes in the warmth and the prayer and the need to help other people not so privileged.

But that is not what this is about. This is about a horrible cancer that has attacked everybody in the free world; and, if we are not successful, then logically it will be successful.

Think about the last time you ever saw anybody say that they wanted cancer to be successful. Think about the last time you ever saw anybody that did not want us to have a battle against cancer be successful. We support cancer research through this country strongly; and, I am telling you, the battle we face now is as threatening to our society as cancer is to the human body.

I want to read a little from Tony Blair, some of the comments he made in his speech today. I think it is very appropriate. Let me just read just a couple of quotes. Again, I am quoting from Tony Blair. "There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror."

Think of the words that Tony Blair said today. Let me repeat them. "There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror. There is just one choice." And if there were any words I have heard, with the exception of the President's speech given right here on this House floor, these words would come in right behind it. "Defeat it, or be defeated by it." "Defeat it, or be defeated by it." And defeat it we must. That is exactly what Tony Blair said today.

If we do not beat it, it is going to beat us, and the results of it defeating us will be the end of the free world as we know it; the end of democracy, the end of the dreams of the multiple generations, the multiple generations in this country that built this country to the physical strength and to the moral strength that it has, and to the success that this country has. All of that, all of that success, all of that compassion, all of that love, all of that that our predecessors by the hundreds of thousands have laid their lives down for, all of that will be nil if we lose this battle. And that is what Tony Blair says.

He says there is no negotiation. He said, my analysis, you cannot negotiate with cancer. You cannot look at the cancer on your body and say I want to negotiate with it. It has no love, it has no compassion. It only has one goal. Cancer's goal is to destroy your body. That is all it is there for. It is not there to assist your body, it is not there to make your body better, it is not to make your body healthier in some manner. Cancer is in your body for one purpose, and that is to destroy your body, and its ultimate goal is death of the human body.

That is exactly what bin Laden and his radical followers are. I think our President was very careful, as are the national leaders, and thank goodness we have George W. Bush, and we have people like Colin Powell, or Condoleezza Rice, or Donald Rumsfeld, and I could go right on down the list, that are leading our country.

They have been very careful to distinguish, as have many of my colleagues here on the floor, they have been very careful to distinguish that this is not the religion of Islam, that this is not the belief of Islam. Islam does not have in the Koran or anywhere else the destruction of democracy. It is not the belief of the majority of the Muslim population. It certainly is not the belief of the Muslim population that resides as American citizens who are American citizens who have a Muslim background.

One of my close friends is Muslim, he and his family, Dr. Malik and Seme Hassen, Pueblo, Colorado. The other day, I saw, and if Members have an opportunity, the Discovery Channel gave us a tape last week for our personal viewing, and the tape is titled "Behind the Terror, Understanding the Enemy." "Behind the Terror, Understanding the Enemy." If Members have not seen that, they ought to get their constituents together and ought to watch that jointly. It is a 2-hour tape. It is a wonderful production by Discovery. "Behind the Terror, Understanding the Enemy."

You will understand the background of what we are talking about. That 2-hour film will give one the equivalent of 1 year of education in a university, in my opinion. It is outstanding.

To go back to my friend, Dr. Hassen and his wife, Seme, I invited them last week to come and sit down with other citizens in Pueblo, their fellow citizens, fellow Americans, and watch this film. Then, after the film, I asked Dr. Hassen and his wife Seme to stand up and give their point of view. I will tell you, I was so proud to listen to these people. The patriotism, the sense of belief in this country and what this country offers, is intense.

So our President's thoughts and our President's words, as well as the words of others, whether it is Condoleezza Rice or Tony Blair or any of the world's leaders, is the very careful distinction between the Muslim population, the majority of the Muslim population, and these radical cancers that we are now dealing with.

Mr. Speaker, let me go on and talk just for a moment about Mayor Giuliani's comments, which I thought were just wonderful. He gave them yesterday at the United Nations. Many of the people, I think, across the country did not get an opportunity to hear the Mayor speak to the United Nations. I am not sure all Members were able to watch it. I thought it was fabulous, and I want to repeat just a few things that the Mayor said.

No Mayor in the history of this country has faced the challenges that Mayor Giuliani has faced and the people of New York City have faced, and they have risen to the challenge. "They have suffered a horrible, horrible blow; a horrible blow to the persons of New York, a horrible blow to the infrastructure of New York, a horrible blow to the moral senses of every citizen, to the citizens of New York City." This is what the Mayor said. These are excerpts from Giuliani's speech to the United Nations.

"Indeed, this vicious attack places in jeopardy the whole purpose of the United Nations." So the Mayor talks about the United Nations. What is the purpose of the United Nations? Many of us in these Chambers have questioned the United Nations, when really put to a test, can the United Nations stand up to it? Is the United Nations really a body that really truly will bring together a united solution? Or will they back down at the moment of the test?

Mayor Giuliani's remarks, "Indeed, this vicious attack places in jeopardy the whole purpose of the United Nations." And he goes on. "The United Nations must hold accountable any country that supports or condones terrorism. Otherwise, you will fail in your primary mission as a peacekeeper."

Let me repeat that. "The United Nations must hold accountable." It is not should hold accountable. It is not a negotiable process. The Mayor says that the United Nations must, no choice, must hold accountable any country that supports or condones terrorism. Any country, any individual. "Otherwise, you will fail in your primary mission as a peacekeeper, which is exactly what the primary mission of the United Nations is."

He says, "It must ostracize any nation that supports terrorism. Now, that is a test for the United Nations. It must isolate any nation that remains neutral in the fight against terrorism. Now is the time, in the words of your charter, the United Nations charter, to unite our strength to maintain international peace and security."

So the Mayor has said to the United Nations, now is your time, now is the time; the challenge is here today. This is not a time for further study or vague directives.

Many of us on this floor have debated extensively about how many more directives or how many more studies does the United Nations need before the United Nations does something. It is a collective body of nations throughout the world, but at some point the United Nations needs to make decisions, and now could be the finest hour of the United Nations, or the worst failure of the United Nations, to see how exactly they address September 11, 2001.

Let me go on with Mayor Giuliani's remarks. "The evidence of terrorism's brutality and inhumanity, of its contempt for life and the concept of peace, of its contempt for life and of the concept of peace, is lying beneath the rubble of the World Trade Center, less than 2 miles from where we meet today."

He could not have said it any better. For those people who are protesting our fight against this cancer, keep in mind, you ought to go visit that site of rubble. You ought to keep in mind what evidence is still, as we speak this hour, what evidence is still trying to be recovered, to return to the thousands, not the few families, but the thousands of fellow Americans, which include not just fellow Americans, but 80 separate countries throughout this world and every type of ethnic background you can imagine, including Muslims, that were destroyed and now lay in a pile of rubbish called evidence.

Mayor Giuliani goes on. "Look at that destruction; that massive, senseless, cruel loss of human life. And then I ask you to look in your hearts and recognize that there is no room for neutrality on the issue of terrorism. There is no room for the issue of neutrality on the issue of terrorism. You are either with civilization or with terrorists. On one side is democracy, the rule of law and the respect for human life," Giuliani says. "On the other side is tyranny, arbitrary executions and mass murder. Mass murder."

We are right, and they are wrong. That is exactly what Giuliani says. We are right, and they are wrong. No shoulds, no question of deliberation by a jury. It is clear who is right and who is wrong.

Mayor Giuliani says it very well. Let me repeat what Mayor Giuliani says. "We are right, and they are wrong. It is as simple as that. And by that I mean that America and its allies are right about democracy, about religious, political and economic freedom, and the terrorists are wrong, in fact, evil, in their mass destruction of human life in the name of addressing alleged injustices."

That paragraph says just about all of it that needs to be said.

Let me continue. "Let those who say that we must understand the reasons of terrorism, come with me." Listen to this. All of you out there willing so quickly to carry up a sign and call America a bully, that say in some way America probably had this coming, that America does not understand these so-called freedom fighters. They are not freedom fighters. They are cancer. That is exactly what they are.

Listen to this paragraph by the Mayor of New York City. "Let those who say that we must understand, let those who say that we must understand the reasons for terrorism come with me to the thousands of funerals, the thousands of funerals we are having in New York City, thousands, and explain those insane maniacal reasons to the children who will grow up without fathers and mothers, and to the parents who have had their children ripped from them for no reason at all."

□ 2145

So we can see that Giuliani, the Mayor of New York City, in his address to the United Nations yesterday, and to Tony Blair in his remarks today, we have people who stand strong; and we have people who are willing to say, it is as clear as night and day. There is no question who is right, and there is no question who is wrong. That is what Mayor Giuliani said. The evidence lays 2 miles, less than 2 miles from the United Nations building, from where he gave that speech. I commend the Mayor, all of us commend the Mayor for his actions in New York City; but I commend the Mayor for having the guts and the gumption to show up in front of the United Nations and lay it on the line.

This is not something that we negotiate, as the President has very ably said. It is nonnegotiable. It is a cancer. We do not negotiate with cancer. We need to eradicate cancer. To my left, we could put the word "cancer" right across the top of this. Our Nation's security is an imperative requirement for those of us who have responsibilities of leadership, not only to our generation, but for the future generations of this country. The test of our leadership is here today. The test of our will and the strength of our beliefs are being challenged today by a horrible cancer. Can we and will we rise against this, even though it requires patience?

It is not an easy battle, and nobody out there believes it is an easy battle. We were not able to destroy a country. This, we do not believe, was sanctioned by a country, although it appears that Afghanistan is going to continue to shelter the terrorists; and as the President, and I think the belief of the American people have said to that Taliban regime over there, look, you cannot cooperate with this cancer. You have to get out of the way. Our focus is to get the cancer, and if we find you are a contributing cause to the cancer, you need to be eliminated. There is no question about it. If you are not a contributing cause to the cancer, get out of the way so that we can take on the cancer. If you are a contributing cause to the cancer, it must be eliminated; and that is exactly the message.

In our time today, I say to my colleagues, it is perhaps in our career the one deciding point of how well we can exert leadership and our responsibilities as Congressmen of the United States of America.

There are several different issues that we need to be concerned about for the security of this country. One of them that I found very interesting in the last couple of days, just some recommendations I think we should take a look at. The Feinstein proposal, Senator FEINSTEIN. Let me just give the background. She has mentioned, she said, there is no question we have to look at our immigration laws. Our borders are too loose. There has been a lot of focus on our borders. Take a look at what is happening at the borders. What can we do to improve the borders?

Well, we also have to take a look, because we have a big problem once people get inside our borders. What kind of enforcement do we have across this country? My understanding is that the INS has about 2,500 agents for the interior of the United States, for our homeland; and that is what we are talking about. How do we defend the homeland? We have to assume that people will get by those borders, on legitimate reasons perhaps and then turn to illegitimate purposes, or get by those borders through illegitimate means and then they get into the center of the homeland. We have to provide the INS with the type of resources to have a homeland defense against those who violate some of the most liberal immigration laws in the world. Our country stands proud on its open arms to immigrants. Most of us were beneficiaries of that policy. But it does not mean that we should shirk our responsibility or look the other way at the problems that we have with the immigration policies that are in place.

Senator FEINSTEIN, through her proposal, the Feinstein proposal, urges major changes in the United States visa program. This proposal has found its time. These student visas, let me give a little background. This is from the proposal. One of the suicide pilots of American Airlines Flight 77, which crashed into the Pentagon, had enrolled in an Oakland, California, college in November 2000 for an English language course, but never showed up. Mr. Speaker, when a foreigner gets a student visa, they are required, once they get the visa, to go to school; or obviously, they are not using the student visa to go to school, they are using it just to gain access to the country. That is what appeared to happen here. Investigators are also examining whether or not three others, also believed to be involved in the hijacking of Flight 77, attended a community college in San Diego.

Officials estimate that 245,000, 245,000 foreign students have entered the United States this year to pursue a course of study. Between 1999 and 2000, in other words, in a 1-year period of time, the State Department issued 3,370 visas to students from nations on the United States Terrorism Watch List. In other words, the United States keeps a watch list of countries we consider that harbor or otherwise condone terrorism; and from those States, we allow almost 4,000 students to come to college in the finest universities in the world here in the United States.

What are we? Did we just hit our head falling out of a swing? I mean not even the civil libertarians can defend that kind of policy. We have a right to accept students, and we have a right to say no to students; and if we have students who are coming from a regime who have harbored terrorism, in my opinion, that should stop immediately. There should not be one more student, not one more student visa issued to a country on this Nation's terrorism list, not one. And that statement goes further than the Feinstein proposal.

The Feinstein proposal, as I have read it, does not say that. I have said that. I do not think that the United States of America has to give one inch, has to give one inch to any country or any regime in the world that harbors or condones terrorism and allows their young people to come to our Nation for their education. We should not do it. We do not have to do it. It is not a question of being politically correct or not. In fact, being politically correct would say that our primary concern ought to be the national security, the security for our homeland. It is not being racial or racist by any definition of the word. It simply is saying, look, it is logical, it is common sense. Do not educate the young people in our own country or countries that condone terrorism against our country. Do not take in the enemy's children to educate them and turn them against ourselves. It does not make sense.

Mr. Speaker, let me continue on with the Feinstein proposal. In 1996, Congress approved a Federal law to require the INS to electronically collect data on all international students by 2003; but to date, the system has not yet been set up. They have no funding. It is section 110; it is under the Immigration Reform and Immigrant Responsibility Act of 1996. Zero funding for it. It is not and should not be considered "politically incorrect" to talk about the immigration policies of this Nation. What more of a wake-up sound do we need? What kind of an alarm do we need to sound before we start to look at these issues; and the student visas are an excellent place to start, a good place to start. So I think that the Feinstein proposal is something that this Congress ought to look at immediately.

I want to move on to something else that I think is absolutely critical. I want to talk to my colleagues about missile defense. I am appalled that since the September 11 tragedy, that some people have addressed missile defense as something that is not necessary. If ever there was an example of a need to defend the homeland, that September 11 displayed to us that this time it was an airplane, next time it could be a biological weapon or it could be a missile.

I will tell my colleagues something else that people are not thinking about. We not only in this country have zero defense against incoming missiles to this country; but we do not have any defense, not just a missile that is intentionally launched against this country. We frankly do not have a defense against a missile launched against this country by accident. Think about it. Everybody that talks about missile defense puts it in the context of an intentionally launched attack against the United States. I think that that is a high possibility at some point in the future, and I think we have an inherent obligation as Congressmen to defend this country, to defend the homeland, to give us homeland security against a missile defense.

But we also need to broaden our thoughts and think about what would happen if Russia, for example, by accident, not intentionally, but through carelessness or through negligence or by accident, launched a missile against the United States and we do not have a missile defense system to stop it. Would that, because a country, which we could establish was a country, not a terrorist, but a country, fires a missile accidentally, and it hits a major city, and we know what kind of damage a nuclear weapon would do, it would make September 11 look kind of small compared to the damage that a nuclear weapon would do. What do we do, start a war? Every peace advocate in America ought to be some of the strongest proponents in America for missile defense. Why? Because missile defense could help us avoid a future war. Think about that accidental launch as I go through my remarks.

Obviously, what we have to think about is preemptive defense. How do we preempt the challenge that faces us out there? Now, we know, for example, NORAD located in Colorado Springs, we have thought well enough into the future, and our forefathers had the foresight to say we need to have a detection system. We need to detect where the enemy moves around. We need to detect when people who do not have the best interests of this Nation in mind, we need to be able to detect what they are up to. And if they launch aircraft against us, if they launch a balloon against us, a hot air balloon, if they launch a missile against us, we need to track it. We need to have the capability to pick it up very early.

Mr. Speaker, we did that, and NORAD, which is a joint operation with our good neighbors to the north, Canada, put together a system that has incredible detection. We have through this system that we have, that is in place today, we have the capabilities to pick up a missile launch anywhere in the world. We can, within seconds, tell where its target is, we can tell the speed of the missile, we can tell with pretty high probability what the speed of the missile is, whether it has multiple warheads on it; but much beyond that, we cannot do anything else. A lot of citizens out there today are asking questions: How do we defend ourselves? What do we actually have in our arsenal for homeland defense, for national security? Mr. Speaker, we do not have anything for missile defense.

Our President, before September 11, one of the issues that he campaigned on and one of the issues that he has followed through on and has been very aggressive about is that we as a Congress, he as a President, and this Nation as a Nation has the responsibility for future generations to preempt missile attacks against the United States of America.

Probability of events. I have two things listed on this poster. One of them, of course, as we look to my left is the intentional launch. Obviously, at some point in the future, now, people, it could be realistic that a nuclear missile would be launched against this country. Do we think that bin Laden or those terrorists who committed this terrible act, do we think that if they would have had a nuclear weapon in their hands that they would have thought twice about using it?

☐ 2200

If they would have had the capability to deliver a missile into this country, that would not have been an airline that hit those towers, that would have been a missile that hit those towers, in my opinion.

The only thing that stopped those people from using a nuclear missile or a nuclear weapon is they did not have it. It was not because, by the way, we would stop it, because it is pretty well known we have no capabilities to stop it. We have the technology that has very rapidly progressed to the point where we think we can develop within this country, in a few short years, a very effective missile defense system. We need to do that. We need to do it today. The time is here, it is now, for a missile defense system.

As I said earlier, again to my left, not necessarily an intentional launch, but take a look about an accidental launch. What if somebody accidentally launched against this country? If we had the capability to stop an accidentally-launched missile as it began to head for this country, if we had the capability to stop it, we may very well have averted a major, major conflict, the likes of which history has never seen.

But if we do not have the capability to stop that missile, what do we do? What do we do if a country accidentally launched a nuclear missile into a major city in the United States, and we lost hundreds of thousands of people? We would feel pretty horrible that we did not take the opportunity we have today to put a missile defense system into place. We would feel pretty horrible that we did not take the time and the money that we have to continue to develop the technology to perfect defense for the United States of America for security for our homeland.

I wanted to point out a few things here, that the terrorist attack of September 11, the terrorist attack of September 11, confirms the growing need for a missile defense. Homeland defense is insufficient without missile defense.

I have heard people say in the last few days, we need to be biologically prepared to fight a biological attack. We need to be prepared to tighten up our airport security so we do not ever see a repeat of what happened on September 11. We have to be prepared for other types of attacks.

Let me tell the Members, one of them that to me is the most dangerous threat for future generations, and frankly, for our generation, but as more countries develop and acquire nuclear weapons, our threat, one of our major threats, not the only threat, and I am not taking anything away from airport security, obviously, I am not taking anything away from biological defense for homeland security, but I am saying, put into that formula a missile defense system, or we will live, I think, I truly believe that my generation will live to see the day that we regretted back in the early part of the 2000's not putting a missile defense system in order.

While systems are in place to thwart terrorism, the Nation still has no defense, and I stress the word "no," the Nation has no defense against missile attack. Missile attacks will be far more destructive than the September 11 assaults. I do not think anybody questions that.

Terrorist groups, not just states but terrorist groups, have the means to buy ballistic missiles. Missile defenses are needed to shield the United States from retaliation, should it take action against terrorist-harboring states.

Look at that last point. Missile defenses are necessary. If the United States decides to take action against a country that is harboring or condoning terrorism, or actively engaged in terrorism against the United States, one of the critical elements of our offense against terrorism is the ability to defend our Nation from missile attacks that might come back as retaliation. Those are very, very key elements.

The red is nuclear proliferation, nuclear proliferation. That is the red right now. Right now that is what we have. Countries of nuclear proliferation concern, that is the green.

I say to my colleagues, take a look at this map today in 2001, a month after the worst disaster this country has ever suffered. Take a look at this map. If we do not do something about it, if we do not defend against it, take a look at how threatening this map will be just in 10 years. See what happens to these colors, and see how widely they spread throughout the world if we do not take decisive action in the period of time that we now have the opportunity to take decisive action.

We have a little gap in there. We have a window of opportunity to develop this missile defensive system. Right now the countries that would intentionally launch against the United States I do not believe would engage in that kind of conduct within the near future. I do, however, believe, and I think every one of my colleagues would agree with me, that today every country in the world that has nuclear missile capability also has the capability, frankly, to screw up, to fire a missile by mistake.

If that missile comes to the United States, we have an obligation, we have a need for the American people to defend against it. We have this short window of opportunity, a few short years here before this red spreads throughout the world to provide us, to provide Canada, to provide any of our allies or any of our friends defense against missile attack.

Watch this map. Mark this map. A few years from now, a few years from now, take a look at it. By God, if we as a collective body have not, 10 years from now, provided this Nation with a missile defense system, we will have been grossly derelict in our duties. We will have been grossly derelict in our responsibilities for the future survivability of this Nation. That is how much weight I put on this decision to defend against accidental or intentional launches against the United States of America.

Mr. Speaker, ballistic missile proliferation. I just showed Members what was happening with the nuclear spread throughout the world. Now take a look at what has happened with regard to proliferation with regard to ballistic missile capabilities. This is a very, very important chart. This indicates very clearly that when the antiballistic missile treaty was signed, for example, there were two countries in this world capable of attacking each other with nuclear missiles. It was Russia and the United States.

But today, look how this has changed, ballistic missile proliferation. Look at the purple throughout this map. Countries possessing ballistic missiles.

Let me just give some examples. There are Iran. Heard that name lately? There is Iraq, India, Hungary, Libya, Pakistan, Poland, Rumania, Syria, Taiwan, South Africa, Slovakia, Saudi Arabia, Russia, United Kingdom, Vietnam, Algeria, Argentina, Bulgaria, Afghanistan, Afghanistan, Afghanistan.

Mr. Speaker, the capability of nations in this world to develop and to deliver a ballistic missile threat to the United States is no longer a threat in somebody's imagination, it is reality. It is there that we have a demand upon our authority and our power to protect this country to stand up and protect against ballistic missiles, either accidental or intentional, against this country.

When we talk about ballistic missiles, when we talk about missile defense in this country, we obviously have to discuss the treaties that have some type of oversight on missile defense of a particular country. There is only one big treaty out there. It is called the ABM treaty, the Anti-Ballistic Missile Treaty.

Now, some people have said that we cannot break or we cannot abandon the Anti-Ballistic Missile Treaty, that we are walking away, that we are breaching a treaty, that we have broken a treaty, in one of the few times, outside of the Native Americans, one of the few times in international relations the United States has broken a treaty.

That is not the case we face. That is not what the Anti-Ballistic Missile Treaty says. I will go into some detail here in just a minute. The Anti-Ballistic Missile Treaty obviously has a historical story to it. Let us look at that story.

Back 30, 40 years ago, Russia and the United States were worried about Russia and the United States. They were not worried about Pakistan or India or Romania or Slovakia. They were not worried about any of these countries, they were worried about the nuclear capabilities of each other.

So the United States and Russia sat down at a table and said, "Let us negotiate some type of agreement to minimize the risk of us attacking each other." Remember, at that point in time, there was no other Nation in the world, no other Nation in the world that had the capability to deliver a ballistic missile onto the U.S. mainland or onto Russia with a nuclear warhead. Only two countries had it.

So they sat down at that time and they came up with a theory. "Look," the United States says to Russia, and vice versa, Russia says to the United States, "Let us sign an agreement that will not allow either one of us to defend against the other's missiles."

Now, that sounds perfectly illogical. I think today it is absolutely crazy. But back then, there were some who thought, hey, that is logical. We will not attack because we are afraid of the retaliation. Since we cannot protect ourselves from the retaliation, the incentive to attack is taken away. That is the fundamental theory upon which this treaty was drafted.

But when they drafted this treaty, both the Russian negotiators and the American negotiators had enough foresight to say, "Look, treaties protect what is in effect today, as far as we can see into the future, but both countries must have the allowance or the flexibility under this treaty and under the terms of this treaty that if things change in our society, that there is a way to modify or to terminate the agreement."

So when people tell us the only way we can provide a missile defense is to breach a treaty, they are patently false. It is false on its face, that type of statement. In fact, the treaty itself allows for withdrawal from the treaty.

Let us go over the critical language here that would allow us to withdraw from this treaty. Article 15 of the Anti-Ballistic Missile Treaty, again, the ABM, "This treaty shall be of unlimited duration. However, each party shall, in exercising its national sovereignty, have the right to withdraw."

So this is a right contained within the treaty. It is a right, a treaty right. We are not breaching it, we are exercising a right. "Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests."

September 11 was a horrible, extraordinary event. That, true, was not caused by a missile, or a missile as we define it. It actually turned an airline into a missile. But the fact is, we have now discovered, unfortunately, we have been rudely awakened to the fact that attacks like this are no longer happening in other countries. It is not terrorist acts that we read in the morning papers or see on the morning TV being committed in the Middle East, it is in the center of our homeland. It is in New York City. It is through the expense of 6,000 or 7,000 lives that we have now learned that extraordinary and terrible and horrible events can occur within the borders of our country.

It should enhance the determination of every one of my colleagues, every one of us on this floor, that we need to defend against every possible tool of murder that we see existing out there, whether it is by another country or by terrorists. This treaty prevents us from having a missile defense system unless we can show that an extraordinary event has occurred.

Let me give an example of the extraordinary events. Obviously, September 11, 2001, was a horrible, horrible tragedy and an extraordinary event. But let us look at other extraordinary events. Remember the graph I just showed a few minutes ago of the proliferation of ballistic missiles throughout this world? That is an extraordinary event. It is a high-risk event. When this treaty was drafted, nobody ever imagined that the ballistic missile would be found in all of those countries.

Remember the chart I showed before that chart about the proliferation of countries that now possess nuclear capabilities? No one ever imagined when this treaty was drafted that anyone other than Russia and the United States would have nuclear capabilities. Those are extraordinary events.

□ 2215

Those are the kind of events that the negotiators for both Russia and the United States realized there had to be a right contained within the four corners of the treaty that would provide for a country, for its national sovereignty, would provide for that country to provide homeland or national security.

So the treaty itself allows us, contains a right for us to walk away from it if, in fact, extraordinary events have taken place, and I have shown to you that these kind of events have taken place, that our Nation now needs to focus and refocus lots of energy, lots of resources at homeland security. On that list, towards the very top of that list, ought to be a missile defense system.

Let me summarize, go back to some of the comments that I think are so critical this evening for us to talk about.

First of all, I think it was a very meaningful speech that Mayor Giuliani gave to the United Nations yesterday. Mayor Giuliani laid it on the line. He in essence said to the United Nations: today is your test. Today, your ultimate and your whole reason for being peacekeepers is being tested. You cannot remain neutral, United Nations, on this issue. You need to come forward. This is not a negotiable type of event. This is a horrible, tragic event, as the Mayor said, with the evidence buried less than two miles from the United Nations.

As Tony Blair said today in his remarks which were probably next to President Bush's remarks and Giuliani, those three speeches I think will probably go down as three of the finest speeches given in a warlike situation like we have faced and like we face today, and what Tony Blair said is you must defeat it or it will defeat you. Think about it. You must defeat it or it will defeat you.

Think of it like a cancer, and that is exactly what terrorism is. Terrorism is a horrible, horrible cancer. You do not negotiate with cancer. You have to kill cancer. You have to eradicate cancer. It is not negotiable. Cancer does not listen to you. Cancer does not care about your children. Cancer does not care about your future life. Cancer does not care about your youth.

Cancer only cares about one thing, and that is, the destruction of the human body. And terrorism is exactly the same thing. It does not care.

Do you think those terrorists cared about the widows or cared about the children whose parents are gone forever, who cared about the parents whose children are gone forever? You think they cared at all about those people that Time magazine or some of these others have pictures of them intentionally jumping off the World Trade Centers, including one couple that is holding hands as they fall? You think those terrorists cared about that? You think those terrorists cared one iota about the passengers on those airplanes?

You differentiate for me between a terrorist and evilness of cancer. There is no difference, and nations throughout the world today must make that choice. As said by President Bush, as said by Tony Blair, as said by Mayor Giuliani of New York City, the choice must be made. There is no neutral territory here. No, none, zero, zip. It is nonnegotiable. You either defeat it or it defeats you.

I say with due respect to those people who are saying, including some college professors around this country, who are saying that, gosh, the United States has got it coming, because of our bullying, our foreign affairs. Keep in mind, no country in the world, no country in the history of the world has done for its neighbors or for people with less good fortune what the United States of America has done. No country in the world has educated as many students from all countries as America has done. No country in the world has guaranteed in its Constitution, and judiciously followed its Constitution, the rights and civil liberties that America has for its citizens.

No country in the world has seen the economic power that the United States has developed through capitalism. No country in the world has taken its military might to help its allies as often as the United States of America has done. No country in the history of the world has allowed the thousands and thousands of its citizens to give their lives for the defense of a country clear across an ocean like America has done.

No country in the world has done for medical research what America has done. No country in the world has helped Afghanistan as America has done. No country in the world allows immigrants from all parts of the world to come in in an orderly fashion and be able to become Americans and be able to live the American dream.

We have a lot of good things about this country, and of interest, Dr. Hassan said the other day, after we had this town meeting in Pueblo Colorado, Dr. Hassan said, we need to continue to put the message out there. We need to tell people what America is about and how good America is and what fine people America has, and he used an example.

He says, you hear people talked about these terrorists and how dare they say something like freedom fighters. Remember what those terrorists did. In some of the writings that you have seen since that horrible day 3 weeks ago, you have seen people say, well, these people were so devoted to their cause that they gave their lives; these terrorists were on a suicidal mission because they were so devoted to their cause.

What was their cause? Their cause was to bring down the free world. Their cause was to destroy democracy. Their cause was to destroy human rights. Their cause was to destroy the rights of women or the rights of any ethnic race. Their cause was to destroy a society that recognizes the value of its population. As my friend Dr. Hassan said, remember, they were in an airplane and they gave their lives for one reason, to take other lives, to destroy a nation.

Not long after, those terrorists committed suicide in these terrible things they did. But add 300 some New York City firemen and 200 or 300 some New York City police officers who ran into those towers, ran up those towers on what they had to know was a certain death. They knew when they went up those towers they would probably never see their children again, they would probably die a horrible death. And, unfortunately, they did. But when they were running up those towers, giving their lives, they went up those towers to save lives, to save a Nation. And that ought to distinguish pretty clearly the kind of cancer that our President is so capably leading our country towards eliminating.

Now, we have to be patient in our upcoming battle. It will be kind of like a cat on the hunt for a mouse. A cat will sit there patiently and the mouse may go by and the mouse may come back by, but until that mouse is in exactly the right spot, the cat will not strike. And that is what we have to do.

We have no gripe with the Muslim population. We have only a gripe with the cancer that has penetrated that population and penetrated our population. It is like delicate brain surgery. We do not want to blast the entire brain out of the human head. We do not want to go off half-cocked, and our President is showing us he is not doing it this way. We need to go in very methodically and focused and take that cancer out of that human body. And that is the mission of every one of us on this House floor. And that is what the American people expect of us, what all the world's democracies expect. In fact, it is what the entire world expects of us, nothing less.

## IMMIGRATION AND PROTECTION OF OUR BORDERS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, let me say first of all that as I sat here and observed and listened to the comments of my colleague, the gentleman from Colorado (Mr. MCINNIS), I am taken with the profound nature and the fact that he has for quite some time been a consistent and articulate spokesman for the concept of a missile defense system, which I certainly agree with him now increases in terms of its importance in the context of the defense of the Nation.

I hope he continues to speak on this issue. I hope he continues to be the sort of advance guard for this concept, because, of course, it is one that is being criticized by our opponents. And it needs people like my colleague to defend it.

It is striking because, from my own point of view, it is in a way a metaphor for what I want to talk about tonight. The gentleman talks about the danger we face, among other things, and this was just a part of his presentation, but he was talking about the danger this Nation faces from an outside source, from something coming in, crossing our borders, and attacking our cities. And he talks about the need of the United States to prepare some sort of defense against it. I certainly agree with him that that need is great. But it is a metaphor, as I say, for what I wanted to discuss tonight because I believe the issue of something outside of the United States, or somebody, in my case, outside the United States becoming a dangerous missile directed in our direction.

Whether in the form of a huge massive piece of steel or in the form of an individual who is willing to give his or her life turning an airplane into a missile, the fact is we must protect our borders. We must defend the Nation against these outside incursions. And although I totally and completely support the idea of a missile defense shield, I must add that there is another thing that we are responsible for here in this Congress, something that we are uniquely responsible for in the Congress of the United States, something no State can individually take on for itself, just as they cannot take on the defense of the country individually State by State, but that they rely upon the Federal Government for that purpose, and that is the Federal Government is solely responsible for the control of our borders, for the control of immigration across those borders.

States cannot in any way, shape, or form manage that problem. It is not delegated to them in the Constitution as a responsibility. And, of course, it is not realistic to think that they could take that responsibility on. It is uniquely this body, the Congress of the United States, and the President that have the ability to control that process, entrance into the United States of America.

And what more do we need to know? How much more do we have to see before we come to the conclusion that what we have been doing for the last 20 or 25 years in terms of protecting our borders has simply failed us? The people that took over the planes, the people that did all the preparation, the people that did all the planning, all the cells that are operating inside the United States, or those of which we know anyway and those that have been made public, all of them had as members people who were foreigners to the United States, people who were here on various types of visas or, in some way or other, had come into the United States; but they were not citizens of the United States. They had come across our borders for the purpose of doing us harm. And we allowed them to come across the borders. And we allowed them to stay here, even though, by the way, some of them had given us cause to be concerned.

□ 2230

In a recent article appearing in the New York Times, of all publications, September 27, the headline is "Suspects in Hijackings Exploited Loopholes in Immigration Policy."

The article goes on to describe, it says,

> For Hani Hanjour, identified as the pilot who flew the jet that rammed into the Pentagon, blending into the American landscape began in Saudi Arabia with a $110 application for a four week English course in California. He had only to prove that he had $2,285 to pay for the lessons along with room and board. He never turned up for class. Two other men the authorities said plowed jetliners into the World Trade Center, Mohamed Atta and Marwan al-Shehhi, entered the United States on tourist visas. Even without the required student visa, the men studied at the flight school in Florida.
>
> Counselor officers deluged with visa applications say they generally do not have much time to investigate the applicants. Once foreign visitors enter the United States, immigration officers and law enforcement agencies usually have no idea if they are complying with the terms of their visas. United States Immigration officials said the hijackers exploited an immigration system that critics contend is riddled with loopholes.

I am certainly one of those critics and have made my concerns with regard to this particular problem known for many months here on the floor of the House.

Until September 11, that system was geared to ease the way for commerce, whether in the form of tourism, business or study. Experts on tourism said that security precautions often took a back seat to pressures from industry, the concerns of neighboring governments, and even bureaucratic rivalries in the United States Government.

According to the State Department manual for counselor affairs, participating in the planning or execution of terrorist acts would bar a foreigner from getting a visa, but "mere membership in a recognized terrorist group would not automatically disqualify a person from entering the United States, nor would the advocacy of terrorism disqualify a person from coming into the United States."

I could go to an embassy in Saudi Arabia, in Syria, in Iran; and I could apply for a visa to the United States, and I could list my membership in a wide variety of terrorist organizations, terrorist organizations that had called for the kind of thing that happened on September 11. But the visa officer in those embassies would not be able to exclude me, would not be able to stop me under the present system of immigration laws we have in the United States from coming here.

If this is not unbelievable to you, Mr. Speaker, I cannot imagine what we can say that could more clearly define the problem than this.

The manual, apparently unchanged since September 11, says that the United States will exclude immigrants who incite for direct terrorist activity but that statements of a general nature that do not directly advance specific acts of terrorism are not automatically a basis for exclusion. Some American investigators have said they believed Mr. Atta, the apparent mastermind of the group, belonged to the Egyptian Islamic jihad, and that he met with Iraqi intelligence officers this year. He apparently entered on valid visas and may have even reentered the country after overstaying his visa on his last trip to the United States.

Mr. Speaker, approximately 30 million people obtain visas to visit the United States every year. Thirty million people come into this country via visas every year. Most of them of course are on tourist visas. Some are on business and education-related visas, but 30 million come in. We have some approximation; we think we have a handle on how many overstay or violate their visas, and it runs at about 40 to 45 percent. So that means that 12, 13, 14 million people a year come into the United States, ignore the visa requirements, and simply stay.

Do you know what happens to them, Mr. Speaker? You know one of the reasons why such a high percentage of these people can and do violate their visa regulations? It is because nobody cares. It is because no one will take any action against them.

The INS will say that it is an overwhelming job for which they are not sufficiently funded. Perhaps so. It is also true that the INS could not care less about the people who overstay their visas. There is a culture, a way of thinking in the INS, I do not know if it is still there after September 11, but I can guarantee you it was there before then and I think it is still there now, that encourages and it essentially abets the criminals who come into the United States, who come in illegally to begin their stay here or eventually become illegal because they overstay their visas. The INS does not care. It is of no consequence to them. In fact, they want to encourage it.

Mr. Speaker, I was actually in a debate on the radio with a lady who was the regional officer in the Colorado area for the INS. She may have been the public affairs person. She was asked by the host of the program I was on, why is it that the INS does not actually arrest and deport all of the people who are here illegally? Why do they not essentially find them, round them up and send them out of the country? I thought it was a very logical question. By the way, this was before September 11. And she said because that is not our job. She said the INS, it is not our responsibility to deport people who are here illegally. Our job is to figure out a way to get them legalized. I have no idea where she read that, what particular set of rules or regulations or under what law she interpreted her role as an INS agent as simply helping everyone in the world become a U.S. citizen. I suggest that is an inaccurate observation on her part.

It is the case that most people in the INS, many, I should say, many people in the INS have that same sort of idea. They are infused with this concept of open borders. They believe their real task is to get as many people in here as possible, get them legalized, and have them eventually become citizens of the United States. That is not what I consider their role, but that is what they consider their role. They ignore the 12 to 15 million people who overstay their visas. Nobody checks into it. Hence, we end up with people like the ones that I have just identified who became the hijackers and took the lives of thousands of Americans. They had overstayed their visas, many of them. Nobody cared. Nobody checked.

Mr. Speaker, this issue of our ability to control our own borders is extraordinarily important from my point of view. It is true that I have been on this floor many, many hours in defense of a policy that would protect our borders, defend our borders, help us determine who comes in and how long they stay. The right, not just the right but the responsibility of every nation on this planet is to do just what I have described, protect and defend their own borders. Most nations do so, and we do not begrudge them that. Mexico does so. Not 2 months ago Mexico decided to once again put Federal troops, Mexican Federal troops on their southern border with Guatemala. Right before President Fox came here to ask the United States to essentially open our southern border, he made a decision about what was good for Mexico; and he determined that the large number of people coming across the border, the low-skilled people, were causing an economic drain for the Mexican Government, and he determined to put a stop to it.

This is not the first time Mexico made that decision. Mexico in the past essentially rounded up immigrants illegally coming into their country, and I mean that in the literal sense, put them in detention camps or sent them north to get them out of Mexico. Yet the President of Mexico comes here and says it is our responsibility to open our border to his people, to his unemployed because, of course, they choose not to deal with the horrific economic problem and social problems that beset that nation. They would rather have the United States be the sort of safety valve that they need to keep their people moving north and sending money south.

Mr. Speaker, no one is suggesting, certainly I am not suggesting that the events of September 11 were the responsibility of Mexican immigrants. They certainly were not. They were the direct actions taken by people from the Middle East. But my point is this: we must do everything we can to seal our borders except to those people we determine need to and legitimately have a reason to come into the United States. Just because one of those borders happens to be between the United States and Mexico is not the point. It is not anti-Mexican to suggest that we need to deal with the border any more than it is anti-Canadian to say that we must deal with the issue of a porous border on our northern frontier. It does not matter which country we are separating ourselves from, it is the function of this government, it is the legitimate function of this government to in fact ensure the domestic tranquility and provide for the common defense. That means, among other things, the defense of our borders.

Going back to the article that was in the New York Times, it said, "In spite of elaborate immigration laws and the efforts of the INS," which is almost a joke, "the United States is de facto a country of open borders, the National Commission on Terrorism said in a report last year." It is that same report that we now hear spoken of widely as being prophetic. It is that same report that people refer to constantly and say why did we not pay attention. To Mr. Rudman and others who were the authors of the report when they gave it to us, a relatively short time ago, but even before that we had warnings.

In earlier reports, in 1997 we had the Jordan Commission Report. The late Barbara Jordan was not considered to be a raving conservative with attitudes so anachronistic in nature. Barbara Jordan was a very outspoken, very articulate, very liberal individual, politically speaking. It was the report she commissioned that talked about the dangerous nature of our porous borders. It talked about a whole bunch of interesting issues, and I certainly commend it to anyone for their review.

□ 2245

If they think that this issue is simply one of those right-wing conservative, white men issues, Barbara Jordan, an African American, who understood the problems and the dangers we face in this Nation as a result of massive immigration, legal and illegal, as a result of having borders that are completely and totally porous as a result of being unable to defend ourselves and unwilling to defend ourselves in that particular way.

Mr. Speaker, I find myself in a dilemma. It is one with which I have dealt for some time, and it is this: I know that a huge majority, somewhere 75 to 80 percent of the people of this Nation, support our point of view vis-a-vis immigration and immigration reform. A huge majority of the people of this Nation believe that we should reduce immigration, that we should gain control of our borders, that we should do something to stop the flow of illegal immigrants into this country, that we should do something to make sure we know what people who are here on visas are in fact doing. That we in the United States and the Federal Government should take on our responsibility to protect and defend this Nation by protecting and defending its borders.

I know, Mr. Speaker, that a huge majority of Americans agree with this point of view. Believe me, I hear from them. And the dilemma is this: How is it that we can have 75 to 80 percent of the population agreeing that we have to reform our immigration laws and do something to tighten up on the way in which people are able to obtain entrance into this country, why is it that that is the case and that this body is unable or unwilling to reflect that point of view? How is it, Mr. Speaker, that even in light of the events of September 11, that we have a situation where when the administration comes forward with a bill that has relatively few points dealing with immigration and visas, even those points are watered down?

I saw today in the paper that this House, somehow it said, the House has agreed on a new antiterrorism bill. Now, no one has asked me about that yet, but it does not matter, the leadership evidently in both the House and the Senate have come to some conclusion about what the antiterrorism bill should include. And when it got down to the point about immigration, it talked about how watered down that bill had become. It talked about the fact that one of the provisions that was stricken from the measure was the ability to detain people who were here, aliens who were here because we believe that they are connected to some terrorist organization, now we have only a certain period of time and they can go to court, all the rest of the stuff.

Amazing, Mr. Speaker. Absolutely amazing. We act as though, and we talk as though these people who have come here from foreign countries, whether for good intentions or ill, we talk as though they are American citizens, with the same rights as an American citizen.

Mr. Speaker, they are not, by definition, American citizens. They do not enjoy the same rights as American citizens. Just simply being here, simply being within the, quote, borders of the United States, existing here does not confer upon you any of the rights guaranteed in the Constitution. There are some liberal judges who have interpreted this differently, but I suggest they are incorrect in their analysis. I suggest that if we do not say that there is a difference between people who come here and simply get across the border and exist here and those of us born here or obtain legal citizenship status, if there is no difference, then why do we even have the concept of citizenship? Why do we go through the process of having people raise their hand at a point in time when they come across the borders and swear allegiance to the United States and confer upon them citizenship? What does it matter? Why do we not just end the charade and say if you are here, if you have made it across our borders somehow, you get all of the same benefits as a citizen?

Mr. Speaker, I do not believe that that is what the founders of the Nation intended. And as a result of the fact that the people to whom we are focusing on, whom we are focusing our issue here tonight and were part of the antiterrorism bill, they were not and are not citizens of the United States and, therefore, have absolutely no, quote-unquote, right to any of the protections that the immigration lawyers and our friends on the other side of the aisle forced into this package. But that is the extent to which we in this body have sunk. We are unwilling to confront the proponents of open borders. We are perhaps even willing to risk the security of this Nation in order to gain a political advantage, a political advantage that would accrue to one party who would gain the votes of these people who eventually became citizens.

Now, that is a pretty cynical analysis, but, Mr. Speaker, I cannot, for the life of me, think of what in the world it is other than a cynical reason employed to stop and water down the antiterrorism bill in the area of immigration reform. It is truly amazing. It is almost beyond belief that this could happen today. But it goes to show you the dilemma, the nature of the dilemma that I referred to earlier.

What do I do, Mr. Speaker? What can I do other than what I have been doing, to take this floor at every opportunity, to express myself as clearly as I possibly can about the nature of the danger, about the nature of our responsibility in the face of that danger?

How much more can I say than has been said? How much more of a statement can I make than was made on September 11 to convince my colleagues that something significant has to change in the way of immigration reform? That is why I take this floor as often as I can and address those who may be listening, Mr. Speaker, and others for the purpose of trying to convince them that pure partisan political motives sink below anything that we believe can and should be done in this body to advance the American cause. I cannot think of any other reason why we are so unwilling to deal with this issue of immigration reform.

Even the administration's bill, the original bill, did not go far enough as far as I am concerned, certainly. We should, in fact, impose a moratorium on all immigration for at least 6 months, except for cases of national security. We should give our agencies, the INS, the FBI, immigration authorities throughout the country, we should give them the opportunity to reform themselves, to reconstruct themselves into a true immigration control agency. We cannot do that with something near 300 million people crossing the border, 300 million people annually crossing the border between the United States and Mexico. We cannot do that with 30 million visas being given every single year.

Let me talk for just a second about one special kind of visa, by the way, called diversity visas. We came up with these in the early 1900s and we said, you know, there are some countries that just are not sending enough people, some countries from which we are not getting quite enough immigration. And so we are going to give them a special place in line. We are going to set aside 50,000 diversity visas for these countries, and they are, among others, Egypt, Syria, Libya, they are countries throughout the Middle East who benefit from diversity visas. Now, I have no idea if any of the hijackers were recipients of diversity visas, but I have to ask if this is one of those things we are going to hang on to because of some sort of politically correct concept about who should be able to come into the United States.

Mr. Speaker, before September 11, there were many people who would even actually openly state that it was their desire to see open borders, not just between the United States and Mexico, the United States and Canada, but open borders throughout the world and that we should be sort of the forerunner in that.

You do not hear them anymore. They do not stand up on the floor of this House. They do not even write editorials in the Wall Street Journal anymore. Cato Institute, a very powerful, very influential, libertarian-oriented think tank here in the United States, has for years pushed the idea of open borders. Even they have been, interestingly, quiet in recent weeks. Nobody thinks it is a good idea anymore, Mr. Speaker, to simply walk away from the borders and let anyone walk into this country at any time, stay for as long as they like, do whatever they want, and leave. Nobody thinks that that is judicious.

Well, interestingly, we are still at that point, even after the 11th of September. We are still there. That can still happen. And although people do not take the floor to attack the idea of open borders anymore, they still want it. They still advocate the concept, they just cannot do it openly, for fear of the political and social retribution that would be heaped upon them, and deservedly so.

There is another article to which I wish to refer this evening. It is written by a lady by the name of Ann Coulter, opinion editorial.

She says:

"After the World Trade Center was bombed by Islamic fundamentalists in 1993, the country quickly chalked it up to a zany one-time attack and 5 minutes later decided we were all safe again. We weren't then. We aren't now. They will strike again. Perhaps they will wait another 8 years. Perhaps not. The enemy is in this country right now. And any terrorists who are not already here are free to emigrate. The government has been doing an excellent job in rounding up suspects from the last two attacks. But what about the next attack? We thought there was only one murderous Islamic cell in America the last time. Incorrect. Congress has the authority to pass a law tomorrow requiring aliens from suspect countries to leave. As far as the Constitution is concerned," she says, "aliens, which is to say any noncitizen, are here at this country's pleasure. They have no constitutional right to be here. Congress has, within its power, the ability to prevent the next attack, but it won't," she says. "When the Sears Tower is attacked, the President is assassinated, St. Patrick's Cathedral is vaporized, anthrax is released in the subway systems or Disneyland is nuked, remember, Congress could have stopped it but it didn't. Pious invocations of the Japanese internment are absurd. For one thing, those were U.S. citizens. Citizens cannot be deported.

So far, thank God, almost all the mass murderers of Americans have been aliens. But even more blindingly obvious," she says, "there was no evidence that the attack on Pearl Harbor was staged by Japanese saboteurs living in California. The Japanese internment was a pure land grab implemented by liberal politicians, President Franklin Roosevelt," and she mentions others here, Governor Warren.

□ 2300

"The internment was vigorously opposed by J. Edgar Hoover. This time, the very nature of the enemy is that they have infiltrated this country and passed themselves off as law-abiding, quiet immigrants. The entire modus operandi of this enemy is to smuggle mass murderers to our shores. But the country refuses to respond rationally. Rather, Congress is busily contemplating a series of 'anti-terrorism measures,' most notable for their utter irrelevance to the threat. What precisely would a national ID card accomplish? The hijackers were in this country illegally. A few may have overstayed their visas by a few days, a minor bureaucratic oversight that they surely would have remedied had they not been about to commit suicide in a monstrous attack. One member of the other body," she said, "has bravely proposed that we take the aggressive step of asking aliens in the country to register periodically with the government so we know where they are. That is already the law in Germany. Several of the hijackers in this attack lived in Hamburg. They obediently complied. The mastermind of the most vicious attack in the history of the world, Mohamed Atta, was in Florida on a 'vocational status visa' in order to attend flight school. Let's say Atta had registered. Now what?

"As the entire country has been repeatedly lectured, most Muslims ever amazingly peaceful, deeply religious, wouldn't hurt a fly. Indeed, endless invocations of the pacific nature of most Muslims is the only free speech it is safe to engage in these days. This is a preposterous irrelevancy. Fine. We get it.

"The New York Times can rest assured that every last American has now heard the news that not all Muslims are terrorists. But that is not the point. Not all Muslims may be terrorists, but all the terrorists are Muslims, at least all terrorists capable of assembling a murderous plot against America that leaves 7,000 people dead in under 2 hours.

"How are we to distinguish the peaceful Muslims from the fanatical homicidal Muslims about to murder thousands of our fellow citizens? Are the good Muslims the ones that live quiet lives, pray a lot and obey the laws? So do the architects of Bloody Tuesday's mass murder. Are the peaceful Muslims the ones that loudly proclaim their hatred of Osama bin Laden? Mohamed Atta did that too.

"The only thing we know about them, other than they live among us, is that they are foreign-born and they are Muslims. The government has been remarkably tight-lipped about precisely how many Muslim visitors we are currently accommodating, but from unofficial estimates there appears to be more than 1 million. Even if the Attorney General instigated latter day Palmer raids, it will take years and years to investigate and infiltrate every potential terrorist cell operating on our shores.

"The investigation should not be conducted while the enemy continues residing here, plotting the next attack. It is an extreme measure," she says, "but we face an extreme threat. It is suicidally naive to think we can simply seal off every water supply, all the air vents, food supply and crop dusters from now until the end of time. We cannot search every truck, every passenger, every shopper, every subway, every person entering every building, every American every day. It is impossible to stop Islamic fundamentalists who think that slaughtering thousands of innocent Americans will send them straight to Allah. All we can do is politely ask aliens from suspect nations to leave," she says, "with full expectation of readmittance while we sort the peace-loving immigrants from the murderous fanatics.

"More benefits of the plan next week, but the beauty part of the terrorist deportation plan can't wait. There will be two fail safes. One, Muslim immigrants who agree to spy on the millions of Muslim citizens unaffected by the deportation order can stay, and, two, any Muslim immigrant who gets a U.S. Senator to waive his deportation by name gets to stay.

"This is brutally unfair to Muslim immigrants who do not want to kill us, but it is not our fault. It is the fault of the terrorists who are using their fellow Muslims as human shields. So far, America's response to a calculatingly cold-blooded enemy has been to say, excuse me, you seem to have dropped your box cutter."

Now, Ms. Coulter's observations are just that, her observations. She is, of course, free to state them. And they are harsh, and I doubt for a second that this body would ever consider such an action as deporting all people who are here as immigrants and who are Muslims.

We are not going to do it, and whether that is good or bad I will leave up to the observer. But I will say this, that there are many things we have an absolute right and ultimate responsibility to do. Putting troops on our border, a scary proposition for some, an absolutely logical one for me. Also, I might add, Mr. Speaker, a logical one for a majority of Americans. They agree it should be done.

The purpose of the military is to defend our borders. We know where our borders are. Let us send them there. We cannot depend upon the INS to protect us. We cannot depend upon the INS to keep people out of the United States who should not come. We cannot depend on the INS to enforce our own laws.

An amazing thing I was told earlier this evening, there are literally hundreds of thousands of orders that have been issued by judges, by immigration judges in this country; orders for the deportation of immigrants who have violated a law, who have come here illegally, or while here have violated some law or have overstayed their visas. Hundreds of thousands of these orders have been issued in the last few years. Yet few, if any, have actually been carried out by the INS.

When the judge raps his or her gavel and says you have been found guilty of violating the law and I hereby issue an order to deport you, that person can simply laugh at the judge, turn around and walk away. We do not hold them, and we do not go after them.

Now, they can in fact enter an appeal. We do not know exactly how many have done that, but we do know that many have done that and again walked away. We are going to try to find out those numbers, but the INS is very tight-lipped about these things.

Literally hundreds of thousands of people have actually put up bond, put up bail, and walked away. They have committed crimes. Some of these crimes are far more serious than simply overstaying their visa or entering the country illegally. Some of these are felonies, and yet the people walk away, because right now the law allows them to do so. And there are literally hundreds, if not thousands, of frustrated Americans serving in the capacity of judges and honest immigration officers who are incredibly frustrated by their inability to stop the ocean with the sieve that we have given them.

We could do something about that tomorrow. We could determine how many people are out there who have skipped out on bail, who have simply walked away from court orders deporting them and have never been looked for by the INS. The INS will tell you that it is a resource issue, but it is more than that, Mr. Speaker. They do not want to look. They do not care.

Some of the time I am told that in some of these cases that come in front of these judges that I have referred to, the immigration lawyer, the lawyer for the government, is actually half the time defending the perpetrator, the plaintiff. And to the judges even, this seems odd and almost incredible, but it is what has happened. For years we did not pay the slightest bit of attention to it. As I say, I and others could get up on this floor and speak to our concerns about immigration, and people really would not want to hear it.

□ 2310

Because no one wants to be considered to be racist or xenophobic, and I certainly do not believe that I fall into either of those two categories. I know that I do not. No one wants to be called those things, and so everybody avoided the discussion of the issue of immigration.

It is too late for us really, in a way. But at least we must now do everything we can, as I said earlier, if it is building a missile defense system, that is fine; but let us do something before it gets here, before that missile or before anyone with the intent of destroying the United States and everything we stand for. Let us do something about it. Even Ms. Coulter suggested, after her rather Draconian measure is employed, to send, to return all Muslims, to send them all out of the United States, she agrees that they should be allowed to come back in, once some sort of detection mechanism has been set up, once some sort of a system is set up to see if they should be allowed in. I am not advocating that at all. All I am saying is that some measure has to be employed here, some rational approach has to be adopted by this House and by the Senate and signed by the President to deal with this issue of immigration in the poorest nature at our borders.

I do not know, as I say, what more we can possibly add to this case that we are making in front of the people of the United States. I do know this, Mr. Speaker, that unless the people of the United States let their elected representatives know how they feel about this issue, things will not change.

There is a strong lobby here in the Congress of the United States against any immigration reform. It is led oftentimes by immigration lawyers who make their living, of course, out of making sure that we have open borders or at least pursue a policy, a de facto policy, of open borders. Then there is, of course, a large number of people who simply believe in that concept philosophically; they adhere to it. Even if they are out of touch with their constituents, they are going to vote that way, Mr. Speaker, we both know this, unless they hear from those constituents.

That is why when I say I have a dilemma, it is in knowing exactly how to deal with the fact of the incredible irony, if you will, the fact that a huge percentage of the population by every poll agrees with the point of view that I have established here tonight, that some form of immigration reform is necessary, that we should limit the number of people coming into the United States far lower than it is today at a million and a quarter or so legally, and maybe twice or three times that many annually coming, into the United States illegally. People want that reduced. They want illegal immigration stopped. They want us to deal with those people who are here illegally. They do not want them employed.

Certainly, there are a lot of employers who understand the fact that it is good business to pay people maybe even less than the going wage, maybe even less than minimum wage, exploit them because they are here illegally, knowing that they cannot do anything about it. Yes, I know there are employers of course who do that. But I am telling my colleagues that a majority of Americans want people to enter this country legally, want us to have a fair system that allows for diversity, that allows us to continue to enjoy the benefits of diversity, all of the great things that immigration has provided to the United States.

I would never, ever deny the fact that we are richer as a Nation as a result of the many incredible treasures that have been brought to our shores by immigrants. I do not believe that we should forever end all immigration. I simply ask for us to take a rational approach. Let us pause immigration for at least 6 months, a pause. Let us catch our breath. Let us try to create a true immigration agency, one that can actually determine who is coming across our borders and how long they are here, and determine whether or not they are doing something when they are here that they should not be doing. Is that too much to ask for, really? Is it too much to ask for that we probably should not hand out 30 million visas a year, that we maybe should get rid of the diversity visas directed specifically at Middle Eastern countries? Is that too much to ask for?

I am not suggesting Ms. Coulter's remedy. I am saying that far from that, there are many things that we can do, but we must do something. It is incredibly irresponsible for us to ignore the reality here; and the reality is that there are people in this world who are intent upon our destruction. They hate us, Mr. Speaker, for reasons that go far beyond our foreign policy, far beyond the issue of Israel-United States-Palestinian relationships. They hate us because of who we are and what we stand for. Because we are the bastion of Judeo-Christian ideals, among those being the freedom to think.

This is not the kind of world, the one we represent is not the kind of world in which these people, these terrorists, are comfortable; nor is it one in which they can survive or thrive. Their brand of hijacked Islam can never survive in our kind of world, because our world puts them into the marketplace of ideas. It asks them to simply advance their ideas through that marketplace. They cannot survive in that arena. They know it. Therefore, they believe that the only way to advance their cause is by the sword, just as it was centuries ago. This is a continuation of that failed concept, of conquest, of moving a religious issue by the sword. They are not unique in the world. It has happened before. There are many times in the world's history where we have seen this kind of thing happen. The fact is that we are dealing with it now, today, in America; and the perpetrators are fundamental, radical members of Islam, as a result of the fact that there are who-knows-how-many millions of people out there who have our destruction as their main purpose and goal in life.

Mr. Speaker, several things are important for us to do. One is to understand what I just said, that that is their intent. It is not to change our foreign policy, Mr. Speaker. It is not just to get a respite from the atrocities, from the conflict in the Middle East. It is not just an issue of the Palestinians versus the Israelis. It is far, far more serious than that, far deeper. As I say, its roots go back centuries.

Therefore, recognizing that we cannot change it simply by changing foreign policy; recognizing that the mechanisms that can be employed today to bring about our destruction are far more threatening than they ever have been in the history of mankind; recognizing that what happened on September 11 is probably just a teaser, and that the next event could very well be horrendously more devastating. The gentleman from Connecticut (Mr. SHAYS), the chairman of one of the House committees that deals with the issue of security, has said on this floor, said on television. I have seen him, I have heard him and he said more than once, that it is not a matter of if they are going to use weapons of mass destruction; it is a matter of when.

□ 2320

Knowing that, then, Mr. Speaker, why would I not do everything I can, stand up here at this microphone as often as I possibly can, to encourage, to cajole, to talk to this body about the importance of doing this one thing: gaining control of our borders. It is the only thing I can do. It is the only mechanism I have.

I can introduce the legislation, but I assure the Members, it will not pass. I assure Members it will not even be heard by the committee of reference because there is this kind of knee-jerk reaction to anything like this that it is too controversial, that we would make too many enemies in certain communities in this country.

How can we let these things guide our actions today, Mr. Speaker? How can we? It is more important than politics. It is more important than how many votes we are going to get at the next election from any particular ethnic group in the United States.

It is for every ethnic group in the United States that I plead. It is for every human being here, from whatever racial origin. It does not matter who they are, where they come from, but if they are here, if they are American citizens, it is they that I plead for.

I plead for their safety, for their security, for the security of every Mexican-American who just came here and came legally and is a member, or anybody who is even here illegally, it does not matter, I am pleading for their security. I choose not to identify any particular ethnic group.

I know every time we talk about immigration reform, it comes down to this thing. I have read in the paper attacks on me personally because I have called for immigration reform, and the suggestion the other day in the Denver paper, there was someone who wrote an editorial saying, why is he talking about reforming immigration? Why is he talking about shutting off the border? It was not Mexico that attacked the United States.

Of course it was not. Who said it was? It has nothing to do with Mexico; it has everything to do with porous borders between Mexico and the United States and between the United States and Canada, and the United States and the rest of the world. That is the problem. It is not any ethnic group. It is our inability to control our own destiny because of our inability and unwillingness to control our own borders.

Many philosophers have used the phrase "demography is destiny," many times. I agree. We have an ability to help control our destiny, but it means controlling our borders.

Mr. Speaker, I once again take this microphone and once again suggest that the only way we will ever get immigration reform through this body is for people to rise up and let the Members of this body know how they feel about it. They have to do it directly and quickly and vociferously, and they have to be unwavering in their commitment to get their point across that we desperately need true immigration reform.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through October 9 on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

## ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 1, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 2510. To extend the expiration date of the Defense Production Act of 1950, and for other purposes.

## ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 3, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3968. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Oklahoma [Docket No. 01-016-2] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3969. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Fruits and Vegetables [Docket No. 00-006-2] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3970. A communication from the President of the United States, transmitting His authorization to transfer from the Emergency Response Fund for emergency and national security activities; (H. Doc. No. 107-128); to the Committee on Appropriations and ordered to be printed.

3971. A communication from the President of the United States, transmitting pursuant to the Air Transportation Safety and System Stabilization Act, funds will be provided to the Department of Transportation's Compensation for Air Carriers account; (H. Doc. No. 107-129); to the Committee on Appropriations and ordered to be printed.

3972. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Report on the Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3973. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Superintendent of Air Force Academy, Colorado, has conducted a cost comparison of the Civil Engineering, Department of Athletics Facilities, Dean of the Facility Faciltіes and Training Devices and 34th Training Wing Cadet Housing functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3974. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Commander of Maxwell Air Force Base, Alabama, has conducted a comparison study to reduce the cost of operating the Base Operating Support (BOS), pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3975. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union, pursuant to Public Law 104-106, section 1206(a) (110 Stat. 471); to the Committee on Armed Services.

3976. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of a study on certain function performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3977. A letter from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting a Report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

3978. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Strategic and Competitive Sourcing Programs Workforce Review Cost Savings Report for FY 2000; to the Committee on Armed Services.

3979. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Review of Acquisition Plans for Conventional Ammunition [DFARS Case 2000-D030] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3980. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS

Case 2001–D006] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3981. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products [DFARS Case 2000–D302] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3982. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Iceland—Newly Designated Country Under Trade Agreements Act [DFARS Case 2001–D008] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3983. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Financial Institutions on DoD Installations (RIN: 0790–AG73) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3984. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations (RIN: 0790–AG74) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3985. A letter from the Under Secretary, Department of Defense, transmitting the Department's Response to Conference Report Accompanying the Floyd D. Spence National Defense Authorization Act for FY 2001; to the Committee on Armed Services.

3986. A letter from the Secretary of Defense, transmitting a letter on the approved retirement of General Henry H. Shelton, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3987. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting a determination to allow the U.S. Export-Import Bank to finance the sale of defense articles to the Dominican Republic; to the Committee on Financial Services.

3988. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7767] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3989. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7604] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3990. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3991. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–B–7419] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3992. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3993. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Credit Union Service Organizations (CUSOs)—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3994. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

3995. A letter from the Secretary, Department of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1999, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

3996. A letter from the Secretary, Department of Commerce, transmitting a draft of proposed legislation to amend section 3007 of the Balanced Budget Act of 1997; to the Committee on Energy and Commerce.

3997. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 01–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3998. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 01–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3999. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Malaysia for defense articles and services (Transmittal No. 01–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4000. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 12–01 which informs the intent to sign Amendment Number One to Annex D of the Memorandum of Agreement between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective August 2, 2001, the danger pay rate for the Gaza Strip, the West Bank and the Former Yugoslav Republic of Macedonia was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

4002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

4003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report Pursuant to Title VIII of Public Law 101–246 Foreign Relations Authorization Act for FY 1990–91, As Amended; to the Committee on International Relations.

4004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmittal No. RSAT–2–01 Notice of Proposed Transfer of Major Defense Equipment between the Government of Germany to the Czech Republic; to the Committee on International Relations.

4005. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2000; to the Committee on International Relations.

4006. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4007. A letter from the Comptroller General, General Accounting Office, transmitting list of all reports issued or released by the GAO in July 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

4008. A letter from the Investment Manager, Treasury Division, Army & Air Force Exchange Service, transmitting the Annuity Plan for Employees of the Army and Air Force Exchange Service; the Supplemental Deferred Compensation Plan for Members of the Executive Management Program; and Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

4009. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting a consolidated report covering both the Annual Report on Audit and Investigative Coverage and the Federal Managers' Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4010. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting an annual report on commercial activities; to the Committee on Government Reform.

4011. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report on activities of the Office of Inspector General for the period ending March 31, 2001, pursuant to 5 app; to the Committee on Government Reform.

4012. A letter from the Inspector General, Department of Defense, transmitting a report on the Department of Defense Superfund Financial Transactions FY 2000; to the Committee on Government Reform.

4013. A letter from the Inspector General, Environmental Protection Agency, transmitting the EPA's Annual Superfund Report for FY 2000, pursuant to 31 U.S.C. 7501 nt; to the Committee on Government Reform.

4014. A letter from the Acting Director, Office of Resource Management, Federal Housing Finance Board, transmitting a report on Commerical Activities Inventory; to the Committee on Government Reform.

4015. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "Growing Leaders: The Presidential Management Intern Program"; to the Committee on Government Reform.

4016. A letter from the Acting Chairman, National Credit Union Administration, transmitting a report on Commerical Activities; to the Committee on Government Reform.

4017. A letter from the Office of Special Counsel, transmitting a report on Commercial Activities Inventory; to the Committee on Government Reform.

4018. A letter from the Inspector General, Railroad Retirement Board, transmitting a report on the budget request fiscal year 2003; to the Committee on Government Reform.

4019. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea oregana var. calva (Wenatchee Mountains checker-mallow) (RIN: 1018–AH05) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4020. A letter from the Secretaries, Departments of Commerce and the Interior, transmitting a report entitled, "A Population Study of Atlantic Striped Bass"; to the Committee on Resources.

4021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 083001B] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 010112013–1013–06; I.D. 082301C] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 001121328–1066–03; I.D. 082401D] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 082301D] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4025. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 080301A] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4026. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fisheries Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Closure [Docket No. 010413094–1094–01; I.D. 080201C] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4027. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer and Fishery Reopening [Docket No. 0102208032–110902–02; I.D. 072301E] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4028. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex Squid, Atlantic Mackerel, Butterfish, and Bluefish Fisheries; Framework Adjustment 1 [Docket No. 010710173–1183–02; I.D. 070901C] (RIN: 0648–AO91) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4029. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's financial audit for the period ending March 31, 2001, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4030. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on September 1, 1999 as a result of the extreme fire hazards that occurred from August 1, 1999, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4031. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–294–AD; Amendment 39–12416; AD 2001–17–25] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2000–NM–378–AD; Amendment 39–12415; AD 2001–17–24] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4033. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001–NM–258–AD; Amendment 39–12419; AD 2001–17–28] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4034. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2000–NM–318–AD; Amendment 39–12411; AD 2001–17–20] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, and -200C Series Airplanes [Docket No. 99–NM–310–AD; Amendment 39–12409; AD 2001–17–18] (RIN: 2120–AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Jackson, WY [Airspace Docket No. 00–ANM–24] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Sidney, MT [Airspace Docket No. 01–ANM–05] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Fort Bridger, WY [Airspace Docket No. 00–ANM–26] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Vernal, UT [Airspace Docket No. 00–ANM–18] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Springhill, LA [Airspace Docket No. 2001–ASW–14] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace at Van Nuys Airport; Van Nuys, CA [Airspace Docket No. 01–AWP–12] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace, Bellingham, WA [Airspace Docket No. 00–ANM–28] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Lewistown, MT [Airspace Docket No. 00–ANM–27] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: San Diego Bay [COTP San Diego 01-006] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [COTP San Diego 01-008] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [COTP San Diego 01-009] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ackerman Engagement Fireworks Display Westhampton Beach, NY [CGD01-01-133] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones: Port Huron Tall Ship Celebration, St. Clair River, MI [CGD09-01-116] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Algoma Shanty Days 2001, Algoma Harbor, Wisconsin [CGD09-01-121] (RIN: 2115-AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amend Legal Description of Federal Airway V-611 [Docket No. FAA-2001-10178; Airspace Docket No. 01-ANM-10] (RIN: 2120-AA66) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Jet Routes and VOR Federal Airways; FL [Docket No. FAA-2001-10002; Airspace Docket No. 00-ASO-25] (RIN: 2120-AA66) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Chairman, International Trade Commission, transmitting a report entitled, "Certain Circular Welded Carbon Quality Line Pipe: Monitoring Developments in the Domestic Industry"; to the Committee on Ways and Means.

4053. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination authorizing the use of funds made available under Chapter 3 of Part I of the Foreign Assistance Act in order to provide a contribution to the United Nations Guards Contingent in Iraq; jointly to the Committees on International Relations and Appropriations.

4054. A letter from the Secretary, Department of State, transmitting notification of intent to reprogram funds from FY 2001 and FY 2000 from within the International Organizations and Programs account; jointly to the Committees on International Relations and Appropriations.

4055. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2000, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1992. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; with an amendment (Rept. 107-225). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 248. Resolution providing for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011 (Rept. 107-226). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAMSTAD (for himself and Mrs. Thurman):

H.R. 2973. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the Medicare Program and to establish an Office of Technology and Innovation within the Centers for Medicare & Medicaid Services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. Souder, Mr. Tiahrt, Mr. Coyne, Mrs. Tauscher, and Mr. George Miller of California):

H.R. 2974. A bill to provide for the protection of paleontological resources on Federal lands, to promote the systematic compilation of baseline paleontological resource data, science-based decisionmaking, and accurate public education, to provide for a unified management policy regarding paleontological resources on Federal lands, to promote legitimate public access to fossil resources on Federal lands, to encourage informed stewardship of the resources through educational, recreational, and scientific use of the paleontological resources on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. Conyers, Mr. Hyde, Mr. Coble, Mr. Goodlatte, Mr. Jenkins, Ms. Jackson-Lee of Texas, Mr. Cannon, Mr. Meehan, Mr. Graham, Mr. Bachus, Mr. Wexler, Mr. Hostettler, Mr. Keller, Mr. Issa, Ms. Hart, Mr. Flake, Mr. Schiff, Mr. Thomas, Mr. Goss, Mr. Rangel, Mr. Berman, and Ms. Lofgren):

H.R. 2975. A bill to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. Hansen):

H.R. 2976. A bill to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pentagon, and for other purposes; to the Committee on Resources.

By Mr. KUCINICH:

H.R. 2977. A bill to preserve the cooperative, peaceful uses of space for the benefit of all humankind by permanently prohibiting the basing of weapons in space by the United States, and to require the President to take action to adopt and implement a world treaty banning space-based weapons; to the Committee on Science, and in addition to the Committees on Armed Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 2978. A bill to strengthen existing Federal laws and provide law enforcement agencies with enhanced enforcement tools necessary to combat money laundering, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:

H.R. 2979. A bill to enhance the ability of law enforcement to combat money laundering, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Fossella, and Mr. Simmons):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to stabilize and improve the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. Green of Texas, Mr. Burr of North Carolina, Mr. Gillmor, Mr. Tauzin, Mr. Stearns, Mr. Greenwood, Mr. Barton of Texas, Ms. Harman, Mr. Camp, Mr. Armey, Mr. Ramstad, Mr. Bass, Mr. Bilirakis, Mr. LaHood, Mr. Radanovich, Mr. Smith of New Jersey, Mr. Sessions, Mr. Portman, Mr.

Boehner, Mr. Whitfield, Mr. Hoekstra, Mr. Ose, Mr. Boehlert, Mr. Boucher, Mr. Goodlatte, Mrs. Kelly, Ms. Pryce of Ohio, Mr. Dreier, Ms. Dunn, Mr. Foley, Mr. Tom Davis of Virginia, Mrs. Bono, Mr. DeLay, Mr. Watts of Oklahoma, and Mr. Shimkus):

H.R. 2981. A bill to amend the Internal Revenue Code of 1986 to establish a 2-year recovery period for depreciation of computers and other technological equipment, a 24-month useful life for depreciation of computer software, and a 7-year useful life for depreciation of certain auction-acquired telecommunications licenses; to the Committee on Ways and Means.

By Mr. TURNER (for himself, Mr. Hansen, Mr. Nadler, Mr. Shays, Mr. Bentsen, Mr. Lampson, Mr. Rahall, Mr. Wicker, Ms. Waters, Mr. Moran of Virginia, Mr. Saxton, Mr. Frost, Mr. Wolf, Mr. Sanders, Mr. Pitts, Mr. Kennedy of Minnesota, Mr. Wynn, Mr. King, Mr. Camp, Mr. English, Mr. Meeks of New York, Mr. Simmons, Mr. Gilman, Mr. Walsh, Mr. Bonior, Mr. Shows, Mr. Gephardt, Ms. Slaughter, Ms. Pelosi, Mr. Maloney of Connecticut, Ms. Hooley of Oregon, Mr. Shimkus, Ms. DeLauro, Mr. Delahunt, Mr. Neal of Massachusetts, Mr. Moran of Kansas, Mr. Weldon of Pennsylvania, Mr. LaHood, Mr. Portman, Mr. Davis of Illinois, Ms. Woolsey, Mr. Ortiz, Mr. Sandlin, Mr. Israel, Mr. DeFazio, Mr. Langevin, Mr. Baca, Mrs. Tauscher, Mr. Pascrell, Mr. Rodriguez, Ms. Harman, Mr. Ross, Mr. Hill, Mr. Peterson of Minnesota, Mr. Holden, Mr. Berry, Mr. Matheson, Mr. Lucas of Kentucky, Mr. McIntyre, Ms. Sanchez, Mr. John, Mr. Boyd, Mr. Lewis of Georgia, Mr. Stenholm, Mrs. Capps, Mr. Crowley, Mr. Brady of Texas, Mr. Capuano, Mr. Tanner, Mr. Andrews, Mr. Costello, Mr. Gordon, Mr. Barrett, Mrs. Maloney of New York, Mrs. McCarthy of New York, Mr. Spratt, Mr. Boswell, Mr. Hoyer, Mr. Pallone, Mr. Green of Texas, and Mr. Meehan):

H.R. 2982. A bill to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as "Area I" or "Area II" to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. Barton of Texas, Mr. Norwood, Mrs. Tauscher, Mr. Fossella, Mr. Blunt, Mr. Burr of North Carolina, Mr. Weller, and Mr. Whitfield):

H.R. 2983. A bill to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2984. A bill to amend the Immigration and Nationality Act to ensure that aliens provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act are counted, for purposes of determining whether the numerical limitation on the provision of such status has been reached, in a manner that is accurate, fair, and takes into account only those aliens who actually commence employment as such a nonimmigrant; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. Deal of Georgia, Mr. Stearns, Mr. Towns, Mr. Davis of Illinois, Mr. Gordon, Mrs. Morella, Mr. Castle, Mr. Walsh, Mr. Doyle, Mrs. Kelly, Mr. Filner, and Mr. Schrock):

H.R. 2985. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. Deal of Georgia, Mr. Towns, Mr. Davis of Illinois, Mr. Gordon, Mrs. Morella, Mr. Castle, Mr. Walsh, Mr. Doyle, Mrs. Kelly, Mr. Filner, and Mr. Schrock):

H.R. 2986. A bill to amend title 18, United States Code, to provide additional punishments for offenders committing fraud aimed at taking advantage of a national emergency, and for other purposes; to the Committee on the Judiciary.

By Mr. CAPUANO:

H.R. 2987. A bill to amend title 10, United States Code, to fully integrate the beneficiaries of the Individual Case Management Program into the TRICARE program, to provide long-term health care benefits under the TRICARE program and otherwise to improve the benefits provided under the TRICARE program, and for other purposes; to the Committee on Armed Services.

By Mr. DEUTSCH (for himself, Mr. Kingston, Mr. Ford, Mr. Simmons, and Mr. Frost):

H.R. 2988. A bill to amend title 49, United States Code, to provide for the regulation of flight schools and flight school applicants for the purposes of enhancing national security and aviation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON (for herself, Mr. Graves, Mr. Gibbons, Mr. Clay, Mr. Hulshof, Mr. Skelton, Mr. Simmons, Ms. McCarthy of Missouri, and Mr. Shimkus):

H.R. 2989. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINOJOSA (for himself, Mr. Bonilla, Mr. Gonzalez, Mr. Ortiz, Mr. Reyes, and Mr. Rodriguez):

H.R. 2990. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes; to the Committee on Resources.

By Ms. KAPTUR (for herself, Mr. Nadler, Mr. Moran of Virginia, Mr. Murtha, Mr. Crowley, Mr. Engel, Mr. Gilman, Mrs. Maloney of New York, Mr. McHugh, Mr. Serrano, Mr. Towns, Mr. Tom Davis of Virginia, Mr. Wolf, Mr. Borski, Mr. English, Mr. Weldon of Pennsylvania, Mr. Barcia, Mr. Bonior, Mr. Conyers, Mr. Davis of Florida, Ms. DeLauro, Mrs. Emerson, Mr. Farr of California, Mr. Frost, Mr. Hall of Ohio, Mr. Hastings of Florida, Mr. Hoyer, Ms. Kilpatrick, Ms. McCarthy of Missouri, Mr. McGovern, Mrs. Mink of Hawaii, Mrs. Morella, Mrs. Napolitano, Mr. Payne, Ms. Pelosi, Mr. Price of North Carolina, Mr. Rothman, Mr. Sanders, Mr. Smith of New Jersey, Mr. Terry, and Mrs. Thurman):

H.R. 2991. A bill to direct the Architect of the Capitol to establish, as part of the Capitol Visitors Center, a garden designated as the "Spirit of America Garden" as a living memorial to the victims of the terrorist attacks on the United States on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself and Mr. Gilman):

H.R. 2992. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. Capps, and Mr. Luther):

H.R. 2993. A bill to amend the Consumer Product Safety Act and the Federal Hazardous Substances Act regarding repair, replacement, or refund actions, civil penalties, and criminal penalties under those Acts; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Ms. Norton):

H.R. 2994. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Ms. Norton, Ms. Watson, and Mr. Fattah):

H.R. 2995. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the initiation of a control period, to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Mr. OSE:

H.R. 2996. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Andrews, Mr. Ferguson, Mr. Frelinghuysen, Mr. Holt, Mr. LoBiondo, Mr. Menendez, Mr. Pascrell, Mr. Payne, Mr. Rothman, Mrs. Roukema, Mr. Saxton, and Mr. Smith of New Jersey):

H.R. 2997. A bill to designate the facility of the United States Postal Service located at

60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"; to the Committee on Government Reform.

By Mr. ROYCE (for himself, Mr. Berman, Ms. Ros-Lehtinen, Mr. Leach, Mr. Smith of New Jersey, Mr. Kirk, Ms. Millender-McDonald, Mr. Pitts, and Mr. Hoeffel):

H.R. 2998. A bill to authorize the establishment of Radio Free Afghanistan; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Ms. Lee, Mr. Sanders, Mr. LaFalce, Ms. Woolsey, Mr. Waxman, Ms. Solis, Mr. Davis of Illinois, Mr. Jackson of Illinois, Mr. Owens, Mr. Hinchey, Mr. Rush, Mr. Kucinich, and Mrs. Jones of Ohio):

H.R. 2999. A bill to amend the Internal Revenue Code of 1986 to modify the highest marginal income tax rates and to increase the estate tax deduction for family-owned business interests, to repeal certain sections of the Economic Growth and Tax Relief Reconciliation Act of 2001 related to personal exemptions, itemized deductions, and the estate tax, to establish a legislative task force to determine when and whether certain critical national priorities have been accomplished, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS:

H.R. 3000. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Moran of Virginia, Mr. King, Mr. Borski, Ms. Hart, Mr. Hall of Ohio, Mr. Ford, and Mr. Calvert):

H.R. 3001. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income and to allow a refundable credit for job training expenses of older long-time employees who are laid off; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3002. A bill to provide for the establishment of an alien nonimmigrant student tracking system; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. Hilliard, Mr. Kanjorski, Mr. Thompson of Mississippi, Mr. Cummings, Mr. Wynn, and Mr. Clyburn):

H.R. 3003. A bill to increase the assistance made available under certain economic development programs; to the Committee on Financial Services, and in addition to the Committees on Small Business, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H. Con. Res. 238. Concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of potentially visually impaired individuals; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the Committee on Education and the Workforce.

By Ms. KAPTUR (for herself, Mr. McGovern, Mr. Hall of Ohio, Ms. McKinney, Mr. Farr of California, and Mr. Udall of New Mexico):

H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing food and agricultural development assistance to civilian men, women, and children in Afghanistan, including Afghan refugees, and to the civilian populations of other countries in the central Asia region, including Pakistan, Iran, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan; to the Committee on International Relations.

By Mr. EHRLICH (for himself, Mrs. Morella, Mr. Hoyer, Mr. Cardin, Mr. Gilchrest, Mr. Bartlett of Maryland, Mr. Wynn, Mr. Cummings, Mr. Radanovich, Mr. Coble, Mr. Largent, Mr. Watts of Oklahoma, Ms. Pelosi, Mr. Bereuter, Mr. Tom Davis of Virginia, Mr. Armey, and Mr. DeLay):

H. Res. 247. A resolution honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation; to the Committee on Government Reform. considered and agreed to.

By Mr. PORTMAN:

H. Res. 249. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BARTON of Texas (for himself and Mr. Boucher):

H. Res. 250. A resolution urging the Secretary of Energy to fill the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Ms. ROYBAL-ALLARD:

H. Res. 251. A resolution recognizing the League of United Latin American Citizens for sponsoring LULAC Senior Citizens Week in California, and commending the League for providing more than 70 years of service to Hispanic Americans of all ages; to the Committee on Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mrs. Kelly, Ms. Ros-Lehtinen, Ms. Millender-McDonald, Mr. Ose, Ms. Jackson-Lee of Texas, Ms. Schakowsky, Mrs. Morella, Mrs. Emerson, Ms. Rivers, Ms. Norton, Mrs. Napolitano, and Mr. Etheridge.

H.R. 61: Mr. Reynolds.

H.R. 64: Mr. Berry.

H.R. 116: Mr. Traficant.

H.R. 200: Mr. Udall of Colorado.

H.R. 203: Ms. Millender-McDonald and Mr. Pascrell.

H.R. 218: Mr. McIntyre and Mr. Terry.

H.R. 239: Mr. Hinchey.

H.R. 250: Mr. Honda.

H.R. 274: Mr. Simmons.

H.R. 324: Mrs. Biggert.

H.R. 344: Mr. Waxman.

H.R. 439: Mr. DeFazio.

H.R. 547: Mr. Maloney of Connecticut.

H.R. 600: Mr. Borski.

H.R. 665: Mr. Udall of New Mexico.

H.R. 760: Mr. McHugh.

H.R. 817: Mr. Bartlett of Maryland.

H.R. 848: Mr. Pastor, Mr. Lewis of Kentucky, Mrs Capito, Mr. Weldon of Pennsylvania, and Mr. Kanjorski.

H.R. 902: Mrs. Wilson.

H.R. 921: Mr. Souder.

H.R. 978: Mrs. Biggert.

H.R. 984: Mr. Carson of Oklahoma.

H.R. 1007: Mr. Levin.

H.R. 1090: Mr. Stupak, Mr. Tierney, Mr. Rehberg, Mr. Meehan, Mr. Goodlatte, Mr. Wynn, and Mr. Evans.

H.R. 1114: Mrs. Roukema.

H.R. 1170: Mr. Luther.

H.R. 1193: Ms. Schakowsky, Mr. Oberstar, Mr. Obey, Ms. Eshoo, Ms. DeGette, Mr. Schiff, Mr. Waxman, Mr. Deutsch, Mr. Sawyer, Mr. Lantos, Ms. Berkley, Mr. Blumenauer, Ms. Rivers, Mr. Hoyer, Mr. Hall of Ohio, Mr. Fattah, Mr. Pallone, Mr. Allen, Mr. Kildee, Mr. Wexler, Mr. Levin, Ms. DeLauro, Mr. Roemer, Mr. Serrano, Mr. Moran of Virginia, Ms. Sanchez, Mrs. Capps, Ms. Velázquez, Mr. Blagojevich, Mr. Cardin, Mr. DeFazio, Mrs. Lowey, Mr. Shows, Mr. Becerra, Mr. Meehan, Ms. Baldwin, Mr. Ackerman, Mrs. Mink of Hawaii, Mr. Berry, Mr. Sanders, Mr. Frost, Mr. Spratt, Mr. Gephardt, Mr. Clement, Ms. Kaptur, Ms. Hooley of Oregon, Mrs. Jones of Ohio, Mr. Wynn, Mr. Meeks of New York, Mrs. Clayton, Mrs. Napolitano, Mr. George Miller of California, Mr. Kennedy of Rhode Island, Mr. Jefferson, Mrs. Tauscher, Ms. Slaughter, Mr. Honda, Ms. Harman, Mr. Markey, Mr. Wu, Mr. Lampson, Mr. Costello, Mr. Menendez, Mr. Bosewll, Mr. Sherman, Mr. Nadler, Ms. Kilpatrick, Mr. Thompson of Mississippi, Mr. Davis of Illinois, Mr. Clyburn, Ms. Watson, Mr. Cummings, Ms. Waters, Mrs. Meek of Florida, Mr. Payne, Ms. Lee, Mr. Clay, Mr. Watt of North Carolina, Mrs. Christensen, Ms. Eddie Bernice Johnson of Texas, Ms. Brown of Florida, Mr. Owens, Ms. Jackson-Lee of Texas, Mr. Ford, Mr. Filner, Mr. Lewis of Georgia, Mr. Farr of California, Ms. McKinney, Mr. Kucinich, Mr. Frank, Ms. Woolsey, Mr. Bonior, Mr. Rodriquez, Mr. Gutierrez, Ms. Pelosi, Mr. Olver, Mr. Delahunt, Mr. Rangel, Mr. Pascrell, Mr. Abercrombie, Mr. Matsui, and Mr. Holden.

H.R. 1254: Mr. Andrews and Mr. Thompson of California.

H.R. 1262: Mr. Doyle and Mr. Waxman.

H.R. 1296: Mr. Hall of Texas, Ms. McCollum, Mr. Bonilla, Mrs. Capito, and Mr. Gephardt.

H.R. 1305: Mr. Kennedy of Minnesota.

H.R. 1307: Mr. Moore.

H.R. 1358: Mr. Fletcher.

H.R. 1362: Mr. Frank, Mr. Andrews, and Mrs. Napolitano.

H.R. 1377: Mr. Greenwood.

H.R. 1405: Mr. Filner.

H.R. 1412: Mr. Lampson and Mr. Honda.

H.R. 1421: Mr. Hoeffel, Mrs. Davis of California, Mrs. Capps, Mrs. Biggert, and Mr. Larson of Connecticut.

H.R. 1436: Mr. Matheson, Mr. Fattah, Mr. Taylor of Mississippi, Mr. Maloney of Connecticut, Ms. Hart, Mr. Castle, and Mr. Ganske.

H.R. 1501: Mr. Fattah.

H.R. 1509: Mr. McGovern, Mr. Levin, and Ms. Hooley of Oregon.

H.R. 1543: Mr. WELDON of Florida, Ms. RIVERS, and Mr. ANDREWS.

H.R. 1605: Mr. BAIRD, and Mr. WEXLER.

H.R. 1609: Mr. BEREUTER and Mr. POMEROY.

H.R. 1616: Mr. ISSA.

H.R. 1682: Mr. CAPUANO.

H.R. 1700: Mr. RYUN of Kansas.

H.R. 1723: Mr. DAVIS of Florida and Mrs. NAPOLITANO.

H.R. 1744: Mr. LANGEVIN, Mr. CROWLEY, and Mr. ACKERMAN.

H.R. 1773: Mr. SCHAFFER and Mr. LUCAS of Kentucky.

H.R. 1782: Mr. ANDREWS.

H.R. 1798: Mr. PRICE of North Carolina.

H.R. 1810: Mr. GUTIERREZ.

H.R. 1862: Mr. MASCARA, Mrs. LOWEY, and Mr. BEREUTER.

H.R. 1904: Ms. HART.

H.R. 1919: Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. BRADY of Texas, Mr. STUPAK, Mr. CROWLEY, Mr. HORN, Mr. FALEOMAVAEGA, Mr. WELDON of Pennsylvania, Mr. GANSKE, Mr. MCNULTY, Mr. KILDEE, Mr. CALVERT, and Mr. GREENWOOD.

H.R. 1948: Mrs. MINK of Hawaii.

H.R. 1987: Ms. PRYCE of Ohio, Ms. MCCOLLUM, Mr. CRANE, Mr. RUSH, Mr. STUMP, and Mr. SCHAFFER.

H.R. 1992: Mr. SHIMKUS, Mr. KILDEE, Mr. HORN, Mr. DEMINT, Mrs. BIGGERT, Mr. OSBORNE, Mr. DOYLE, Mr. STRICKLAND, and Mr. RAMSTAD.

H.R. 2014: Mr. REYNOLDS and Mrs. CUBIN.

H.R. 2037: Mrs. BONO, Mr. THOMPSON of California, Mr. GORDON, and Mr. WOLF.

H.R. 2074: Mr. SANDLIN and Mr. LARSEN of Washington.

H.R. 2125: Mr. CARDIN, Mr. CROWLEY, Mr. TERRY, Mr. ROTHMAN, Mr. POMEROY, Mr. KOLBE, Mr. BONIOR, Mr. STUMP, Mrs. CAPITO, Mr. CANTOR, Mr. STUPAK, Mr. DEFAZIO, Mr. TAYLOR of Mississippi, and Mr. BROWN of South Carolina.

H.R. 2148: Mr. PALLONE.

H.R. 2152: Mr. UDALL of Colorado, Mr. INSLEE, and Mr. KILDEE.

H.R. 2162: Mr. ORTIZ, Mr. BACA, and Mr. UNDERWOOD.

H.R. 2163: Mr. LANGEVIN, Mr. PLATTS, and Mr. UNDERWOOD.

H.R. 2173: Mr. GANSKE.

H.R. 2212: Mr. OTTER and Mr. SOUDER.

H.R. 2220: Mr. QUINN, Mr. OSBORNE, Ms. JACKSON-LEE of Texas, and Mr. HONDA.

H.R. 2243: Mr. CUMMINGS.

H.R. 2254: Mr. FROST.

H.R. 2286: Mr. MCGOVERN.

H.R. 2308: Mr. SCHAFFER and Mr. LUCAS of Kentucky.

H.R. 2332: Mr. KUCINICH and Mr. GILLMOR.

H.R. 2335: Mr. FILNER.

H.R. 2339: Mr. KIRK.

H.R. 2349: Mrs. CAPPS, Mr. LANTOS, Mr. QUINN, Mr. ACEVEDO-VILA, Mr. FATTAH, and Mr. LANGEVIN.

H.R. 2354: Ms. DUNN, Mr. MATSUI, Mr. DOOLEY of California, Ms. MILLENDER-MCDONALD, Mr. GALLEGLY, and Mr. HINCHEY.

H.R. 2357: Mr. OTTER, Mr. REHBERG, and Mr. GOODLATTE.

H.R. 2374: Mrs. THURMAN, Mr. CRANE, and Mr. LEWIS of Kentucky.

H.R. 2462: Mr. HOLT and Mr. FILNER.

H.R. 2484: Mr. HINCHEY, Mr. CROWLEY, Mr. ACKERMAN, Mr. KUCINICH, Mrs. CAPITO, Mr. COYNE, Mr. BONIOR, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. UPTON, Ms. MCKINNEY, Ms. HART, Mr. SOUDER, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Mr. MASCARA, Mr. MCNULTY, Ms. BALDWIN, Mr. BORSKI, Mr. CLAY, Ms. MCCOLLUM, Ms. KILPATRICK, and Mr. COOKSEY.

H.R. 2485: Mr. RYAN of Wisconsin.

H.R. 2553: Ms. MCKINNEY, Mr. COLLINS, and Mr. BARR of Georgia.

H.R. 2574: Mr. CALVERT.

H.R. 2598: Mrs. NAPOLITANO.

H.R. 2610: Ms. DELAURO, Mr. FROST, Mr. BRADY of Pennsylvania, Ms. ESHOO, Mr. DOYLE, Mr. FATTAH, Mr. OBERSTAR, and Mr. SOUDER.

H.R. 2611: Mr. MCGOVERN.

H.R. 2623: Mr. CROWLEY.

H.R. 2667: Ms. MCKINNEY and Ms. HART.

H.R. 2670: Mr. MARKEY.

H.R. 2674: Mr. GILLMOR.

H.R. 2677: Mr. COYNE.

H.R. 2709: Mr. STARK and Mr. MEEHAN.

H.R. 2718: Mr. UDALL of New Mexico.

H.R. 2719: Mr. OTTER.

H.R. 2750: Mr. WELDON of Florida and Mr. BORSKI.

H.R. 2765: Mr. SNYDER.

H.R. 2768: Mr. MCHUGH.

H.R. 2794: Mr. FROST, Mr. SMITH of Texas, Mr. RADANOVICH, and Mr. GANSKE.

H.R. 2812: Mr. GUTIERREZ.

H.R. 2847: Mr. MCHUGH.

H.R. 2866: Mr. BERMAN and Mr. HILLIARD.

H.R. 2896: Mr. TERRY, Ms. HART, and Mr. DOOLITTLE.

H.R. 2899: Mr. WAMP.

H.R. 2902: Mr. DAVIS of Illinois, Mr. BORSKI, Mr. PAYNE, Mr. BACA, Ms. ROS-LEHTINEN, and Ms. LEE.

H.R. 2907: Mrs. THURMAN. Mr. FALEOMAVAEGA, Mrs. LOWEY, Mr. FATTAH, Mr. KUCINICH, Mrs. CLAYTON, and Mr. CARSON of Oklahoma.

H.R. 2940: Mr. FOSSELLA, Mr. FORD, Mr. MCGOVERN, Mr. MCINTYRE, Mr. SKELTON, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. ROSS, Mr. BOUCHER, Mr. OXLEY, and Mr. HONDA.

H.R. 2945: Mr. SIMMONS and Mr. SAWYER.

H.R. 2946: Mr. TOWNS, Mr. MCGOVERN, Mr. SANDERS, Ms. PELOSI, Mr. PASTOR, Mr. KUCINICH, Ms. MCKINNEY, Mr. HALL of Ohio, Mr. CAPUANO, Mr. ETHERIDGE, Mr. GILMAN, Mr. BACA, Mr. BLAGOJEVICH, Ms. VELÁZQUEZ, Mr. FOLEY, Ms. HARMAN, Ms. LEE, Mr. ROTHMAN, Mr. PAYNE, Mr. SCOTT, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. CAPPS, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. CLAY, Mr. MEEKS of New York, and Ms. WOOLSEY.

H.R. 2951: Mrs. ROUKEMA, Mr. BONIOR, Mr. STRICKLAND, Mr. FORD, and Mr. SWEENEY.

H.R. 2955: Mr. BERMAN, Mr. PALLONE, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. LANGEVIN.

H.R. 2961; Mr. GUTIERREZ and Mr. UNDERWOOD.

H.R. 2965: Mr. LATOURETTE, Mr. GREENWOOD, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. LIPINSKI, Mr. KANJORSKI, Mrs. JOHNSON of Connecticut, and Mr. SIMMONS.

H.R. 2969: Ms. LEE, Mrs. JONES of Ohio, Mr. HINCHEY, Mr. BEREUTER, Mr. HILLIARD, and Mr. KANJORSKI.

H. Con. Res. 46: Mr. BONIOR, Mr. TERRY, and Mrs. MINK of Hawaii.

H. Con. Res. 104: Mr. WAMP, Mr. FORBES, Mrs. MCCARTHY of New York, Ms. DELAURO, and Mr. ORTIZ.

H. Con. Res. 162: Mr. MEEHAN.

H. Con. Res. 180: Mr. WAXMAN and Ms. HOOLEY of Oregon.

H. Con. Res. 188: Mr. KIRK.

H. Con. Res. 212: Mr. PASTOR.

H. Con. Res. 216: Mr. MCGOVERN.

H. Con. Res. 228: Mrs. NAPOLITANO, Mr. BONIOR, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H. Con. Res. 232: Mr. WALSH, Mr. SHAW, Mr. BALLENGER, Mr. PLATTS, Mr. FORD, Ms. ROS-LEHTINEN, Mr. GREENWOOD, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. MCHUGH, Ms. BALDWIN, Mr. FERGUSON, Mr. WOLF, Mr. TIBERI, Ms. JACKSON-LEE of Texas, Mr. GOSS, Mr. HOLT, Mr. CARSON of Oklahoma, Mrs. ROUKEMA, Ms. WATSON, Mr. WYNN, Mr. MCGOVERN, Mr. FROST, Mr. SANDERS, Mr. HERGER, and Mr. KENNEDY of Minnesota.

H. Con. Res. 233: Mr. FALEOMAVAEGA, Mr. TAYLOR of Mississippi, Mr. CUNNINGHAM, Ms. RIVERS, Mr. WATT of North Carolina, Mr. SERRANO, Mr. KOLBE, Mr. FLETCHER, Ms. BALDWIN, Mrs. MINK of Hawaii, Mr. BLUMENAUER, Mrs. JONES of Ohio, Mr. DOOLEY of California, Mr. MCKEON, Ms. WATSON, Mr. KUCINICH, and Mr. BONIOR.

H. Con. Res. 234: Mr. VISCLOSKY, Mr. KUCINICH, and Mr. ENGLISH.

H. Res. 65: Mr. ENGLISH.

H. Res. 115: Mr. KNOLLENBERG, Ms. RIVERS, and Mr. UDALL of Colorado.

H. Res. 198: Mr. BEREUTER.

H. Res. 235: Mr. WYNN, Mr. MCNULTY, Mr. FILNER, Mr. MCGOVERN, Mr. BACA, and Mr. KUCINICH.

H. Res. 243: Mr. DIAZ-BALART, Mr. FATTAH, Mr. SHAYS, Mr. SIMMONS, Mr. SKEEN, Ms. SLAUGHTER, Ms. HART, Mr. GREENWOOD, Mr. HOEFFEL, Mrs. MINK of Hawaii, Mr. CROWLEY, Mr. WEINER, Mr. DAVIS of Illinois, Mr. LAHOOD, Mr. ACKERMAN, Mr. STUPAK, Mr. GEKAS, Mr. TAYLOR of Mississippi, Mr. BONIOR, Mr. FROST, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. TIBERI, Mr. CALVERT, and Mr. KENNEDY of Minnesota.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 2646

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 2: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. . UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

**"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

"(a) DEFINITIONS.—In this section:

"(1) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

"(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

"(b) UNLAWFUL PRACTICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

"(2) EXCEPTIONS.—

"(A) NON-GIPSA FARMS.—Paragraph (1) shall not apply to any farm the animal care practices of which are not subject to the authority of the Grain Inspection, Packers, and Stockyards Administration.

"(B) VETERINARY CARE.—Paragraph (1) shall not apply in a case in which nonambulatory livestock receive veterinary care intended to render the livestock ambulatory.

"(c) Application of Prohibition.—Subsection (b) shall apply beginning one year after the date of the enactment of the Farm Security Act of 2001. By the end of such period, the Secretary shall promulgate regulations to carry out this section.".

H.R. 2646

Offered By: Mr. Andrews

Amendment No. 3: At the end of subtitle F of title II, insert the following:

**SEC. . PROVISION OF ASSISTANCE FOR REPAUPO CREEK TIDE GATE AND DIKE RESTORATION PROJECT, NEW JERSEY.**

(a) In General.—Notwithstanding section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide assistance for planning and implementation of the Repaupo Creek Tide Gate and Dike Restoration Project in the State of New Jersey.

(b) Funding.—Of the funds available for the Emergency Watershed Protection Program, not to exceed $600,000 shall be available to the Secretary of Agriculture to carry out subsection (a).

H.R. 2646

Offered By: Mr. Bereuter

*[References are to the amendment in the nature of a substitute]*

Amendment No. 4: In section 212(a)—

(1) strike "and" at the end of paragraph (1);

(2) strike the last period at the end of paragraph (2) and insert "; and"; and

(3) add at the end the following:

(3) by adding after and below the end the following flush sentence:

"Notwithstanding the preceding sentence (but subject to subsection (c)), the Secretary may not include in the program established under this subchapter any land that has not been in production for at least 4 years, unless the land is in the program as of the effective date of this sentence.".

H.R. 2646

Offered By: Mr. Bereuter

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.01]*

Amendment No. 5: At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. 132. ALTERNATIVE LOAN RATES UNDER FLEXIBLE FALLOW PROGRAM.**

(a) Definition of Total Planted Acreage.—In this section, the term "total planted acreage" means the cropland acreage of a producer that for the 2000 crop year was—

(1) planted to a covered commodity;

(2) prevented from being planted to a covered commodity; or

(3) fallow as part of a fallow rotation practice with respect to a covered commodity, as determined by the Secretary.

(b) Election To Participate.—In lieu of receiving a loan rate under section 122 with respect to production eligible for a loan under section 121, a producer may elect to participate in a flexible fallow program for any of the 2002 through 2011 crops under which annually—

(1) the producer determines which acres of the total planted acreage are assigned to a specific covered commodity;

(2) the producer determines—

(A) the projected percentage reduction rate of production of the specific covered commodity based on the acreage assigned to the covered commodity under paragraph (1); and

(B) the acreage of the total planted acreage of the producer to be set aside under subparagraph (A), regardless of whether the acreage is on the same farm as the acreage planted to the specific covered commodity;

(3) based on the projected percentage reduction rate of production as a result of the acreage set aside under paragraph (2), the producer receives the loan rate for each covered commodity produced by the producer, as determined under subsection (c); and

(4) the acreage planted to covered commodities for harvest and set aside under this section is limited to the total planted acreage of the producer.

(c) Loan Rates Under Program.—

(1) In general.—Subject to paragraphs (2) and (3), in the case of a producer of a covered commodity that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for a crop of the covered commodity shall be based on the projected percentage reduction rate of production determined by the producer under subsection (b)(2), in accordance with the following table:

| Projected Percentage Reduction Rate | Corn commodity Rate ($/bushel) | Wheat Loan Rate ($/bushel) | Soybean Loan Rate ($/bushel) | Upland Cotton Loan Rate ($/pound) | Rice Loan Rate ($/hundredweight) |
|---|---|---|---|---|---|
| 0% | 1.89 | 2.75 | 4.72 | 0.5192 | 6.50 |
| 1% | 1.91 | 2.78 | 4.77 | 0.5268 | 6.60 |
| 2% | 1.93 | 2.81 | 4.81 | 0.5344 | 6.70 |
| 3% | 1.95 | 2.83 | 4.86 | 0.5420 | 6.80 |
| 4% | 1.97 | 2.86 | 4.91 | 0.5496 | 6.90 |
| 5% | 1.99 | 2.89 | 4.96 | 0.5572 | 7.00 |
| 6% | 2.01 | 2.92 | 5.01 | 0.5648 | 7.10 |
| 7% | 2.03 | 2.95 | 5.06 | 0.5724 | 7.20 |
| 8% | 2.05 | 2.98 | 5.11 | 0.5800 | 7.30 |
| 9% | 2.07 | 3.01 | 5.16 | 0.5876 | 7.40 |
| 10% | 2.09 | 3.04 | 5.21 | 0.5952 | 7.50 |
| 11% | 2.12 | 3.08 | 5.29 | 0.6028 | 7.60 |
| 12% | 2.15 | 3.13 | 5.36 | 0.6104 | 7.70 |
| 13% | 2.18 | 3.17 | 5.43 | 0.6180 | 7.80 |
| 14% | 2.21 | 3.22 | 5.51 | 0.6256 | 7.90 |
| 15% | 2.24 | 3.27 | 5.58 | 0.6332 | 8.00 |
| 16% | 2.28 | 3.31 | 5.65 | 0.6408 | 8.10 |
| 17% | 2.31 | 3.36 | 5.73 | 0.6484 | 8.20 |
| 18% | 2.34 | 3.41 | 5.81 | 0.6560 | 8.30 |
| 19% | 2.37 | 3.46 | 5.88 | 0.6636 | 8.40 |
| 20% | 2.41 | 3.51 | 5.96 | 0.6712 | 8.50 |
| 21% | 2.44 | 3.55 | 6.04 | 0.6788 | 8.60 |
| 22% | 2.47 | 3.60 | 6.12 | 0.6864 | 8.70 |
| 23% | 2.51 | 3.65 | 6.19 | 0.6940 | 8.80 |
| 24% | 2.54 | 3.70 | 6.27 | 0.7016 | 8.90 |
| 25% | 2.57 | 3.75 | 6.35 | 0.7092 | 9.00 |
| 26% | 2.61 | 3.80 | 6.43 | 0.7168 | 9.10 |
| 27% | 2.64 | 3.85 | 6.51 | 0.7244 | 9.20 |
| 28% | 2.68 | 3.90 | 6.60 | 0.7320 | 9.30 |
| 29% | 2.71 | 3.95 | 6.68 | 0.7396 | 9.40 |
| 30% | 2.75 | 4.01 | 6.76 | 0.7472 | 9.50 |

(2) County average yields.—

(A) In general.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) shall apply with respect to the production of the crop of the covered commodity by the producer in a quantity that does not exceed the historical county average yield for the covered commodity established by the National Agricultural Statistics Service, adjusted for long-term yield trends.

(B) Excess production.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) with respect to the production of the crop of the covered commodity in excess of the historical county average yield for the covered commodity described in subparagraph (A) shall be equal to the loan rate established for a 0% projected percentage reduction rate for the covered commodity under paragraph (1).

(C) Disasters.—

(i) In general.—If the production of a crop of a covered commodity by a producer is less than the historical county average yield for the covered commodity described in subparagraph (A) as a result of damaging weather, an insurable peril, or related condition, the producer may receive a payment on the lost production that shall equal the difference between—

(I) the maximum quantity of covered commodity that could have been designated for the loan rate authorized under this section for the producer; and

(II) the quantity of covered commodity the producer was able to produce and commercially market.

(ii) Calculation of payment.—The payment described in clause (i) shall be equal to the loan deficiency payment the producer could have received on the lost production on any date, selected by the producer, on which a loan deficiency payment was available for that crop of the covered commodity.

(3) Other covered commodities.—In the case of a producer of a covered commodity not covered by paragraphs (1) and (2) that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for the crop of the covered commodity shall be based on—

(A) in the case of grain sorghum, barley, and oats, such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn;

(B) in the case of extra long staple cotton, such level as the Secretary determines is fair and reasonable; and

(C) in the case of oilseeds other than soybeans, such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except that the rate for the oilseeds (other than cottonseed) shall not be less than the rate established for soybeans on a per-pound basis for the same crop.

(d) CONSERVATION USE OF SET-ASIDE ACREAGE.—To be eligible for a loan rate under this section, a producer shall devote all of the acreage set aside under this section to a conservation use approved by the Secretary and manage the set-aside acreage using management practices designed to enhance soil conservation and wildlife habitat. The Secretary shall prescribe the approved management practices for a county in consultation with the relevant State technical committee.

(1) LIMITED GRAZING.—The Secretary may permit limited grazing on the set-aside acreage when the grazing is incidental to the gleaning of crop residues on adjacent fields.

(e) CERTIFICATION.—To be eligible to participate in the flexible fallow program for any of the 2002 through 2011 crops, a producer shall certify to the Secretary (by farm serial number) the total planted acreage assigned, planted, and set aside with respect to each covered commodity.

### H.R. 2646

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 6: At the end of title IX, insert the following new section:

### SEC. . AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

### H.R. 2646

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 7: At the end of title V, insert the following:

### SEC. . AUTHORITY TO MAKE BUSINESS AND INDUSTRY GUARANTEED LOANS FOR FARMER-OWNED PROJECTS THAT ADD VALUE TO OR PROCESS AGRICULTURAL PRODUCTS.

Section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) is amended by inserting "(and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities)" after "rural communities".

### H.R. 2646

OFFERED BY: MR. BLUMENAUER

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 8: At the end of title IX (page 354, after line 16), insert the following new section:

### SEC. 932. PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.—Section 26(d) of the Animal Welfare Act (7 U.S.C. 2156(d)) is amended to read as follows:

"(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of an animal in interstate or foreign commerce for any purpose, so long as the purpose does not include participation of the animal in an animal fighting venture.".

(b) EFFECTIVE DATE.—The amendment made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Prohibition on interstate movement of animals for animal fighting.

### H.R. 2646

OFFERED BY: MR. BLUMENAUER

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 9: At the end of title IX (page 354, after line 16), insert the following new section:

### SEC. 932. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

(a) PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (e)—

(A) by inserting "PENALTIES.—" after "(e)";

(B) by striking "$5,000" and inserting "$15,000"; and

(C) by striking "1 year" and inserting "2 years"; and

(2) in subsection (g)(2)(B), by inserting at the end before the semicolon the following: "or from any State into any foreign country".

(b) EFFECTIVE DATE.—The amendments made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Penalties and foreign commerce provisions of the Animal Welfare Act.

### H.R. 2646

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 10: Strike title II and insert the following:

## TITLE II—CONSERVATION

## Subtitle A—Farm and Ranch Preservation

### SEC. 201. FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is amended to read as follows:

### "SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall carry out a farmland protection program for the purpose of protecting farm and ranch lands with prime, unique, or other productive uses and agricultural lands that contain historic or archaeological resources, by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

"(1) permanent conservation easements in such lands; or

"(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

"(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

"(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement under subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

"(1) An agency of a State or local government.

"(2) A federally recognized Indian tribe.

"(3) Any organization that is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(e) GRANT FACTORS.—Among the factors the Secretary shall consider in making grants under this section, the Secretary shall consider the extent to which States are encouraging or adopting measures to protect farmland and ranchland from conversion to non-agricultural uses.

"(f) TITLE; ENFORCEMENT.—An eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

"(g) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

"(h) FUNDING.—

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—The Secretary shall use not more than $100,000,000 in fiscal year 2002, $200,000,000 in fiscal year 2003, $350,000,000 in fiscal year 2004, $450,000,000 in fiscal year 2005, and $500,000,000 in each of fiscal years 2006 through 2011, of the funds of the Commodity Credit Corporation to carry out this section.

"(2) LIMITATION ON TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary may use not more than 10 percent of the amount made available for any fiscal year under paragraph (1).

"(i) Grants and Assistance To Enhance Farm Viability.—For each year for which funds are available for the program under this section, the Secretary may use not more than $10,000,000 to provide matching market development grants and technical assistance to farm and ranch operators who participate in the program. As a condition of receiving such a grant, the grantee shall provide an amount equal to the grant from non-Federal sources.".

### SEC. 202. SOCIALLY DISADVANTAGED FARMERS.

Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(1) by striking "$10,000,000" and inserting "$15,000,000 from the Commodity Credit Corporation"; and

(2) by adding at the end the following: "Any agency of the Department of Agriculture may participate jointly in any grant or contract entered in furtherance of the objectives of this section if it agreed that the objectives of the grant or contract will further the authorized programs of the contributing agency.".

## Subtitle B—Environmental Stewardship On Working Lands

### SEC. 211. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) by striking "to—" and all that follows through "provides" and inserting "to provide";

(2) inserting "air" after "that face the most serious threats to";

(3) by redesignating the subparagraphs (A) through (D) that follow the matter amended by paragraph (2) of this section as paragraphs (1) through (4), respectively;

(4) by moving each of such redesignated provisions 2 ems to the left; and

(5) by striking "farmers and ranchers" each place it appears and inserting "producers".

### SEC. 212. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended—

(1) in paragraph (1)—

(A) by inserting "nonindustrial private forest land," before "and other land"; and

(B) by striking all after "poses a serious threat to" and inserting "air, soil, water, or related resources."; and

(2) in paragraph (4), by inserting ", including nonindustrial private forestry" before the period.

### SEC. 213. ESTABLISHMENT AND ADMINISTRATION.

(a) Reauthorization.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)(1)) is amended by striking "2002" and inserting "2011".

(b) Incentive Payments.—Section 1240B of such Act (16 U.S.C. 3839aa-2) is amended by adding at the end the following:

"(h) Watershed Quality Incentive Program.—

"(1) In general.—The Secretary shall create a program to improve water quality in individual watersheds nationwide. Except as otherwise provided in this subsection, the program shall be administered in accordance with the terms of the Environmental Quality Incentives Program.

"(2) Consistency with watershed plan.—In allocating funds under this subsection, the Secretary shall consider the extent to which an application for the funds is consistent with a locally developed watershed plan, in addition to the other factors established by section 1240C.

"(3) Contracts.—The Secretary shall enter into contracts in accordance with this section with producers whose activities affect water quality, including the quality of public drinking water supplies, to implement and maintain nutrient management, pest management, soil erosion practices, and other conservation activities that protect water quality and protect human health. The contracts shall—

"(A) describe the nutrient management, pest management or soil loss practices to be implemented, maintained, or improved;

"(B) contain a schedule of implementation;

"(C) address water quality priorities of the watershed in which the operation is located to the greatest extent possible; and

"(D) contain such other terms as the Secretary determines to be appropriate.

"(4) Voluntary water quality benefits evaluation.—On approval of the producer, the Secretary may include the cost of water quality benefits evaluation as part of a contract entered into under this section.

"(5) Drinking water suppliers pilot program.—

"(A) In general.—The Secretary shall establish a pilot program in 15 watersheds to improve water quality in cooperation with local water utilities.

"(B) Pilot program.—The Secretary shall select the watersheds and make available funds to be allocated to producers in partnership with drinking water utilities in the watersheds, provided that drinking water utilities measure water quality and target incentives payments to improve water quality.

"(6) Nutrient reduction pilot program.—The Secretary shall use up to $100,000,000 annually of the funds provided under this subsection in 5 impaired watersheds each year to provide incentives for agricultural producers to reduce nitrogen and phosphorous applications by at least 15 percent below the average rates used by comparable farms in the State. Incentive payments shall reflect the extent to which producers reduce nitrogen and phosphorous applications.

"(7) Recognition of state efforts.—The Secretary shall recognize the financial contribution of States, among other factors, during the allocation of funding under this subsection.".

(c) Non-Federal Assistance.—Section 1240B(g) of such Act (16 U.S.C. 3839aa-2(g)) is amended—

(1) by inserting "drinking water utility" after "forestry agency,"; and

(2) by inserting ", cost-share payments, and incentives" after "technical assistance".

### SEC. 214. EVALUATION OF OFFERS AND PAYMENTS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa-3) is amended to read as follows:

### "SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

"The Secretary shall establish a ranking process and benefits index to prioritize technical assistance, cost-share payments, and incentives payments to producers to maximize soil and water quality and wildlife habitat and other environmental benefits per dollar expended. The ranking process shall be weighted to ensure that technical assistance, cost-share payments, and incentives are provided to small or socially-disadvantaged farmers (as defined in section 8(a)(5) of the Small Business Act). The Secretary shall consult with local, State, and Federal public and private entities to develop the ranking process and benefits index.".

### SEC. 215. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$10,000" and inserting "$30,000"; and

(B) in paragraph (2), by striking "$50,000" and inserting "$150,000";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) to share the cost of digesters."; and

(3) by striking subsection (c).

### SEC. 216. REAUTHORIZATION OF FUNDING.

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2002" and inserting "2011".

### SEC. 217. FUNDING.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking "$130,000,000" and all that follows through "2002" and inserting "$200,000,000 for fiscal year 2001, $1,000,000,000 in fiscal years 2002 and 2003, and $1,000,000,000 for each of fiscal years 2004 through 2011";

(2) by inserting "(other than under section 1240B(h))" before the period; and

(3) by adding at the end the following: "In addition, the Secretary shall make available for the program under section 1240B(h), $450,000,000 for fiscal years 2002 and 2003, $500,000,000 for fiscal year 2004, $650,000,000 for fiscal year 2005, and $700,000,000 for each of fiscal years 2006 through 2011, to provide incentive payments to producers who implement watershed quality incentive contracts.".

### SEC. 218. ALLOCATION FOR LIVESTOCK AND OTHER CONSERVATION PRIORITIES.

(a) In General.—Section 1241(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(2)) is amended—

(1) by striking "2002" and inserting "2011"; and

(2) by inserting "(other than under section 1240B(h))" before "shall".

(b) Agricultural Sustainability.—Section 1241(b) of such Act (16 U.S.C. 3841(b)) is amended by adding at the end the following:

"(3) Targeting of practices to promote agricultural sustainability.—

"(A) To the maximum extent practicable, the Secretary shall attempt to dedicate at least 10 percent of the funding in this subsection to each of the following practices to promote agricultural sustainability:

"(i) Managed grazing.

"(ii) Innovative manure management.

"(iii) Surface and groundwater conservation through improved irrigation efficiency and other practices.

"(iv) Pesticide and herbicide reduction, including practices that reduce direct human exposure.

"(B) Definitions.—In subparagraph (A):

"(i) Managed grazing.—The term 'managed grazing' means practices which frequently rotate animals on grazing lands to enhance plant health, limit soil erosion, protect ground and surface water quality, or benefit wildlife.

"(ii) Innovative manure management.—The term 'innovative manure management' means manure management technologies which—

"(I) eliminate the discharge of animal waste to surface and groundwaters through direct discharge, seepage, and runoff;

"(II) substantially eliminate atmospheric emissions of ammonia;

"(III) substantially eliminate the emission of odor;

"(IV) substantially eliminate the release of disease-transmitting vectors and pathogens;

"(V) substantially eliminate nutrient heavy metal contamination; or

"(VI) encourage reprocessing and cost-effective transportation of animal waste.

"(ii) Improved irrigation efficiency.—The term 'improved irrigation efficiency' means the use of new or upgraded irrigation systems that conserve water, including the use of—

"(I) spray jets or nozzles which improve water distribution efficiency;

"(II) irrigation well meters;

"(III) surge valves and surge irrigation systems; and

"(IV) conversion of equipment from gravity or flood irrigation to sprinkler or drip irrigation, including center pivot systems.".

## Subtitle C—Preservation of Wildlife Habitat

### SEC. 221. WILDLIFE HABITAT INCENTIVES PROGRAM.

(a) Extension and Funding Increase.—Section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

"(c) Funding.—To carry out this section, there shall be made available $200,000,000 for fiscal years 2002 and 2003, $350,000,000 for fiscal year 2004, $450,000,000 for fiscal year 2005, $500,000,000 for each of the fiscal years 2006 through fiscal year 2009, $400,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.".

(b) Additional Incentives for Wildlife Conservation.—Section 387(b) of such Act (16 U.S.C. 3836(b)) is amended by inserting ", or for other costs relating to wildlife conservation," before "approved by the Secretary".

(c) Program Modifications.—Section 387 of such Act (16 U.S.C. 3836a) is amended by adding at the end the following:

"(d) Incentive Payments.—The Secretary may provide incentive payments to landowners in exchange for the implementation of land management practices designed to create or preserve wildlife habitat. The payments may be in an amount and at a rate determined by the Secretary to be necessary to encourage a landowner to engage in the practice.

"(e) Funding Priority.—The Secretary shall give priority to landowners whose lands contain important habitat for imperiled species or habitat identified by State conservation plans, where available.

"(f) Consultation.—To the extent practicable, the Secretary shall consult with local, State, Federal and private experts, as considered appropriate by the Secretary, to ensure that projects under this section maximize conservation benefits and are regionally equitable.

"(g) Acquisition of Easements.—Beginning with fiscal year 2003, not more than 10 percent of the funds available shall be used to acquire permanent easements, provided that land enrolled in an easement is not land taken out of agricultural production".

### SEC. 222. WETLANDS RESERVE PROGRAM.

(a) Enrollment Authority.—Section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)) is amended to read as follows:

"(1) Enrollment.—The Secretary shall enroll in the wetlands reserve program a total of not less than 250,000 acres in fiscal years 2002 and 2003, and not less than 250,000 acres in each of fiscal years 2004 through 2011.".

(b) Regional Equity.—Section 1237 of such Act (16 U.S.C. 3837) is amended by adding at the end the following:

"(h) Not later than 60 days after the date of the enactment of this sentence, the Secretary shall devise a plan to promote wetlands conservation in all regions where opportunities exist for wetlands restoration.".

### SEC. 223. CONSERVATION RESERVE PROGRAM.

(a) Enrollment Authority.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a)—

(A) by striking "2002" and inserting "2011"; and

(B) by striking "and water" and inserting ", water, and wildlife";

(2) in subsection (d)—

(A) by striking "36,400,000" and inserting "45,000,000"; and

(B) by striking "2002" and inserting "2011"; and

(3) in subsection (h)(1), by striking "and 2002" and inserting "through 2011".

(b) Eligibility.—Section 1231(b) of such Act (16 U.S.C. 3831(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) pasture, hay, and rangeland if the land will be restored as a wetland, or is within 300 feet of a riparian area and will be restored in native vegetation; and"; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

"(A) if the Secretary determines that—

"(i) the lands contribute to the degradation of soil, water, or air quality, or would pose an on-site or off-site environmental threat to soil, water, or air quality if permitted to remain in agricultural production; and

"(ii) soil, water, and air quality objectives with respect to the land cannot be achieved under the environmental quality incentives program established under chapter 4;";

(B) by striking "or" at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(D) by adding at the end the following:

"(E) if the Secretary determines that enrollment of the lands would contribute to conservation of ground or surface water.

For purposes of the program under this subchapter, buffer strips on lands used for the production of fruits, vegetables, sod, orchards, or specialty crops shall be considered cropland.".

(c) Environmentally Sensitive Lands and Buffer Strips.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by adding at the end the following: "Until December 31, 2007, of the acreage authorized for enrollment, not less than 7,000,000 acres shall be used to enroll environmentally sensitive lands through the continuous enrollment program and the conservation reserve enhancement program.".

(d) Limited Permanent Easement Authority.—Section 1231(e) of such Act (16 U.S.C. 3831(e)) is amended by adding at the end the following:

"(3) Permanent easements.—

"(A) In general.—Notwithstanding paragraph (1), the Secretary may enroll up to 3,000,000 acres in the conservation reserve using permanent easements to protect critically important environmentally sensitive lands (including 1,000,000 acres for isolated wetlands) and habitats such as native prairies, native shrublands, small wetlands, springs, seeps, fens, and other rare and declining habitats. The terms of the easement shall be consistent with section 1232(a).

"(B) Limitations on transferability.—The Secretary may transfer a permanent easement established under subparagraph (A) to a State or local government or a qualified nonprofit conservation organization. The holder of such a permanent easement may not transfer the easement to an entity other than a State or local government or a qualified nonprofit conservation organization.".

(e) Continuous Enrollment of Buffer Strips.—Section 1231 of such Act (16 U.S.C. 3831) is amended by adding at the end the following:

"(i) Continuous Enrollment of Buffer Strips.—The Secretary shall allow continuous enrollment of buffers whose width and vegetation is designed to provide significant wildlife or water quality benefits, as determined by the Secretary.

"(j) Irrigated Lands.—Irrigated lands shall be enrolled at irrigated land rates unless the Secretary determines that other compensation is appropriate.

"(k) Exception to Payment Limitation.—Payments made in connection with the enrollment of lands pursuant to the continuous enrollment or the conservation reserve enhancement program shall not be subject to any payment limitations under section 1239c(f)(1).

"(l) Limited Exceptions to Prohibitions on Economic Uses.—Notwithstanding the prohibitions on economic use on lands enrolled in the Conservation Reserve Program under section 1232(a), the Secretary may permit on such lands the collection of native seeds and the use of wind turbines, so long as such activities preserve the conservation values of the land and take into account wildlife and wildlife habitat.".

### SEC. 224. CONSERVATION OF PRIVATE GRAZING LANDS.

Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005b) is amended by striking subsection (f) and inserting the following:

"(f) Incentive Payments.—The Secretary may enter into 5-year, 10-year and 20-year contracts with landowners to provide financial assistance for landowner efforts to improve the ecological health of grazing lands, including practices that reduce erosion, employ prescribed burns, restore riparian area, control or eliminate exotic species, reestablish native grasses, or otherwise enhance wildlife habitat.

"(g) Authorization of Funding.—The Secretary shall make available $20,000,000 for each of the fiscal years 2002 through 2011 from the Commodity Credit Corporation to carry out this section.".

### SEC. 225. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.

Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3837f) is amended by adding at the end the following:

## "Subchapter D—Grassland Reserve and Enhancement Program

### "SEC. 1238. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.

"(a) Establishment.—The Secretary shall establish a program to use contracts and easements to protect 3,000,000 acres of environmentally critical grasslands, shrubs, and blufflands. Beginning in fiscal year 2002, the Secretary shall conduct outreach to inform the public of the program.

"(b) Enrollment Conditions.—

"(1) Maximum enrollment.—The total number of acres enrolled in the program shall not exceed 3,000,000 acres. The Secretary shall enroll lands using permanent easements to meet demand, but in no case shall more than 50 percent of the available acreage be enrolled in permanent easements, and the balance shall be enrolled in contracts through which the Secretary shall provide assistance and incentive payments.

“(2) TERMS OF CONTRACTS OR EASEMENTS.—The Secretary shall enroll in the program for a willing owner not less than 100 contiguous acres of land west of the 100th meridian or not less than 50 contiguous acres of land east of the 90th meridian through 10-year or 20-year contracts or permanent easements.

“(c) ELIGIBLE LAND.—Land shall be eligible to be enrolled in the program if the Secretary determines that—

“(1) the land is natural grass or shrubland;

“(2) the land—

“(A) is located in an area that has been historically dominated by natural grass or shrubland; and

“(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grass or shrubland; or

“(3) the land is adjacent to land described in paragraph (1) or (2), and the Secretary determines it is necessary to maintain or restore native grassland or shrubland under this section.

“(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there shall be available for each of fiscal years 2002 through 2011 such sums as may be necessary from the funds of the Commodity Credit Corporation.

### “SEC. 1238A. CONTRACTS AND AGREEMENTS.

“(a) REQUIREMENTS OF LANDOWNER.—To be eligible to enroll land in the program, the owner of the land shall—

“(1) agree to comply with the terms of the contract and related restoration agreements; and

“(2) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary.

“(b) TERMS OF CONTRACT OR EASEMENT.—A contract or easement under subsection (a) shall—

“(1) permit—

“(A) common grazing practices on the land in a manner that is consistent with maintaining the viability of natural grass and shrub species indigenous to that locality;

“(B) haying, mowing, or haying for seed production, except that such uses shall not be permitted until after the end of the nesting and brood-rearing season for birds in the local area which are in significant decline or are conserved pursuant to State or Federal law, as determined by the Natural Resources Conservation Service State conservationist;

“(C) construction of fire breaks and fences, including placement of the posts necessary for fences; and

“(D) practices that reduce erosion, restore native species, control and eradicate exotic species, enhance habitat for native wildlife, and improve the health of riparian areas;

“(2) prohibit—

“(A) forestry and the production of any agricultural commodity (other than hay);

“(B) unless allowed under subsection (d), the conduct of any other activity that would disturb the surface of the land covered by the contract or easement; and

“(C) the development of homes, businesses or other structures on land subject to the contract or easement; and

“(3) include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the administration of this subchapter.

“(c) RANKING APPLICATIONS.—

“(1) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for contracts under this subchapter.

“(2) EMPHASIS.—In establishing the criteria, the Secretary shall emphasize support for native grass and shrubland, grazing operations, and plant and animal biodiversity.

“(d) RESTORATION AGREEMENTS.—The Secretary shall prescribe the terms by which grassland that is subject to a contract under the program shall be restored. The agreement shall include duties of the land owner and the Secretary, including the Federal share of restoration payments and technical assistance.

“(e) VIOLATIONS.—On the violation of the terms or conditions of a contract or restoration agreement entered into under this section—

“(1) the contract shall remain in force; and

“(2) the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.

### “SEC. 1238B. DUTIES OF SECRETARY.

“(a) IN GENERAL.—In return for the granting of a contract by an owner under this subchapter, the Secretary shall make contract payments and payments of the Federal share of restoration and provide technical assistance to the owner in accordance with this section. The Secretary shall base the amount paid for an easement on the fair market value of the easement.

“(b) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to the owner of not more than—

“(1) in the case of virgin (never cultivated) grassland, 90 percent of the costs of carrying out measures and practices necessary to restore grassland functions and values; or

“(2) in the case of restored grassland, 75 percent of such costs.

“(c) TECHNICAL ASSISTANCE.—A landowner who is receiving a benefit under this subchapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this subchapter.

“(d) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.”.

## Subtitle D—Organic Farming

### SEC. 231. PROGRAM TO ASSIST TRANSITION TO ORGANIC FARMING.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall expand the National Organic Program to include a voluntary program to assist agricultural producers in making the transition from conventional to organic farming and to assist existing organic farmers. Under the program, the Secretary may make payments to cover all or a portion of—

(1) production and marketing losses;

(2) conservation practices related to organic food production;

(3) certification costs;

(4) technical assistance by qualified third parties;

(5) educational materials; or

(6) farm-to-consumer market development.

(b) LIMITATION ON EXPENDITURES.—Payments to individual farm and ranch operators under this section shall not exceed $10,000 per year, and such payments shall not be made to individuals operating a conventional farm or ranch in more than 3 fiscal years.

(c) ORGANIC CERTIFICATION REIMBURSEMENT PROGRAM.—The Secretary shall reimburse producers for the cost of organic certification. To expedite certification, farmers seeking certification shall be eligible for a direct reimbursement of up to $500 by the Secretary of certification costs, so long as producers present an organic certificate and receipt.

(d) FUNDING.—Of the funds of the Commodity Credit Corporation, there shall be available to the Secretary to carry out this section $20,000,000 for fiscal years 2002 and 2003, $40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $50,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $0 for fiscal years 2009 through 2011.

## Subtitle E—Forestry

### SEC. 241. URBAN AND COMMUNITY FORESTRY.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(i)) is amended to read as follows:

“(i) FUNDING.—The Secretary shall use $50,000,000 of the funds of the Commodity Credit Corporation to carry out this section for each of the fiscal years 2002 through 2011. In addition, there are authorized to be appropriated to the Secretary not more than $50,000,000 to carry out this section for each of the fiscal years 2002 through 2011. As determined by the Secretary, socially disadvantaged foresters shall be eligible for funding under this section.”.

### SEC. 242. WATERSHED FORESTRY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall establish a program for the purpose of providing financial assistance to enhance the quality of municipal water supplies and to encourage the long-term sustainability of private forestland.

(b) EASEMENTS.—The Secretary shall annually use $75,000,000 from the Commodity Credit Corporation to be matched equally by any non-Federal source for each of the fiscal years 2002 through 2011 to acquire permanent easements that promote watershed protection. The Secretary shall establish a system to fairly compensate landowners for the value of an easement entered into under this section.

(c) LAND-USE PRACTICES.—The Secretary shall annually use $25,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to share equally with any non-Federal source the cost of land management practices on nonindustrial forestland that protect municipal drinking water supplies and other conservation purposes. The Secretary shall consider, among other factors, the extent to which projects are identified in a regional or watershed conservation plan. Practices that are eligible for funding under this section include the following:

(1) Natural forest regeneration.

(2) Prescribed burns.

(3) Native species restoration.

(4) Stream and watershed restoration.

(5) Road retirement.

(6) Riparian restoration.

(7) Other practices that improve water quality and wildlife habitat, as determined by the Secretary.

(d) REGIONAL AND WATERSHED PLANNING.—The Secretary shall establish a program to make grants not exceeding $10,000 to develop and implement regional and watershed-based conservation plans to comply with existing laws and meeting water quality standards. The Secretary shall consider, among other factors, the extent to which applicants develop interjurisdictional conservation plans.

protect nationally significant resources, engage the public, and demonstrate local support. The Secretary shall use not more than $10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to carry out this subsection.

## Subtitle F—Technical Assistance

### SEC. 251. CONSERVATION TECHNICAL ASSISTANCE.

(a) Section 6 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590f) is amended—

(1) by striking the 1st undesignated paragraph and inserting the following:

"(a) The Secretary shall make available $200,000,000 each fiscal year from the Commodity Credit Corporation, and such additional sums as may be appropriated by the Congress, to carry out this Act."; and

(2) by desginating the 2nd undesignated paragraph as subsection (b).

(b) Section 7 of such Act (16 U.S.C. 590g) is amended by striking "and (7)" and inserting "(7) any of the purposes of agricultural conservation programs authorized by Congress, and (8)".

### SEC. 252. REIMBURSEMENT FOR PROGRAM ADMINISTRATION.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841-3843) is amended—

(1) by inserting "(1)" before the first unnumbered paragraph;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (B);

(3) by moving the newly designated subparagraphs (A) through (B) three ems to the right;

(4) by adding at the end the following:

"(2) For each of fiscal years 1996 through 2011, the Secretary shall use the funds of the Commodity Credit Corporation for the provision of technical assistance to allow for full reimbursement of actual costs for delivering all conservation programs funded through the Commodity Credit Corporation for which technical assistance is required.".

### SEC. 253. CONSERVATION TECHNICAL ASSISTANCE BY THIRD PARTIES.

Section 1243(d) of the Food Security Act of 1985 (16 U.S.C. 3843(d)) is amended—

(1) by striking "In the preparation" and inserting the following:

"(1) IN GENERAL.—In the preparation"; and

(2) by adding at the end the following:

"(2) ESTABLISHMENT OF TRAINING CENTERS.—To facilitate the training and certification of Federal and non-Federal employees and qualified third parties, the Secretary may establish training centers in the following locations:

"(A) Fresno, California.

"(B) Platteville, Wisconsin.

"(C) Lincoln, Nebraska.

"(D) Ithaca, New York.

"(E) Pullman, Washington.

"(F) Orono, Maine.

"(G) Gainesville, Florida.

"(H) College Park, Maryland.

"(3) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

"(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall, by regulation, establish a system for approving persons to provide technical assistance pursuant to this title. In the system, the Secretary shall give priority to a person who has a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.

"(B) EXPERTISE REQUIRED.—In prescribing such regulations, the Secretary shall ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, environmental engineering, including commercial entities, qualified nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of such technical assistance.

"(C) QUALIFIED NONPROFIT ORGANIZATIONS.—Qualified nonprofit organizations shall include organizations whose missions primarily promote the stewardship of working farmland and ranchland.

"(4) QUALITY ASSURANCE PROGRAM.—The Secretary shall establish a program to assess the quality of the technical assistance provided by third parties.".

### SEC. 254. CONSERVATION PRACTICE STANDARDS.

The Secretary of Agriculture shall—

(1) revise standards and, when necessary, establish standards for eligible conservation practices to include measurable goals for enhancing natural resources, including innovative practices;

(2) within 6 months after the date of the enactment of this section, revise the National Handbook of Conservation Practices and field office technical guides; and

(3) not less frequently than once every 5 years, update the Handbook and technical guides to reflect the best available science.

## Subtitle G—Miscellaneous Conservation Provisions

### SEC. 261. CONSERVATION PROGRAM PERFORMANCE REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary shall establish a grant program to evaluate the benefits of the conservation programs under title XII of the Food Security Act of 1985 and under sections 242 and 262 of this Act.

(b) GRANTS.—The Secretary shall make grants to land grant colleges and other research institutions whose applications are highly ranked under subsection (c) to evaluate the economic and environmental benefits of conservation programs, and shall use such research to identify and rank measures needs to improve water quality, fish and wildlife habitat, and other environmental goals of conservation programs.

(c) SCIENTIFIC PANELS.—The Secretary shall establish a panel of independent scientific experts to review and rank the grant applications submitted under subsection (a).

(d) FUNDING.—The Secretary shall use $10,000,000 from the Commodity Credit Corporation for each of fiscal years 2002 through 2011 to carry out this section.

### SEC. 262. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation other appropriate Federal agencies may carry out the Great Lakes Basin Program for Soil Erosion and Sediment Control.

(b) ASSISTANCE.—In carrying out the Program, the Secretary shall—

(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve water quality in the Great Lakes Basin by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve sediment control.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2011.

(2) ADMINISTRATIVE COSTS.—

(A) COMMISSION.—The Great Lakes Commission may use not more than 10 percent of the funds made available for a fiscal year under paragraph (1) to pay administrative costs incurred by the Commission in carrying out this section.

(B) SECRETARY.—None of the funds made available under paragraph (1) may be used by the Secretary to pay administrative costs incurred by the Secretary in carrying out this section.

## Subtitle H—Conservation Corridor Program

### SEC. 271. CONSERVATION CORRIDOR PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

### SEC. 272. CONSERVATION ENHANCEMENT PLAN.

(a) PREPARATION.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region

by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) Approval and Implementation.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) Priority.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

### SEC. 273. FUNDING REQUIREMENTS.

(a) Cost-Sharing.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) Exception.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) Coordination.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) Reservation of Funds.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) Administration.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

## Subtitle I—Funding Source and Allocations

### SEC. 281. FUNDING FOR CONSERVATION FUNDING.

(a) Reduction in Fixed Decoupled Payments and Counter-Cyclical Payments.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall reduce by $1,900,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) Maximum Total Payments by Type and Fiscal Year.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;

(B) $4,494,000,000 in fiscal year 2004;

(C) $4,148,000,000 in fiscal year 2005;

(D) $3,974,000,000 in fiscal year 2006;

(E) $3,701,000,000 in fiscal year 2007;

(F) $3,222,000,000 in fiscal year 2008;

(G) $2,596,000,000 in fiscal year 2009;

(H) $2,057,000,000 in fiscal year 2010; or

(I) $1,675,000,000 in fiscal year 2011.

(c) Limitations to Protect Smaller Farmers, Preserve Trade Agreements, and Ensure Program and Regional Balance.—In making the reductions required by subsection (a), the Secretary shall—

(1) accomplish all of the reductions required with respect to a fiscal year by making pro rata reductions in the amounts otherwise payable under sections 104 and 105 to the 10 percent (or, if necessary, such greater percentage as the Secretary may determine) of recipients who would otherwise receive the greatest total payments under such sections in the fiscal year; and

(2) to the maximum extent practicable, ensure that—

(A) the resulting payments under such sections pose the least amount of risk to the United States of violating trade agreements to reduce subsidies; and

(B) the reductions are made in a manner that achieves balance among programs and regions.

### SEC. 282. ALLOCATION OF CONSERVATION FUNDS BY STATE.

(a) State Allocation.—To the maximum extent practicable in each of fiscal years 2002 through 2011, the Secretary, subject to the rules of the conservation programs administered by the Secretary, shall ensure that each State receives at a minimum the State's share of the $1,900,000,000 based on the State's share of the total agricultural market value of production, with each State receiving not less than 0.52 percent and not more than 7 percent of such amount annually.

(b) Transition and Unobligated Balances.—If the offices of the United States Department of Agriculture in each respective State cannot expend all funds allocated in this title within 2 consecutive fiscal years for the programs identified in this title, the funds shall be remitted to the Secretary for reallocation as the Secretary deems appropriate among States to address unmet conservation needs through the programs in this title, except that in no event shall these unobligated balances be used to fund technical assistance.

(c) Regional Equity.—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

"(d) Regional Equity.—In carrying out the ECARP, the Secretary shall recognize the importance of regional equity, and the importance of accomplishing many conservation objectives that can sometimes only be achieved on land of high value.".

## Subtitle J—Rural Development

### SEC. 291. EXPANSION OF STATE MARKETING PROGRAMS.

(a) Federal-State Market Incentive Payments.—Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) is amended by striking "such sums as he may deem appropriate" and inserting "$10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011".

(b) Market Development Grants.—Section 203(e)(1) of such Act (7 U.S.C. 1622(e)(1)) is amended by adding at the end the following: "The Secretary shall transfer to State departments of agriculture and other State marketing offices at least 10 percent of the funds appropriated for a fiscal year for this subsection to facilitate the development of local and regional markets for agricultural products, including direct farm-to-consumer markets.".

Amend the table of contents accordingly.

## H.R. 2646

Offered By: Mrs. Bono

*[Page and line numbers refer to the amendment in the nature of a substitute]*

Amendment No. 11: At the end of title IX (page 354, after line 16), insert the following new section:

### SEC. . COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.

(a) Establishment of Labeling Requirement.—The Perishable Agricultural Commodities Act, 1930, is amended by inserting after section 17 (7 U.S.C. 499q) the following new section:

### "SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.

"(a) Notice of Country of Origin Required.—Except as provided in subsection (b), a retailer of a perishable agricultural commodity shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity. This requirement shall apply to imported and domestically produced perishable agricultural commodities.

"(b) Exemption for Food Service Establishments.—

"(1) Exemption.—Subsection (a) shall not apply to a perishable agricultural commodity to the extent that the perishable agricultural commodity is—

"(A) prepared or served in a food service establishment; and

"(B) offered for sale or sold at the food service establishment in normal retail quantities or served to consumers at the food service establishment.

"(2) Definition.—In this subsection, the term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, which is operated as an enterprise engaged in the business of selling foods to the public.

"(c) Method of Notification.—

"(1) In general.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

"(2) Labeled commodities.—If a perishable agricultural commodity is already individually labeled regarding country of origin by a packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

"(d) Violations.—If a retailer fails to indicate the country of origin of a perishable agricultural commodity as required by subsection (a), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

"(1) $1,000 for the first day on which the violation occurs; and

"(2) $250 for each day on which the same violation continues.

"(e) Deposit of Funds.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.".

(b) Application of Amendment.—Section 18 of the Perishable Agricultural Commodities Act, 1930, as added by subsection (a), shall apply with respect to a perishable agricultural commodity offered for retail sale after the end of the six-month period beginning on the date of the enactment of this Act.

### H.R. 2646

Offered By: Mr. Boswell

Amendment No. 12: At the end of title IX, insert the following new section:

**SEC. . RENEWABLE ENERGY RESERVE.**

(a) Purposes.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) Establishment.—During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) Name.—The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) Purchases.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) Limitation.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) Release of Stocks.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) Storage payments.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) Commodity credit corporation.—

(1) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) Funding Offset.—The Secretary shall reduce expenditures under title I as necessary to offset all expenditures to be made by the Secretary under this section.

### H.R. 2646

Offered By: Mr. Boswell

Amendment No. 13: At the end of title IX, insert the following new section:

**SEC. . RENEWABLE ENERGY RESERVE.**

(a) Purposes.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) Establishment.—During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) Name.—The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) Purchases.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) Limitation.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) Release of Stocks.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) Storage payments.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) Commodity credit corporation.—

(1) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) Reduction in Fixed, Decoupled Payments for Funding Offset.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section as fixed, decoupled payments, on a pro rata basis across covered commodities, so that the total amount of such reductions equals $277,000,000 in fiscal year 2004, $93,000,000 in fiscal year 2005, $80,000,000 in fiscal year 2006, $88,000,000 in fiscal year 2007, $96,000,000 in fiscal year 2008, $95,000,000 in fiscal year 2009, $96,000,000 in fiscal year 2010, and $97,000,000 in fiscal year 2011.

### H.R. 2646

Offered By: Mr. Boswell

Amendment No. 14: At the end of title IX, insert the following new section:

**SEC. . RENEWABLE ENERGY RESERVE.**

(a) Purposes.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) Establishment.—The Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—In such amounts as are provided in advance in appropriation Acts, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) FUNDING OFFSET.—The Secretary shall reduce expenditures under title I as necessary to offset the expenditures to be made by the Secretary under this section.

### H.R. 2646

### OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 15: At the end of the bill add the following:

### TITLE X—USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.

### SEC. 1001. USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding section 104 of this Act, in each of fiscal years 2002 through 2011, the Secretary of Agriculture shall—

(1) reduce the total amount payable under section 104 of this Act, on a pro rata basis, so that the total amount of such reductions equals $100,000,000; and

(2) expend—

(A) $45,000,000 for grants under 306A of the Consolidated Farm and Rural Development Act (relating to the community water assistance grant program);

(B) $45,000,000 for grants under 613 of this Act (relating to the pilot program for development and implementation of startegic regional development plans); and

(C) $10,000,000 for grants under section 231(a)(1) of the Agricultural Risk Protection Act of 2000 (relating to value-added agricultural product market development grants).

(b) RELATED AMENDMENTS.—Section 613 of this Act is amended—

(1) in subsection (a)(1), by striking "select 10 States" and inserting ", on a competitive basis, select States";

(2) in subsection (a)(3)(A), by inserting ", plus $^{2}/_{13}$ of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section," after "Corporation"; and

(3) in subsection (b)(2)(A), insert ", plus $^{11}/_{13}$ of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section," after "Corporation".

### H.R. 2646

### OFFERED BY: MR. CONYERS

AMENDMENT NO. 16: In title V, strike section 517 and redesignate succeeding sections (and amend the table of contents) accordingly.

At the end of title IX, insert the following:

### SEC. 9 . TRANSPARENCY AND ACCOUNTABILITY FOR MINORITY AND DISADVANTAGED FARMERS.

(a) PURPOSE.—The purpose of this section is to ensure compilation and public disclosure of data critical to assessing and holding the Department of Agriculture accountable for the equitable participation of minority, limited resource, and women farmers and ranchers in programs of the Department.

(b) USE OF TARGET PARTICIPATION RATES IN ALL DEPARTMENT OF AGRICULTURE PROGRAMS FOR FARMERS AND RANCHERS.—

(1) ESTABLISHMENT.—For each county and State in the United States, the Secretary of Agriculture shall establish an annual target participation rate equal to the number of socially disadvantaged residents in the political subdivision in proportion to the total number of residents in the political subdivision. In this section, the term "socially disadvantaged resident" means a resident who is a member of a socially disadvantaged group (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act).

(2) COMPARISON WITH ACTUAL PARTICIPATION RATES.—The Secretary shall compute annually the actual participation rates of socially disadvantaged and women farmers and ranchers as a percentage of the total participation of all farmers and ranchers, for each program of the Department of Agriculture in which a farmer or rancher may participate. In determining these rates, the Secretary shall consider the number of socially disadvantaged farmers and ranchers of each race or ethnicity, and the number of women participants in each county and State in proportion to the total number of participants in each program.

(c) COMPILATION OF ELECTION PARTICIPATION DATA, AND PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.—Effective 90 days after the date of the enactment of this section, section 8(a)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 509h(a)(5)(B)) is amended by adding at the end the following:.

"(v)(I) The committee shall publicly announce at least 10 days in advance the date, time, and place where ballots will be opened and counted. No ballots may be opened until such time, and anyone may observe the opening and counting of ballots.

"(II) Within 20 days after the elections, the committee shall compile and report to the State and national offices the number of eligible voters in the county and in each open local administrative area or at large district, the number of ballots counted, the number and percentage of ballots disqualified, and the proportion of eligible voters compared to votes cast. The committee shall further compile, in each category above, the results aggregated by race, ethnicity, and gender, as compared to total eligible voters and total votes. The committee shall also report as provided above, the number of nominees for each open seat and the election results, aggregated by race, ethnicity and gender, as well as the new composition of the county or area committee.

"(III) The Secretary shall, within 90 days after the election, compile a report which aggregates all data collected under subclause (II) and presents results at the national, regional, State, and local levels.

"(IV) The Secretary shall analyze the data compiled in subclauses (II) and (III) and within 1 year after the completion of the report referred to in subclause (III), shall prescribe (and open to public comment) uniform guidelines for conducting elections for members and alternates of county committees, including procedures to allow appointment as voting members of groups, or methods to assure fair representation of groups who would be demographically underrepresented in that county.".

(d) REQUIREMENTS FOR ELECTRONIC, WEB, AND PRINTED DISCLOSURE OF DATA.—The Secretary shall compile the actual number of farmers and ranchers, classified by race or ethnicity and gender, for each county and State with national totals. The Secretary shall, for the current and each of the 4 preceding years, make available to the public on websites that the Department of Agriculture regularly maintains, and in electronic and paper form, the above information, as well as all data required under subsection (b) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act, at the county, State, and national levels in a manner that allows comparisons among target and actual program and election participation rates, among and between agricultural programs, among and between demographically similar counties, and over time at the county, State and national levels.

(e) REPORT TO CONGRESS.—The Secretary shall maintain and make readily available to the public all data required under subsections (b) and (d) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act collected annually since the most recent Census of Agriculture. After each Census of Agriculture, the Secretary shall report to Congress and the public the rate of loss or gain in participation by each group, by race, ethnicity, and gender, since the previous Census of Agriculture.

(f) Accountability.—The Secretary may also use the above data, including comparisons with demographically similar counties and with national averages, to monitor and evaluate election and program participation rates and agricultural programs, and civil rights compliance, and in county committee employee and Department of Agriculture employee performance reviews, and in developing outreach and other strategies and recommendations to assure agriculture programs and services meet the needs of socially disadvantaged and women producers.

(g) Conforming Amendment.—Section 355(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2005(c)(1)) is amended to read as follows:

"(1) Establishment.—In paragraph (2), the term 'target participation rate' means, with respect to a State, the target participation rate established for purposes of subtitle B of this title pursuant to section 9 (c)(1) of the Farm Security Act of 2001.".

### H.R. 2646

Offered By: Mr. DeLay

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 17: In section 183(a), strike paragraph (3) and the amendment made by such paragraph (page 131, lines 6 through 13), and insert the following:

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) Limitation on counter-cyclical payments.—

"(A) General rule.—The total amount of counter-cyclical payments that a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.

"(B) Special rule.—This subparagraph shall apply only with regard to counter-cyclical payments attributable to rice contract acreage (as defined in section 102(3) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202(3))) in a State in which rice plantings on such contract acreage declined by more than 30 percent in the 2001 crop year in comparison to the 1995 crop year. Notwithstanding section 1001A(b)(3)(A), the total amount of counter-cyclical payments, on a per-acre basis, that a landowner who is not actively engaged (consistent with section 1001A(b)(2)) in the production of a covered commodity on such acreage may receive during any crop year shall not exceed an amount that is equal to the greater of—

"(i) the proportionate share of the payment that is commensurate to the proportion that the contribution of the land represents to the operation on such contract acres, as determined by the appropriate county committee; or

"(ii) the proportionate share of the payment that is commensurate with the share of the crop that the landowner would have received under a normal and customary share rent contract for the production of a covered commodity in the area, as determined by the county committee.".

### H.R. 2646

Offered By: Mr. Dooley of California

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 18: At the end of subtitle A of title I (page 29, after line 12), insert the following new section:

**SEC. 111. ELIMINATION OF FUNDING FOR COUNTER CYCLICAL FARM PAYMENTS TO PROVIDE ADDITIONAL FUNDS FOR NONRECOURSE MARKETING ASSISTANCE LOANS.**

Notwithstanding any other provision of this subtitle, the Secretary of Agriculture shall not make counter-cyclical payments for covered commodities so that funds are available to provide nonrecourse marketing assistance loans under subtitle B for covered commodities with the following loan rate terms in lieu of the rates under section 122:

(1) For the 2002 crop year, the loan rate shall be set at 100 percent of simple three-year average market price for the 1996 through 1998 crop years.

(2) For each crop year thereafter through the 2011 crop year, the three-year average would be recalculated by dropping the first of the three years and by adding the next crop year in sequence.

In section 750, strike the subparagraph (C) being added by subsection (a) (page 306, lines 8 through 11), and insert the following new subparagraphs:

"(C) Additional deposit.—For each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall also deposit $100,000,000 of funds of the Commodity Credit Corporation into the Account. The amounts deposited under this subparagraph are in addition to the amounts deposited under subparagraph (A).

"(D) Availability of funds.—Amounts deposited into the Account pursuant to subparagraphs (A) and (C) shall remain available until expended.".

### H.R. 2646

Offered By: Mr. Dooley of California

*[page and line numbers refer to the amendment in the nature of a substitute, combes.011]*

Amendment No. 19: At the end of title VII (page 321, after line 23), insert the following new subtitle:

#### Subtitle F—Funding Sources

**SEC. 793. USE OF PORTION OF FUNDS FOR FIXED, DECOUPLED PAYMENTS TO INSTEAD FUND ADDITIONAL COMPETITIVE RESEARCH EFFORTS.**

(a) Availability of Funds.—Notwithstanding section 104, for each of fiscal years 2002 through 2011, the Secretary of Agriculture shall use $100,000,000 of the funds that would otherwise be provided to producers in the form of fixed, decoupled payments for that fiscal year to make an additional deposit into the Initiative for Future Agriculture and Food Systems account.

(b) Grants.—

(1) In General.—For each of fiscal years 2002 through 2011, the Secretary of Agriculture shall make grants under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) to the faculty of institutions eligible to receive grants under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, West Virginia State College, 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note)), and Hispanic-serving institutions (as defined in section 1404(9) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(9)).

(2) Amount of grants.—The total amount of grants awarded under paragraph (1) for each fiscal year shall be not less than ten percent of the total amount deposited into the Initiative for Future Agriculture and Food Systems account during that fiscal year.

### H.R. 2646

Offerred By: Mr. English

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 20: At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. . PRODUCER RETENTION OF ERRONEOUSLY PAID LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.**

Notwithstanding any other provision of law, the Secretary of Agriculture and the Commodity Credit Corporation shall not require producers in Erie County, Pennsylvania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.). In the case of a producer who has already made the repayment on or before the date of the enactment of this Act, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

### H.R. 2646

Offerred By: Mr. Etheridge

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 21: At the end of section 164 (page 113, after line 5), add the following new subsection:

(g) Increase in Target Price.—

(1) Increase.—Notwithstanding subsection (c), the target price for peanuts shall be equal to $500 per ton rather than $480 per ton.

(2) Corresponding reduction.—To offset the increase in the target price for peanuts under paragraph (1), the maximum number of acres that may be enrolled in the conservation reserve program is hereby reduced to 38,000,000 acres.

### H.R. 2646

Offerred By: Mr. Etheridge

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 22: Page 181, line 8, insert "(a) In General.—" before "Section".

Page 181, after line 15, insert the following:

(b) Commodity Eligibility.—Section 1302(b)(3) of the Agricultural Reconciliation Act of 1993 (7 U.S.C. 5623 note) is amended by inserting "; other than leaf tobacco" after "tobacco".

### H.R. 2646

Offered By: Mr. Gilchrest

Amendment No. 23: At the end of title II, insert the following:

#### Subtitle H—Conservation Corridor Program

**SEC. 271. CONSERVATION CORRIDOR PROGRAM.**

(a) Purpose.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) Establishment.—The Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) Memorandum of Agreement.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

### SEC. 272. CONSERVATION ENHANCEMENT PLAN.

(a) Preparation.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) Approval and Implementation.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) Priority.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

### SEC. 273. FUNDING REQUIREMENTS.

(a) Cost-Sharing.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) Exception.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) Coordination.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) Reservation of Funds.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) Administration.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Amend the table of contents accordingly.

H.R. 2646

Offered By: Mr. Gilchrest

Amendment No.24: At the end of the bill, insert the following:

## TITLE X—CONSERVATION CORRIDOR PROGRAM

### SEC. 1001. CONSERVATION CORRIDOR PROGRAM.

(a) Purpose.—The purpose of this title is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) Establishment.—The Secretary of Agriculture (in this title referred to as the "Secretary") shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) Memorandum of Agreement.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

### SEC. 1002. CONSERVATION ENHANCEMENT PLAN.

(a) Preparation.—To be eligible to participate in the program under this title, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this title if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be

achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) APPROVAL AND IMPLEMENTATION.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) PRIORITY.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

**SEC. 1003. FUNDING REQUIREMENTS.**

(a) COST-SHARING.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 1002, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) EXCEPTION.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) COORDINATION.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) RESERVATION OF FUNDS.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) ADMINISTRATION.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Amend the table of contents accordingly.

### H.R. 2646

OFFERED BY: MR. GILMAN

*[Page and line numbers refer to the amendment in the nature of a substitute]*

AMENDMENT NO. 25: Strike section 928 (page 351, beginning line 17), and insert the following new section:

**SEC. 928. EQUAL TREATMENT OF POTATOES, SWEET POTATOES, AND STORAGE ONIONS.**

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking "and potatoes" and inserting ", potatoes, sweet potatoes, and storage onions (as defined for purposes of this title)".

### H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.0110)]*

AMENDMENT NO. 26: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking "The Administrator" and inserting "(A) The Administrator"; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

### H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 27: In section 312, insert before subsection (a) (page 198, after line 6) the following (and conform the subsequent subsections accordingly and make such other technical and conforming changes as may be necessary):

(a) SHORT TITLE; FINDINGS; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the "George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act".

(2) FINDINGS.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern-Robert Dole International Food for Education and Child Nutrition Program will be established under this section beginning on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts are appropriated to carry out the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary should implement recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

### H.R. 2646

OFFERED BY: MR. HALL OF OHIO

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 28: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking "The Administrator" and inserting "(A) The Administrator"; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

In section 312, insert before subsection (a) (page 198, after line 6) the following (and conform the subsequent subsections accordingly and make such other technical and conforming changes as may be necessary):

(a) SHORT TITLE; FINDINGS; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the "George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act".

(2) FINDINGS.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern-Robert Dole International Food for Education and Child Nutrition Program will be established under this section beginning on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts are appropriated to carry out the George McGovern-Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary should implement recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

### H.R. 2646

OFFERED BY: MR. HOLT

AMENDMENT NO. 29: At the end of title IX, insert the following new section:

### SEC. . PROGRAM OF PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

(a) PUBLIC INFORMATION CAMPAIGN.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a program to communicate with the public regarding the use of biotechnology in producing food for human consumption. The information provided under the program shall include the following:

(1) Science-based evidence on the safety of foods produced with biotechnology.

(2) Scientific data on the human outcomes of the use of biotechnology to produce food for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this section.

### H.R. 2646

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 30: In section 925 (page , beginning line ), insert "(other than organically grown caneberries)" after "caneberries" each place it appears.

### H.R. 2646

OFFERED BY: MR. INSLEE

AMENDMENT NO. 31: At the end of the bill, add the following new title:

## TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

### SEC. 1001. RENEWABLE ENERGY RESOURCES.

(a) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa), as amended by section 231 of this Act, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4); and

(3) by adding at the end the following:

"(5) assistance to farmers and ranchers for the assessment and development of their on-farm renewable resources, including biomass for the production of power and fuels, wind, and solar.".

(b) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—The Secretary of Agriculture, through the Cooperative State Research, Education, and Extension Service and, to the extent practicable, in collaboration with the Natural Resources Conservation Service, regional biomass programs under the Department of Energy, and other appropriate entities, may provide education and technical assistance to farmers and ranchers for the development and marketing of renewable energy resources, including biomass for the production of power and fuels, wind, solar, and geothermal.

### H.R. 2646

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 32: At the end of Subtitle C of title VII (page 313, after line 10), insert the following new section:

### SEC. . AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR THE DEVELOPING WORLD.

(a) GRANT PROGRAM.—The Secretary of Agriculture shall establish a program to award grants to entities described in subsection (b) for the development of agricultural biotechnology with respect to the developing world. The Secretary shall administer and oversee the program through the Foreign Agricultural Service of the Department of Agriculture.

(b) PARTNERSHIPS.—(1) In order to be eligible to receive a grant under this section, the grantee must be a participating institution of higher education, a nonprofit organization, or consortium of for profit institutions with in-country agricultural research institutions.

(2) A participating institution of higher education shall be an historically black or land-grant college or university, an Hispanic serving institution, or a tribal college or university that has agriculture or the biosciences in its curricula.

(c) COMPETITIVE AWARD.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(d) USE OF FUNDS.—The activities for which the grant funds may be expended include the following:

(1) Enhancing the nutritional content of agricultural products that can be grown in the developing world to address malnutrition through biotechnology.

(2) Increasing the yield and safety of agricultural products that can be grown in the developing world through biotechnology.

(3) Increasing through biotechnology the yield of agricultural products that can be grown in the developing world that are drought and stress-resistant.

(4) Extending the growing range of crops that can be grown in the developing world through biotechnology.

(5) Enhancing the shelf-life of fruits and vegetables grown in the developing world through biotechnology.

(6) Developing environmentally sustainable agricultural products through biotechnology.

(7) Developing vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically engineered agricultural products.

(e) FUNDING SOURCE.—Of the funds deposited in the Treasury account known as the Initiative for Future Agriculture and Food Systems on October 1, 2003, and each October 1 thereafter through October 1, 2007, the Secretary of Agriculture shall use $5,000,000 during each of fiscal years 2004 through 2008 to carry out this section.

### H.R. 2646

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 33: In section 441, add at the end (page 217, line 7) the following: "Of the amount made available to carry out section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) for each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall make available $25,000,000 for the provision of commodities to child nutrition programs providing food service under section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e).

### H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 34: Page , line , insert the following new section:

### SEC. . FAMILY FARMER COOPERATIVE MARKETING.

(a) DEFINITIONS.—

(1) PRODUCER.—Subsection (b) of section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(A) by inserting "poultryman," after "dairyman,"; and

(B) by adding at the end the following: "The term includes a person furnishing labor, production management, facilities, or other services for the production of an agricultural product.".

(2) ASSOCIATION OF PRODUCERS.—Subsection (c) of such section is amended by inserting "that engages in the marketing of such agricultural products or of agricultural services described in the second sentence of subsection (b), including associations" before "engaged in".

(3) ADDITIONAL DEFINITIONS.—Such section is further amended by striking subsection (e) and inserting the following new subsections:

"(e) The term 'accredited association' means an association of producers accredited by the Secretary of Agriculture in accordance with section 6.

"(f) The term 'designated handler' means a handler that is designated pursuant to section 6.

"(g) The terms 'bargain' and 'bargaining' mean the performance of the mutual obligation of a handler and an accredited association to meet at reasonable times and for reasonable periods of time for the purpose of negotiating in good faith with respect to the price, terms of sale, compensation for products produced or services rendered under contract, or other provisions relating to the products marketed, or the services rendered, by the members of the accredited association or by the accredited association as agent for the members.".

(b) PROHIBITED PRACTICES.—Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended—

(1) in the matter preceding the subsections, by striking "the following practices:" and inserting "any of the following practices:"

(2) in subsection (a), by inserting "interfere with, restrain, or" before "coerce";

(3) by striking "or" at the end of subsections (a), (b), (c), (d), and (e) and inserting a period; and

(4) by adding at the end the following new subsections:

"(g) To refuse to bargain in good faith with an accredited association, if the handler is designated pursuant to section 6.

"(h) To dominate or interfere with the formation or administration of any association of producers or to contribute financial or other support to an association of producers.".

(c) BARGAINING IN GOOD FAITH.—Section 5 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2304) is amended to read as follows:

### "SEC. 5. BARGAINING IN GOOD FAITH.

"(a) CLARIFICATION OF OBLIGATION.—The obligation of a designated handler to bargain in good faith shall apply with respect to an accredited association and the products or services for which the accredited association is accredited to bargain. The good-faith bargaining required between a handler and an accredited association does not require either party to agree to a proposal or to make a concession.

"(b) EXTENSION OF SAME TERMS TO ACCREDITED ASSOCIATION.—If a designated handler purchases a product or service from producers under terms more favorable to such producers than the terms negotiated with an accredited association for the same type of product or services, the handler shall offer the same terms to the accredited association. Failure to extend the same terms to the accredited association shall be considered to be a violation of section 4(g). In comparing terms, the Secretary of Agriculture shall take into consideration (in addition to the stipulated purchase price) any bonuses, premiums, hauling or loading allowances, reimbursement of expenses, or payment for special services of any character which may be paid by the handler, and any sums paid or agreed to be paid by the handler for any other designated purpose than payment of the purchase price.

"(c) Mediation and Arbitration.—The Secretary of Agriculture may provide mediation services with respect to bargaining between an accredited association and a designated handler at the request of either the accredited association or the handler. If an impasse in bargaining has occurred (as determined by the Secretary), the Secretary shall provide assistance in proposing and implementing arbitration agreements between the accredited association and the handler. The Secretary may establish a procedure for compulsory and binding arbitration if the Secretary finds that an impasse in bargaining exists and such impasse will result in a serious interruption in the flow of an agricultural product to consumers or will cause substantial economic hardship to producers or handlers involved in the bargaining.".

(d) Accreditation of Associations and Designation of Handlers.—The Agricultural Fair Practices Act of 1967 is amended—

(1) by redesignating sections 6 and 7 (7 U.S.C. 2305, 2306) as sections 9 and 11, respectively; and

(2) by inserting after section 5 (7 U.S.C. 2304) the following new section:

**"SEC. 6. ACCREDITATION OF ASSOCIATIONS AND DESIGNATION OF HANDLERS.**

"Not later than after the date of the enactment of this section, the Secretary shall establish procedures—

"(1) to accredit associations seeking to bargain on behalf of producers on an agricultural product or service; and

"(2) for designation of handlers with whom producer associations seek to bargain.".

(e) Investigative Powers of Secretary.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 6 (as added by subsection (d)(2)) the following new section:

**"SEC. 7. INVESTIGATIVE POWERS OF SECRETARY.**

"(a) Investigative Powers.—The Secretary of Agriculture shall have the following powers to carry out the objectives of this Act, including the conduct of any investigations or hearings:

"(1) The Secretary may require any person to establish and maintain such records, make such reports, and provide such other information as the Secretary may reasonably require.

"(2) The Secretary and any officer or employee of the Department of Agriculture, upon presentation of credentials and a warrant or such other order of a court as may be required by the Constitution—

"(A) shall have a right of entry to, upon, or through any premises in which records required to be maintained under paragraph (1) are located, and

"(B) may at reasonable times have access to and copy any records, which any person is required to maintain or which relate to any matter under investigation or in question.

"(b) Treatment of Records.—

"(1) In general.—Except as provided in paragraph (2), any records, reports, or information obtained under this section shall be available to the public.

"(2) Exception.—Upon a showing satisfactory to the Secretary of Agriculture that records, reports, or information acquired under this section, if made public, would divulge confidential business information, the Secretary shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18, United States Code, except that the Secretary may disclose such record, report, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(c) Powers Related to Hearings.—

"(1) Attendance of witnesses.—In making inspections and investigations under this Act, the Secretary of Agriculture may require the attendance and testimony of witnesses and the production of evidence under oath.

"(2) Subpoena power.—The Secretary, upon application of any party to a hearing held under section 9, shall forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence requested in such application. Within five days after the service of a subpoena on any person requiring the production of any evidence in the possession of the person or under the control of the person, the person may petition the Secretary to revoke such subpoena. The Secretary shall revoke such subpoena if in the opinion of the Secretary the evidence whose production is required does not relate to any matter in question, or if such subpoena does not describe with sufficient particularity the evidence whose production is required.

"(3) Oaths and other matters.—The Secretary, or any officer or employee of the Department of Agriculture designated for such purpose, shall have power to administer oaths, sign and issue subpoenas, examine witnesses, and receive evidence. Witnesses shall be paid the same fees and mileage allowance as are paid witnesses in the courts of the United States.

"(d) Failure To Comply.—In the case of any failure or refusal of any person to obey a subpoena or order of the Secretary of Agriculture under this section, any district court of the United States, within the jurisdiction of which such person is found or resides or transacts business, upon the application by the Secretary shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt of court.".

(f) Administrative Proceedings To Prevent Prohibited Practices.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 7 (as added by subsection (e)) the following new section:

**"SEC. 8. ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.**

"(a) Petition.—Any person complaining of any violation of section 4 or other provision of this Act may apply to the Secretary of Agriculture by petition, which shall briefly state the facts serving as the basis for the complaint. If, in the opinion of the Secretary, the facts contained in the petition warrant further action, the Secretary shall forward a copy of the petition to the accredited association or handler named in the petition, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

"(b) Investigation and Complaint.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a), the Secretary of Agriculture shall investigate such complaint or notification. In the opinion of the Secretary, if the investigation substantiates the existence of a violation of section 4 or other provision of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business.

"(c) Hearing.—The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise and give testimony. The person who filed the charge shall also have the right to appear in person or otherwise and give testimony. Any such proceeding shall, as far as practicable, be conducted in accordance with the rules of evidence and the rules of civil procedure applicable in the district courts of the United States.

"(d) Orders.—If, upon a preponderance of the evidence, the Secretary of Agriculture is of the opinion that the person subject to the complaint has violated section 4 or other provision of this Act, the Secretary shall issue an order containing the Secretary's findings of fact and requiring the person to cease and desist from such violation. The Secretary may order such further affirmative action, including an award of damages to compensate the person filing the petition for the damages sustained, as will effectuate the policies of this Act and make the person filing the petition whole.

"(e) Complaints Instituted by Secretary.—The Secretary of Agriculture may at any time institute an investigation under subsection (b) if there appears to be, in the opinion of the Secretary, reasonable grounds for the investigation and the matter to be investigated is such that a petition is authorized to be made to the Secretary. The Secretary shall have the same power and authority to proceed with any investigation instituted under this subsection as though a petition had been filed under subsection (a), including the power to make and enforce any order.

"(f) Judicial Review.—

"(1) Obtaining review.—Any person aggrieved by a final order of the Secretary of Agriculture issued under subsection (d) may obtain review of such order in the United States Court of Appeals for the District of Columbia by submitting to such court within 30 days from the date of such order a written petition praying that such order be modified or set aside.

"(2) Treatment of findings.—The findings of the Secretary with respect to questions of fact, if supported by substantial evidence on the record, shall be conclusive.

"(3) Effect of failure to seek timely review.—If no petition for review, as provided in paragraph (1), is filed within 30 days after service of the Secretary's order, the order shall not be subject to review in any civil or criminal proceeding for enforcement, and the findings of fact and order of the Secretary shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such period. In any such case, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the person named in the complaint.

"(4) EFFECT ON ORDERS OF THE SECRETARY.—The commencement of proceedings under this section shall not operate as a stay of an order of the Secretary under subsection (d), unless specifically ordered by the court.".

(g) PREEMPTION.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 9 (as redesignated by subsection (d)(1)) the following new section:

**"SEC. 10. PREEMPTION.**

"This Act shall not invalidate the provisions of any existing or future State law dealing with the same subjects as this Act, except that such State law may not permit any action that is prohibited by this Act. This Act shall not deprive the proper State courts of jurisdiction under State laws dealing with the same subjects as this Act.".

H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 35: At the end of the bill, insert the following:

## TITLE X—BIOFUELS ENERGY INDEPENDENCE ACT OF 2001

### SEC. 1001. SHORT TITLE.

This title may be cited as the "Biofuels Energy Independence Act of 2001".

### SEC. 1002. FINDINGS.

The Congress finds as follows:

(1) Currently the United States annually consumes about 164,000,000,000 gallons of vehicle fuels and 5,600,00,000 gallons of heating oil. In 2000, 52.9 percent of these fuels were imported, yielding a $109,000,000,000 trade deficit with the rest of the world.

(2) This Act would shift America's dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic agricultural sources.

(3) Strategic Petroleum Reserve policy should encourage domestic production to the greatest extent possible.

(4) 92.2 percent of the Strategic Petroleum Reserve has been purchased from foreign sources: 41.9 percent from Mexico, 24 percent from the United Kingdom, and over 20 percent from OPEC nations.

(5) Strategic Petroleum Reserve policy also should encourage the development of alternatives to the Nation's reliance on petroleum such as biomass fuels.

(6) The benefits of biofuels are as follows:

(A) ENERGY SECURITY.—

(i) With agricultural commodity prices reaching record lows and petroleum prices reaching record highs, it is clear that more can and should be done to utilize domestic surpluses of biobased oils to enhance the Nation's energy security.

(ii) Biofuels can be manufactured using existing industrial capacity.

(iii) Biofuels can be used with existing petroleum infrastructure and conventional equipment.

(iv) Biofuels can start to address our dependence on foreign energy sources immediately.

(B) ECONOMIC SECURITY.—

(i) With continued dependence upon imported sources of oil, our Nation is strategically vulnerable to disruptions in our oil supply.

(ii) Renewable biofuels domestically produced have the potential for ending this vulnerable dependence on imported oil.

(iii) Increased use of renewable biofuels would result in significant economic benefits to rural and urban areas and would help reduce the trade deficit.

(iv) According to the Department of Agriculture, a sustained annual market of 100,000,000 gallons of biodiesel would result in $170,000,000 in increased income to farmers.

(v) Farmer-owned biofuels production has already resulted in improved income for farmers, as evidenced by the experience with a State-supported program in Minnesota that has helped to increase prices to corn producers by $1.00 per bushel.

(C) ENVIRONMENTAL SECURITY.—

(i) The use of grain-based ethanol reduces greenhouse gas emissions from 35 to 46 percent compared with conventional gasoline. Biomass ethanol provides an even greater reduction.

(ii) The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990.

(iii) Ethanol reduces tailpipe carbon monoxide emissions by as much as 30 percent.

(iv) Ethanol reduces exhaust volatile organic compounds emissions by 12 percent.

(v) Ethanol reduces toxic emissions by 30 percent.

(vi) Ethanol reduces particulate emissions, especially fine-particulates that pose a health threat to children, senior citizens, and those with respiratory ailments.

(vii) Biodiesel contains no sulfur of aromatics associated with air pollution.

(viii) The use of biodiesel provides a 78.5 percent reduction in $CO_2$ emissions compared to petroleum diesel and when burned in a conventional engine provides a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter.

## Subtitle A—Biofuels Feedstocks Energy Reserve Program

### SEC. 1011. ESTABLISHMENT.

The Secretary of Agriculture (in this subtitle referred to as the "Secretary") may establish and administer a reserve of agricultural commodities (known as the "Biofuels Feedstocks Energy Reserve") for the purpose of—

(1) providing feedstocks to support and further the production of energy from biofuels; and

(2) supporting the biofuels energy industry when production is at risk of declining due to reduced feedstocks or significant commodity price increases.

### SEC. 1012. PURCHASES.

(a) IN GENERAL.—The Secretary may purchase agricultural commodities at commercial rates, subject to subsection (b), in order to establish, maintain, or enhance the Biofuels Feedstocks Energy Reserve when—

(1)(A) the commodities are in abundant supply; and

(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

(2) it is otherwise necessary to fulfill the needs and purposes of the biofuels energy reserve program.

(b) LIMITATION.—The agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve shall be—

(1) of the type and quantity necessary to provide not less than 1-year's utilization for renewable energy purposes; and

(2) in such additional quantities to provide incentives for research and development of new renewable fuels and bio-energy initiatives.

### SEC. 1013. RELEASE OF STOCKS.

Whenever the market price of a commodity held in the Biofuels Feedstocks Energy Reserve exceeds 100 percent of the economic cost of producing the commodity (as determined by the Economic Research Service using the best available information, and based on a 3-year moving average), the Secretary shall release stocks of the commodity from the reserve at cost of acquisition, in amounts determined appropriate by the Secretary.

### SEC. 1014. STORAGE PAYMENTS.

(a) IN GENERAL.—The Secretary shall provide for the storage of agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve by making payments to producers for the storage of the commodities. The payments shall—

(1) be in such amounts, under such conditions, and at such times as the Secretary determines appropriate to encourage producers to participate in the program; and

(2) reflect local, commercial storage rates, subject to appropriate conditions concerning quality management and other factors.

(b) ANNOUNCEMENT OF PROGRAM.—

(1) TIME OF ANNOUNCEMENT.—The Secretary shall announce the terms and conditions of the storage payments for a crop of a commodity by—

(A) in the case of wheat, December 15 of the year in which the crop of wheat was harvested;

(B) in the case of feed grains, March 15 of the year following the year in which the crop of corn was harvested; and

(C) in the case of other commodities, such dates as may be determined by the Secretary.

(2) CONTENT OF ANNOUNCEMENT.—In the announcement, the Secretary shall specify the maximum quantity of a commodity to be stored in the Biofuels Feedstocks Energy Reserve that the Secretary determines appropriate to promote the orderly marketing of the commodity, and to ensure an adequate supply for the production of biofuels.

(c) RECONCENTRATION.—The Secretary may, with the concurrence of the owner of a commodity stored under this program, reconcentrate the commodity stored in commercial warehouses at such points as the Secretary considers to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations that assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of the commodity covered by the producer's or warehouseman's commitment.

(d) MANAGEMENT.—Whenever a commodity is stored under this section, the Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities of the commodity in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate the commodity that the Commodity Credit Corporation owns or controls. The purchases to offset sales shall be made within 2 market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

(e) REVIEW.—In announcing the terms and conditions under which storage payments will be made under this section, the Secretary shall review standards concerning the quality of a commodity to be stored in the

Biofuels Feedstocks Energy Reserve, and such standards should encourage only quality commodities, as determined by the Secretary. The Secretary shall review inspection, maintenance, and stock rotation requirements and take the necessary steps to maintain the quality of the commodities stored in the reserve.

**SEC. 1015. USE OF COMMODITY CREDIT CORPORATION.**

The Secretary shall use the Commodity Credit Corporation, to the extent feasible, to carry out this subtitle. To the maximum extent practicable consistent with the effective and efficient administration of this subtitle, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

**SEC. 1016. REGULATIONS.**

Not later than 60 days after November 28, 2001, the Secretary shall issue such regulations as are necessary to carry out this subtitle.

### Subtitle B—Biofuels Financial Assistance

**SEC. 1021. LOANS AND LOAN GUARANTEES.**

(a) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the "Secretary") may make and guarantee loans for the production, distribution, development, and storage of biofuels.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an applicant for a loan or loan guarantee under this section shall be eligible to receive such a loan or loan guarantee if—

(A) the applicant is a farmer, member of an association of farmers, member of a farm cooperative, municipal entity, nonprofit corporation, State, or Territory; and

(B) the applicant is unable to obtain sufficient credit elesewhere to finance the actual needs of the applicant at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

(2) LOAN GUARANTEE ELIGIBILITY PRECLUDES LOAN ELIGIBILITY.—An applicant who is eligible for a loan guarantee under this section shall not be eligible for a loan under this section.

(c) LOAN TERMS.—

(1) INTEREST RATE.—Interest shall be payable on a loan under this section at the rate at which interest is payable on obligations issued by United States for a similar period of time.

(2) REPAYMENT PERIOD.—A loan under this section shall be repayable in not less than 5 years and not more than 20 years.

(d) REVOLVING FUND.—

(1) ESTABLISHMENT.—The Secretary shall establish a revolving fund for the making of loans under this section.

(2) DEPOSITS.—The Secretary shall deposit into the revolving fund all amounts received on account of loans made under this section.

(3) PAYMENTS.—The Secretary shall make loans under this section, and make payments pursuant to loan guarantees provided under this section, from amounts in the revolving fund.

(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(f) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of loans and loan guarantees under this section, there are authorized to be appropriated to the revolving fund established under subsection (d) such sums as may be necessary for fiscal years 2002 through 2009.

### Subtitle C—Funding Source and Allocations

**SEC. 1031. FUNDING FOR CONSERVATION FUNDING.**

(a) REDUCTION IN FIXED DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the Secretary) shall reduce by $2,000,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;

(B) $4,494,000,000 in fiscal year 2004;

(C) $4,148,000,000 in fiscal year 2005;

(D) $3,974,000,000 in fiscal year 2006;

(E) $3,701,000,000 in fiscal year 2007;

(F) $3,222,000,000 in fiscal year 2008;

(G) $2,596,000,000 in fiscal year 2009;

(H) $2,057,000,000 in fiscal year 2010; or

(I) $1,675,000,000 in fiscal year 2011.

H.R. 2646

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 36: At the end of title IX, insert the following new section:

**SEC. . REGULATION OF COMMERCE IN POULTRY AND POULTRY PRODUCTS UNDER PACKERS AND STOCKYARDS ACT, 1921.**

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182), is amended—

(1) by striking paragraph (8) and inserting the following new paragraph:

"(8) The term 'poultry grower' means any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, whether the poultry is owned by such person or by another person;";

(2) in paragraph (9), by striking "and cares for live poultry for delivery, in accord with another's instructions, for slaughter" and inserting "or cares for live poultry in accord with another person's instructions"; and

(3) in paragraph (10), by striking "for the purpose of either slaughtering it or selling it for slaughter by another".

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Sections 203, 204, and 205 of such Act (7 U.S.C. 193, 194, 195) are amended by inserting "or live poultry dealer" after "packer" each place it appears.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 408 of such Act (7 U.S.C. 229) is amended by striking "on account of poultry" and inserting "on account of poultry or poultry care".

(d) VIOLATIONS BY LIVE POULTRY DEALERS.—Section 411 of such Act (7 U.S.C. 228b-2) is amended—

(1) in subsection (a), by striking "any provision of section 207 or section 410 of"; and

(2) in subsection (b), by striking "any provisions of section 207 or section 410" and inserting "any provision".

H.R. 2646

OFFERED BY: MR. KUCINICH

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 37: At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. . CONTRACT LIMITATIONS REGARDING SALE OF GENETICALLY ENGINEERED SEEDS, PLANTS, AND ANIMALS.**

(a) LIMITATIONS.—Any provision of any contract for the sale of a genetically engineered animal, genetically engineered plant, or genetically engineered seed to a purchaser for use in agricultural production is hereby declared against public policy and unenforceable if such provision—

(1) in the case of a sale of genetically engineered plants or genetically engineered seeds, prohibits the purchaser from retaining a portion of the harvested crop for future crop planting by the purchaser or charges a fee to retain a portion of the harvested crop for future crop planting;

(2) limits the ability of the purchaser to recover damages from the biotech company for a genetically engineered animal, genetically engineered plant, or genetically engineered seed that does not perform as advertised.

(3) shifts any liability from the biotech company to the purchaser;

(4) requires the purchaser to grant agents of the seller access to the purchaser's property;

(5) mandates arbitration of any disputes between the biotech company and the purchaser;

(6) mandates any court of jurisdiction for settlement of disputes; or

(7) imposes any unfair condition upon the purchaser, as determined by the Secretary of Agriculture or a court.

(b) DEFINITIONS.—In this section:

(1) GENETICALLY ENGINEERED ANIMAL.—The term "genetically engineered animal" means an animal that contains a genetically engineered material or was produced with a genetically engineered material. An animal shall be considered to contain a genetically engineered material or to have been produced with a genetically engineered material if the animal has been injected or otherwise treated with a genetically engineered material or is the offspring of an animal that has been so injected or treated.

(2) GENETICALLY ENGINEERED PLANT.—The term "genetically engineered plant" means a plant that contains a genetically engineered material or was produced from a genetically engineered seed. A plant shall be considered to contain a genetically engineered material if the plant has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for the plant may not be construed to mean that the plant is produced with a genetically engineered material.

(3) GENETICALLY ENGINEERED SEED.—The term "genetically engineered seed" means a seed that contains a genetically engineered material or was produced with a genetically engineered material. A seed shall be considered to contain a genetically engineered material or to have been produced with a genetically engineered material if the seed (or the plant from which the seed is derived) has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for the plant may not be construed to mean that any resulting seeds are produced with a genetically engineered material.

(4) GENETICALLY ENGINEERED MATERIAL.—The term "genetically engineered material"

means material that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

(5) Biotech company.—The term "biotech company" means a person engaged in the business of creating genetically engineered material and obtaining the patent rights to that material for the purposes of commercial exploitation of that material. The term does not include the employees of such person.

H.R. 2646

Offered By: Mr. Kucinich

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 38: In subsection (g)(2) in the quoted matter in section 747 of the bill (page 302, line 16), strike "one percent" and insert "10 percent".

H.R. 2883

Offered By: Mr. LaHood

Amendment No. 39: Page 12, beginning on line 1, strike section 306 (page 12, line 1, through page 19, line 18).

H.R. 2646

Offered By: Mr. Lampson

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 40: In section 183, strike the paragraph (3) being added by subsection (a) (page 131, lines 8 through 13), and insert the following new paragraph:

"(3) Limitation on counter-cyclical payments.—

"(A) General rule.—The total amount of counter-cyclical payments that a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.".

"(B) Special rule.—This subparagraph shall apply only with regard to counter-cyclical payments attributable to rice contract acres in a State wherein plantings of rice on contract acres declined by more than thirty percent in the 2001 crop year compared to the 1995 crop year. Notwithstanding section 1001A(b)(3)(A), the total amount of counter-cyclical payments, on a per-acre basis, that a landowner who is not actively engaged (consistent with section 1001A(b)(2)) in the production of a covered commodity on such acreage may receive during any crop year shall not exceed an amount that is equal to the greater of—

"(i) the proportionate share of the payment that is commensurate to the proportion that the contribution of the land represents to the operation on the contract acres, as determined by the appropriate county committee; or

"(ii) the proportionate share of the payment that is commensurate with the share of the crop that the landowner would have received under a normal and customary share rent contract for the production of a covered commodity in the area, as determined by the county committee.".

H.R. 2646

Offered By: Mr. Miller of Florida

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 41: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) Extension of Program at Reduced Loan Rates.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking "sugar." and inserting "sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.";

(2) in subsection (b), by striking "sugar." and inserting "sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets."; and

(3) in subsection (i), by striking "2002" and inserting "2011".

(b) Expiration of Marketing Assessment.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) Increase in Forfeiture Penalty.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking "1 cent" and inserting "2 cents".

(d) Availability of Savings for Conservation and Environmental Stewardship Programs.—

(1) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture.

(2) Priority.—In using the funds appropriated pursuant to the authorization of appropriations in paragraph (3), the Secretary shall give priority to conservation and environmental programs administered by the Department of Agriculture that conserve, restore, or enhance the Florida Everglades ecosystem.

(3) Authorization of appropriations.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

H.R. 2646

Offered By: Mr. Miller of Florida

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 42: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) Extension of Program at Reduced Loan Rates.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking "sugar." and inserting "sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.";

(2) in subsection (b), by striking "sugar." and inserting "sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets."; and

(3) in subsection (i), by striking "2002" and inserting "2011".

(b) Expiration of Marketing Assessment.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) Increase in Forfeiture Penalty.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking "1 cent" and inserting "2 cents".

H.R. 2646

Offered By: Mr. Miller of Florida

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 43: Strike chapter 2 of subtitle C of title I (page 75, line 18, through page 102, line 20), relating to sugar.

At the end of subtitle E of title II (page 150, after line 14), insert the following new section:

**SEC. 245. ADDITIONAL FUNDS FOR CONSERVATION AND ENVIRONMENTAL STEWARDSHIP PROGRAMS.**

(a) Use of Funds; Priority.—The Secretary of Agriculture shall use funds appropriated pursuant to the authorization of appropriations in subsection (b) to augment conservation and environmental stewardship programs established or amended in this title or for other appropriate conservation and environmental programs, as determined by the Secretary. In using such funds, the Secretary shall give priority to programs that conserve, restore, or enhance the Florida Everglades ecosystem.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

Offered By: Mr. Miller of Florida

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 44: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) Extension of Program at Reduced Loan Rates.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking "sugar." and inserting "sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.";

(2) in subsection (b), by striking "sugar." and inserting "sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets."; and

(3) in subsection (i), by striking "2002" and inserting "2011".

(b) Expiration of Marketing Assessment.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) INCREASE IN FORFEITURE PENALTY.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking "1 cent" and inserting "2 cents".

(d) AVAILABILITY OF SAVINGS FOR CONSERVATION AND ENVIRONMENTAL STEWARDSHIP PROGRAMS.—

(1) IN GENERAL.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (2) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

### H.R. 2646

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 45: At the end of title IX, insert the following new section:

**SEC. . ENFORCEMENT OF THE HUMANE METHODS OF SLAUGHTER ACT OF 1958.**

(a) FINDINGS.—Congress finds as follows:

(1) Public demand for passage of Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958") was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, "If I went by mail, I'd think no one was interested in anything but humane slaughter".

(2) The Humane Methods of Slaughter Act of 1958 requires that animals be rendered insensible to pain when they are slaughtered.

(3) Scientific evidence indicates that treating animals humanely results in tangible economic benefits.

(4) The United States Animal Health Association passed a resolution at a meeting in October 1998 to encourage strong enforcement of the Humane Methods of Slaughter Act of 1958 and reiterated support for the resolution at a meeting in 2000.

(5) The Secretary of Agriculture is responsible for fully enforcing the Act, including monitoring compliance by the slaughtering industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should fully enforce Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958") by ensuring that humane methods in the slaughter of livestock—

(1) prevent needless suffering;

(2) result in safer and better working conditions for persons engaged in the slaughtering industry;

(3) bring about improvement of products and economies in slaughtering operations; and

(4) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958").

### H.R. 2646

OFFERED BY: MR. PICKERING

AMENDMENT NO. 46: At the end of title IX, add the following section:

**SEC. 9 . MARKET NAME FOR PANGASIUS FISH SPECIES.**

The term "catfish" may not be considered to be a common or usual name (or part thereof) for the fish Pangasius bocourti, or for any other fish not classified within the family Ictalariidae, for purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, including with respect to the importation of such fish pursuant to section 801 of such Act.

### H.R. 2646

OFFERED BY: MR. SANDERS

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 47: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. . NATIONAL COUNTER-CYCLICAL INCOME SUPPORT PROGRAM FOR DAIRY PRODUCERS.**

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means a Regional Supply Management Board established under subsection (b)(4).

(2) CLASS I, II, III, AND IV MILK.—The terms 'Class I milk', 'Class II milk', 'Class III milk', and 'Class IV milk' mean milk classified as Class I, II, III, or IV milk, respectively, under an order.

(3) DISTRICT.—The term "District" means a Regional Supply Management District established under subsection (b)(3).

(4) ELIGIBLE PRODUCER.—The term "eligible producer" means an individual or entity that directly or indirectly has an interest in the production of milk.

(5) ELIGIBLE PRODUCTION.—The term "eligible production" means the lesser of—

(A) the quantity of milk produced by an eligible producer during a month; or

(B) 230,000 pounds per month.

(6) MARKETING AREA.—The term "marketing area" means a marketing area subject to an order.

(7) ORDER.—The term 'order' means—

(A) an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; or

(B) a comparable State order, as determined by the Secretary.

(8) PARTICIPATING STATE.—The term "participating State" means a State that is participating in the program authorized by this section in accordance with subsection (b)(2).

(9) STATE.—The term 'State' means each of the 48 contiguous States of the United States.

(10) TRUST FUND.—The term 'Trust Fund' means the National Dairy Producers Trust Fund established under subsection (b)(5).

(b) INCOME SUPPORT FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN PARTICIPATING STATES.—

(1) IN GENERAL.—During each of calendar years 2002 through 2011, the Secretary shall carry out a program under this subsection to support the income of eligible producers for milk sold to processors in participating States.

(2) PARTICIPATING STATES.—

(A) SPECIFIED STATES.—The following States are participating States for purposes of the program authorized by this section: Alabama, Arkansas, Connecticut, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(B) OTHER STATES.—The Governor of a State not described in subparagraph (A) may provide for the participation of the State in the program authorized by this section by providing notice to the Secretary in a manner determined by the Secretary.

(C) WITHDRAWAL.—

(i) IN GENERAL.—For a State to withdraw from participation in the program authorized by this section, the Governor of the State (with the concurrence of the legislature of the State) shall notify the Secretary of the withdrawal of the State from participation in the program in a manner determined by the Secretary.

(ii) EFFECTIVE DATE.—The withdrawal of a State from participation in the program takes effect—

(I) in the case of written notice provided during the 180-day period beginning on the date of enactment of this Act, on the date on which the notice is provided to the Secretary; and

(II) in the case of written notice provided after the 180-day period, on the date that is 1 year after the date on which the notice is provided to the Secretary.

(3) REGIONAL SUPPLY MANAGEMENT DISTRICTS.—To carry out this subsection, the Secretary shall establish 5 Regional Supply Management Districts that are composed of the following participating States:

(A) NORTHEAST DISTRICT.—A Northeast District consisting of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

(B) SOUTHERN DISTRICT.—A Southern District consisting of the States of Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, Virginia, and West Virginia.

(C) UPPER MIDWEST DISTRICT.—An Upper Midwest District consisting of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

(D) INTERMOUNTAIN DISTRICT.—An Intermountain District consisting of the States of Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

(E) PACIFIC DISTRICT.—A Pacific District consisting of the States of California, Oregon, and Washington.

(4) REGIONAL SUPPLY MANAGEMENT BOARDS.—

(A) IN GENERAL.—Each District shall be administered by a Regional Supply Management Board.

(B) COMPOSITION.—

(i) IN GENERAL.—The Board of a District shall be composed of not less than 2, and not more than 3, members from each participating State in the District, appointed by the Secretary from nominations submitted by the Governor of the State.

(ii) NOMINATIONS.—The Governor of a participating State shall nominate at least 5 residents of the State to serve on the Board, of which—

(I) at least 1 nominee shall be an eligible producer at the time of nomination; and

(II) at least 1 nominee shall be a consumer representative.

(5) NATIONAL DAIRY PRODUCERS TRUST FUND.—

(A) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the National Dairy Producers Trust Fund, which shall consist of—

(i) the payments received by the Secretary and deposited in the Trust Fund under paragraph (6); and

(ii) the payments made by the Secretary to the Trust Fund under paragraph (7).

(B) EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary, to the extent provided for in advance in an appropriations Act, to carry out paragraphs (8) through (10).

(6) PAYMENTS FROM PROCESSORS TO TRUST FUND.—

(A) IN GENERAL.—During any month for which the Secretary estimates that the average price paid by processors for Class I milk in a District will not exceed $17.50 per hundredweight, each processor in a participating State in the District that purchases Class I milk from an eligible producer during the month shall pay to the Secretary for deposit in the Trust Fund an amount obtained by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of Class I milk purchased from the eligible producer during the month.

(B) PAYMENT RATE.—The payment rate for a payment made by a processor that purchases Class I milk in a participating State in a District under subparagraph (A)(i) shall equal the difference between—

(i) $17.50 per hundredweight; and

(ii)(I) in the case of an area covered by an order, the minimum price required to be paid to eligible producers for Class I milk in the marketing area under an order; or

(II) in the case of an area not covered by an order, the minimum price determined by the Secretary, taking into account the minimum price referred to in subclause (I) in adjacent marketing areas.

(7) COUNTER-CYCLICAL PAYMENTS FROM SECRETARY TO TRUST FUND.—

(A) IN GENERAL.—To the extent provided for in advance in an appropriations Act, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make a payment each month to the Trust Fund in an amount determined by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of eligible production of Class II, Class III, and Class IV milk sold in the various Districts during the month, as determined by the Secretary.

(B) PAYMENT RATE.—The payment rate for a payment made to the Trust Fund for a month under subparagraph (A)(i) shall equal 25 percent of the difference between—

(i) $13.00 per hundredweight; and

(ii) the weighted average of the price received by producers in each District for Class III milk during the month, as determined by the Secretary.

(8) COMPENSATION FROM TRUST FUND FOR ADMINISTRATIVE AND INCREASED FOOD ASSISTANCE COSTS.—The Secretary shall use amounts in the Trust Fund to provide compensation to the Secretary for—

(A) administrative costs incurred by the Secretary and Boards in carrying out this subsection; and

(B) the increased cost of any milk and milk products provided under any food assistance program administered by the Secretary that results from carrying out this subsection.

(9) PAYMENTS FROM TRUST FUND TO BOARDS.—

(A) IN GENERAL.—The Secretary shall use any amounts in the Trust Fund that remain after providing the compensation required under paragraph (8) to make monthly payments to Boards.

(B) AMOUNT.—The amount of a payment made to a Board of a District for a month under subparagraph (A) shall bear the same ratio to payments made to all Boards for the month as the eligible production sold in the District during the month bears to eligible production sold in all Districts.

(10) PAYMENTS BY BOARDS TO PRODUCERS.—

(A) IN GENERAL.—With the approval of the Secretary, a Board of a District shall use payments received under paragraph (9) to make payments to eligible producers for eligible production of milk that is commercially sold in a participating State in the District.

(B) SUPPLY MANAGEMENT.—In carrying out subparagraph (A), a Board of a District may—

(i) use a portion of the payments described in subparagraph (A) to provide bonuses or other incentives to eligible producers for eligible production to manage the supply of milk produced in the District; and

(ii) request the Secretary to review a proposed action under clause (i).

(C) REIMBURSEMENT OF COMMODITY CREDIT CORPORATION.—

(i) IN GENERAL.—If the Secretary determines that the Commodity Credit Corporation has incurred additional costs to carry out section 141 as a result of overproduction of milk due to the operation of this section in a District, the Secretary shall require the Board of the District to reimburse the Commodity Credit Corporation for the additional costs.

(ii) BOARD ASSESSMENT.—The Board of the District may impose an assessment on the sale of milk within participating States in the District to compensate the Commodity Credit Corporation for the additional costs.

(c) COUNTER-CYCLICAL PAYMENTS FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN NONPARTICIPATING STATES.—

(1) IN GENERAL.—To the extent provided for in advance in an appropriations Act, during each of calendar years 2002 through 2011, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make payments to an eligible producer in a District for milk sold to processors in a State that is not a participating State in an amount determined by multiplying—

(A) the payment rate determined under paragraph (2); by

(B) the payment quantity determined under paragraph (3).

(2) PAYMENT RATE.—The payment rate for a payment made to an eligible producer in a District for a month under paragraph (1)(A) shall equal 25 percent of the difference between—

(A) $13.00 per hundredweight; and

(B) the average price received by producers in the District for Class III milk during the month, as determined by the Secretary.

(3) PAYMENT QUANTITY.—The payment quantity for a payment made to an eligible producer in a District for a month under paragraph (1)(B) shall be equal to—

(A) the quantity of eligible production of Class II, Class III, and Class IV milk for the eligible producer during the month, as determined by the Secretary; less

(B) the quantity of any milk that is sold by the eligible producer to a processor in a participating State during the month.

(d) LIMITATION.—In determining the amount of payments made for eligible production under this section, no individual or entity directly or indirectly may be paid on production in excess of 230,000 pounds of milk per month.

H.R. 2646,

OFFERED BY: MR. SANDERS

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (COMBES.011]*

AMENDMENT NO. 48: Page 217, insert the following after section 443 (and make such technical and conforming changes as may be appropriate):

### SEC. 444. SENSE OF THE CONGRESS REGARDING ELIGIBILITY OF ELDERLY INDIVIDUALS TO PARTICIPATE THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.

It is the Sense of the Congress that the Secretary of Agriculture should issue a rule to restore to 185 percent of the poverty line the Elderly Income Guidelines for participation in the Commodity Supplemental Food Program so that the Guidelines are the same as the income guidelines for participation by mothers, infants, and children in such program.

H.R. 2646

OFFERED BY: MR. SHERWOOD

*[Page and line numbers refer to the amendment in the nature of a substitute]*

AMENDMENT NO. 49: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new sections:

### SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT.

(a) IN GENERAL.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking "States" and all that follows through "Vermont" and inserting "States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont";

(2) by striking paragraphs (1), (3), (4), and (7);

(3) by redesignating paragraph (2) as paragraph (1) and, in such paragraph, by striking "Class III-A" and inserting "Class IV";

(4) by inserting after paragraph (1), as so redesignated, the following new paragraphs:

"(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

"(3) ADDITIONAL STATE.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact.";

(5) by redesignating paragraph (5) as paragraph (4) and, in such paragraph, by striking "the projected rate of increase" and all that follows through "Secretary" and inserting "the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code"; and

(6) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as of September 30, 2001.

**SEC. 148. SOUTHERN DAIRY COMPACT.**

(a) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a "Federal milk marketing order") unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(3) ADDITIONAL STATES.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) COMPACT.—The Southern Dairy Compact is substantially as follows:

## "ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY

### "§ 1. Statement of purpose, findings and declaration of policy

"The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

"The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

"The participating states further find that dairy farms are essential and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

"In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

"Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

"By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

"Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

"In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

## "ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

### "§ 2. Definitions

"For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

"(1) 'Class I milk' means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

"(2) 'Commission' means the Southern Dairy Compact Commission established by this compact.

"(3) 'Commission marketing order' means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

"(4) 'Compact' means this interstate compact.

"(5) 'Compact over-order price' means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

"(6) 'Milk' means the lacteral secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

"(7) 'Partially regulated plant' means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

"(8) 'Participating state' means a state which has become a party to this compact by the enactment of concurring legislation.

"(9) 'Pool plant' means any milk plant located in a regulated area.

"(10) 'Region' means the territorial limits of the states which are parties to this compact.

"(11) 'Regulated area' means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

"(12) 'State dairy regulation' means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

### "§ 3. Rules of construction

"(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

"(b) The compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

## "ARTICLE III. COMMISSION ESTABLISHED

### "§ 4. Commission established

"There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

### "§ 5. Voting requirements

"All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

### "§ 6. Administration and management

"(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

"(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

"(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

"(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

"(1) To sue and be sued in any state or federal court;

"(2) To have a seal and alter the same at pleasure;

"(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

"(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

"(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

"(6) To create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

### "§ 7. Rulemaking power

"In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

## "ARTICLE IV. POWERS OF THE COMMISSION

### "§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation

"The commission is hereby empowered to:

"(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

"(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

"(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

"(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

"(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution of milk.

"(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

"(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

### "§ 9. Equitable farm prices

"(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

"(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety, and using that year as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

"(c) A commission marketing order shall apply to all classes and uses of milk.

"(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

"(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

"(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

"(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

### "§ 10. Optional provisions for pricing order

"Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

"(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

"(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

"(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

"(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

"(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

"(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

"(B) With respect to any commission marketing order, as defined in section two, subdivision three, which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

"(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

"(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

"(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

"(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

"(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

"(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

## "ARTICLE V. RULEMAKING PROCEDURE

### "§ 11. Rulemaking procedure

"Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. §553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

### "§ 12. Findings and referendum

"(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. §553(c)), the commission shall make findings of fact with respect to:

"(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

"(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

"(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

"(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

### "§ 13. Producer referendum

"(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

"(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

"(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper–Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

"(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

"(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

"(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

"(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

"(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

### "§ 14. Termination of over-order price or marketing order

"(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

"(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

"(c) The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. §553).

"ARTICLE VI. ENFORCEMENT

**"§15. Records; reports; access to premises**

"(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

"(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

"(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

**"§16. Subpoena; hearings and judicial review**

"(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

"(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

"(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought pursuant to section seventeen, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

**"§17. Enforcement with respect to handlers**

"(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

"(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

"(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

"(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

"(1) Commencing an action for legal or equitable relief brought in the name of the commission of any state or federal court of competent jurisdiction; or

"(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

"(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

"ARTICLE VII. FINANCE

**"§18. Finance of start-up and regular costs**

"(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's ongoing operating expenses.

"(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

**"§19. Audit and accounts**

"(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

"(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

"(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

"ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

**"§20. Entry into force; additional members**

"The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

**"§21. Withdrawal from compact**

"Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

**"§22. Severability**

"If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.''.

**SEC. 149. PACIFIC NORTHWEST DAIRY COMPACT.**

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) Text.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to ''south'', ''southern'', and ''Southern'' shall be changed to ''Pacific Northwest''.

(B) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Seattle, Washington''.

(C) In section 20, the reference to ''any three'' and all that follows shall be changed to ''California, Oregon, and Washington.''.

(2) Limitation of Manufacturing Price Regulation.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) Compensation of Special Milk Program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Pacific Northwest Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) Effective Date.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) Compensation of Commodity Credit Corporation.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) Milk Marketing Order Administrator.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

**SEC. 150. INTERMOUNTAIN DAIRY COMPACT.**

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) Text.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to ''southern'' and ''south'' shall be changed to ''Intermountain'' and ''Intermountain region'', respectively.

(B) References to ''Southern'' shall be changed to ''Intermountain ''.

(C) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Salt Lake City, Utah''.

(D) In section 20, the reference to ''any three'' and all that follows shall be changed to ''Colorado, Nevada, and Utah.''.

(2) Limitation of Manufacturing Price Regulation.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) Compensation of Special Milk Program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Intermountain Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) Effective Date.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) Compensation of Commodity Credit Corporation.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) Milk Marketing Order Administrator.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

H.R. 2883

Offered By: Mr. Simmons

Amendment No. 50: At the end of title IV, page 21, after line 12, insert the following new section:

**SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.**

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking ''one-half'' and inserting ''100 percent''.

H.R. 2646

Offered By: Mr. Smith of Michigan

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 51: In section 181, strike subsection (e) (page 128, line 23, through page 129, line 9), and insert the following new subsection:

(e) Adjustment Authority Related to Uruguay Round Compliance.—If the Secretary determines that expenditures under subtitles A, B, and C that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), as in effect on the date of the enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed, but in no case are less than, such allowable levels. To the maximum extent practicable, the Secretary shall achieve the required adjustments by reducing the amount of marketing loan gains and loan deficiency payments obtained by persons whose marketing loan gains, loan deficiency payments and any certificates would otherwise exceed a total of $150,000 for a crop year.

H.R. 2646

Offered By: Mr. Smith of Michigan

Amendment No. 52: At the end of section 183 (page , beginning line ), insert the following new subsection:

(d) Payment Limitation Regarding Marketing Assistance Loans to Cover All Producer Gains.—In applying the payment limitation contained in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) on the total amount of payments and gains that a person may receive for one or more covered commodities during any crop year, the Secretary of Agriculture shall include each of the following:

(1) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any covered commodity at a lower level than the original loan rate established for the commodity.

(2) Any loan deficiency payment received for a loan commodity.

(3) Any gain realized by a producer through the use of the generic certificate authority or through the actual forfeiture of the crop covered by a nonrecourse marketing assistance loan.

H.R. 2646

Offered By: Mr. Stenholm

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 53: At the end of title I (page 133, after line 13), insert the following new section:

**SEC. . REPORT ON EFFECT OF CERTAIN FARM PROGRAM PAYMENTS ON ECONOMIC VIABILITY OF PRODUCERS AND FARMING INFRASTRUCTURE.**

(a) Review Required.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance payments have had, and that fixed, decoupled payments and counter-cyclical payments are likely to have, on the economic viability of producers and the farming infrastructure, particularly in areas where climate, soil types, and other agronomic conditions severely limit the covered crops that producers can choose to successfully and profitably produce.

(b) CASE STUDY RELATED TO RICE PRODUCTION.—The review shall include a case study of the effects that the payments described in subsection (a), and the forecast effects of increasing these or other decoupled payments, are likely to have on rice producers (including tenant rice producers), the rice milling industry, and the economies of rice farming areas in Texas, where harvested rice acreage has fallen from 320,000 acres in 1995 to only 211,000 acres in 2001.

(c) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected for the review and the case study and any findings made on the basis of such information. The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on producers who are tenants, on the agricultural economies in farming areas generally, on those particular areas described in subsection (a), and on the area that is the subject of the case study in subsection (b).

### H.R. 2646

OFFERED BY: MR. STENHOLM

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 54: In section 167(a), strike paragraphs (4) and (5) (page 119, line 9, through page 120, line 2), and insert the following:

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the peanut producer through—

(A) a designated marketing association of peanut producers that is approved by the Secretary; or

(B) the Farm Service Agency.

### H.R. 2646

OFFERED BY: MR. STENHOLM

*[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]*

AMENDMENT NO. 55: Page 213, line 6, strike "$10 million" and insert "$9,500,000".

Beginning on page 214, strike line 13 and all that follows through line 6 on page 215, and insert the following:

(f) PUERTO RICO.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii) by striking "and" at the end;

(B) in clause (iii) by adding "and" at the end; and

(C) by inserting after clause (iii) the following:

"(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 3(o)(4) for the current fiscal year for which the amount is determined under this clause;"; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following:

"(ii) Notwithstanding subparagraph (A) and clause (i), the Commonwealth may spend up to $6,000,000 of the amount required under subparagraph (A) to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.".

(g) TERRITORY OF AMERICAN SAMOA.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is amended—

(1) by striking "Effective October 1, 1995, from" and inserting "From"; and

(2) by striking "$5,300,000 for each of fiscal years 1996 through 2002" and inserting "$5,750,000 for fiscal year 2002 and $5,800,000 for each of fiscal years 2003 though 2011".

Page 216, line 18, strike "(h) and (i) shall take effect of" and insert "(g), (h), and (i) shall take effect on".

### H.R. 2646

OFFERED BY: MR. STUPAK

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 56: At the end of title VIII (page 339, after line 23), insert the following new section:

**SEC. 808. TIMBER SALES FOR UNITS OF THE NATIONAL FOREST SYSTEM.**

The Secretary of Agriculture and the Chief of the Forest Service shall ensure that, with respect to each unit of the National Forest System, a quantity of timber is offered for sale on an annual basis that, at a minimum, is equal to annual allowable sale quantity of timber specified in the management plan for that unit.

### H.R. 2646

OFFERED BY: MR. THUNE

AMENDMENT NO. 57: At the end of subtitle B of title II, insert the following:

**SEC. 215. EXPANSION OF PILOT PROGRAM TO ALL STATES.**

Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—

(1) in paragraph (1), by striking "and 2002" and all that follows through "South Dakota" and inserting "through 2011 calendar years, the Secretary shall carry out a program in each State";

(2) in paragraph (3)(C), by striking "—" and all that follows and inserting "not more than 150,000 acres in any 1 State."; and

(3) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

### H.R. 2646

OFFERED BY: MR. THUNE

AMENDMENT NO. 58: Add at the end of title IX the following:

**SEC. 932. GAO STUDY.**

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to determining how producer income would be affected by updating yield bases, including—

(1) whether crop yields have increased over the past 20 years for both program crops and oilseeds;

(2) whether program payments would be disbursed differently in this Act if yield bases were updated;

(3) what impact this Act's target prices with updated yield bases would have on producer income; and

(4) what impact lower target prices with updated yield bases would have on producer income compared to this Act.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a), not later than 6 months after the date of enactment of this Act.

### H.R. 2646

OFFERED BY: MR. THUNE

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

AMENDMENT NO. 59: At the end, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 932. INTERAGENCY TASK FORCE ON AGRICULTURAL COMPETITION.**

(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Interagency Task Force on Agricultural Competition (in this section referred to as the "Task Force") and, after consultation with the Attorney General, shall appoint as members of the Task Force such employees of the Department of Agriculture and the Department of Justice as the Secretary considers to be appropriate. The Secretary shall designate 1 member of the Task Force to serve as chairperson of the Task Force.

(b) HEARINGS.—The Task Force shall conduct hearings to review the lessening of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.

(2) The concentration and vertical integration of the business operations of such purchasers.

(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.

(5) Marketing innovations and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than 1 year after the last member of the Task Force is appointed, the Task Force shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the findings and recommendations of the Task Force for appropriate administrative and legislative action.

### H.R. 2646

OFFERED BY: MR. THUNE

*[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]*

AMENDMENT NO. 60: At the end, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 932. TASK FORCE ON AGRICULTURAL COMPETITION.**

(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Task Force on Agricultural Competition (in this section referred to as the "Task Force") and shall appoint as members of the Task Force such employees of the Department of Agriculture as the Secretary considers to be appropriate. The Secretary shall designate 1 member of the Task Force to serve as chairperson of the Task Force.

(b) HEARINGS.—The Task Force shall conduct hearings to review the lessening of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.

(2) The concentration and vertical integration of the business operations of such purchasers.

(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.

(5) Marketing innovations and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) Report.—Not later than 1 year after the last member of the Task Force is appointed, the Task Force shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the findings and recommendations of the Task Force for appropriate administrative and legislative action.

H.R. 2646

Offered By: Mr. Tierney

Amendment No. 61: At the end of the bill, insert the following new section:

### SEC. 932. REPORT REGARDING GENETICALLY ENGINEERED FOODS.

(a) In General.—Not later than one year after funds are made available to carry out this section, the Secretary of Agriculture, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) Data and tests.—The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) Monitoring system.—The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) Regulations.—A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Agriculture $500,000 to carry out this section.

H.R. 2646

Offered By: Mr. Traficant

Amendment No. 62: At the end of title IX (page , after line ), insert the following new section:

### SEC. . COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES USING FUNDS PROVIDED UNDER THIS ACT.

(a) Compliance With Buy American Act.—No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, person, or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) Sense of Congress.—In the case of any equipment, products, or services that may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

(c) Notice to Recipients of Funds.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

H.R. 2646

Offered By: Mr. Walsh

Amendment No. 63: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

### SEC. 147. STUDY OF NATIONAL DAIRY POLICY.

(a) Study Required.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the potential direct and indirect effects of the various elements of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;

(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and

(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) National Dairy Policy Defined.—In this section, the term "national dairy policy" means the dairy policy of the United States as evidenced by the following policies and programs:

(1) Federal Milk Marketing Orders.

(2) Interstate dairy compacts (including proposed compacts described in H.R. 1827 and S. 1157, as introduced in the 107th Congress).

(3) Over-order premiums and State pricing programs.

(4) Direct payments to milk producers.

(5) Federal milk price support program.

(6) Export programs regarding milk and dairy products, such as the Dairy Export Incentive Program.

H.R. 2646

Offered By: Mr. Walsh

*[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]*

Amendment No. 64: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

### SEC. 147. OVER-ORDER PRICING SYSTEM FOR FLUID MILK.

Congress hereby finds that dairy farmers, the overall agricultural sector, local farm-dependent economies, and consumers would benefit from an over-order pricing system for fluid milk administered through identical State approved agreements, as referred to in the bill H.R. 1827, as introduced in the 107th Congress, and hereby consents to each of the regional systems set forth in the bill, subject to the condition that the Secretary of Agriculture make a factual determination that there is compelling public interest for the regional system in the States to be served by the regional system. The Secretary shall make the factual determination on a case-by-case basis and, upon making the determination, shall authorize the operation of the regional system in the States to be served by the regional system.

H.R. 2646

Offered By: Mr. Watkins of Oklahoma

Amendment No. 65: At the end of title V, insert the following:

### SEC. . TEMPORARY SUSPENSION OF FORECLOSURE ON CERTAIN REAL PROPERTY OWNED BY, AND RECOVERY OF CERTAIN PAYMENTS FROM, BORROWERS WITH SHARED APPRECIATION ARRANGEMENTS.

During the period that begins with the date of the enactment of this Act and December 31, 2002, in the case of a borrower who has failed to make a payment required under section 353(e) of the Consolidated Farm and Rural Development Act with respect to real property, the Secretary of Agriculture—

(1) shall suspend foreclosure on the real property by reason of the failure; and

(2) may not attempt to recover the payment from the borrower.

# EXTENSIONS OF REMARKS

## PAYING TRIBUTE TO SARA DARNELL

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Sara Darnell on earning the prestigious Fulbright Award, which will allow her to teach and study in the United Kingdom during the upcoming academic year.

Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Government sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one's respective field. In receiving this award, Ms. Darnell was one of only 200 teachers out of 750 applicants to earn the Fulbright Award.

Therefore Mr. Speaker, I ask that my colleagues join me in thanking Sara Darnell for her continued devotion to excellence in education and congratulate her for receiving the Fulbright Award.

## PROCLAMATION FOR ROBERT GREGORY EISNER

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Robert Eisner. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Friday, October 12.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Eisner, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Robert and his family.

## TRIBUTE TO WALESKA MARTINEZ

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MILLER of Florida. Mr. Speaker, I ask that my following statement be entered into the RECORD. It is with great sadness that I inform my colleagues of the loss of a committed public servant, Waleska Martinez. Waleska was a passenger on the United Airlines Flight 93 that was hijacked on September 11, 2001, and crashed outside Pittsburgh, PA.

Waleska Martinez's career with the Census Bureau spanned 13 years during which she worked with strong commitments to excellence and innovation on all major Regional Office automation operations in support of the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1988 as a clerk in the New York Regional Census Center. Within a matter of months she was promoted to an Assistant Manager for Administration position and then to an Administrative Specialist position. During the 1990 Census, Ms. Martinez provided exemplary payroll/personnel support and other administrative support and guidance to all areas of the Regional Census Center and the District Offices. In addition, she developed specialized automation reports and spreadsheets that provided managers with valuable, easy-to-use information on the status of critical administrative activities.

In 1991, upon the successful completion of her 1990 Census Administrative Specialist duties and responsibilities, Ms. Martinez was transferred to the New York Regional Office as a Special Survey Technician. On the basis of her considerable academic and technical background and experience in the areas of computer science and management information systems, Ms. Martinez was called upon to serve as the Regional Office Computer Specialist in early 1993. During the following years of major expansion in Regional Office automation and the introduction of Computer-Assisted Personal Interviewing for the major Current Survey programs, Ms. Martinez kept the New York Regional Office in the forefront of automation support, training, and performance.

In 1998, Ms. Martinez was selected to serve as the Census 2000 Automation Supervisor for the New York Region and was given full technical, operational and managerial responsibility for the entire range of automation hardware, software, and support including a complex telecommunications network for the Regional Census Center and the 39 Census 2000 Local Census Offices.

During her career with the Census Bureau, Ms. Martinez was the frequent recipient of performance awards and special act awards in recognition of her outstanding technical and managerial skills and innovative contributions in all areas of automation. She received the Bronze Medal Award, the highest honorary award granted by the Census Bureau in 1998.

## THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CROWLEY. Mr. Speaker, October 1, 2001, marks the 41st anniversary of the Independence of Republic of Cyprus. It was on this date in 1960 that Cyprus became an independent republic after decades of British colonial rule. Cyprus and the United States have much in common. Both countries achieved their independence from Britain, and commemorate the anniversary of that independence as their national holiday. Moreover, both the United States and Cyprus maintain close relations with Britain today.

Cyprus and the United States also share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under law. This year, the people of Cyprus and the Cypriot-American community mark Cyprus Independence Day with a heavy heart, as the shock and grief over the September 11 terrorist attacks continues to be felt. The leaders and the people of Cyprus have expressed strong condemnation for the terrorists and those who support them, while voicing their solidarity with the American people. The Cyprus government has pledged to cooperate with the U.S. Government and all the other governments engaged in the battle against terrorism. Messages from Cypriot officials and religious leaders, including Cyprus President Glafcos Clerides, the Ministry of Foreign Affairs of Cyprus, the Ambassador of Cyprus to the United States Erato Kozakou Marcoullis, and the Primate of the Cyprus Church, Archbishop Chrysostomos, expressed shock and horror at these devastating attacks and a commitment of support and friendship in a time of need.

Within hours of the terrorist attacks, Cyprus President Glafcos Clerides—who was on his way to New York at the time for meetings at the U.N.—strongly denounced the terrorist attacks. In a message to President Bush the day after the attacks, the Cyprus President strongly condemned, "in the most unequivocal manner, these cowardly, horrific acts against the American people and extend to the families of the victims my heartfelt condolences on behalf of the government and the people of Cyprus." In its September 12 statement, the Ministry of Foreign Affairs of Cyprus noted that, "The terrorist attacks were attacks not against the United States and its people but against the international legal order, democracy, freedom and the most fundamental of all human rights, that of the right to life. Yesterday, terrorists attacked humanity and human dignity." The statement continued, "Yesterday's events underline that the members of the international community, both individually and collectively, must redouble their efforts in a more systematic and coordinated manner to fight terrorism and its sponsorship."

The Cyprus Government, adopting a decision by the European Union, declared September 14 a Day of Mourning for the victims. Flags were flown at half-mast, while high-ranking officials and ordinary people signed a book of condolences at the U.S. Embassy in the capital of Nicosia. Many Cypriots laid flowers at the Embassy.

Overseas Cypriots have also denounced the terrorist attacks against the US, describing them as "barbaric acts against humanity." The International Coordinating Committee Justice for Cyprus (PSEKA), the World Federation of Overseas Cypriots (POMAK) and all their member organizations worldwide, said they were devastated by the terrorist attacks against thousands of people in the U.S. and that "these barbaric acts against humanity prove nothing but the apathy and sickness of those committing them. Our prayers are for the families and with those missing and unaccounted for, and we praise those individuals who have given themselves selflessly, helping to the best of their abilities."

Sadly, at least one American of Cypriot descent was killed in the attacks. Michael Tarrou, 38, an air steward, and his fianceé Amy King, were aboard United Airlines flight 175, which crashed into one of the World Trade Center towers. United States Ambassador to Cyprus Donald Bandler expressed gratitude for the sympathy and support received from the Cyprus government and people and expressed his condolences "to Cypriots who have lost members of their family and friends in this tragic and senseless attack."

Unfortunately, the commemoration of Cyprus's Independence Day is also clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be occupied by a hostile foreign power, as it has been for more than a quarter of a century. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974; the remains of another Cypriot American were found and identified in 1997, following an investigation mandated by the United States Congress.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a "unilateral declaration of independence" in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted secession. To date, no other country in the world except Turkey recognized the so-called "Turkish Republic of Northern Cyprus."

In a landmark May 10, 2001 decision, the European Court of Human Rights found Turkey responsible for continuing violations of human rights, emphasizing that the Republic of Cyprus is the sole legitimate Government of Cyprus and pointing out that Turkey is engaged in the policies and actions of the illegal occupation regime.

Since 1974, the U.N. has adopted numerous resolutions on Cyprus that call for the withdrawal of all foreign forces from the island, the return of the refugees to their homes in safety and respect for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus. The Security Council stated in 1999 that, "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two political equal communities as described in the relevant Security Council resolutions, in a bicommunal and bi-zonal federation and that such a settlement must exclude union in whole or in part with any other country or any form of partition of secession." These parameters were reiterated by the Security Council on June 11, 2001.

The Government of the Republic of Cyprus accepts these parameters as the basis for negotiations leading to the reunification of the island. However, Rauf Denktash, the leader of the Turkish-Cypriot side, backed by Ankara, withdrew from the peace talks last November and earlier this month rejected U.N. Secretary General Kofi Annan's invitation to resume the talks on September 12, claiming the ground had not been prepared for talks and insisting on his demand for recognition of his self-styled regime in Turkish occupied Cyprus.

On September 26, 2001, the U.N. Security Council expressed disappointment over the "unjustified decision" of the Turkish side to decline an invitation by the U.N. Secretary General to resume the search for a comprehensive settlement in Cyprus in New York in September. The Council stressed that "progress can only be made at the negotiating table" and urged all those concerned to cooperate with Kofi Annan and his Special Adviser Alvaro de Soto to help move the peace process forward. Council members encouraged the Secretary General and his Special Adviser to "continue their efforts using the guidelines in Security Council resolutions 1250, namely that there should be no preconditions, that all issues are on the table, that both sides should make a commitment in good faith to negotiate until a settlement is reached and that there should be a full consideration of relevant U.N. resolutions and treaties." They also gave their "full support to the Secretary General's efforts to achieve a comprehensive settlement to the Cyprus problem.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty. Today, Cyprus is one of the leading candidate nations to join the European Union in the next round of expansion, in 3 to 4 years. On June 19, 2001, a concurrent resolution (H. Con. Res. 164) was introduced, "expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union that will provide significant rights and obligations for all Cypriots." The measure has 60 co-sponsors.

On September 15, 2001, U.S. State Department Special Coordinator for Cyprus Thomas Weston reiterated Washington's "unwavering support" for U.N. efforts to find a negotiated settlement in Cyprus and said that the Republic's European Union accession process offers "an incentive" towards achieving this objective. He also said that Turkey, through its engagement with the EU for membership, can and should contribute towards a Cyprus solution. "U.S. policy is very clear on Cyprus" EU accession: we support Cyprus' accession and we believe the accession process offers an incentive and it is helpful to achieve a settlement in Cyprus," Mr. Weston said, noting that Washington continues to back the EU Helsinki conclusions which say a political settlement in Cyprus would facilitate accession but it is not a precondition for EU membership. He added, "we believe that Turkey, through its political dialogue with the EU and the national program it has put forward, can and should contribute towards a comprehensive settlement of the Cyprus question."

The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus stand with the American people at this time of tragedy in the United States, and share in the firm resolve to uphold the ideals of freedom, justice and democracy threatened by the evil hand of terrorism. For our part, on this important day, we continue to stand with the people of Cyprus in the continuing wish for a bizonal, bicommunal and federal Cyprus, created on the basis of the United Nations Security Council resolutions.

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## TRIBUTE TO MRS. ANNA VAYDA

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to a great woman who passed away last month. Mrs. Anna Vayda was 91 years old and a vibrant woman all her life. She was instrumental in the chartering of the American Veterans and American Veterans Auxiliary. In 1946, she came to Washington, D.C. to lobby Congress on providing a national charter for the organization. Through her many trips and tireless efforts, she met the likes of former Speakers John McCormac, Frances Roberts and Tip O'Neill. In addition to lobbying for the national charter, she played a central role in gaining women veterans full membership in the American Veterans and not just the Auxiliary.

Mrs. Vayda is survived by a son, Joseph Vayda; her brother, Walter Zupkofska; nine grandchildren, including my good friend Eva Geoppo; twenty great-grandchildren; and five great-great-grandchildren. They are a testament to Mrs. Vayda's long and successful life. She will be greatly missed and our thoughts and prayers go out to all those who mourn her loss.

## VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING, SEPTEMBER 11, 2001

## HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

### On Behalf of Ethan Casavant and Jaime Santerre—Regarding Education in Vermont Prisons, May 7, 2001

Jamie Santerre. Ethan and I visited the Chittenden Regional Correctional facility.

Ethan Casavant. We spoke with Mary Tripp, a teacher at the facility, one of three. There is her and John Long, who are both full-time teachers, and there is one who is based on independent study and special ed. I don't remember her name, though.

Jamie Santerre. The facility was built in the late 1970s. In the 1980s, the facility had an open library, where people who went there could only, get their GEDS. And the classes that they have now, which are like math, social studies, art, English and science, they started in 1998, where anyone under 22 without a high school diploma had to attend in an attempt to get their high school diploma.

Ethan Casavant. Just to touch up on that a little bit,, even if, say, you are 16 years old and you drop out of high school and end up going to the prison system, you have to go back to the schools to graduate or get your diploma. They won't let you just get off of it or get out of it. But, anyway, the classes are Monday through Friday, like any other school. There is independent study and regular class, like three, four people to a class. There is three classrooms, an art room, and one with science and social studies, that you can't do labs or like chemistry or physics or anything like that, because they can't trust the inmates with any of those materials. The materials are also supplied to them for free so that they can, you know, use them all and learn just like anybody else. They have a library that they can use. For resources, they have some computers, but they don't have Internet access for safety reasons, or any of that. Anything they need to download off the Net, the teachers do before the classes and go over it. The Vermont Correctional Facilities school system are the only schools in the state that require literacy competency before you graduate. Any other high school, you don't have to be fully literate to graduate. And Mary Trip, the teacher we talked to, said that about 20 percent of the population of the inmates attend class regularly. And if you get the diploma from their high school, you have just as good a chance of getting a job as you would from graduating from any other school. You know, you might just not like it for personal satisfaction.

### On Behalf of Derek Wong, Drew Arnold, Tericia Savaglio, and Alex Whittelseui Regarding Broadcasting Executions to the Public, May 7, 2001

Alex Whittelseui. We are from Rice High School, obviously, and our topic was the issue of the morality and ethical viewpoint of broadcasting executions to the public, because we felt it was important, because the upcoming execution of Timothy McVeigh is actually going to be televised and shown on a closed-circuit in the Oklahoma City area. And we feel that that is not going to make justice, it is more going to just make—how do I say this?—just make it worse, because of the fact that it's going to almost glorify what Timothy McVeigh did, and how he is going to die a martyr. And we just feel it shouldn't be shown on TV, and that it is just wrong to do that.

Theresa Savaglio. To begin with, a little bit of background on the execution. He is dying by lethal injection, which is a series of three shots. First he is given a sedative. They are using sodium pentetate. And then they are going to inject pancurium bromide to stop his respiration, and then finally potassium chloride to stop the beating of his heart. That is actually one of the most common forms of capital punishment, because it is the least painful. According to Amnesty International, they believe that any form of execution violates basic human rights, which are stated in the Universal Declaration of Human Rights, and which the United Nations adopted this declaration in 1948. And so they believe that, since we are a member of the United Nations, we should also use this and ban executions. They think that any person sent to death should be able to appeal to a higher court, which we do allow. And Timothy McVeigh's execution is going to be the first capital punishment case for the federal government in, I believe, maybe 38 years. So it is a pretty big issue. Amnesty also believes that, no matter what reason the government uses to execute their prisoners in its custody, and no matter the form of execution, the death penalty can't be separated from human rights, because you are taking this person's life from them. And another interesting aspect of this is that the cost of executing a person and the process to lead up to that is more expensive than life imprisonment, because of all the appeals and court costs.

Congressman Sanders. Okay.

Alex Whittelseui. From a pool of randomly picked 2,621, 1,494 people said that they would not view the execution—which is 57 percent—and 1,127 said they would. And that is just kind of to throw out the fact that most Americans would not want to watch this execution.

Derrick Wong. Those who said they would not watch the execution said that they could not draw anything from seeing a death on television. And they said that an execution on TV would only act as entertainment for our society, which then becomes a pity. People against televised executions are concerned for the condemned's feelings, and of his or her family's feelings as well. They say that it is bad enough that a person has to die for their actions, and that televising it would not have a positive effect. Some say that Phil Donahue wants the execution to be televised because it is his sad attempt to be on primetime television, and those opposed are concerned with the issue of ethics and the morals. There is a huge controversial issue of whether the televised execution of Timothy McVeigh, which is coming up on May 16th, and there is a lot of arguments that his execution should be televised, even among those who oppose capital punishment. Even Timothy McVeigh wants his execution to be televised, because he hopes that he will become a martyr for the people with the same intentions as him, getting revenge against the government. Ashcroft approved a closed-circuit televising of the execution for the 250 to 300 survivors and families of the deceased, but there be no public viewing to the general population. Anti-death penalty activist, Sister Helen Prejean, said that the execution could happen, but she is against it. However, she does not feel it should be televised, and she is the author of Dead Man Walking, and believes that criminals being put to death would just grow if you have it televised. She is aware of assertions that the executions are good for the families of the killer's victims, but says that she does not believe that, and that she has watched the victim's families going through this, watching the person die, waiting for them to die, and being promised it was going to give them closure, and coming out with an empty chair at their dining table, but it hasn't done anything to bring back the life of their loved ones. Execution have been behind closed doors since the 1930s, and in a quote by Richard Tietzer, he supports televising executions because it used to be very public and not done behind prison walls, meaning the more people that know about the death penalty, the better they are going to be able to judge it, and the whole process is carried out in the people's name and they should know if those acting in their name are doing so carefully and humanely. Some view the media as vultures descending on the execution in Oklahoma City to feed on McVeigh's infamy. 1,400 journalists have registered for credentials with the Bureau of Prisons to cover the May 16 execution, at Terre Haute, Indiana, with more reporters in Oklahoma City. The media wants to feed off the fact that there hasn't been a federal execution since 1963. Walter Genic, a journalist professor from southern Illinois, at the University of Carbondale, said that McVeigh's execution is going to be another media orgasm. It is sensationalist lust. And the general feeling from a mother of a daughter who was murdered said that she doesn't feel that it is appropriate to execute someone, especially being televised, because it doesn't do anything except show that this person is dying, and you know that they're dying from witnesses there.

Drew Arnold. There were 23 electrocution executions recorded between 1983 and 1999 in Jackson, Georgia. They were aired on a New York radio program on WNYC, and they said that it was their journalistic responsibility to air the executions. VPR decided not to air them, because, just because it exists doesn't mean it has to be made public. And people don't need to see their taxes at work killing prisoners.

## PAYING TRIBUTE TO JILL SOLOMON

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Jill Solomon on earning the prestigious Fulbright Award, which will allow her to teach and study in the United Kingdom during the upcoming academic year.

Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Government sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one's respective field. In receiving this award, Ms. Solomon was one of only 200 teachers out of seven hundred and fifty applicants to earn the Fulbright Award.

Therefore Mr. Speaker, I ask that my colleagues join me in thanking Jill Solomon for her continued devotion to excellence in education and congratulate her for receiving the Fulbright Award.

## PROCLAMATION FOR EVAN CHRISTIAN BROWNELL

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Evan Brownell. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Sunday, October 7th.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Brownell, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Evan and his family.

## TRIBUTE TO MARION BRITTON

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I inform my colleagues of the loss of a committed public servant Marion Britton. Marion was a passenger on the United Airlines Flight 93 that was highjacked on September 11, 2001, and crashed outside Pittsburgh, Pennsylvania.

Marion Britton's career with the Census Bureau spanned 21 years during which she worked with dedication and distinction on all major Regional Office field data collection operations including the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1980 in New York City as a Field Operations Assistant during the 1980 Census. In 1981, Ms. Britton accepted a position as a Survey Clerk in the New York Regional Office. Desiring a supervisory position, she applied for and was selected in 1983 to participate in the Census Bureau sponsored Upward Mobility Program. In 1989, upon her successful completion of this program, she advanced to a Supervisory Survey Statistician position in the New York Regional Office. In recognition of her considerable abilities to manage technically and operationally complex field data collection operations, Ms. Britton was selected to work on the 1995 Census Test in Paterson, New Jersey, managing the critical coverage measurement operations. The 1995 Census Test was an essential part of the development of the overall design of Census 2000. Ms. Britton had also participated in the initial test of the Computer-Assisted Personal Interviewing coverage measurement instrument and training and contributed input that proved beneficial on a nationwide basis.

After her considerable contributions to the successful completion of the 1995 Census Test, she was promoted in rapid succession to the position of Coordinator in the New York Regional Office in 1996, where she managed and directed several Supervisory Survey Statisticians assigned to Current Survey programs and then to Assistant Regional Census Manager, in 1997. In this position, she was instrumental in leading the crucial preparations and early operations for Census 2000. In 1998, Ms. Britton was called upon to serve as the Assistant Regional Director and given full operational and managerial responsibility for the New York Regional Office during the period of time while Census 2000 was being conducted. This was also a period of major expansion of the Current Survey programs. Shortly after this, she was selected to serve in an expanded managerial role as the Deputy Regional Director which included providing direct guidance and leadership for the Census 2000 Accuracy and Coverage Evaluation. After the completion of Census 2000, Ms. Britton returned to her position as the Assistant Regional Director for the New York Regional Office.

During her career with the Census Bureau, Ms. Britton earned several major honors and awards for her outstanding managerial and technical skills and innovative contributions. She received the Census Award of Excellence in 1988, the Bronze Medal Award, the highest honorary award granted by the Census Bureau, in 1993, and the National Partnership for Reinventing Government's "Hammer Award" in 1999 for her work on the American Community Survey.

## DR. EDWARD AYENSU ON THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McDERMOTT. Mr. Speaker, I would like to include the following statement in the official RECORD. I have the highest regard for Dr. Ayensu, and would like to commend this body's attention to his work. As Dr. Ayensu has rightly stated, the lack of surveillance is a significant problem in the struggle against HIV/AIDS in Africa. If we are to truly overcome this disease, we must heed people like Dr. Ayensu. I hope that my colleagues find his work as beneficial as I have.

THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

My name is Edward S. Ayensu. I am President of the Pan African Union for Science and Technology, Chairman of the Council for Scientific and Industrial Research of Ghana, Member of the Independent Inspection Panel of the World Bank and formerly a Director and Senior Scientist at the Smithsonian Institution in Washington D.C.

The fearsome prospect that HIV/AIDS can inadvertently be transmitted to any one of us—regardless of our social and economic standing—requires that decision makers the world over should make a political commitment to help halt this, the most formidable plague of all time.

As an African whose continent is experiencing untold levels of human suffering because of AIDS, I would like to offer an observation which is based on extensive field experience. Many people are dying needlessly in Africa and in other developing countries because a large percentage of people in these societies have no means of knowing their HIV-status. Knowledge of one's HIV status provides a powerful stimulus towards self-protection. For those who test HIV-negative, the realization that they are yet to be attacked by the virus results in a strong determination to remain forever free of the disease through the accepted means of self-protection. For individuals who test positive, there is generated a powerful restraint on infecting others. The net outcome is a dramatic check in HIV-spread.

Based on our current knowledge of the disease, it is evident that early diagnosis of the infection has enormous benefits for both HIV-negative and HIV-positive individuals. A key line of defense against the rapid spread of the disease accordingly is to ensure that everybody in a vulnerable community is tested as soon as possible—certainly long before the disease begins to break down the immune system and the external manifestation of its dreadful effects set in.

It is therefore absolutely essential that we employ the best and the most efficient and practical ultra rapid test kits available today to undertake a mass Shielded Testing and Counseling Program. Most of the currently available tests for HIV are laboratory based and unsuitable for mass testing in the field where the required infrastructure may not be available. However, most of the available rapid tests are not suitable partly because of an unacceptably high percentage of false positives and negatives, and also because of the need for unwieldy logistical support services such as refrigeration.

First and foremost the assay must be for blood, serum or plasma and must be stable at temperatures ranging from −20°C to +45°C. This is particularly important because the high HIV prone areas are in pan tropical regions of the world and in countries where the rural communities do not have refrigeration facilities for tests that require it. The test has to be fool proof in its performance with built-in controls to avoid misinterpretations. It must be designed not to produce false-positive and false-negative results. The sensitivity and specificity must be 100 per cent. It must be suitable for mass testing (e.g. up to 1000 people per day with a team of four persons administering the test and serving as counselors). It must be a test that is suitable for clinics, doctors' offices and rural areas where medical infrastructure does not exist. The cost must be lower than the costs for laboratory tests. Finally, it must enable the use of simple pictorial instructions so that uninstructed persons can perform it.

For HIV-positive individuals, the heightened awareness of the possible onset of opportunistic diseases enables the latter to be quickly addressed. It further enables the individual to assume a new lifestyle (including good nutritional habits and sufficient exercise) and to take medication that reduces the viral load in the blood. The knowledge of being diagnosed HIV positive will enable the individual to avoid transmitting the virus to others. It will also help the person to develop long-term plans for his or her future and dependents.

The problem of arresting the rapid spread of HIV/AIDS is by no means confined to the developing countries. There are, however, highly vulnerable communities (sometimes enclaves) in the developed countries, where the HIV/AIDS transmission is largely heterosexual, and the communities in question are relatively speaking, socially deprived or disadvantaged.

It is therefore necessary that the current spread of the disease be viewed as a universal problem, which knows no boundary and requires the collective effort of us all to contain it.

## INSTALLATION OF THOMAS AHART AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate Thomas B. Ahar of Phillipsburg, New Jersey, on his installation as President of our nation's largest insurance association—the Independent Insurance Agents of America (IIAA)—next month in Honolulu. As president of Ahart, Frinzi & Smith in Phillipsburg, Tom was elected to IIAA's Executive Committee in October of 1996 and honored by his peers last year when he was named President-Elect. His career as an independent insurance agent has been marked with outstanding service and dedication to his clients, community, IIAA, the Independent Insurance Agents of New Jersey, and his colleagues across the country.

Tom began his volunteer service within the insurance industry with the Independent Insurance Agents of New Jersey where he served as president and chairman of the board. He also represented the state as its representative to IIAA's National Board of State Directors. He was chairman of IIAA's Education Committee for four years before being elected to the Association's executive leadership panel. As a member of IIAA's Executive Committee, he has worked to strengthen the competitive standing of independent agents by helping to provide the tools they need to run more successful businesses. Outside IIAA, Tom has served as a member of the board of the New Jersey Joint Underwriting Authority and was president of the Eastern Agents Association. He has served as an advisor to the American Institute for Chartered Property Casualty Underwriters and the Insurance Institute of America.

During his dedicated time with the insurance industry, Tom has been honored with several state and local awards. They include the 1982 New Jersey Young Agent of the Year, the 1986 and 1987 New Jersey Executive Committee Chairman of the Year Award, the 1993 New Jersey Insurance Person of the Year Award, and the 1994 IIA of Hunterdon/Warren County Agent of the Year Award.

Tom also has distinguished himself as an active and concerned member of his community. He has served as a member of his local school board, a trustee at his church, and a little league coach for 25 years, involved with boy's wrestling, boy's baseball, girl's basketball and girl's softball.

During these productive and active years, Tom has accomplished much. I bid him a successful year as president of the Independent Insurance Agents of America. As his past accomplishments show, Tom will serve his fellow agents with distinction and strong leadership. I wish him all the best as IIAA President.

## RECOGNIZING THE FIRST SUCCESSFUL TRANSPLANT OF A TOTALLY IMPLANTABLE ARTIFICIAL HEART

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. NORTHUP. Mr. Speaker, I would like to take this opportunity to praise a pioneering medical event that took place in my district, Louisville, KY, on July 2, 2001. The horizons of medical possibilities were expanded when, at Jewish Hospital, a team of doctors led by Drs. Laman A. Gray, Jr., M.D. and Robert D. Dowling, M.D. successfully performed the world's first totally implantable artificial heart surgery. The doctors, supported by a team of fourteen nurses and staff, completed the procedure in seven hours. I am pleased to report that the recipient of the first ABIOMED heart, Robert Tools, is resting comfortably and improving steadily in his daily physical rehabilitation. Mr. Tools fit a precise profile that was required for the first recipient, and the opportunity to receive the heart was virtually his only chance of survival after years of struggling with heart disease. Three months after the surgery, we are joined by his doctors in being encouraged by his improving strength and mobility.

Not only has this surgery changed the life of one man who was facing near certain death, but it has stretched the boundaries of medical possibilities for people around the world. This outstanding achievement would not have been possible without the teamwork and unyielding efforts of the doctors, researchers and medical professionals who have worked for over twenty years toward the goal of creating a totally implantable heart. In an alliance of the public and private sectors: Jewish Hospital, The University of Louisville and ABIOMED, Inc., came together to ensure that their goal was met. In doing so, they have created an opportunity for over 100,000 people in the United States alone to have access to a life-saving procedure that did not exist prior to this breakthrough.

With the current shortage in the supply of organ donors, the creation of a totally implantable artificial heart is unmatched in its medical significance. I am so impressed with the bravery shown by everyone involved in this event—from the medical professionals to the patient and the patient's family. I would like to commend the team of doctors and researchers at Jewish Hospital, The University of Louisville, and ABIOMED, Inc, who worked tirelessly for so many years toward this goal. Furthermore, it is overwhelming to imagine the courage it must have taken for Mr. Tools and his family to become part of the team, and I thank them for their irreplaceable contribution.

I am proud to report that just two weeks ago at Jewish Hospital, the second totally transplantable heart surgery was performed by Drs. Gray and Dowling. The doctors report that the patient, Tom Christerson, is tackling his recovery head-on. I am hopeful that success stories such as these will begin to be told at hospitals around the country. Through continued teamwork and support for medical research, I am confident that they will.

As we move ever-forward in the field of heart medicine, I will always be grateful to the wonderful team in Louisville on whose shoulders the initial responsibility of stepping forward rested. Their efforts have created an unprecedented opportunity for hundreds of thousands of patients facing fatal heart disorders. For that I am truly thankful. I hope that the efforts of Drs. Dowling and Gray, Jewish Hospital, The University of Louisville, ABIOMED and their patients will inspire us to continue striving for such medical excellence.

## A PROCLAMATION HONORING DANIEL LEE NEFF

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. NEY. Mr. Speaker, Whereas, Daniel Lee Neff served as director of Ohio's Office of Appalachia under former Governor George Voinovich from '94–'98, and assistant director from '91–'94; and

Whereas, Mr. Neff is a veteran public policy professional in Ohio and Executive Director of the Ohio Mid-Eastern Government's Association in Cambridge; and

Whereas, Mr. Neff has been selected as Director of Local Development Districts for the Appalachian Regional Commission and Managing Director of the Development District Association of Appalachia; and

Whereas, Mr. Neff has proven how local leaders working at the grassroots can spark regional and local positive change for all Appalachian communities;

Therefore, I commend his contributions as a citizen and leader and support and wholly affirm his appointment that gives honor to Ohio as he continues to achieve great things for his Appalachian neighbors.

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## HONORING ROD SINCLAIR

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a friend, Rod Sinclair of Mariposa County, CA in my district. Rod passed away early Tuesday morning at the John C. Fremont Hospital in Mariposa.

Rod spent 27 years serving the people of Mariposa County as a deputy Sheriff, Sergeant and Captain in the Mariposa County Sheriffs Department. As a very visible figure in the community, Rod was known to all as a practical, friendly 'old style' officer, who was able to enforce the law by knowing the who, what, when and where about everything that was happening in the community. Later in his career, he was responsible for modernizing the Sheriff's Information systems, and took great delight in learning the newest technology.

After work and on weekends, Rod spent innumerable hours working in support of youth sports, particularly football. He maintained the football field at the fairgrounds, and made sure that the "Mustangs" stayed organized, active and funded through community support.

Following his retirement, Rod was a visible fixture at the Mariposa Fairgrounds where he volunteered doing maintenance and special projects as needed by his wife, Linda, who is the Fair Manager.

Rod will be missed by his wife Linda Sinclair, and his sons Ed and Jeffrey. Ed has followed Rod as a Deputy Sheriff in Mariposa, and Jeffrey serves his country as a Lieutenant Commander on board the USS *Enterprise*.

Mr. Speaker, I am saddened by this loss. Mariposa County has lost one of its true characters and community supporters with the passing of Rod Sinclair.

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## REMOVING THE HANDCUFFS FROM THE INTELLIGENCE COMMUNITY

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BEREUTER. Mr. Speaker, in 1995, the Central Intelligence Agency established guidelines that limited the ability of its field personnel to recruit individuals with checkered backgrounds. Henceforth, the human rights history of potential assets would have to be thoroughly vetted. This limitation has been criticized by the National Commission on Terrorism, by former CIA Directors Woolsey and Gates, by the Vice-President, and others. They correctly note that it is precisely those individuals with shady backgrounds who are able to infiltrate terrorist organizations. If we are to penetrate and destroy highly secretive networks such as al Qaida, then we must deal with some very unsavory characters. We must remove the handcuffs from our intelligence service.

Mr. Speaker, this Member places into the RECORD a prescient op/ed from the September 14, 2001, edition of the Norfolk Daily News. Entitled "Spies Needed to Stop Terrorism," the editorial correctly notes that this nation must overcome its aversion to old-fashioned spying and aggressively seek to infiltrate and destroy terrorist networks. Therefore, this Member strongly urges his colleagues to carefully read this editorial as this is one area that we must reform successfully to win the war against terrorism.

#### SPIES NEEDED TO STOP TERRORISM

NEW REPORT SHOWS WHY COVERT ACTIVITIES AND USE OF INFORMANTS ARE NECESSARY

This week's terrorist acts have introduced Americans to a frightening new world in which terrorism could someday be even worse—nuclear bombs in suitcases, for instance—and what that means is that we have to become as surefire as possible in stopping it. We won't if we do not get over our aversion to old-fashioned spying.

As the National Commission on Terrorism pointed out in a report last year, you cannot prevent terrorism if you don't know the plans of the terrorists, and you cannot know the plans unless you infiltrate terrorist organizations. Six years ago, the CIA backed off aggressive recruitment of infiltrators because some of them had themselves committed despicable acts. The agency no longer wanted to dirty its hands.

But as the commission report observes, police have long used informants who were themselves criminals. The public accepts the practice for the obvious reason that it helps police control crime. Controlling terrorism is an even more compelling reason to put aside qualms, for as the commission noted and this week's terrorism demonstrates, terrorism has graduated from a Marxist-Leninist model of killing relatively few to a fanatical model of killing as many as possible.

The commission analysis is that the Marxist terrorists had a political agenda that they felt could not be fulfilled it their acts took too many lives and spurred widespread public disgust, whereas the religiously motivated terrorists of today are simply seeking revenge. If it is hate that drives you more than the accomplishment of a particular goal, the more deaths achieved, the more satisfaction. We already know that thousands were killed Tuesday. Armed with nuclear weapons, terrorists could kill millions, and that fact provides a context in which the question of spying should be considered.

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## SECRETARY DON EVANS REGARDING KAMCO

### HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LATOURETTE. Mr. Speaker, I was heartened by the response that I received from the Honorable Donald Evans, Secretary of the U.S. Department of Commerce, regarding the Korean Asset Management Corporation (KAMCO) and its relationship with Dongkuk Steel Mills of South Korea. Secretary Evans' statement is indicative of a genuine commitment on the part of the Administration to ensure that a fair and equitable environment is prevalent for American steelworkers. I look forward to working with Secretary Evans in the near future to help safeguard and protect our domestic steel industry.

THE SECRETARY OF COMMERCE
*Washington, DC, August 17, 2001.*

His Excellency CHANG, CHE SHIK,
*Minister of Commerce, industry, and Energy of the Republic of Korea, Seoul.*

DEAR MR. MINISTER: I enjoyed meeting President Kim and Minister Hwang at the CBCD Ministerial earlier this year. I felt we had good meetings and very productive discussions, and I look forward to continuing those discussions with you.

One of the first issues I would like to discuss regards the upcoming September auction of Hanbo Iron and Steel by the Korea Assett Management Corporation (KAMCO). As you know, the United States has long term concerned about financial support for Hanbo from the Government of Korea. To put this issue in its proper context, in a 1998 exchange of letters with our government, the Korean Government stated that the sale of Hanbo would take place under a transparent process following international customs and practices. There were also assurances that Hanbo's creditors were committed to selling Hanbo through international competitive bidding that would "provide equal opportunities for all potential purchasers and that the market will dictate the terms of the assets sales and disposition." In addition, the Korean Government has assured the United States that POSCO would not bid on Hanbo and that the Korean Government would not provide financial support for the purchase of Hanbo.

I am encouraged by KAMCO's commitment to auction the company, in whole or in part, as well as its refusal to enter into private, non-transparent negotiations with companies before the open bidding process has begun. As KAMCO prepare to complete the sale of Hanbo, I would like to emphasize that it is important that the auction be conducted in the most open and transparent manner possible.

Toward this end, I believe it is imperative that (1) the Korean Government only accept market-based bids, from financially sound firms; (2) financing from Korean Government-owned or controlled banks not be used to secure any sale; and (3) the bid selection process be based on commercial, not political factors. I feel strongly that by implementing these guidelines the Korean Government will fulfill its previous assurances that Hanbo will not receive any further government support and will be sold through a market-based process.

I appreciate your concern and continued cooperation in ensuring that the sale of Hanbo is completed as efficiently and expeditiously as possible. I look forward to working with you in the future.

Warm regards,

DONALD L. EVANS.

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*July 10, 2001.*

Hon. DONALD EVANS,
*Secretary, U.S. Department of Commerce, Washington, DC.*

DEAR SECRETARY EVANS: Both domestic and foreign steelmakers generally acknowledge the worldwide excess production capacity has seriously harmed U.S. steelmakers. There may be differences in various studies about how much excess capacity exists, but all involved seem to agree that much of the excess has been caused by market distorting subsidies and that these should be stopped.

Dongkuk Steel Mills of South Korea is an excellent example of a financially weak company that has used political muscle to get government loans at subsidized interest rates to survive and expand. During the last three years Dongkuk earnings have failed to equal its interest expense. This should be measured against a benchmark articulated by McKinsey & Co., a highly respected international consulting company, which provides that a company with less than two times interest coverage is likely to fail. Generally, even "junk" quality coverage ratio. Dongkuk has apparently just been granted an $80 million credit facility by Korea Development Bank (KDB), an agency of the Korean government which is funded indirectly by the IMF. The loan is at an interest rate well below what the company could get in the normal course of business. We have been critical in the past of Korean government loans of this type which have been used to build additional steel capacity and have indirectly come from IMF funds.

By all measures, Dongkuk is the weakest of the (non-bankrupt) steel mills in Korea and should not have been eligible for the KDB loan due to its size (larger than allowed) and poor credit standing. It has arranged for stories in the Korean press claiming that it has been profitable in 2001. However, its financial filings with the Korean government Financial Supervisory Service shows a large loss. Dongkuk has also been found guilty of dumping both steel plate and rebars in the U.S. market. It appears that the company has dumped its products in the U.S. to generate high gross sales numbers to support its campaign for a government subsidy to help bail out an unprofitable company, even though these sales were unprofitable.

Dongkuk's public campaign has been extended to the U.S. where a recent delegation of Korean steel industry leaders that came to the U.S. to lobby various trade officials was composed of nearly only officials of Dongkuk and its subsidiary, Union Steel.

I am writing to request that your office initiate an investigation into Dongkuk's financial arrangements, including its use of IMF funds through the Korean Development Bank to provide subsidies to the Korean steel industry. Please also advise us whether these arrangements violate any of the U.S. trade laws and please also take such actions as they may be appropriate to ensure that Dongkuk is barred from acquiring any additional steel assets, either directly or indirectly, in Korea as long as it continues to obtain subsidized funds from the Korean Development Bank.

I want to thank you in advance for your kind consideration of my request and I look forward to hearing from you in the near future. I remain

Very Truly Yours,

STEVEN C. LATOURETTE,
*Member of Congress.*

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## IDAHO'S RESOLUTION FOR ENERGY POLICY

### HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. OTTER. Mr. Speaker, I respectfully offer for my colleagues' attention the following astute remarks contained in the resolution proposed by the Canyon County Republican Central Committee and adopted by the Idaho Republican Party at its 2001 Summer State Central Committee Meeting on June 16, 2001. 1 could not agree more with the statements and sentiments of my fellow Idaho Republicans, and am pleased that this Congress has begun to take steps to see that the energy goals of Idaho and other states are fulfilled as quickly as possible.

A RESOLUTION OF THE IDAHO REPUBLICAN PARTY

Whereas, over the last decade, the West has experienced tremendous economic and population growth. The growth has resulted in significant new demands on energy resources of all types. Over the last year, the United States, and the West in particular, have seen its surplus energy resources disappear, resulting in unprecedented prices for electric energy and natural gas. This situation has resulted in curtailment of energy intensive industries and subsequent employment displacement. Furthermore, the situation has revealed that there is not adequate amounts of electric energy generation or electric and gas transmission available to meet current or future needs due to a variety of reasons, including non-existent national energy policy, lack of new investment in construction, inefficient sitting regulations, local opposition, and a myriad of statutory and regulatory impediments;

Whereas, the West plays a critical role in energy policy and development due to its abundance of natural gas, clean coal, hydropower resources, and emerging non-hydropower renewable resources;

Whereas, the citizens of Idaho have historically been the beneficiaries of some of the lowest energy costs in the United States largely because of the clean, renewable hydropower, an efficient electric distribution and transmission system and proximity to affordable natural gas reserves and pipelines;

Whereas, these energy resources have played a significant role in the development of Idaho's economic prosperity and will play a key role in future economic growth and energy cost affordability for Idaho citizens;

*Now, therefore, be it resolved*, That the Idaho Republican Party urges policy makers at all levels of government, to support and enact energy policies that continue to allow Idaho citizens to have access to clean, affordable, and reliable energy. These policies should include, but are not limited to, a streamlined regulatory process for construction and operation of electric generation, electric transmission, and natural gas pipelines. These policies should also specifically include support for hydropower relicensing reform, improving energy efficiency and conservation, development and deployment of new technologies for traditional and emerging generation systems and short-term measures to support low-income families with energy payments.

*Be it further resolved*, That policy makers at all levels coordinate their policies and procedures with each other to maximize taxpayer dollars and provide non-duplicative, efficient and effective government oversight responsibility.

This resolution proposed by the Canyon County Republican Central Committee, was duly considered and adopted by the Idaho Republican Party at its 2001 Summer State Central Committee Meeting.

IN WITNESS WHEREOF I have hereunto set my hand and Seal of the Part at Twin Falls, Idaho, this 16th day of June, A.D. 2001.

Trent L. Clark, State Party Chairman

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## TRIBUTE TO PORT AUTHORITY EMPLOYEES LOST ON SEPTEMBER 11, 2001

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to all those who perished in the attacks on America on September 11, 2001. To their family members and friends, words cannot adequately express the feelings that I and all Americans have for the pain and loss they have and will continue to endure.

Among the brave firefighters and police officers and thousands of other innocent people who perished in the collapse of the World Trade Center, were seventy-four employees of the Port Authority (PA) of New York and New Jersey. These men and women, who were dedicated to making our transportation system in the New York and New Jersey the best in the world, are sorely missed by their families, friends and a grief stricken nation. The energy, the innovation, and the commitment to public service of these PA employees will long be remembered by me and a grateful nation.

The work and sacrifice of these PA officials must not only be remembered by America and all Americans, but it also must be honored. I will honor these brave men and women by building on the proud legacy they have left to the PA.

Clearly, the American people's united commitment to continuing our love of freedom, democracy, rule of law, tolerance and justice, will prevail during the ensuing days and months as our nation pursues all those responsible for the September 11, 2001, attack on America. In that struggle, let us neither waiver nor bend in our global campaign against those who cut short the lives of thousands of Americans.

Mr. Speaker, I ask that the attached list of Port Authority of New York and New Jersey employees who were lost in the September 11, 2001 attack on the World Trade Center be included in the CONGRESSIONAL RECORD.

Deborah H. Kaplan, Douglas G. Karpiloff, Sergeant Robert M. Kaulfers, Frank Lalama, Officer Paul Laszcynski, Officer David P. Lemagne, Officer John J. Lennon, Officer John D. Levi, Executive Director Neil D. Levin, Margaret S. Lewis, Officer James F. Lynch, Robert H. Lynch, Myrna Maldonado, Captain Kathy Mazza, Officer Donald J. McIntyre, Officer Walter A. McNeil, Dir./Supt. of Police Fred V. Morrone, Officer Joseph M. Navas, Pete Negron, Officer James Nelson, Officer Alfonse J. Niedermeyer, David Ortiz, Officer James W. Parham, Nancy E. Perez, Officer Dominick A. Pezzulo, Eugene J. Raggio, Officer Bruce A. Reynolds, Franceis S. Riccardelli, Officer Antonio J. Rodrigues, Officer Richard Rodriguez, Chief James A. Romito, Kalyan K. Sarkar, Anthony Savas, Officer John P. Skala, Edward T. Strauss, Officer Walwyn W. Stuart, Officer Kenneth F. Tietjen, Lisa L. Trerotola, Officer Nathaniel Webb, Officer Michael T. Wholey, Joseph Amatuccio, Officer Christopher C. Amoroso, Jean A. Andrucki, Richard A. Aronow, Ezra Aviles, Arlene T. Babakitis, James W. Barbella, Officer Maurice V. Barry, Margaret L. Benson, Daniel Bergstein, Edward Calderon, Officer Liam Callahan, Lieutenant Robert D. Cirri, Carlos Dacosta, Dwight D. Darcy, Niurka Davila, Officer Clinton Davis, Frank A. De Martini, William F. Fallon, Stephen J. Fiorelli, Officer Donald A. Foreman, Officer Gregg J. Froehner, Barry H. Glick, Officer Thomas E. Gorman, Joseph F. Grillo, Ken G. Grouzalis, Patrick A. Hoey, Officer Uhuru G. Houston, Officer George G. Howard, Officer Stephen Huczko, Inspector Anthony P. Infante Jr., Prem N. Jerath, Mary S. Jones, Officer Paul W. Jurgens.

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## MUSCULAR DYSTROPHY CHILDHOOD ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

SPEECH OF

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001. I would also like to thank my colleague Mr. ROGER WICKER and Chairman BILIRAKIS for their leadership on this issue.

Mr. Speaker, Duchenne Muscular Dystrophy (DMD) is the most lethal childhood genetic disorder worldwide, affecting approximately one in every 3,500 boys. DMD is hereditary and is characterized by rapidly progressive muscle weakness that almost always results in death by 20 years of age. Unfortunately, there has been little emphasis placed on research to find a cure for this horrible disease. I was pleased to see Mr. WICKER take the lead by introducing H.R. 717, and I was proud to sign on as a cosponsor. This bill will create research centers within the National Institutes of Health (NIH) and the Centers for Disease Control (CDC) to increase data collection, epidemiological studies, and surveillance activities. I am hopeful that the added emphasis and resources this bill provides will speed advances in the treatment of this terrible disease. It is an important piece of legislation that will give hope to those who suffer from DMD and those who care for them. I urge my colleagues to give it their support.

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## THE INTERNATIONAL VENTURE PHILANTHROPY FORUM

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join in me in recognizing a landmark event that will take place next week in Budapest, Hungary. The International Venture Philanthropy Forum (IVPF), sponsored by the Nonprofit Enterprise and Self-Sustainability Team (NESsT), will bring together social entrepreneurs, corporate leaders, and donors to discuss methods for advancing venture philanthropy in developing nations. This mission merits the attention of all Members of this House, as it is inextricably linked to the role of civil society organizations as advocates for freedom and public welfare in emerging democracies.

We all remember the euphoria that accompanied the collapse of the Iron Curtain a decade ago. We recall the joy of seeing democracy and human rights restored to long-suffering peoples, of watching Berliners dance on the Berlin Wall and Czechs celebrate in the streets of Prague. These revolutions inspired us all; nevertheless, they did not eliminate our fear that these miraculous changes might prove fleeting. The tragedies of the twentieth century justified this concern. As Slovak hero Alexander Dubcek told the celebrating throngs in Wenceslas Square: "An old wise man said, 'If there once was light, why should there be darkness again?' Let us act in such a way to bring the light back again."

During the years after the demise of the Warsaw Pact, the governments of the United States and Western Europe helped to keep the beacon shining. Billions of dollars in aid and expertise flowed into these new democracies, much of which went to strengthen the work of budding nongovernmental organizations (NGOs) across the region. These NGOs served as the "glue" of civil society, looking out for public interests that otherwise might have been underrepresented in the cacophony of change: environmental protection, small business development, rights for children and the disabled, freedom of the press, and a host of other vital causes.

Mr. Speaker, this international financial assistance helped NGOs to smooth the transition from communism to more vibrant societies. However, the need for nonprofit community support continued to grow throughout the 1990's. The planned doctrines of yesteryear were supplanted overnight by new sets of uncertain rules and unanswered questions: How can social guarantees—albeit unpopular ones—be replaced without dramatically increasing poverty levels? How can entrepreneurship be nurtured in lands that had previously regarded this trait as criminal? What role should enterprise play in encouraging growth, upholding worker rights, and protecting natural resources? NGOs throughout this region often bear the responsibility of answering these questions and helping to fill the gaps passed over by social change.

To this day, available financial resources fail to satisfy these mounting needs. The discretionary income of populations in most emerging democracies is generally not high enough to support philanthropy, especially given the lack of a recent local traditions of private charity. Consequently, many NGOs still depend principally on foreign aid sources, reflecting a lack of financial diversity that foreshadows an array of real and potential difficulties:

As the demand for capital grows, some governments and private funding institutions have reduced their commitment to foreign aid. Given their financial dependence, NGOs are subject to the consequences of these choices. Available funds are often earmarked for specific projects, leaving NGOs with limited resources to built organizational capacity. Given the short-term commitment that such grants usually entail, nonprofits may feel the need to "go where the money is," even at the expense of their missions and operating goals.

Mr. Speaker, the call to expand the nonprofit capital market in emerging democracies is one that must be heard throughout the international community. The IVPF—by exploring the potential of venture philanthropy models and their practical application to developing economies—will address this ever-growing mandate.

What is venture philanthropy? Quite simply, it involves applying the tools of the for-profit sector to expand the reach of the community organizations. Practitioners stretch the nonprofit capital market by asking beneficiaries to act like business people. Venture philanthropists often offer loans and equity equivalents rather than traditional donations; engage nonprofit managers with an array of technical and strategic advisory service; build organizational capacity through the development of skills and networks; and, most important of all, set clear performance goals and expect "portfolio members" to achieve concrete social and/or financial returns on investment.

Mr. Speaker, I am proud to say that the Roberts Enterprise Development Fund (REDF), recognized worldwide as an innovative force in this field, operates in and around my Bay Area congressional district. Principals from REDF and a wide array of venture philanthropy trendsetters will be featured at the IVPF, and their contributions will be melded with those of George Soros, Karl Schwab, and dozens of leading corporate and humanitarian voices from across the international community. The tragic events of September 11th will make it impossible for me to join them; nevertheless, I am excited by the Forum's role as a catalyst for the expansion of the nonprofit capital market in emerging democracies around the world.

Above all, I would like to pay tribute to the principal sponsor of the IVPF, the Nonprofit Enterprise and Self-Sustainability Team. From its offices in Budapest and Santiago, this organization has emerged as an international leader in the effort to foster social entrepreneurship and venture philanthropy in developing nations. NESsT's co-directors, Nicole Etchart and Lee Davis, direct initiatives that clearly address the challenges and needs of NGOs in Central Europe and Latin America.

Last year, NESsT launched the NESsT Venture Fund (NVF) in Central Europe, which seeks to assist a portfolio of NGOs as they diversify their financing sources through entrepreneurship. The NVF invests both financial and capacity-building assistance to expand these social enterprises and generate new, sustainable income for NGOs to supplement philanthropic support. I am pleased to note that the United States Agency for International Development (USAID) is in the process of making a $300,000 award to support this work. Given the innovative nature of this project as well as the outstanding track record of NESsT's leaders, I can think of few better uses for USAID resources.

During the Forum, NESsT will also introduce "Not Only For Profit: Innovative Mechanisms for Philanthropic Investment," a book analyzing the unique contributions of eleven pioneers to the development of the nonprofit capital market. These organizations—all of which will be represented at the Forum by founders and senior staff—include: The Calvert Foundation, The EcoEnterprises Fund (The Nature Conservancy), Endeavor, the Environmental Loan Fund (Environmental Support Center), FOLADE, Integra Ventures, Investors in Society (Charities Aid Foundation), the Local Investment Fund, New Profit Inc., REDF, and the South-North Development Initiative. I look forward to reading—and learning from—this book.

Mr. Speaker, for all these reasons and many more, I urge my colleagues to join me in recognizing the important mission of the International Venture Philanthropy Forum and the outstanding contributions of its principal sponsor, the Nonprofit Enterprise and Self-Sustainability Team.

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## HONORING FRANK HARRIETTE CALDWELL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the loss of a very generous, caring member of our community. Frank Harriette Caldwell died on Sunday, September 16, 2001 after enduring a prolonged illness. A woman devoted to helping others, "Frankie" passed away at the age of 83.

Mrs. Caldwell was born on June 2, 1918 in Galveston, Texas. She received her teaching degree at the University of Denver and began her life of service. She started teaching in Colorado at the Mitchell Elementary School in 1956 and remained there for twenty-seven years. She retired from teaching in 1983. Although her career in teaching contributed significantly to the children in her community, she did not stop there. She was also active in fundraising for charities, an active member of the Denver Links and contributed significantly to other local organizations including the Denver Junior Police Band. In addition to these contributions to her community, she was a loving wife of sixty years and mother to four. Mrs. Caldwell was also the proud grandmother to eleven and great-grandmother to seven.

Mr. Speaker, Mrs. Caldwell was a valued member of her community and will be missed by many. Her charity has affected so many lives in so many ways. She will be remembered and loved for all that she has done. I would like to express my deep sympathy to her family in this time of mourning and thank her for the contributions to our community.

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## RECOGNIZING THE HARLEY DAVIDSON FINAL ASSEMBLY PLANT OF KANSAS CITY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Harley Davidson Final Assembly Plant of Kansas City for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families, and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses and workers like Harley Davidson the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, the Harley Davidson Final Assembly Plant of Kansas City has raised more than $5,000 from its employees and an additional $1,800 in T-Shirt and flag sales. Nationwide, Harley Davidson has contributed more than $1,000,000 to assist in the rescue efforts and to provide for the grieving families. Additionally, 32 police motorcycles have been donated to the New York Police Department. The patriotism and persistence of Harley Davidson and its employees is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

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## THANK YOU TO THE BOARD OF DIRECTORS OF THE RATTERMAN/SHELL MEMORIAL SCHOLARSHIP FUND FOR MAKING A DIFFERENCE IN BRADLEY COUNTY, TN

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAMP. Mr. Speaker, I invite my colleagues to join me in commending the work of a very special group of individuals from Cleveland, TN. The Board of Directors for the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund has provided college funds to many high school students in Cleveland and Bradley County area for 15 years.

On June 21, 1986, Scott Ratterman passed away. To honor his memory, his friends and colleagues created a college scholarship fund that would award one deserving Cleveland High School senior $1,000 for his or her college graduation. When Ed Shell—a very active board member of the Ratterman Memorial Scholarship Fund—passed away in July 1990, the Board of Directors renamed the fund the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund. With Mr. Shell's passing, an additional scholarship was added to include Charleston High School.

In 1995, the Board of Directors expanded and created 4-year scholarships. To mark the 11th anniversary of Mr. Ratterman's death and the 7th anniversary of Mr. Shell's death, an additional scholarship to a Bradley County High School student was added to the fund. The Board of Directors has since expanded again to include Cleveland State Community College and Middle Tennessee State University.

Over the past 15 years, the Ratterman/Shell Memorial Scholarship Fund has raised and contributed over $101,000 to deserving local students. A majority of the contributions come from a golf tournament that is held every second Friday in October. Again this year, many citizens in Bradley County will come together as a community to help raise money to defray the cost of a college education for hard-working students.

When a noble idea is coupled with a dedicated group of people—great things can happen. I want to thank all those involved in the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund for their vision and hard work.

## ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 41st anniversary of the Republic of Cyprus. It was on October 1 in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

While we are pleased to celebrate this joyous day in Cyprus history, it is with a heavy heart in light of the September 11 terrorist attacks. I am deeply appreciative to the people of Cyprus and the Cypriot-American community who have extended their voices of support and have expressed strong condemnation for the terrorist attacks. In fact, within hours of the attacks, Cyprus President, Glafcos Clerides, strongly denounced the terrorist acts.

Unfortunately, Cyprus is not without its own difficult history; 37 percent of this nation is still occupied by a hostile foreign power, and it has been for more than 25 years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Every year, on or around July 20, 1, along with my dear friend Representative BILIRAKIS, sponsor a Special Order to remember the anniversary of the Turkish invasion in a tradition that has become one of our proudest traditions.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Today, Cyprus is one of the leading candidate nations to join the European Union in the next round of expansion, in 3 to 4 years.

While we are hopeful that a unified Cyprus will join the EU, fortunately, it is not a precondition to accession as the leader of the Turkish Cypriot side, Rauf Denktash has continued to balk at resuming peace talks. He rejected U.N. Secretary General Kofi Annan's invitation to resume talks for a unified Cyprus.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The United States has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together in this bittersweet time, celebrating democracy and freedom while mourning a horrific tragedy.

Thank you.

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## AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAXMAN. Mr. Speaker, on September 21, the House passed H.R. 2926, legislation providing billions of dollars of financial relief to the airline industry from the September 11 terrorist attack. Unfortunately, H.R. 2926 was rushed through the legislative process without any independent assessment of the actual losses incurred by air carriers or consideration by the relevant committees. And it was considered on the House floor under a rule that prohibited any amendments and limited debate to one hour.

Although I support the well-meaning intentions that motivated H.R. 2926 and the paramount need to provide aid to the victims of the September 11 tragedies, I oppose this fundamentally flawed bill and want to take a few minutes to explain my reservations.

H.R. 2926 fails to address essential measures, such as airline security and assistance to displaced workers, but includes numerous provisions with cost ramifications that have not been considered carefully. While the bill provides specifically for $15 billion in relief to the airlines, the final cost of the bill could easily be far higher. Further, the bill establishes a compensation scheme for victims that could commit federal taxpayers to pay more to the families of deceased Wall Street executives than to the families of the firefighters who lost their lives trying to rescue others. This may well be a policy choice that Congress would have ultimately made, but it is not a policy choice or precedent that Congress carefully considered or even debated.

#### NO PROVISIONS TO IMPROVE AIRLINE SECURITY

The most important element of an airline relief bill is improving airline security. Unless airline security is improved, any airline bailout may fail. No matter how many billions of taxpayer dollars are given to the airlines, no airline can stay afloat if Americans refrain from flying.

Unfortunately, the bill contains no funding for airline security measures. It also contains no provisions to enhance security, such as making airline security a federal responsibility. The legislation thus does little to assure Americans that flying will be safe again.

The rationale for failing to address airline security is that airline security should remain an airline responsibility and should not be "federalized." But this is exactly the same reasoning that is responsible for our current, deeply flawed system of airline security. In past years, the airline industry has resisted implementing stringent security measures on the grounds that the costs are prohibitive. As recently as the week following the September 11 attacks, an Alaska Airlines executive testified that he believed Americans would be unwilling to pay a three-dollar surcharge on their airline tickets to fund security measures.

#### NO SUPPORT FOR DISPLACED WORKERS

In the aftermath of the September 11 attacks, airlines reportedly have already laid off over 100,000 workers, and some airlines are refusing to honor the standard severance provisions of their labor contracts. H.R. 2926, however, provides no relief whatsoever for these workers and their families. It contains no funds for laid-off workers who now lack health insurance. It contains no assistance for job-training that would help these workers find new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment.

At the same time that the legislation ignores the needs of laid-off workers, the bill protects airline executives who earn millions of dollars in compensation. The legislation provides that to qualify for loans, airlines must freeze current executive compensation at 2000 levels for two years and limit severance pay to twice that amount. This means that airline CEOs can continue to earn astronomical salaries and receive multi-million dollar severance packages.

Airlines do not have to limit executive salaries at all to qualify for the other benefits provided in the legislation, such as the $5 billion in grants awarded by the bill, the limits on liability, and the potential federal payment of increased airline insurance premiums.

#### EXCESSIVE RELIEF FOR THE AIRLINE INDUSTRY

The airline industry deserves federal support after the September 11 attacks. But I am concerned that the level of relief in the bill may go beyond what is reasonable.

After the September 11 attacks, the Federal Aviation Administration grounded all airplanes for two days and gradually resumed service thereafter. This order caused a cash crunch for the airlines. They could take in no revenue during the shutdown, but remained responsible for many fixed costs. Airlines estimated that these losses amounted to $330 million per day. The airlines' strongest case is for federal relief to compensate them for this loss. (It should be noted, however, that even without a federal order, the airlines—which had the primary responsibility for safety—would have likely halted flights until new safety procedures were in place.)

But the legislation provides many other forms of relief. The rationale for this additional relief is tenuous at best. There was no independent review of the need for these transfers of billions of dollars from federal taxpayers to the airlines.

$5 Billion in Grants. Under the legislation, $5 billion in grants are available to the airlines that can be used to offset any future losses between now and the end of the year that are attributable to the attack. Many other types of businesses will have downturns in revenues resulting from the attacks, but only the airline industry is likely to receive this special relief. Moreover, the bill provides minimal guidance on how the airlines are to calculate the losses. For example, the bill leaves open the possibility that an airline could choose to reduce its flights between now and the end of the year, lay off thousands of workers, but still obtain a substantial amount of the profit it would have realized had it flown a full schedule.

$10 Billion in Loan Guarantees. The bill also provides $ 10 billion in federal loan guarantees. This measure was rushed through the legislative process without a reasoned examination of the need for this component in light of other relief provided by the package. Even the Administration initially opposed inclusion of this measure. In a September 20 hearing before the Senate Banking Committee—just one day before enactment of the bill—Treasury Secretary Paul H. O'Neill testified that if Congress approved the Administration's $5 billion grant proposal, "the idea of loan guarantees makes no sense."

Federal Payment of Insurance Premiums. The bill allows the government to pay increases on insurance premiums for the airline industry, as well as for any vendors, agents and subcontractors of airlines, from an existing federal airline insurance fund. The rationale for this provision is difficult to understand, particularly since other provisions in the bill limit airline liability for the September 11 attack and future terrorist attacks. But the costs are potentially enormous, as the provision covers not only airlines, but a broad range of related entities. The existing insurance fund contains only $83 million, but it is likely that the costs of increased premiums would substantially exceed that amount. Thus, to cover this cost, the federal government would have to appropriate additional money for the insurance fund.

Further, making the federal government responsible for any premium increases provides a disincentive for the insurance industry and the airlines to negotiate low premium costs.

### PROBLEMATIC VICTIM COMPENSATION SCHEME

The legislation contains provisions to provide federal compensation to the victims of the September 11 attacks. I strongly support this humanitarian gesture, but I have questions about the details of the victim compensation scheme, and whether Congress has adequately considered the implications of this provision.

The bill provides that a Special Master should use a tort model to determine the extent of compensation to individuals, basing compensation in part on the "economic" losses suffered, which includes the "loss of earnings or other benefits related to employment" of the victim. This model makes sense when a defendant has been held responsible for a wrongful death. But when the compensation is being provided by the federal taxpayer, it may result in inequities.

As a government, we should not value the life of a Wall Street executive more than the life of a firefighter, secretary, or janitor. But under a strict application of the tort model, Wall Street executives with large incomes would have greater "economic" damages and hence would be entitled to larger federal payments than firefighters, secretaries, or janitors who also lost their lives.

The language in this area of the bill provides the Special Master with some discretion, and I hope the Special Master will use this discretion to ensure that the victim compensation is administered fairly. But I regret that the haste in which this legislation was put together made refining the victims compensation provisions impossible.

There is a second important question that Congress didn't address: Should the compensation system in this bill be the model for future victims of terrorist acts or natural disasters? Past victims of terrorist attacks have not received the generous compensation amounts H.R. 2926 envisions. Apart from the obvious fairness question of how best to give victims and their families similar compensation, there are cost considerations that Congress did not evaluate if the model in H.R. 2926 is to be used in future cases.

In short, compensation to the victims of the September 11 tragedies is appropriate and important. H.R. 2926, however, fails to thoughtfully address:

How to allocate compensation among victims killed or injured on September 11;

Whether past victims of terrorist attacks should be similarly compensated;

Whether the compensation system will be a model for future victims;

The estimated aggregate cost of this compensation system;

How federal compensation will be coordinated with other compensation that the victims and their families will receive from charitable funds and other sources.

### UNKNOWN AND POTENTIALLY SIGNIFICANT COST RAMIFICATIONS

In addition to the problems described above, the legislation also has another provision that could end up costing the federal taxpayer billions of dollars. The bill allows the Secretary of Transportation to determine that an air carrier is not liable for claims regarding losses suffered by third parties above $100 million in the aggregate arising from any terrorist acts that occur in the 180-day period following the enactment of the bill. Where the Secretary makes this certification, the government is responsible for liability above that amount. In the event of another airline-related tragedy or tragedies resulting from terrorist acts, this provision potentially could result in the expenditure of many billions of additional government funds.

### LACK OF INDEPENDENT REVIEW

The many substantive problems with the airline relief bill are the result of a defective process. Although the bill commits federal taxpayers to providing tens of billions of dollars in relief, there was no meaningful opportunity for review of the merits of the legislation by independent experts without a stake in the outcome.

In particular, Congress erred by not adequately involving the General Accounting Office in review of this legislation. Nonpartisan and independent, GAO specializes in evaluating expenditures of federal programs. Yet Congress made no request for a formal GAO analysis before enacting the bill.

### CONCLUSION

H.R. 2926 reflects a commendable and understandable response to a heart-breaking national tragedy. Unfortunately, the process used to draft the legislation prevented the careful review that is needed to ensure the bill is an effective and fair response to terrorist acts.

By omitting any provision dealing with airline security or compensation for displaced workers, this legislation unwisely focuses just on responding to the immediate needs of the major airlines. That need is unquestionably urgent, but addressing it without resolving other urgent problems is a mistake.

H.R. 2926 received so little scrutiny that it's impossible to assess how much the bill will cost federal taxpayers. At a minimum, this legislation will obligate the federal government to provide $15 billion in financial assistance, but the actual costs could be far higher. And if this bill becomes a model for other affected industries or future victims of terrorist attacks, the total costs could multiply rapidly.

In the aftermath of the September 11 attacks, our nation has learned to put a premium on the value of shared sacrifice.

Shared sacrifice was embodied by the firefighters who charged into the World Trade Center to rescue people they never met and who died in the effort. Shared sacrifice, we're told, is over 100,000 workers losing their Jobs in the airline industry, and many being denied promised severance benefits. And shared sacrifice will be exemplified in the commitment of the men and women in our armed services who are being sent into battle.

But under H.R. 2926, we have found there are limits to shared sacrifice. This bill asks for no sacrifices from those who earn millions in the airline industry. To the contrary, it allows airline executives to continue to earn millions of dollars in salary and compensation, while at the same time imposing no new security responsibilities on the airlines and providing no relief to laid-off workers.

That is inexcusable.

Congress and the Bush Administration are going to have to respond to unexpected demands and urgent needs in the coming months. It is essential that our legislative responses be thoughtful, carefully responsive to actual problems, and effective.

Given the haste in which it was considered, H.R. 2926 likely fails these tests. We can do better in future challenges, and we owe it to our nation to do better.

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## IN HONOR OF STANLEY MATHER

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. OSE. Mr. Speaker, I rise today to honor the memory of a constituent and friend of mine, Mr. Stanley Mather and to commemorate his life and the service he gave to his community. Stan served our community as a plant pathologist for thirty-one years with the California State Department of Food and Agriculture, where he tirelessly fought to keep California's fruit crops free of viruses. On Sunday, July 22, 2001, Stanley Mather suffered a heart attack and died in his home in Sacramento, California.

Stan first publicly served our nation as a gunnery officer aboard the battleship, USS *Nevada*, during World War II, where he saw close combat in Europe during the invasion of France in 1944 and the battles for Okinawa and Iwo Jima the following year. During the following three decades, Stan served in a variety of positions, always focusing on fruit virus control programs.

Most notably, it was his work as a member of the Sacramento Rotary Club that first led me in contact with him. Over the last few years, Stan and I have worked closely on many occasions and I consider it a true honor to have had him as a friend. While he is sorely missed, I am reassured knowing that his legacy will live on for generations to come.

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## PAYING TRIBUTE TO THE MONTROSE COUNTY SHERIFF'S POSSE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to acknowledge the selfless dedication of the Montrose County Sheriff's Posse. This organization in Montrose County consists of over forty members that volunteer their time and services to their community.

The Posse helps the residents of Montrose County in times of need by providing assistance with search and rescue efforts and forest fire control as well as many other relief activities. In the year 2000, they provided over 2,300 hours of not only their time and effort but also their own equipment. They have managed to remain an effective organization because of the dedication of their volunteer members. The Montrose County Sheriff's Posse provides important public service to a community that makes an effort to financially fund the volunteer organization.

Mr. Speaker, the Montrose County Sheriff's Posse provides an essential service to their community. Their commitment to such an important cause is admirable. I would like to thank the Posse for their valuable assistance and wish them continued success and community support in their future efforts.

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## NATURE MAY PROVIDE COMFORT FOR VICTIMS OF TERRORIST ATTACKS

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. RAHALL. Mr. Speaker, over the last weeks Members of Congress have stepped outside of party boundaries, joining together and unanimously supporting millions of dollars to aid victims, families, and rescue workers affected by the September 11th attacks. Now, in addition to financial assistance, it is important for us to provide outlets for these victims and their families through the grieving and recovery process.

The legislation I introduce today continues the bipartisan spirit of the Congress, as it is cosponsored by Resources Committee Chairman JAMES HANSEN. The bill would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

Ralph Waldo Emerson said Nature is the symbol of the spirit and that Nature turns all malfeasance to good. While this proposal cannot adequately respond to the loss of those who grieve, perhaps the experience of our Nation's greatest treasures—our parks and forests, our mountains and rivers—will help strengthen America's well-being—physically, mentally and spiritually. That is why I have named this bill the Healing Opportunities in National Parks and the Environment Act, the HOPE Act. It is important that we keep hope alive in the wake of the recent tragic events as we recover and rebuild.

There may come a time when a fireman, or a nurse, or a survivor, who has seen far too much pain and suffering, may decide that a day at the lake with his or her family would provide welcome relief. Let us continue to aid these victims and family members as we already have financially. Let us provide the victims and family members the symbol of the spirit—to aid in their spiritual and mental healing. We can facilitate this by providing lifetime free access to all of our natural wonders.

This legislation will make that possible. This legislation is just a small gesture that might encourage someone who is suffering to seek comfort in the beauty of this great land. Like most Americans we continue to struggle with a response to these events. This is just one step Congress can take to support America's greatest natural resources, our citizens.

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## TRIBUTE TO FREVERT TRUE VALUE HARDWARE

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize Frevert True Value Hardware for their work and donations in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses like the Frevert True Value Hardware signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, Frevert True Value Hardware has volunteered to paint an American Flag in the yards of local patriots who make a financial contribution to provide for the grieving families and rescue workers. The patriotism and persistence of Frevert True Value Hardware is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

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## PROBLEM FACING LAWMAKERS, LAW ENFORCEMENT, SOCIAL, CIVIL AND RELIGIOUS LEADERS

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WAMP. Mr. Speaker, I rise today to call attention to the critical problems facing lawmakers, law enforcers, and social, civil, and religious leaders in our nation. These problems are being addressed by the International Bible Reading Association, as well as by Senators, Representatives, and civic, religious, and national statesmen who are confident that the Bible contains the answers to our nation's dilemma.

The great American scholar Noah Webster wrote: "All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war proceed from their despising or neglecting the precepts contained in the Bible." Noah Webster stated the facts over 150 years ago; but, because of the increased pace of our society over just the past 50 years, reading the Bible has declined and violence and immorality have accelerated.

The Bible has had a monumental impact upon the development of our Western civilization, whose literature, art, and music are filled with images and inspiration that can be traced to its pages. More importantly, our laws, our sense of justice, our charity, and our moral standards all find their origin in the Bible. Bible reading impresses upon the minds of readers the principles of morality, truth, justice, and respect for the sacredness of human life.

The Bible, which is a fundamental part of our national heritage, has had a more profound affect on the moral fabric of American society than any other document. It was the basis for our Founding Fathers' belief in the inalienable rights of the individual—rights which they found explicit in the Bible. This same sense of individual freedom and justice permeates the ideals set forth in the Declaration of Independence and the Constitution. The influence of both the Old and New Testaments has formed the basis of our laws, our national character, and our system of values. It was the biblical view of man—affirming the dignity and worth of the human person made in the image of our Creator—which inspired the principles upon which the United States is founded. Many historians credit George Washington with identifying the United States as "One Nation Under God"; therefore, today we inscribe In God We Trust on our coins.

Responding to a Joint Resolution of the House and Senate, in a 1990 Proclamation, President George Bush wrote: "I invite all Americans to discover the great inspiration and knowledge that can be obtained through thoughtful reading of the Bible."

The Bible has not only influenced the development of our nation's values and institutions, but has also enriched the daily lives of millions of men and women who have looked to it for comfort, hope, and guidance.

Mr. Speaker, because of the overwhelming acceptance of the Bible in the history of our nation, I invite my colleagues in the House of Representatives to join me in commending the International Bible Reading Association for its request to George W. Bush, President of the United States, to proclaim 2002 as the Year for all America to read through the Bible.

## RECOGNIZING THE CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS, WILLIAM J. IVEY, ON HIS RETIREMENT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Chairman William J. Ivey, on his retirement from the National Endowment for the Arts.

Since 1998, Chairman Ivey has dedicated himself and the NEA to preserving the great arts tradition of this nation and to broadening the public's awareness of the tremendous benefits that the arts have to offer.

Under Chairman Ivey's leadership, the NEA and its many programs have exposed countless Americans to the rich rewards of the arts, while benefitting our communities, our children, and our economy.

In 1997, he was honored by Tennessee Governor Don Sundquist for his diligent work as Director of the Country Music Foundation, and was praised by the Tennessee Arts Commission for his efforts in reaching out to the community.

Chairman Ivey's passion for preserving historic recordings of popular and classical music ensure that generations to come will have the opportunity to learn and appreciate the musical treasures of our past.

While I am saddened to see Chairman Ivey's tenure at the NEA come to an end, I am confident that he will continue to be a strong advocate for the arts community.

Mr. Speaker, I again urge my colleagues to join me in recognizing Chairman Ivey for his commitment to the arts and for his leadership to this nation.

## VIOLENCE AGAINST SIKHS EXPOSED—ATTACKS MUST STOP

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BURTON of Indiana. Mr. Speaker, I spoke previously about the violence against Sikh Americans in the wake of the attacks on the World Trade Center and the Pentagon. I have said previously that these attacks must stop. Now efforts are underway to expose them through the media and to collect information to catalogue these incidents. I applaud those efforts.

Last weekend, a Sikh gasoline station owner in Mesa, Arizona, Balbir Singh Sodhi was shot to death at his gas station by someone, who apparently thought the gas station owner was a supporter of Osama bin Laden because of his turban and beard. It should be noted that 99.9 percent of the people who wear turbans and beards in this country are Sikhs.

Mr. Speaker, this kind of crime must be condemned. The Sodhi killing was just one of over one hundred incidents of harassment or violence against Sikhs. All of these crimes are catalogued on the internet at http://www.sikh.org/hatecrime for the information of the public.

This past Tuesday, September 18, the Council of Khalistan held a press conference to expose the violence against Sikh Americans. They called for an investigation by Attorney General Ashcroft. One of the Sikhs, who created the website I mentioned above, Amardeep Singh Bhalla, was there to announce it. The news conference was attended by reporters from IBN Radio, News Channel 8, and a Chicago TV station, WMAQ. News Channel 8 broadcast it in the evening of the 18th and IBN Radio broadcast it on the 19th.

The Council of Khalistan has put out a press release about the press conference. I would like to place this in the RECORD at this time for the information of my colleagues.

DR. AULAKH, SIKH LEADERS CONDEMN MURDERS OF SIKHS AND OTHERS

SIKHS ARE NOT MOSLEMS—ASK ATTORNEY GENERAL TO INVESTIGATE

WASHINGTON, D.C., Sept. 18, 2001.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the murders of Sikhs and other Americans in the wake of the World Trade Center attack. Dr. Aulakh an other Sikh leaders spoke at the National Press Club. The press conference was attended by reporters from NewsChannel 8, NBC, the Japanese newspaper Sankei Shimbun, India Globe, and others.

"I call on Attorney General John Ashcroft to look into this nationwide pattern of violence and I urge the victims these attacks to call their police departments and their local prosecutors," Dr. Aulakh said. "This is the best way I ensure that those who perpetrate this violence are appropriately punished."

"I condemn the violence against Muslim Americans and I condemn the attacks on Sikh Americans," Dr. Aulakh said. There have been over 100 acts of harassment or violence against Sikhs. Since the World Trade Center and Pentagon bombings on Tuesday, there has been a wave of violent incidents aimed at Sikhs and other individuals. Over the weekend, a Sikh gasoline station owner was murdered at his business in Mesa, Arizona. The Granthi of the Sri Guru Singh Sabha Gurdwara in Fairfax, Virginia was attacked while walking with his wife. Attackers threw a brick through the window of a local Sikh, Ranjit Singh of Fairfax, Virginia. They were in attendance at the press conference.

Another local Sikh, Sher Singh, was arrested by police in Rhode Island after the attack, but was released the next day. A couple of young Sikhs were attacked in Brooklyn, New York. Sikh businesses have been stoned and cars have been burned. An Egyptian Christian man was shot in San Gabriel, California. A Pakistani Muslim who owned a grocery store was shot in Dallas.

"Sikh Americans, Muslim Americans, Christian Americans, our neighbors and countrymen, are being harassed and acts of violence are being committed against them merely because of their religious or ethnic heritage," Dr. Aulakh said. "All Americans should join together to condemn these cowardly acts."

"What a group of terrorists did Tuesday was a terrible crime and an act of war against America, but it was done by group of individuals who are no more typical of their religion than Timothy McVeigh is typical of Christianity," said Dr. Aulakh. "Members of minority religious communities are being targeted for violence, and this is unacceptable especially in America."

"Sikhism is an independent, divinely revealed, monotheistic religion with our own symbols and has no relation to other religions like Islam, Hinduism, Judaism, or Christianity, but we respect all religions" Dr. Aulakh said. He noted that Sikhism has its own symbols. "Among those symbols are a turban and beard. That does not make us supporters or associates of Osama bin Laden, yet we are being targeted for violence in the wake of the atrocities last Tuesday." I said.

Two young Sikh activists announced the creation of a website for information about hate crimes against Sikhs. It can be found at http://www. sikh.org/hatecrime. They noted that "99.9 percent" of the people who wear turbans in America, are Sikhs.

"Let's not let America descend to the level of those who attacked it," Dr. Aulakh said.

## HONORING NICK GRAY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the bravery of a great American, Nick Gray, who fought for the United States in World War II and survived the attack at Pearl Harbor and the battle at Guadalcanal. Mr. Gray now resides in Montrose, Colorado.

Mr. Gray and the rest of the 25th Infantry Division were stationed in Hawaii at the time of the attack at Pearl Harbor on December 7, 1941. He awoke to the sounds of 351 Japanese attack planes destroying the base around him. Nick and his captain narrowly escaped the destruction by finding refuge in a river that swept them off the island of Guadalcanal and threw them into the depths of the Pacific Ocean. Nick fought the currents of the ocean throughout the day before making collapsing near the shore where he was pulled ashore by a comrade. Thousands of Americans were lost that day, but Nick Gray survived and continued to fight for our nation in the Pacific. He took part in the historic Guadalcanal campaign and the march to Tokyo. Many more Americans lost their lives during the war, but Nick fought valiantly and survived. However, Nick's good friend, Marion Burch, lost his life in the Pacific shortly after the two had the opportunity to spend some time together. Now at the age of eighty-two years old, Nick enjoys a more peaceful life in Colorado.

Mr. Speaker, Nick Gray courageously fought for our country. From the surprise attack at Pearl Harbor through the end of WWII, Mr. Gray remained steadfast in serving the United States. We are indebted to him for his bravery and perseverance during a time of mayhem and struggle. It is my honor to thank and pay tribute to Mr. Gray for defending our nation and preserving American freedoms.

## TRIBUTE TO DOUGLAS D. KETCHAM

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Douglas D. Ketcham.

Douglas Ketcham was 27 years of age. He was a graduate of University of Virginia and was beginning his career as a bond trader for Cantor Fitzgerald Securities in the World Trade Center.

Douglas Ketcham's life brutally ended when he was a target of terrorist aggression, by a radical extremist group that declared a religious crusade against America and her people. The terrorists sought to end the very things that Douglas' life embodied: liberty, individualism, and opportunity.

Midlothian and the Richmond area, and even our entire nation, has experienced the loss of a friend and patriot. Douglas Ketcham's parents and his loved ones do not mourn alone for him; a whole country joins their sorrow.

On Tuesday, September 11, 2001, a precious life was ripped from our midst.

Douglas Ketcham set himself in the heart of America's business center. He represented the American dream: Hard work and dedication in pursuit of success for himself, his family and community.

On September llth, Douglas Ketcham reported for work on the 104th floor of the World Trade Center. This day of infamy will remain in American hearts forever—while Douglas Ketcham and many others were conducting the nation's business, terrorists ruthlessly took their lives. Because Mr. Ketcham lived as a symbol of America, he was targeted by those who plot the demise of freedom and democracy.

We owe Douglas Ketcham for paying the price with his life for our freedom, and we will always remember his sacrifice. Let us honor his memory.

## TRIBUTE TO THE GREATER KANSAS CITY CHAPTER OF THE AMERICAN RED CROSS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Greater Kansas City Chapter of the American Red Cross for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Greater Kansas City Chapter of the American Red Cross signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Greater Kansas City Chapter of the American Red Cross has assisted in local telethons, blood drives, and volunteer efforts to support the nationwide relief effort to provide for the grieving families and rescue workers. The patriotism and persistence of the Greater Kansas City Chapter of the American Red Cross is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## A TRIBUTE TO THE COMMISSION FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FARR. Mr. Speaker, I rise today to congratulate the Commission for the Prevention of Violence Against Women on the recent celebration of its twentieth anniversary. The Commission has been working to end domestic violence and sexual assault through education and prevention programs throughout the city of Santa Cruz in my district. I am pleased to be able to honor its work here in the U.S. Congress.

The Commission contributes an abundance of life-enhancing, and often life-saving, resources to the city of Santa Cruz. Its violence prevention initiatives include self-defense classes, support services for sexual assault and domestic violence victims, violence prevention programs for lesbians, and workshops for men who want to overcome violence tendencies toward women. It directs educational programs to teach leadership to teens, and age-appropriate awareness training in schools. The Commission also offers legal advocacy including paralegal services and temporary restraining order assistance, and police officer training. The Commission engages in public awareness campaigns, including outreach to often-overlooked populations, offering assistance in English and in Spanish. It is clear that the Commission does much to improve the well-being of women and of all the community members of Santa Cruz.

Mr. Speaker, I am proud to honor the commitment and diligence of all those who work for the Commission for the Prevention of Violence Against Women. Its twentieth anniversary is a tribute to the critical role they play in our area, and I wish them continued success during the next twenty years.

## PERSONAL EXPLANATION

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. DUNN. Mr. Speaker, I was not recorded on Rollcall number 355. I was unavoidably detained and therefore, could not vote. Had I been present, I would have voted aye.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

## HONORING THE SERVICE AND RETIREMENT OF DR. JAMES VOSS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, to aid and direct an educational institution is a noble task and is worthy of recognition from this prestigious body. On October 8, 2001, Dr. James Voss will announce his retirement from the Colorado State University Veterinary Teaching Hospital. As Dr. Voss steps down, I would like to recognize the contributions that he has made to so many individuals and to Colorado State University.

Stemming from a childhood on a farm and exposure to plowing fields with draft horses, James used his knowledge in 1977 to break ground for the Veterinary Teaching Hospital with a team of horses. He has been an integral member of University community for 43 years dedicated countless hours of service during this time. He has served as the Dean of the College of Veterinary Medicine and Biomedical Sciences and offered numerous innovations and new ideas to the field of veterinary medicine. Due to his lasting impression on the University, it will rename the celebrated hospital the James L. Voss Veterinary Teaching Hospital. While James remains humble in his tribute, his efforts have raised the national reputation of the Colorado State University veterinary college, which is now recognized as the number two school to attend in the nation for animal health and research according to US News and World Report.

Dr. Voss received his degree from the same institution in veterinary medicine and then returned to his alma mater to occupy the academic positions of Department Chair, Director of the Veterinary Hospital and Assistant Dean prior to becoming the Dean in 1986. Under his leadership, the research budget has increased, a number of academic programs were established and the academic curriculum bolstered.

Mr. Speaker, Dr. James Voss has left a lasting mark on Colorado State University and all of its students. Dr. Voss has made significant advancements in the field of veterinary medicine applicable all over the world. As James celebrates his retirement, I would like to congratulate Dr. James Voss on all of his accomplishments and extend my warmest regards and best wishes to him throughout the many years to come. He is an outstanding administrator and educator and he should be very proud of everything that he has achieved.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

Ms. DEGETTE. Madam Chairman, I rise today to give my qualified support to H.R. 2586, the 2002 Defense Authorization Act and to explain the reasoning behind my vote. Although I support a strong and effective national defense, I have opposed Defense authorization and appropriations bills in the past. Many of the funds included in past bills would have gone to purchase weapon systems and other items that the Pentagon did not request and whose efficacy was questionable. I voted against past bills because I believe Congress must more effectively target scarce resources to all our national priorities.

However, one of the reasons that I am supportive of this legislation today is the fact that we are heading into a potentially protracted and difficult military conflict and it is important that our nation's armed services have necessary and appropriate resources available to them quickly. Additionally, I voted for H.R. 2586 with the understanding that certain controversial and questionable provisions of the bill will be worked out in conference with the Senate.

The Defense Authorization bill contains provisions that will provide increased benefits to the men and women of our armed forces, including retirees, and their families. The bill will include the largest increase in pay for members of our nation's military in 19 years. Additionally, this pay raise will be targeted to provide lower-paid enlistees with greater benefits.

With housing prices rising across the country, lower-paid members of our voluntary military forces sometimes struggle to pay their housing costs. The Defense Authorization bill would effectively reduce the current out-of-pocket housing costs for servicemembers from 15 percent to 11.3 percent by next year, and would seek to completely eliminate the out-of-pocket housing expenses by 2005. The 2002 Defense Authorization bill would also provide $17.6 billion for defense healthcare including funding for promised care under TRICARE for Medicare-eligible military retirees.

The bill also includes important environmental cleanup provisions and assistance to foreign nations for humanitarian efforts. The bill would provide $3 billion for the Energy Department to clean facilities with extensive and severe environmental damage before those facilities close. Funding for the development of new technologies to clean the environment is also included in the bill.

Despite these important provisions, I have grave concerns with certain provisions in the bill that I believe could harm our nation's relations with key allies. This bill includes $8.2 billion for missile defense, which is 55 percent more than the current funding level. It also includes authorization to construct a test bed for a national missile defense system in Alaska. This test bed could violate the AntiBallistic Missile (ABM) treaty, which has been the cornerstone of international arms control for nearly 30 years. The proposed national missile defense system has only been tested in ways that can be described as artificial, and a majority of those tests have failed. In fact, a panel of Defense Department experts cautioned that Congress's rush to install a national missile defense was a "rush to failure."

Congress's misguided insistence on developing a missile defense shield and its apparent willingness to abrogate the ABM treaty will seriously injure America's relations with its foreign allies. Our European allies—Britain, France and others—have expressed reservations about America's unilateral approach toward national missile defense. Additionally, Congress's insistence on a national missile defense that violates the ABM treaty could incite another arms race. Already, China has warned that it would acquire as many ballistic missiles with as many warheads as possible if the United States unilaterally deploys a missile defense.

While I strongly oppose provisions in the bill that would violate the ABM treaty by pushing forward with the development of a missile shield, I voted for the Defense Authorization bill with the understanding that both Republicans and Democrats will work together to come to an agreement on these contentious provisions. The Senate has already indicated its intention to cut $1 billion from the funding contained in the bill for missile defense and it intends to consider a separate bill at a later date that will ensure Congress's authority to oversee any missile tests that could violate the ABM treaty.

## TRIBUTE TO THE STUDENT BODY AND FACULTY OF CHOTEAU ELEMENTARY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body and Faculty of Choteau Elementary for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like that of Choteau Elementary signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Student Body and Faculty of Choteau Elementary has contributed and raised more than $2,300 in a school-wide change drive for the grieving families and rescue workers. The patriotism and persistence of Student Body and Faculty of Choteau Elementary is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## DEPARTURE OF NEA CHAIRMAN WILLIAM J. IVEY

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Mr. William J. Ivey, Chairman of the National Endowment for the Arts, who will be stepping down on September 31, 2001.

Since 1998, when the United States Senate unanimously confirmed Mr. Ivey as NEA Chairman, he has forged effective working relationships with more than 250 members of the U.S. Congress.

Through these relationships, Mr. Ivey helped secure a $7 million funding increase for the NEA's Challenge America program in Fiscal Year 2002, their first budget increase in a decade. The Challenge America program developed by Mr. Ivey supports arts education, services for young people, cultural heritage preservation, community partnerships and expanded access to the arts. Without a doubt, this program will contribute to the rich artistic and cultural fabric that has been woven over the course of our nation's history.

Mr. Speaker, as the U.S. Representative for the 3rd Congressional District of New Mexico, I have the privilege of serving several well-known art communities. On behalf of them and all those throughout the United States of America, who like myself, cherish the various arts and their valuable contributions to our society and culture, I would like to thank Mr. Ivey for his work as NEA Chairman.

It was a pleasure to work with him and I am sorry to see him go, but am greatly appreciative of all that he has done and will continue to do on behalf of the arts and I wish him the best of luck with all his future endeavors.

## TRIBUTE TO CHAIRMAN IVEY

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CLEMENT. Mr. Speaker, I rise today to honor Chairman Bill Ivey who will soon be stepping down as Chairman of the National Endowment for the Arts and returning to Nashville, Tennessee. Although I am saddened by his leaving, I am proud that he will once again be one of my constituents in his new position as the Harvie Branscomb Distinguished University Visiting Scholar at Vanderbilt University.

In his new capacity, he will teach, write and conduct research on cultural policy as well as begin the planning and development of a center that will examine the complex relationship between the arts and public policy. Prior to his most recent position, Bill was one of the most widely respected individuals in both the music community as well as the business community at large. Bill joined the Country Music Foundation in Nashville in 1971. The Foundation is accredited by the American Association of Museums as a nonprofit education and research center. It operates the Country Music Hall of Fame and Museum, manages historic properties and publishes a well-respected journal.

Under Chairman Ivey's stewardship, the NEA has funded extremely valuable and important educational programs and worthwhile events in my home state of Tennessee and across the country. The NEA provides funding for many programs in Tennessee, including the Nashville Symphony Association, Fisk University, and the Tennessee Arts Commission. I believe it is important to ensure that adequate funding for these programs continues.

Chairman Ivey has restored the image of the NEA and, under his leadership, federal funding has risen steadily. He has successfully brought a diverse array of arts and cultural programs into rural and previously underserved communities across the country. Programs such as ARTSReach: Strengthening Communities Through the Arts have helped build more than 223 partnerships between arts organizations and civic organizations—schools, churches, chambers of commerce and youth groups—in more than 175 communities in 20 under-served states. This highly successful program has opened the world of the arts to thousands of Americans.

However, the need is so much larger than the funds available. For every worthwhile request that receives funding, many other equally worthwhile proposals are rejected simply for a lack of available funds. These programs preserve and provide access to cultural and education resources to our citizens. They provide opportunities for lifelong learning in arts and humanities. And they strengthen teaching and learning in history, literature, language and arts in schools, colleges and their surrounding communities.

Just as we need to continue to fund scientific research, we must continue to fund the arts and humanities. A world without the arts and humanities would be devoid of cultural meaning. Research shows that the arts and humanities benefit our nation's young people by improving reading, writing, speaking and listening skills and by helping to develop problem-solving and decision-making abilities essential in today's global marketplace.

The NEA is losing a respected and successful chairman, and although I am sorry to see him step down from the NEA, I am pleased to welcome him home to Nashville and look forward to continue to work with him to advance and promote the arts in Tennessee and across the country. I have every confidence that he will continue to be a strong national advocate for the arts and a leader in his field. Mr. Ivey has done a great job of promoting arts and humanities across this country and I appreciate his efforts.

## TRIBUTE TO THE CENTRAL JACKSON COUNTY FIRE PROTECTION DISTRICT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Central Jackson County Fire Protection District for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to- shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Central Jackson County Fire Protection District signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Central Jackson County Fire Protection District has participated in the "Pass the Boot" activities at Arrowhead Stadium raising thousands of dollars to assist in the rescue efforts including the 9–11 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Central Jackson County Fire Protection District is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## HONORING OFFICER BOB HOLDER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor and applaud Officer Bob Holder who resides in Trinidad, Colorado. Officer Holder has recently been named the North American Wildlife Enforcement Officers Association's Officer of the Year. I am proud that Colorado has been so solidly represented by an individual committed both to his work and the community where he has established his life and career.

Bob Holder has spent over twenty-six years with the Division of Wildlife and Management in Trinidad, Colorado. During this time, Bob has gone above and beyond his call of duty working not only as a wildlife officer, but also as an educator and mentor to the local community. Additionally, Officer Holder's communication skills and commitment to the people of Colorado helped to maintain a working relationship between landowners, land users and the Division of Wildlife and Management. These accomplishments, along with a distinguished resume of service to the State of Colorado, made Officer Holder's name stand out when being considered for recognition by the North American Wildlife Enforcement Officers Association. This association designated Bob out of nearly 8,000 wildlife officers from across both the United States and Canada.

Mr. Speaker, Officer Holder has been a dedicated public servant to the State of Colorado. It is with great pleasure that I publicly recognize his achievements and offer my congratulations and warmest regards to Officer Bob Holder.

## A TRIBUTE TO BILL IVEY

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Bill Ivey upon the occasion of his departure from the National Endowment for the Arts. Chairman Ivey is an extraordinary leader, who transformed an agency battling for its very survival to one which has received increases in funding and ever-growing respect and acceptance. As a recent member of the National Council on the Arts, I had the distinct honor of working alongside Chairman Ivey, and I have seen first-hand the vision, dedication, and warm personal touch he has contributed to the arts community for more than thirty years.

The NEA is not the first institution to have benefitted from Chairman Ivey's talents. Mr. Ivey was the first Endowment chairman to have developed and run a nonprofit cultural organization, serving as Director of the Country Music Foundation in Nashville, Tennessee for seventeen years. There, he forged valuable public-private partnerships, and created numerous outstanding programs. Chairman Ivey has chaired or served on fifteen different Endowment grant panels, and he served as an appointee to the President's Committee on the Arts and the Humanities.

The NEA will sorely miss Bill Ivey. Yet the under-served communities touched by his Challenge America Program, the thousands of artists, students, and teachers who will benefit from increased NEA funding, and those of us in Congress who have had the pleasure of working and fighting by his side will remain grateful for the service that Chairman Ivey has performed.

## TRIBUTE TO BILL IVEY

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. NADLER. Mr. Speaker, I rise to salute Bill Ivey for his service as Chairman of the National Endowment for the Arts. Under his leadership, this important agency has thrived despite stagnant budgets and political roadblocks. In fact, his greatest achievement may be the period of relative calm in which the NEA now finds itself.

When Chairman Ivey took over this embattled agency, he faced a Congressional majority that was not only unsupportive of the NEA, but downright hostile to the entire notion of federal funding for the arts. He inherited an agency marked for elimination since 1995, over which legendary battles had been waged. Chairman Ivey disarmed many of his enemies, however, with his thoughtful approach and personal charm.

An important legacy of Chairman Ivey's tenure is the Challenge America Initiative, which specifically expands the reach of the NEA into under-served communities. By clearly demonstrating the NEA's historic commitment to ensuring the broad distribution of the arts throughout the nation, Chairman Ivey greatly enhanced the impact of the NEA.

His tireless lobbying efforts on Capitol Hill were finally rewarded last year with the first increase in nearly a decade. He should also be proud that the annual debate over the NEA has become a largely pro-forma affair as Congress has learned that the overwhelming majority of Americans support the NEA and its mission. Chairman Ivey's successor will have a great task ahead, but he will have a strong foundation from which to work, thanks to Bill Ivey.

## RECOGNIZING THE RETIREMENT OF NEA CHAIRMAN WILLIAM IVEY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. SLAUGHTER. Mr. Speaker, I rise to salute one of America's finest and most respected arts policy advocates who left public office at the end of September—Bill Ivey, Chairman of the National Endowment for the Arts. During his three-year tenure, Chairman Ivey has been an effective leader and has placed the National Endowment for the Arts on sound footing. While in past years, mention of the Arts Endowment has frequently been prefaced by such adjectives as "beleaguered" or "embattled," today, the NEA is a dynamic and forward looking agency.

One of Chairman Ivey's most enduring legacies is his success in changing the tone surrounding the debate of federal funding the arts here on Capitol Hill. His down-to-earth personality, his tenacity in holding face-to-face meeting with more than 250 Members of Congress, his two and a half decades of experience as the director of a non-profit arts organization, and his astute insight into arts policy and community needs won praise from both sides of the aisle. Today, the NEA enjoys strong bipartisan support, and in 2001, received its first budget increase since 1992.

Chairman Ivey came to Washington with a clear vision for the NEA and the arts in America and he articulated that vision in a five-year strategy. Challenge America is an initiative that has won the support of not only Members of Congress, but of communities and citizens all across the nation. This program effectively focuses federal arts funding on some vital American values: education, services to young people, preservation of our cultural heritage, and community partnerships.

Chairman Ivey has also sought cooperation with other federal agencies, establishing new partnerships and strengthening existing ones. Today, the Arts Endowment works in partnership across America with more than 20 other federal agencies as well as state arts agencies and local arts organization on hundreds of projects to enrich the lives of all Americans.

Chairman Ivey is a strong leader and a passionate spokesman for the arts, artists, and our nation's living cultural heritage. His influence will long be felt in these areas and his presence will be greatly missed by those of us who have had the privilege of knowing and working with him. The National Endowment for the Arts are fortunate to have had him at the helm of our nation's federal cultural agency. Best of luck, Bill; I know you will continue working to establish the value of the arts in the hearts and minds of all Americans.

## TRIBUTE TO THE ANTIOCH BIBLE BAPTIST CHURCH

### HON. SAM GRAVES

OF MSSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Antioch Bible Baptist Church for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of churches like Antioch Bible Baptist Church signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the congregation at Antioch Bible Baptist Church has contributed $10,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Antioch Bible Baptist Church is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

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## A TRIBUTE TO BILL IVEY, CHAIRMAN OF THE NATIONAL ENDOWMENT OF THE ARTS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Bill Ivey, Chairman of the National Endowment of the Arts. Bill grew up in Calumet, Michigan, a town in the Upper Peninsula in my district.

It is with great pleasure that I note Bill Ivey's remarkable career achievements. In recent years controversy had surrounded the NEA. This controversy has led to strict reform and restructuring of the NEA. Bill has led this reform and was able to build bipartisan support for the arts in Congress. Congress responded by providing the first budget increases in eight years. Bill Ivey spent much of this time explaining and implementing changes needed at the NEA. In his three years running the National Endowment for the Arts, Bill methodically changed the agency from one that was constantly criticized to a bastion of bipartisan calmness.

Bill Ivey's past experiences prepared him well for the job, including serving as Director of the Country Music Foundation for 25 years. His experience and focus uniquely qualified him to recognize the importance of cultural programs across the country not only in big cities but also in rural communities and small towns.

Under his leadership the NEA began a program to distribute more grant monies to underrepresented geographic areas. I receive many letters from local arts councils, senior centers, community theaters, youth programs and museums detailing the positive effect of NEA's programs have and how even a small amount of federal funding greatly impacts the quality of their programs. These reforms led by Bill deserve much of the credit of the new image of the NEA.

Under Bill's direction of the NEA the "Save America's Treasures" program helped preserve the Calumet Theatre in Calumet, Michigan. Despite its remoteness, this remarkable theater once provided a stage for some of the greatest actors and actresses who traveled the country shortly after the turn of the century. Like many institutions of its kind, the theater fell on hard times but was rediscovered by farsighted local residents. Now it is the bright jewel of a national project. I thank Bill for his tireless efforts toward this goal.

Bill has been not just in Washington and other large cities but he also visited the small towns of America witnessing the progress of the NEA. He believes that art should not just be in the big city but also rural America, For example, Bill visited Fraziers' Boathouse in Marquette, Michigan, and granted them $15,000 to Lake Superior Theater, Inc. to overhaul the lighting system in the boathouse theater.

Bill can be proud to know that he leaves the NEA with a greatly improved reputation and solid Congressional support. I wish Bill the best at Vanderbilt University, and his service at the National Endowment for the Arts will be missed, just as I will miss working with my friend, the Honorable Bill Ivey.

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## HONORING THE FALLEN FREMONT COUNTY SHERIFF'S DEPUTY JASON SCHWARTZ

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. McINNIS. Mr. Speaker, sometimes we do not realize what we have until it is gone, and human life is no exception. The service of our law enforcement officers is another aspect that we often forget, but on October 1, 2001, our hearts and minds were struck with a stark reminder that our officers of the peace are as vulnerable as any they seek to protect from those that wish to inflict harm on others.

Jason Schwartz, a 26-year old Fremont County Sheriff's Deputy, was mercilessly shot in his car after apprehending Michael and Joel Stovall in Canon City, Colorado. I would like to take a few moments to raise the service and life of this gracious young man to the attention of this body and offer our sympathies to his family and friends at this time.

While we may not ever fully understand the reasons why this event ever happened, we must allow our hearts to be filled with the joy that Jason brought to us while he was with us. Jason was a strong and dependable leader who was just beginning a long career as a sheriff's officer. Everyday he demonstrated his charisma and enthusiasm for his job and it was evident in all he did. His colleagues as well as members of the community respected Jason. His presence was a shining star for many to emulate.

Jason's one month-old son, Mason, and his wife Sheryl live to remember the honorable service he offered the people of Fremont County. Words simply cannot begin to express the admiration, the appreciation and the solemnity that we all have at this time of remembrance and mourning.

Mr. Speaker, Jason will live within the hearts and minds of all of those that he touched. His brave and selfless service ensures that he is not a forgotten hero. This tragic event cut short Jason's dreams and our entire community joins together to offer our sympathies and condolences. At this time of remembrance, I would like to extend my deepest sympathy and the sympathy of this Congress to Jason's family and friends and let them know that my thoughts and prayers are with them.

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## TRIBUTE TO BILL IVEY

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. HILLIARD. Mr. Speaker, the retirement of William J. Ivey from the Chair of the National Endowment for the Arts is a great loss for the nation. He has demonstrated a remarkable capacity to bring diverse partners to the conversation of arts policy—fully engaging the nonprofit, foundation and corporate communities in a dialogue about the future of the arts in America. He has put the outcomes of these conversations into practice, initiating new programs that lengthen the reach of federal dollars, spur giving from the private sector, and build community support for the arts.

Meeting the vast needs for arts funding with limited federal resources is a serious challenge. Under Chairman Ivey's leadership, the NEA created the Challenge America program, which has extended the geographic reach and the leveraging capacity of federal arts dollars while strengthening the arts in rural and inner-city communities. Chairman Ivey has challenged America to build a lasting infrastructure of support for the arts at the local level by developing cultural plans, utilizing technology, and strengthening educational opportunities for children.

I join with the rest of Congress at this time to thank him for his work and to wish him well as he continues his life. Without doubt, he will continue to contribute to the culture of the American people in many ways.

## FAREWELL TO BILL IVEY

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MORAN of Virginia. Mr. Speaker, I have never been timid about my support for the National Endowment for the Arts or my passionate belief about the importance of the arts in our culture and the role of the federal government in fostering the arts. Just as profoundly, I believe we have been blessed to have Bill Ivey at the helm of that agency at a critical time.

I have thousands of civil servants among my constituents. I know the dedication they bring to their work.

Billy Ivey would rank among the top of those who come into government only for a time—contributing their special backgrounds and abilities. His appointment to be Chairman of the NEA was an inspiration.

Bill did not have to be converted to the idea of connecting the arts and the NEA to communities and families. He was one of its prophets.

As a life-long folklorist, when Bill Ivey talks about America's Living Cultural Heritage, it's clearly not a phrase from a good wordsmith. That devotion comes from his very soul. When he says "Living Cultural Heritage," you can practically see his toes growing into the ground like tree roots.

He also brought another skill to the NEA, one that is as critical to success as it is often overlooked. From having run a non-profit organization for more than 25 years, Bill understood, and had met, the challenges of leading and managing a large organization. We never saw that directly on the Hill. But I have heard from my constituents who have worked for Bill at that agency that he was extraordinary. We have certainly seen the results.

Most heads of agencies or programs might get to know the Chairmen and a few key Members of the Authorizing and Appropriating Committees with relevant jurisdiction. Bill Ivey tried to meet all of us, especially all of the critics of the NEA. He pounded the terrazzo and marble of our halls to meet hundreds of Members of Congress, reinforcing the agency's supporters and disarming its detractors. He gave us concise briefings on the NEA's programs and procedures, and on his vision for how the NEA could enrich our families and communities.

He took back to the NEA the priorities of our constituents. He instituted many experimental programs, among them: for fostering partnerships among local community organizations, for positive alternatives for young people, and for enhancing the use of arts in education. He promoted outreach in formal and informal initiatives—and in simply making outreach a priority in everything the NEA did. In the last four years, with mostly a flat budget, the NEA increased the number of applications received, and doubled the number of grants given. Bill Ivey, and the National Endowment for the Arts under his leadership, gave Congress more than ample reason for FY 2001 to give the agency its first budget increase in eight years.

Mr. Speaker, Bill Ivey is moving on to other challenges, but his accomplishments in leading the NEA can never be exceeded. Personally I will miss him.

Our nation now faces a new challenge brought upon by the terrorists attacks on September 11th. I share Bill Ivey's belief that the Arts can play a critical role healing this country. Following Bill Ivey's tenure at the NEA, the Arts community is in a better position to respond to this new challenge.

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## RECOGNIZING THE LIBERTY BOY SCOUT TROOP 214

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Boy Scout Troop 214 for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Boy Scout Troop 214 signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Boy Scout Troop 214 has raised more than $6,000 by selling ribbons to assist in the rescue efforts and to provide for the grieving families. The patriotism and persistence of Boy Scout Troop 214 is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

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## TRIBUTE TO WILLIAM J. IVEY

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SHAYS. Mr. Speaker, it gives me great pleasure to recognize William J. Ivey for the extraordinary work he has done over the past three years on behalf of the arts.

During his tenure at the NEA Chairman Ivey developed a nonprofit cultural organization and worked to protect America's living cultural resources. An advocate for various art forms, he has, without a doubt, fulfilled the Endowment's mission to "foster the excellence, diversity, and vitality of the arts in the United States, and to broaden public access to the arts."

Chairman Ivey, I thank you for all your hard work over the past three years and wish you well in your future endeavors.

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## THE DISPLACED OLDER WORKER ASSISTANCE ACT OF 2001

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to provide targeted tax relief to all workers who are laid off and who receive severance benefits, and to grant re-training assistance to older workers who often have special difficulties when trying to find new employment after a lay-off.

My legislation would allow all workers, of any age, to exclude up to $15,000 from their taxable income for severance pay, effective after the date of enactment.

This legislation is based on the common-sense principle that having one's employment terminated is painful enough for a family to deal with. Clearly, the federal government should not make matters worse by levying additional taxes on non-recurring severance payments.

Severance benefits often create the impression of affluence on paper, and when they are counted as ordinary income (as is the case under current law). The payments boost family incomes into higher tax brackets, and result in higher tax liability. In many cases, a sizeable portion of the severance benefit is lost to the I.R.S. in the form of higher taxes.

This glitch in our tax code was brought to my attention several years ago by a constituent of mine, Mr. Bill Giovennetti of Hamilton, when he told me that he lost thousands of dollars of his severance benefits when he was forced to take early retirement in the early 1990s, as his company was downsizing. Because he was a long-time employee, his severance benefit was fairly significant, and it put him into a higher tax bracket. He protested this taxation to the I.R.S., thinking initially that it was some kind of mistake. Common sense would suggest that the I.R.S. would not want to kick a man when he's down on his luck and out of a job by hiking his taxes and taking away part of his severance package. When he got the letters back from the I.R.S. telling him that severance pay is included and taxed as regular income, he couldn't believe it.

His case is not the first, nor will it be the last, unless this legislation becomes law.

Current law on taxing severance pay has no policy justification. Severance pay is not recurring income. Including it as income distorts a person's true financial situation and makes them appear more wealthy. However, the fact of the matter is that the family's actual financial situation has been weakened by the impending lay-off. The non-recurring nature of severance payments is not recognized by our tax code, and in effect, current law is harshest on those workers who put in the longest years of service to their employer. People should not suffer a tax penalty merely because they have been loyal, longstanding employees, and my legislation provides necessary and needed tax relief to middle class families.

The exclusion can be taken either in the year the severance payment is received, or in one of the next two succeeding taxable years. I have capped the exclusion at $15,000, to ensure that taxpayers are helping those who really need our assistance, not padding the "golden parachute" bonuses of CEOs.

Mr. Speaker, since the horrible events of September 11, literally tens of thousands of workers—particularly those in the airline, travel, and tourism industries—have been laid off. Over 100,000 lay offs are anticipated in the airline industry alone when all is said and done. Our economy has taken a body blow, and we will need to provide our laid-off workers all the help we can give so that they can land on their feet.

Severance payments are more than just a reward for service. Severance benefits often are used by laid-off workers as seed capital to start their own businesses. They are used for retraining purposes, such as tuition or fees for specialized training programs. Taxing these benefits is like throwing an anchor to a drowning swimmer. Instead of being a tax albatross, severance payments should be a lifeline that unemployed workers can rely upon when trying to find another job.

Not all workers who are laid off find it easy to get another job that pays wages similar to their last job. In fact, older workers—especially those over the age of 50—often experience major difficulties. To address this problem, my legislation provides a $2,000 targeted refundable tax credit for displaced older workers to help them with retraining expenses.

Workers over age 50 usually have spent most (or all) of their careers at the same firm, and often experience difficulties finding new employment after suffering a lay off. This is the result of a number of factors, including: (1) middle-aged employees do not always receive continuous training, and therefore existing job skills might be obsolete in the current job market, (2) the middle aged employee often has higher salary requirements than other workers seeking employment in his or her field, (3) prospective employers are often reluctant to invest additional training in older workers because the firm will not be able to recoup that investment before the employee retires, and (4) the terminated employee may need to switch industries entirely, necessitating training, since the old industry skills are specialized and not easily transferable.

Since the employer often does not have an incentive to invest in retraining for older workers, this tax credit will help individuals retrain and find new employment so that they may be gainfully employed for a period of time before retirement.

Because only workers over age 50 can claim the $2,000 credit, this should significantly reduce the costs of the credit, and it also targets the relief where it is most needed. The credit is also refundable, so it can be claimed as a refund even if the person has no taxable income. In this way, the legislation is certain to benefit lower-income workers.

The qualified retraining expenses under the bill are for items such as tuition and fees, books, supplies, equipment for college or technical retraining courses, and/or meals and lodging at an educational institution.

There is a means test which affects those earning over $100,000 for a married person filing jointly, $75,000 for an individual, or $50,000 for a married person filing separately. The value of the credit steadily diminishes for those earning over these amounts. The means test was included to ensure the retraining credit is targeted to help the middle class.

Lastly, my bill initiates a comprehensive study on the special needs of displaced older workers. As many of my colleagues know, federal job assistance programs ought to be tailored to meet the various needs of workers seeking new jobs. Anecdotal evidence suggests older workers may have unique retraining needs. This study will focus on the needs of such workers, and help agencies meeting these needs decide how existing programs should be improved.

The bill would require the General Accounting Office (GAO) to study the special needs of older (age 50+) displaced workers, and would examine: (1) the unique differences in needs between older and younger workers trying to find a job after a lay off, (2) an assessment of whether current programs adequately meet these special needs (if any) of older workers, (3) an assessment of whether older workers are disproportionately and negatively impacted by job losses attributable to international trade, and (4) an assessment of whether the private sector has sufficient incentives to invest in worker retraining for older workers.

Mr. Speaker, our workers who have suffered a lay off need our help. In the wake of September 11, we now have two enemies to fight: terrorism and recession. My proposal is just one component of the effort to get our economy moving again and to help unemployed workers regain their financial footing.

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## RECOGNIZING THE LIBERTY ROTARY CLUB

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Rotary Club for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Rotary Club signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Rotary Club has joined more than 8,000 Missouri Rotarians in their statewide effort to raise $100,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Liberty Rotary Club is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

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## A MORMON MOMENT

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. HANSEN. Mr. Speaker, the national news publication, Newsweek, has published an article entitled "A Mormon Moment," authored by Mr. Kenneth L. Woodward, (9/10/01) which highlights the growing influence of the Church of Jesus Christ of Latter Day Saints, sometimes referred to as the LDS Church, or "Mormon Church" in world religion, and in particular, its influence in my home State of Utah. As home to the upcoming 2002 Winter Olympic Games, Salt Lake City, also serves as the world headquarters for the church.

Woodward's article made the case that the church, its history, its doctrine and influence on political and civic affairs will be under the world's media spotlight during the 2002 Winter Games in February. I think that is a safe assumption.

Religious belief is a deeply personal subject. Religious faith, or the lack thereof, defines largely who we are as a person. It is one of the the most profound influences on our individual thoughts and actions. It is inherently difficult for a person of one faith to objectively and completely explain the doctrines and beliefs of another faith. I believe that, as a non-LDS reporter, Mr. Woodward's characterizations of LDS doctrines and teachings may have encountered some of this same difficulty.

As a fourth and fifth generation member of the LDS church, I must admit that I found some of Mr. Woodward's characterizations of my beliefs and the history of the church to be strained or not entirely accurate in some instances, and perpetuates some unfortunate and outdated stereotypes.

However, it is not really appropriate or productive to engage in debate or detailed discussions on religious doctrines and beliefs on the floor of the U.S. House of Representatives, and that is not my purpose in bringing this subject up tonight. Again, religious belief is deeply felt and personal, and each person should be left to discover and follow his or her own faith.

My purpose in coming to the floor on this subject tonight is seek to dispel the notion inherent in this article that the Church of Jesus Christ of Latter Day Saints, or LDS Church, is actively seeking to exploit the 2002 Winter Games. I also want to dispel the notion that the Salt Lake Organizing Committee for the 2002 Winter Games is somehow beholden to or acting improperly in concert with the LDS Church.

I think that a few points must be made in counterbalance to Mr. Woodward's article that will help place all of this in perspective.

First, I respectfully disagree with the author's assertion that "[n]ot since the ancient Olmpiads were held under the gaze of Zeus and his randy band of gods and goddesses have the Games been staged in a local so thoroughly saturated by a single religion."

Approximately 72% of Utahans statewide claim membership to the LDS church. Even though 72% is still a substantial majority, the author failed to point out that within Salt Lake City itself, the figures are roughly 50% LDS members to 50% non-members. He also failed to point out that while many of Utah's prominent government leaders are LDS (which should not be a surprise when reflecting the composition of the general population), he failed to note that the last two mayors of Utah's largest city and capitol, Salt Lake City, including the current mayor, are not Members of the LDS church.

For balance, I think it's important to recognize that religious influences often permeate local cultures wherever one chooses to look. Olympic events have been held in several other venues where there have been even greater religious majorities than Salt Lake City.

For example, I recall the Winter Olympic Games being held in Grenoble, France, in the late 1960's. France's population is over 90% Roman Catholic, and that particular faith and the history of the French people and culture are inseparable. The French have historically viewed their national identity as being intertwined with Catholicism. It is part of "who they are."

Another example is the Winter Olympic Games which were held in Lillehammer, Norway. I recently visited Norway. It is an extraordinarily beautiful country. Approximately 86% of the population are Lutheran. In addition, Lutheranism is the State Church. One could say the same thing about the influence of protestantism on Norwegian culture and politics as that which Catholicism had on France.

Yet another example is the most recent winter games held in Nagano, Japan. 98% of Japanese are followers of the ancient Shinto and Buddhist religions.

I'm sure that if we looked further, we could find other similar examples. Therefore, it should not strike the world, nor the media, as unusual that religion plays an important part in the culture and history of Salt Lake City and its people. To the extent that this fact is newsworthy is the result of decisions made by the media themselves, and is not part of any organized effort on the part of the church or the Salt Lake Organizing Committee. I sincerely hope that the motivation for some of the media coverage of the LDS Church and its doctrines in the context of the 2002 Olympics is not motivated by some religious bias or prejudice based on specific beliefs.

For example, wouldn't it strike most people odd to have Newsweek write articles discussing specific Catholic or Lutheran, or Shinto religious beliefs in detail in the context of an Olympic story in France, Norway or Japan? To some extent, the attention focused on specific LDS religious beliefs in the context of the 2002 Winter Games seems out of place.

Second, I think the author did not adequately express the separateness of the 2002 Winter Games and the Salt Lake Organizing Committee from the LDS Church. They are entirely separate. One is a religious organization and world religion. The other is a secular organization. While there are LDS members who serve on the SLOC Executive Committee, a substantial majority of SLOC officials and employees are not members of the LDS Church.

It has been my experience that both organizations have sought, very diligently, to ensure that there is no undue influence, or even the appearance of undue influence, by the Church on the organization or outcome of the games. Any assertion that there has been undue influence is totally unsubstantiated.

Further, I would like to point out that these are America's Games. They're the world's games. They're not Utah's Games, nor the LDS Church's games. Like any other American city or state, we're proud to host, for a short time, the premier winter sports events in the world.

In closing, Mr. Speaker, I would hope that people would recognize that the reason that Salt Lake City was chosen to host the 2002 Winter Games is because of its reputation as having the "Greatest Snow on Earth." It has world-class skiing opportunities and venues.

We are all working together to ensure that all visitors feel welcome in Utah and in the United States. If you come to the games, you will have a good time. The focus will be on the athletic competition, as it should be.

We welcome the world to our state. We have nothing to hide and nothing to be embarrassed about. We also have nothing to apologize for. Utahs' citizens of whatever religious background share in their pride and enthusiasm for upholding the Olympic Spirit. There is, and will be, a place at the table for everyone.

## IN HONOR OF BALTIMORE COUNTY PROFESSIONAL FIRE FIGHTERS ASSOCIATION—LOCAL 1311

### HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. EHRLICH. Mr. Speaker, I rise to express my gratitude and and admiration for the men and women of the Baltimore County Professional Fire Fighters Association, Local 1311 of the International Association of Fire Fighters. This organization represents more than one thousand fire fighters, officers, and EMS workers in Baltimore County. Each and every day, these heroes risk their lives serving the citizens of Baltimore County.

In the wake of the tragic and cowardly attacks on the World Trade Center and Pentagon, Local 1311 sprung into action. Recognizing that over three hundred and fifty fellow fire fighters lost their lives during the horrific events of September 11, 2001, members of Local 1311 rapidly organized a fundraising drive to assist the families of our fallen heroes.

Inspired by the IAFF's creation of the New York 9/11 Disaster Relief Fund, the association began a direct campaign to solicit donations for this worthy effort. Local 1311 members hit the streets of Baltimore County from September 21–23. Fire Fighters diligently worked street corners and shopping malls asking for contributions. I am pleased to report the public responded generously. While the final tally has not been calculated, approximately $300,000 was raised for the 9/11 Fund. All Baltimore County Fire Fighters merit our thanks and congratulations.

I want to express my personal thanks to Local 1311 Trustee, Mr. Ted Moffitt, for coordinating the overall effort. The entire leadership of the organization led by President Mike Day, Secretary-Treasurer Jim Kinard, and Office Assistant Elizabeth Grove assisted with logistical support. Finally, my heartfelt thanks and appreciation is extended to Mr. Edwin F. Hale, Chairman of First Mariner Bank, for the support and assistance he and the bank provided in handling, counting, and safeguarding the voluminous amount of coin and currency collected. This group effort represents the best in America; it will undoubtedly provide much needed relief to survivors of our fallen heroes.

Mr. Speaker, fire fighters are truly America's bravest. I applaud the Baltimore County Professional Fire Fighters for their hard work and commitment to their county, country, and fellow citizens.

## THE TALIBAN AND TERRORISM

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. LANTOS. Mr. Speaker, I rise today to bring to my colleagues attention a recent op-ed in the Los Angeles Times by Karl Inderfurth, Assistant Secretary of State for South Asian Affairs under the previous administration. The piece by Mr. Inderfurth details the warnings that the United States clearly, directly and emphatically issued to the Taliban in 1999 regarding their support for, and terrorists activities of, Osama bin Laden. Assistant Secretary Inderfurth informed Mullah Abdul Jalil, a close associate to Mullah Omar, in February of 1999 that the United States would hold the Taliban accountable for bin Laden's future actions and reiterated the request to expel bin Laden to a location where he could be brought to justice.

I ask that the following Los Angeles Times Op-Ed by Karl Inderfurth be placed in the RECORD and I urge my colleagues to read it.

[From the Los Angeles Times]

FACE TO FACE WITH THE TALIBAN

(By Karl F. Inderfurth)

After the terrorist attacks on the World Trade Center and the Pentagon, President Bush said we will make no distinction between the terrorists who committed these acts and those who harbor them. The Taliban of Afghanistan should not have been surprised by this statement. They were similarly warned by the U.S. government more than two years ago.

The meeting took place Feb. 3, 1999, at the U.S. ambassador's residence in Islamabad. As the assistant secretary of State for South Asian Affairs, I was instructed to deliver a message about Osama bin Laden and terrorism to a high-ranking official of the Taliban movement. I was accompanied by the State Department's coordinator for counter-terrorism, Michael Sheehan. Mullah Abdul Jalil, a close associate of the Taliban's supreme leader, Mullah Mohammed Omar, and a possible liaison with Bin Laden, traveled to Pakistan to meet with us. The bombings of the U.S. embassies in Kenya and Tanzania nearly six months earlier had made it horrifyingly clear that Afghanistan-based terrorism was direct threat to the United States. We were outraged that after all the support the United States had given the Afghan resistance during its struggle against the Soviet Union, the terrorists tied to the bombings, including Bin Laden, were trained and based in Afghanistan.

The U.S. government had repeatedly demanded that the Taliban stop giving safe haven to terrorists. It had also appealed to nations, like Pakistan, that have influence in Kabul. But the situation did not change.

The message I delivered at the February meeting went further than any previous one issued by the U.S. government. Arriving late in the evening from Kandahar, Afghanistan, Mullah Jalil was accompanied by the Taliban's representative in Islamabad. Along with Sheehan, I stressed that the Taliban needed to expel Bin Laden to a location where he could be brought to justice. I emphasized that it was vitally important for the Taliban to act, because the American government believed that Bin Laden was still plotting acts of terrorism against the U.S.—and that we would hold the Taliban responsible for his actions. The message could not have been clearer.

Speaking softly through his interpreter, and frequently stroking his beard, Mullah Jalil responded. He began with a prayer, then proceeded to argue that the Taliban's actions conformed to their interpretation of Sharia, or Islamic law. He said Bin Laden was an honored guest of the Taliban for the role he had played in the Jihad, or holy war, during the Soviet Union's occupation of Afghanistan. Mullah Jalil acknowledged that Bin Laden was increasingly a burden on Afghanistan, but the Afghani tradition of hospitality did not permit them to force Bin Laden to leave. Mullah Jalil assured us, however, that Bin Laden was under the Taliban's control and that he could not possibly be operating a worldwide terrorist network as we had suggested. Finally, he demanded that we show him the evidence against Bin Laden and that then the Taliban would act according to Islamic law. Sheehan did, citing chapter and verse from the indictment of Bin Laden for his role in the East Africa embassy bombings.

Later efforts were made to provide the Taliban with more information about the U.S. case against Bin Laden, but they never responded. The nearly three-hour session with Mullah Jalil produced no meeting of the minds. Subsequently, the United Nations Security Council tried to persuade the Taliban to turn over Bin Laden. Two resolutions were adopted, in October 1999 and December 2000, and sanctions were imposed on the Taliban to accomplish that purpose. Again, the Taliban defied these calls by the international community.

Meanwhile, the Taliban, and some of their supporters, tried to misrepresent our campaign against Bin Laden and terrorism as an attack against Islam. Nothing could be farther from the truth. The United States does not oppose Islam. The United States respects Islam. But we oppose those who commit or condone criminal acts, especially those who commit and inflict grievous injury against civilians in the name of any ideology, religion or cause.

Today, the Taliban and their leader, Mullah Omar, are facing another hour of truth. Let us hope they will change their mind promptly and turn over Bin Laden to appropriate authorities in a country where he can be brought to justice and close down the terrorist training facilities in Afghanistan. If they do not the United States will respond. The Taliban have been warned.

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## PERSONAL EXPLANATION

### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. TIBERI. Mr. Speaker, on Monday, September 24, 2001, I was delayed in returning to Washington, D.C. from Columbus, OH due to inclement weather. As a result, I was unable to record a vote on rollcall No. 349 (H.R. 717) and rollcall No. 350 (H.J. Res. 65). I fully support these important measures and had I been present, I would have voted in favor of both.

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## POWER TO CHANGE OUR WORLD

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. DELAHUNT. Mr. Speaker, on Tuesday, September 18, family and friends gathered together at St. Helen's Church in Norwell, Massachusetts to mourn the loss of John J. Corcoran, a victim of the tragic terrorist attack on the World Trade Center on September 11. The memorial service was a stirring reflection of the life and spirit of Mr. Corcoran. From the depths of grief came a deeply moving tribute from his sister, Debi Corcoran of Helena, Montana. Her words of eulogy were so genuinely inspirational that I commend them to all of my congressional colleagues:

On the morning of September 11th, my brother Jay kissed his two children and his wife good-bye and raced to catch United Airlines flight 175 from Boston to Los Angeles, where he would resume his job as a Merchant Marine engineering officer. At 9:03 a.m. EST, his plane crashed into the south tower of the World Trade Center, killing all on board and thousands within the building as the tower crumbled to the ground. There had been the possibility that Jay had missed his flight, so my family and I, like many other families, held a vigil of prayer for most of the day while we awaited official world from the airlines. Even when the call finally came, it was all too surreal I had just spent the most wonderful family reunion with all my sisters and brother at West Hyannisport for my mother's 72nd birthday just two weeks before. It had been the first time in five years we had all been together. We shared so much joy and laughter and gave each other so much love and support for all the struggles and challenges going on in each other's lives. We headed off in our separate directions, refreshed and renewed by the blessings only family love gives. Today, we unite again as a family to ease the pain, dull the shock and fill each others spirits as we acknowledge our brother's departure to his home with the Creator.

In all these days of telephone communications with my family, we've each had time to express our deepest thoughts, our rawest emotions, and without exception they have been expressions of love, compassion, and peace. My brother and the thousands more who ascended en masse into God's light were the recipients of an energy called hate. We know this one well. We've seen it in our schools, our cities and towns, and throughout the world. We are familiar with it's bitter taste. But where does it come from? And why was it directed at us—America? Do we need to look at the way we consume disproportionate amounts of the world's resources while billions live in poverty? Do we need to examine the overdue responsibility to rein in greed and waste, and the need to share more equitably with all our brothers and sisters?

It would be easy for us to shun culpability, to proclaim victimization, to extoll political rhetoric and allow military action to be our reaction. But, I don't believe my bother and all those other beautiful spirits made the supreme sacrifice so that we can go on with business as usual Might makes right! The have and the have nots! An eye for an eye! Money is power! I believe their prayers of the families who lost loved ones and the human community at large are that we act, and not react. That we take this seed called love and grow a new garden; a world where love, sharing, charity, compassion and caring are our mantra and not more, more, more!

I believe we are at a crossroad as human beings. We have free will. We have the right to choose. Will our recourse be one of hate, anger, revenge and the subsequent and eventual destruction of humankind and Mother Earth? Or do we take responsibility—each and everyone of us and become a conduit of God's love, acknowledging the circle of light that connects all of us? We cannot harm another without harming ourselves and that is why all the world feels our pain and grieves with us; and that is why all the world anxiously awaits our response. Let our collective goal be justice for all.

As one who has my blessed brother departed from this physical plain too soon and with such horror, I choose to stand for love, compassion, peace and for a true change on all our parts. As children of God, I ask you all, to look into your hearts and see what kind of a world you want your children to grow up in, and to then decide to make it so. It is within all our power to change our world.

May there be peace on earth.
May the heart of all people be open to themselves and each other,
May all people awaken to the light of their own true nature,
May all creation be blessed, and be a blessing to all that is.

## RECOGNIZING THE LIBERTY FIRE DEPARTMENT AND THEIR SPOUSES

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Fire Department and their spouses for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Fire Department signify the commitment and concern of Americans everywhere. Our Nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Fire Department and their spouses have participated in the "Pass the Boot" activities at Arrowhead Stadium and fundraising at the Liberty Fall Festival raising thousands of dollars to assist in the rescue efforts including the 911 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Liberty Fire Department is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

## CONSUMER PRODUCT RISK REPORTING ACT OF 2001

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. MARKEY. Mr. Speaker, I rise today to introduce the "Consumer Product Risk Reporting Act of 2001," a bill intended to improve consumer safety by achieving increased compliance with existing requirements to report hazards. The legislation would increase the civil and criminal penalties that the CPSC can seek from firms that do not inform the Commission when they have a product that could pose a substantial hazard to consumers. The legislation would also help make some product recalls more effective.

The CPSC is the government agency that makes sure cribs, toys, and other products in your home or around schools and in recreation areas are not hazardous, and recalls them when they are hazardous. The CPSC oversees the safety of 15,000 different kinds of consumer products. Each year there are more than 29 million injuries and about 22,000 deaths associated with consumer products.

Current law provides that if companies have information that one of their products has a safety defect that could create a serious product hazard or presents an unreasonable risk of serious injury or death, they are required to report that to the government. Unfortunately, some companies are not obeying the law. The CPSC estimates that in half of the most serious cases they deal with, the company has failed to report injuries. Instead, the information comes to the attention of the agency from its own investigators, from consumers, or tragically, from hospital emergency room reports or death certificates.

When companies don't report, dangerous products that should have been recalled or modified remain on store shelves. They continue to be sold and they stay in consumers homes where they can cause serious injury or death.

Some consumers pay a very high price for a company's failure to report.

For example, a 3-year-old girl died while playing on her swing. Her grandfather was cutting weeds in the yard using a weed trimmer with a replacement head that was made with metal links. The end link broke off and it flew through the air as a piece of deadly shrapnel—travelling 240 miles an hour. It hit his granddaughter in the temple, penetrated her skull and killed her.

The company didn't tell the CPSC about this death, nor did they tell the CPSC about the 40 other serious injuries from chains breaking. The CPSC was forced to do its own investigation and recalled the product nationwide in May 2000.

Such failures to report can result in tragic losses of life and limb that are avoidable and preventable if compliance with reporting were higher.

Under current law, the CPSC can fine companies for violating the law, but the amount of the fine is limited by statute to a level that does not sufficiently deter violations. Under current law, companies can face criminal penalties for violating consumer product safety laws, but they are only misdemeanors. Under current law, in any recall, companies elect whether to provide a repair, replacement or refund for defective products. In most cases, the CPSC can find a good solution to the problem for consumers. But in other cases, especially where the product is older and has been on the market for many years, companies argue they can elect a refund that may not result in an adequate recall thus resulting in the dangerous product remaining with consumers.

To remedy these deficiencies, the legislation would:

Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than $1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a $1.65 million fine. For them, it is a cost of doing business. More substantial civil penalties would provide a needed incentive for those and other companies to notify CPSC of dangerous products so that the agency can take timely action to protect consumers. Other agencies, including the Federal Trade Commission, enforce laws with no "cap" on the amount of the penalty.

Increase the penalty for a "knowing and willful" criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a "knowing and willful" violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement under the Consumer Product Safety Act that the Commission give notice of noncompliance before seeking a criminal penalty for a willful violation of the Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC clear authority to overrule the remedy chosen by a manufacturer to address a defective product in a product recall when the Commission determines that an alternative remedy would be in the public interest.

Under current law, a company with a defective product that is being recalled can elect the remedy to be offered to the public. The company can choose repair, replacement, or refund "less a reasonable allowance for use."

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies try to choose a remedy in a recall that does not further public safety. For example, a manufacturer may argue it can choose to refund the purchase price of a product, less a reasonable allowance for use even though the product has been on the market for a long time and the amount due consumers may be so insignificant that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement for the consumer is substantial. Companies may try to choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, injuries are continuing to occur and a repair is available and feasible. In this example, a refund is no remedy at all, and offering a minimal refund would not serve the public interest.

## AGRICULTURAL BIOTECHNOLOGY AMENDMENT TO H.R. 2646

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to introduce an amendment to H.R. 2646, the Farm Security Act of 2001. Please print the amendment in the CONGRESSIONAL RECORD.

My amendment establishes a program under the Foreign Agricultural Service in the Department of Agriculture to award grants for the research and development of biotechnology on agricultural products that can be grown in the developing world. Eligible grant recipients include historically black or land grant colleges or universities, Hispanic serving institutions, and tribal colleges or universities that have agriculture or the biosciences in its curricula. Non-profit organizations or consortia of for-profit institutions with in-country agricultural research institutions are also eligible. Grants are awarded on a competitive merit-reviewed basis.

If you have any questions about this amendment, you may contact John Tustin at 225–8885. I appreciate your attention to this matter.

## SALUTE TO PULASKI

### HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. FOLEY. Mr. Speaker, as American Polish clubs across the state prepare to celebrate the Pulaski Day Celebration, I would like to recognize General Casimir Pulaski and all Polish Americans.

General Pulaski came to America in 1777 to aid our fledgling Nation during the Revolutionary War. As a cavalry general, he earned the title "Father of the American Cavalry" leading many successful campaigns and directly contributing to our overall victory.

Pulaski understood that America would become a beacon of freedom. In the wake of recent events, and as we assemble an international coalition, it is my sincere hope we can find individuals that have the same dedication and courage as Casimir Pulaski to assist us in seeking justice.

The United States is a country with many Polish Americans that live their lives in the tradition of Casimir Pulaski. It is this tradition that makes our country great and will assure our victory once again.

Mr. Speaker, again, I pay tribute to all Americans of Polish ancestry as we celebrate Pulaski Day.

## HONORING FALLEN FIREFIGHTERS

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BENTSEN. Mr. Speaker, I rise today in support of the Resolution to honor the brave men and women who lost their lives while shielding others from fire. Everyday at firehouses across America, thousands of men and women shelve fear and self-interest, strap on boots, and await the alarms or cries for help. They form the frontline of our homeland defense. They enter blazing buildings and risk their lives to save strangers—knowing full well that each day at work could be their last. These heroes are the veterans of domestic tragedies.

On September 11th, while thousands of workers raced from the blazing twin towers, hundreds of New York City's bravest stormed in—pushing aside fear and clearing paths to free those trapped inside the rubble. For many of New York's firefighters, their service during the fires of September 11th was their last heroic acts. Their lives of courage and selflessness exemplify the meaning of compassion and concern for others.

September 11, 2001 is a day in history that all of us wish we could erase. The visions of our symbols of capitalism and security ablaze are permanently etched in our memories. We cannot wipe out these horrific images, nor can we forget the tragic tales of lost loved ones. But we can choose to move on and carry with us the memories of bravery and brotherhood that so embody the American spirit. The fallen firefighters leave behind a legacy of valor and an unyielding commitment to the common good.

Mr. Speaker, it is only fitting that we lower our nation's flags each year in honor of these individuals so that we never forget the sacrifice they made for the betterment of the rest of us. As a result of the egregious attack on our nation many fathers, mothers and children were killed. Our burning tears of sorrow will never be forgotten. We will be eternally grateful for the courageous sacrifice of these men and women.

## IN RECOGNITION OF THE PRESERVATION OF THE ISLAND FOX

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the preservation efforts for endangered Island fox. This unique species inhabits San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Santa Catalina, and San Clemente Islands in the chain of Channel Islands off the coast of Southern California, and its once thriving population has declined in recent years.

The Channel Islands have been called the "Galapagos of North America" and I believe that this is an accurate description of the extraordinary natural resources that exist on the islands. Each of the islands has a unique ecosystem, which is home to numerous indigenous species.

The island fox is one of these distinct species. It is found only on the Channel Islands and is a distant relative of the gray fox. These playful animals have spent most of the last 10,000 years thriving at the top of the island food chain. However in recent years they have become threatened due to a variety of circumstances.

However I am happy to report that extraordinary efforts are being made to reverse this trend towards extinction. In the last month the U.S. Fish and Wildlife Service has proposed listing the Island Fox as an endangered species. That act was an important step forward in the work to reestablish this species.

Finally, I would like to recognize the inspirational efforts of the fifth grade students at Mound Elementary School in Ventura. They have chosen the preservation of the Island Fox as their G.A.T.E. project, and have formed their own organization, "Save Our Species," which is an affiliated educational unit of Jane Goodall's "Roots and Shoots" organization. I believe that we should all follow the example set by these devoted young people and work together to ensure the Island Fox population returns to its historic levels.

## SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of the Air Transportation System Stabilization Act. This is far from an ideal bill, because it does not address the crisis faced by tens of thousands of air travel industry workers who have also been devastated by the terrorist acts of September 11. But as we know, America is in crisis and these are not ideal times.

The fact is that our aviation industry is a vital part of a strong and robust economy and it is facing unique and dire consequences as a result of the recent brutal terrorist attacks on our nation. It is therefore important that Congress take action now to stave off the financial calamity facing this industry and the resulting impact it could have on the entire nation.

This bill, however, must only be the first step. To succeed in strengthening our economy, it is essential that we address the needs of related businesses, and America's hard working men and women, who have also been devastated by the tragic events of September 11. Just as we are helping our ailing aviation industry today, we must also help the tens of thousands of workers affected by the economic impact of this national tragedy.

We must provide assistance to workers who have lost or will lose their jobs because of the crisis—assistance such as worker retraining programs, health insurance and unemployment insurance.

It is only because Congressional leaders have committed to quickly bring forth legislation to address the needs of workers that I will support this legislation. And I challenge our leaders to keep their word.

Mr. Speaker, America's workers deserve the same quick attention we are providing the aviation industry today. We must answer this moral call and come to their aid.

## WILLIAM BANACH HONORED AS OUTSTANDING AMERICAN OF POLISH DECENT

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. KLECZKA. Mr. Speaker, on Friday, October 12, 2001 William Banach will be honored as the Outstanding American of Polish Decent at the Milwaukee Society's Pulaski Day Banquet.

This annual event celebrates the life and achievements of local individuals who embody the spirit of Casimir Pulaski. Appointed a brigadier general by George Washington, Pulaski was engaged in a number of major Revolutionary War battles. He was killed in the fight to capture Savannah on October 11, 1977 and today Americans and Polish Americans celebrate his legacy of heroic service and ideals of freedom.

Bill has demonstrated a commitment to his family and to service of his community throughout his lifetime. He served the City of Milwaukee Bureau of Engineers for 31 years. While he no longer works a traditional full time job, he nevertheless remains extremely active in the community. He is on the Board of Directors of SHARE, a self-funding food program that provides food to needy families.

Active with the Boy Scouts of America for over 60 years, Bill has served as a Cubmaster, Scoutmaster, Explorer Scout Advisor and Merit Badge Advisor. In "semi-retirement" he remains very active with the Cub Scouts.

Bill has dedicated 14 years to the Milwaukee Society Polish National Alliance Lodge 2159 as chair of the Christmas Basket Program. Under his leadership, the Lodge collected, packaged and delivered Christmas goodie baskets to those most in need of holiday cheer, and did so without the families ever knowing the identity of their generous benefactors. In addition, he is an active member of American Legion Post 444 and the Knights of Columbus Cardinal Stritch Council 4614.

A wonderful husband and devoted father, Bill and his wife Janet will celebrate their 50th wedding anniversary this year. They have three wonderful children and three beautiful grandchildren.

So it is with great pride that I join with the Milwaukee Society Polish National Alliance in celebrating Bill's many achievements and years of community service. Congratulations William Banach, Polish American of the Year for 2001.

## THE VISIT OF MINISTER JASWANT SINGH

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CROWLEY. Mr. Speaker, I rise today to welcome to the United States India's Minister of External Affairs and Minister of Defense, Jaswant Singh.

As a leader of the world's largest democracy, Minister Singh's visit to America is timely. In light of the tragic events of September 11, it is increasingly important for leaders of the world's great nations to unite to protect the freedoms and liberties of democracy.

On behalf of the United States government and the American people, I would like to thank Minister Singh and the government of India for strongly condemning the terrorist attacks on the United States, and for expressing their unconditional willingness to assist in fighting the new global war against terrorism. Sadly, approximately 250 Indian nationals and persons of Indian origin were killed in the September 11th attacks. To the victims and their families I extend my deepest sympathies.

As has America, India has experienced first-hand the devastating consequences of cross-border terrorism. In the past fifteen years, approximately 53,000 civilians in India have been killed by indiscriminate terrorist acts. The global nature of terrorism and its far-reaching effects require concerted global action. We trust that future cooperation with India's leaders to combat terrorism, not only in South Asia and here in the U.S., but together around the world, will strengthen and will reinforce the important relationship between our countries.

In recent years, the United States and India have moved towards increased cooperation and improved understanding. The trend towards improved bi-lateral relations is evidenced by the US-India Summit Meetings held in New Delhi in March of 2000, and the formation of our Joint Working Group on Counter-Terrorism early that same year.

In light of the current situation in the U.S. and instability in South Asia, we recognize that open communication, dialogue, and partnership between our democratic nations must be maintained and enhanced as we strive together to achieve common goals and to promote peace in the region. We remain committed to cooperating with the government and people of India on issues of common interest, and we commend India for the role that she has undertaken in working towards greater prosperity and stability in South Asia.

Of particular importance now, however, is the return of Pakistan to a democratic government, and the establishment of peace in the Kashmir region. Such shared goals offer opportunities for collaboration, and indeed, require international collaboration if they are to be realized. Clearly, these issues remain central to South Asia's future stability.

The war on terrorism aside Mr. Speaker, as a member of the India Caucus, I look forward to continuing work to improve America's trade, investment, and military cooperation with India. It is my hope that we will continue the processes begun in past years to construct a valuable working relationship with India, one that is mutually beneficial to both our countries. We recognize India's role as a political, economic, and military force in regional and world affairs, and thus seek her continued cooperation and partnership.

I extend my sincere wishes to your Minister Singh for a most productive visit to Washington. Your country is an extremely important friend of America's, and I again thank you for the support that your nation has offered to the United States.

## RECOGNIZING THE STUDENT BODY OF RIDGEVIEW ELEMENTARY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body of Ridgeview Elementary for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like the Student Body of Ridgeview Elementary signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, Student Body of Ridgeview Elementary has raised and contributed more than $1,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Student Body of Ridgeview Elementary is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## MEMBERS TAKE TRIP ABROAD REGARDING THE WAR AGAINST TERRORISM

### HON. BRIAN D. KERNS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. KERNS. Mr. Speaker, throughout the past three weeks we have seen a tremendous outpouring of patriotism and American pride from coast to coast. After having the opportunity to spend the past few days traveling abroad through Russia, Turkey, and Rome and meeting with leaders from each of these countries—I am proud to return home to the USA with the rest of my colleagues with the understanding that we are not in this fight against terrorism alone. My deepest appreciation goes to Chairman WELDON, and Ranking Member ORTIZ for their leadership in putting together a thorough and productive trip.

Having completed our trip we came to some important conclusions.

First of all, these nations and many others are united like never before. They stand firm with us in our fight against terrorism, and will continue to support the efforts of President Bush and our nation to root out this evil.

Second, justice will be served to Osama Bin Laden and his radical followers. We must recognize, while this may take some time—we will persevere. Osama Bin Laden and his network is only a small part of the cancer of terrorism that is spreading throughout our world. This evil cancer must and will be eradicated.

While meeting with the former King of Afghanistan, Mohammad Zahir Shah, the King told us that he supports the United States in the war against terrorism and that he would back efforts to bring Bin Laden to justice and end the radical Taliban control of Afghanistan and support free democratic elections in his country.

In our conversation with the former Afghan King, and the field commanders for Afghanistan's United Front which is formerly known as the Northern Alliance, I found it fascinating that in fighting this war we must also fight the continuous war against drugs—Afghanistan is currently one of the leading producers of opium, and the majority of Bin Laden and other terrorist activities are funded through this drug trafficking. We must cut off their financial base at the root. That means putting an end to their drug trade.

I believe that our meetings were successful and established the important ground work in this fight against evil. As President Bush has envisioned, we must continue to build effective coalitions to win this war against terrorism.

## CALLING ATTENTION TO SPINA BIFIDA AND HONORING THE SPINA BIFIDA ASSOCIATION OF AMERICA FOR HELPING VICTIMS AND FAMILIES OF THIS DISEASE FOR NEARLY 30 YEARS

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to more than 70,000 Americans—and their family members—who are currently affected by spina bifida, a debilitating disease caused when a baby's spine fails to close properly during pregnancy. Additionally, Mr. Speaker, I rise to highlight the good works of the Spina Bifida Association of America, an organization that has helped people with spina bifida and their families for nearly 30 years.

Mr. Speaker, as most Members know, spina bifida, is the most frequently occurring permanently disabling birth defect afflicting 1 out of every 1,000 babies born in this country each year. There are three different forms of spina bifida with the most severe being Myelomeningocele spina bifida, which causes nerve damage and severe disabilities. This severe form of spina bifida is diagnosed in 96 percent of children born with this disease. Between 70 to 90 percent of the children born with spina bifida are at risk of mental retardation when fluid collects around the brain.

With proper medical care, people who suffer from spina bifida can lead full and productive lives. But they must learn how to move around using braces, crutches or wheelchairs, how to learn and how to function independently. They must also be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

Because spina bifida can be detected before birth by using prenatal tests, more than 50 percent of babies diagnosed with spina bifida are aborted—their lives cruelly snuffed out because of their anomalies. Tragically, expectant parents are wrongly pressured to abort their child if spina bifida is detected during pregnancy. It is imperative to get the word out and let expectant parents know that spina bifida is not a death sentence. Those parents who have rejected such pressure have had their lives enriched through the love they share with their child.

The Spina Bifida Association of America works tirelessly to help families meet the challenges and enjoy the rewards of raising their child. As part of its service through 60 chapters in more than 100 communities across the country, the SBAA puts expecting parents in touch with families who have a child with spina bifida. These families answer questions and concerns and help guide expecting parents so that they make life-affirming, family enriching decisions. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Today, about 90 percent of all babies diagnosed with this disease live into adulthood, about 80 percent have normal IQs and about 75 percent participate in sports and other recreational activities. We also know that spina bifida may be preventable if women consume folic acid supplements during their childbearing years and early stages of pregnancy. The daily amount of folic acid needed is typically found in most multivitamins.

It is heartening to see such promising statistics for people with spina bifida. The spina bifida community and our nation owe a tremendous debt to the SBAA for its work over the past three decades. Much more work still needs to be done, and I am confident this fine organization will lead the effort for decades to come.

## VISIT OF JASWANT SINGH, INDIA'S MINISTER OF EXTERNAL AFFAIRS AND DEFENSE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to note that Jaswant Singh, who serves as both Minister of External Affairs and Minister of Defense of India, is visiting the United States. He arrived on Sunday, September 30th and will depart on Tuesday, October 2nd.

During Minister Singh's visit, he met with New York Mayor Rudolph Giuliani to show support to the U.S. in the fight against terrorism on the global level. Minister Singh is also visiting Washington, DC to meet with top officials at the White House, the State Department and the Defense Department, as well as House and Senate leaders.

Minister Singh's visit to the U.S. is symbolic of India's unconditional support for the U.S. This support is based on shared democratic principles and common interests. Additionally, from the very day that the terrorist attacks in New York and Washington occurred, India has come forward in strong support of the United States, offering its unwavering support for the war against terrorism.

India's prompt and bold action in coming forth to stand united with the U.S. stems from the fact that this country has been on the front lines in the fight against international, terrorism for the years. Over the past 10 to 15 years, more than 53,000 civilians in India have been killed as a result of cross-border terrorism. These victims have suffered at the hands of many of the same terrorist networks believed to be behind the attack on the U.S.

India continues to be subject to the ravages of cross-border terrorism to this very day. Just yesterday afternoon, Monday, October 1st, a massive explosion near the main entrance of the State Assembly in India's state of Jammu and Kashmir left at least 29 persons dead and 40 injured. In addition, two militants firing from automatics later stormed the heavily-guarded assembly complex. The state assembly was in session when the blast occurred.

Those killed included five policemen, two from the Central Reserve Police Force, a schoolgirl and six state assembly employees. Eyewitnesses said a suicide bomber drove a jeep laden with explosives up to the main entrance of the state assembly and shortly after, the jeep exploded into a massive ball of fire leaving behind a trail of death and destruction. Jaish-e-Mohammad, a Pakistan-based militant group, has claimed responsibility for the blast. State Department spokesman Richard Boucher has condemned the bombing, stating: "I would say, first of all, that we very strongly condemn the attack today in Kashmir, as we have previous attacks. We think that no cause can justify the deliberate targeting of civilians in this manner. We extend our sympathies to the victims of the attack, we extend our condolences to India, a country that's suffered many terrorist attacks over the years. India is a key partner in the global coalition against terrorism, and we do believe that terrorism must be ended everywhere."

In statements from top Government officials, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of cooperation with the Administration. We have learned in the aftermath of the terrorist attacks in New York and Washington, the number of missing Indian nationals and persons of Indian origin is estimated at about 250.

Cooperation between India and the United States, the world's two largest democracies, extends beyond the current international campaign against terrorism, and has been steadily developing for the past few years. During the U.S.-India Summits in New Delhi in March 2000 and Washington in September 2000, the two countries established frameworks for preventing the proliferation of nuclear weapons and their means of delivery, preserving stability and growth in the global economy, protecting the environment, combating infectious diseases and expanding trade, especially in emerging knowledge-based industries and high technology areas.

However, at this time of crisis and tragedy for the American people, India has shown itself to be a good friend and a reliable and valued partner. India, with its strategic location and its excellent intelligence data, represents a vital resource and a logical partner for cooperation with the U.S. At this time of crisis, India has been recognized and appreciated in public statements from President Bush, Secretary of State Colin Powell and other top officials in the Administration and the visit to Washington of Minister Singh allows U.S. leaders to demonstrate the importance that the U.S. attaches to our growing relations with India.

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## INDIAN GOVERNMENT BARS VIEWING OF BURNING PUNJAB

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. BURTON of Indiana. Mr. Speaker, for quite a while, people interested in South Asian issues have had a valuable resource in the website Burning Punjab, located at http://www.burningpunjab.com. This website has reported many stories about the Indian government's tyranny against Sikhs and other minorities. Now the Indian government has banned the viewing of Burning Punjab in the northwest part of India, where Punjab, the Sikh homeland, is. Punjab, of course, declared its independence on October 7, 1987, calling itself Khalistan. The website has been blocked in Punjab and in the state of Haryana, which has a substantial Sikh population, and Delhi.

Suppressing information is not the way that democratic countries do things. This ban shows that India is a deficient democracy. It has about as much freedom of the press as Communist China. Burning Punjab was founded on September 15, 1997. On March 29, 2000, the site's founder, Sukhbir Singh Osan, was reportedly threatened with murder, apparently by the Indian government. Are these the acts of a democracy?

The massive human-rights violations of the Indian government have been well documented. Over 250,000 Sikhs, more than 200,000 Christians, over 75,000 Kashmiri Muslims, and tens of thousands of Dalits and other minorities have been killed by the government. It holds over 52,000 Sikhs and tens of thousands of others as political prisoners with no charges and no trial. Some have been in custody for 17 years. There have been rapes of nuns, murders of priests, the burning death of a Christian missionary, attacks on Christian prayer halls, schools, and churches, on mosques, on the Golden Temple. A group of Indian soldiers were caught trying to burn down a Gurdwara (a Sikh temple) but were stopped by villagers.

Why does a country like that receive U.S. aid? Do we support them so they can suppress the information their citizens need? Do we support them so they can maintain bloody repression against the minorities within their borders? We should stop all aid to India until basic human rights like the free flow of information are allowed for all citizens. Furthermore, we should put this Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagaland, and the 14 other countries seeking their freedom from India. This should take the form of an internationally-monitored, free and fair plebiscite on the question of independence. That is the democratic way and the way of major world powers. We owe it to the principles that gave birth to America to take these measures to promote the principles of freedom in South Asia and around the world.

Mr. Speaker, I would like to place the article on the banning of Burning Punjab into the RECORD at this time.

[From Burning Punjab News, Sept. 23, 2001]

VIEWING WEB SITE "BURNING PUNJAB" BANNED IN NORTH INDIA

NEW DELHI.—The Indian Intelligence Agencies have banned the viewing of World Wide Web site 'Burning Punjab' (www.burningpunjab.com). The site was not accessible in Punjab, Haryana and Delhi for the past four days. It is reliably learnt that the Research Analysis Wing (RAW) of the Indian Hindu Regime ordered ban. The 'Burning Punjab' has now decided to change its IP identity and servers.

Here it is pertinent to mention that web site 'Burning Punjab' was launched on September 15, 1997 by a Chandigarh based journalist and lawyer, Sukhbir Singh Osan. The staff and manager of the site were threatened number of time by the Indian Police. On 29 March 2000, France based organization Reporters sans Frontier's (RSF) also objected to various restrictions imposed by the Indian Government on the staff and manager of the web site 'Burning Punjab' RSF General Secretary Robert Menard issued a letter to the Indian authorities opposing unwarranted 'censorship'.

It's worth mentioning that 'Burning Punjab'—www.burningpunjab.com is an endeavor of IHRF. International Human Rights Forum (IHRF) is engaged in propagating the cause of Human Rights worldwide. Organization is taking special care for the welfare of state victims and is lending a helping hand to hapless and helpless to mitigate their sufferings. The activities of the IHRF have been appreciated by one and all irrespective of politico-religious affiliations. During the cult of violence in Punjab, Kashmir, Delhi, Assam, Bengal and elsewhere, the IHRF played a significant role in exposing inhuman & barbaric treatment and excesses committed by the State against the innocent & law abiding citizens.

About web site Burning Punjab: Burning Punjab is Punjab's first ever media site on Sikh Holocaust. It deals with the situation in East Punjab. Site contains news & views, political scenario, human rights values and holocaust of Sikhs. Sukhbir Singh Osan has created site. S.S.Osan is a Law Graduate from Punjab University, Chandigarh. He is a prolific writer and a born journalist. The International Human Rights Forum is operating this site.

## GOOD GOVERNMENT

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### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber's attention to another sermon I recently heard. People across the United States of America are still trying to figure out why these men carried out their terrorist attacks on September 11th. I believe this sermon may help those people deal with this tragedy. I recommend everyone to take a moment and read the sermon below.

Mr. Speaker, I would like to place a copy of this sermon into the RECORD.

"PAUL'S ADVICE"

(By Pastor Carol Custead, Zion Lutheran Church, Hollidaysburg, PA)

I can't imagine a more well timed lesson for this week than this second lesson which was appointed for the 16th Sunday after Pentecost, from St. Paul's First Letter to Timothy. Here we find scriptural affirmation of what I said last Sunday was Luther's understanding of the role of government in this world—"It is the God-given vocation of good government to maintain order, peace, and safety so that civilization can function."

We also find here a scriptural calling, issued by St. Paul, to prayer for our governmental leaders—something that we have seen much of in these last twelve days. People all over our nation & all over the world, of varying religions, have been flocking into churches, synagogues and mosques to pray—and especially to pray for God to guide the leaders of the nations in wisdom and discernment in this time of crisis following the terrorist attacks on September 11.

So let's start this morning by having a look at this scriptural passage. Here in 1 Timothy, Paul commends intercessory prayers for everyone, but most especially for "kings and all who are in high positions", Why does he single them out? It is "so that we may lead a quiet and peaceable life in all godliness and dignity," St. Paul explains. In his context, we might expect that Paul is trying, by using these words, to assure the civil authorities that the Christian movement does not subvert or cause trouble for civic stability. Roman officials worried about that, especially since it became clear that the Christian movement was no longer a sect within Judaism, and that some Christians were refusing to sign the annual loyalty oath affirming the divinity of the Roman Emperor.

But there is more reassurance in these words of Paul—reassurance which pertains to our world situation today. As biblical commentators have frequently attested, across the centuries, the Christian movement, except in its most radical fanatic fringe branches, values a stable political order where justice is enforced, and injustice is appropriately restrained—a political order where people can expect to lead a quiet and peaceful life.

Moreover, when the stability of political order is threatened, Christians must participate in efforts to regain that stability. Otherwise we are left in a Darwinian jungle where the survival of the fittest is the rule, and that means sheer power with both the threat and practice of violence. Therefore, Paul's advice about intercessory prayer for those in authority is more than a formality. It is a persistent reminder in our liturgies and life of prayer that a just political order is a necessity if individual rights are to be secured and opportunities for fulfillment accessible to all.

In a society that has been increasingly cynical about government, about all institutions and people in authority, where professional wrestlers or entertainers are excessively admired and voted into office because the are not politicians, it is especially important for churches and individual Christians to keep up a lively intercessory prayer life for those who hold political positions of authority. It will not only keep us a bit less tainted by that cynicism; it might also lead us into greater participation in public life. It is also the case that when we pray for everyone, especially those in authority, our lives become more quiet and peaceable not just because the effect of our prayer is that the state will be governed in greater justice, but also because we will be more quiet and peaceable in spirit if we have prayed truly. As we have so greatly seen these past twelve days, intercessory prayer has that effect. It calms us down. It delivers us from the agitation of not being able to control events. It enables us to live and act with the conviction that this is God's world, to be guided according to God's purpose, not according to our own purposes. To pray with all our might, and to trust—that is the good advice we have from Paul.

We have seen all of this at work in recent days. Never before in recent history have those in high positions asked us to pray so straightforwardly. We have seen how prayer can also be a unifying force in our nation and world. It has united Christians in an unprecedented way. Last Sunday evening we hosted a community-wide Prayer Service here at Zion. Approximately 320 people were packed tightly into these pews—people from many different congregations. There were Roman Catholics, Presbyterians, Baptists, United Church of Christ, Methodist, and of course, Lutherans. It was a feeling of great comfort to know that in such a time of crisis we can come together in unity of purpose in prayer, for it is the same God that we pray to.

It is also an amazing feeling to know that people all over the world are praying for America in this time of great need—to see that also Jews and Muslims are praying the same prayers we are praying. While they do not pray in Jesus' name as we do, it is still the same God to whom they pray. These three great monotheistic religions have come together in unity of purpose in an unprecedented way. The terrorist actions of a fanatic fringe group of Muslims have been the shame of so many Muslims worldwide. We should remember that we also have been shamed in the past by our own fanatic fringe groups such as the incident in Waco, Texas and mass suicide of Jim Jones and his followers. Therefore we can treat our good Muslim brothers and sisters with grace and we can pray with them and for them. We can pray with them for deliverance from the threat of militant Muslims, that those who have used violence as a means to grasp control in places such as Afghanistan might amend their ways or be ousted from their tyranny and murderous fanaticism.

When we pray we dare not do so with an attitude that God is on our side as the fanatics have done. How presumptuous! Rather, let us pray that we may be given the wisdom and strength and insight to discern God's way in all that lies before us so that we may properly be on God's side in His ongoing war on evil.

And when we pray, "God bless America" we dare not do so with an attitude of superiority to other nations of this world. For we believe that God does bless America—indeed that is our annual theme in this Harvest Home celebration. But that does not mean that God does not bless other nations and peoples also. As we pray for God to bless America today in this crisis let us remember that good people all around the world join us in that prayer.

When we pray we dare not forget Jesus' teaching to pray for our enemies. Perhaps that is most difficult in this crisis. But this prayer is so important because it helps us to keep our focus and perspective. As President Bush said in his speech Thursday night, our enemy is not Islam. Our enemy is not the Arabs. It is not even the majority of Afghan people. But our enemy is all those, wherever and whoever they are throughout this world, who would inflict terror and violence on innocent people. To pray for these enemies means neither to cover up the conflict we have with them nor to downplay it's enormous seriousness, but rather to endure the tension of our conflict with them without succumbing to their level of hatred—indeed without succumbing to hatred at all. We do not need to hate the person but only the terrible evil acts that they commit. To pray for one's enemy in this way means that despite our conflict with them we recognize this enemy as a creature of God who has had a right to live—but not the right to commit an unjust act! So we earnestly pray for them to turn from their evil ways for the sake of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring order to our world so that people everywhere may once again expect to live in peace, quiet, safety and dignity.

Finally, when we pray for our President, our government leaders, our military personnel—and those of all the nations who join us in our cause in this time of crisis, we ask God to give them insight, wisdom, and guidance in all that lies before them—in each decision they will need to make—especially the difficult ones where the lives of poor, innocent people may be at stake. While it is inevitable that in our efforts to root out terrorism from this world some innocent people will likely be harmed, let us pray that that number be minimal and that the actions we must take will be effective in meeting the overall strategic goal. In the words of President Bush, "In all that lies before us, may God grant us wisdom, and may God watch over [us]." Amen.

# SENATE—*Wednesday, October 3, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from Proverbs 2:2–6 on how to pray for wisdom: "Incline your ear to wisdom, and apply your heart to understanding; yes, if you cry out for discernment, and lift up your voice for understanding, if you seek her as silver, and search for her as for hidden treasures; then you will understand the fear of the Lord, and find the knowledge of God. For the Lord gives wisdom; from His mouth come understanding and knowledge."

Let us pray:

Immortal, invisible, God only wise, in light inaccessible hid from our eyes, we confess our lack of wisdom to solve the problems of our Nation and world. The best of our education, experience, and erudition is not enough. We turn to You and ask for the gift of wisdom. You never tire of offering it; we desire it; and our times require it. We are stunned by the qualifications of receiving wisdom. Proverbs reminds us that the secret is creative fear of You. What does it mean to fear You? You have taught us that it is awe, wonder, and humble adoration. Our profound concern is that we might be satisfied with our surface analysis and be unresponsive to Your offer of wisdom. Lord, grant the Senators knowledge and understanding of Your wisdom so that they may speak Your words on their lips. When nothing less will do, You give wisdom to those who humbly ask for it. Thank You, God. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 3, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President the Senate will resume consideration of the Vietnam Trade Act forthwith. We hope to complete that action early today, hopefully by noon—if not, early this afternoon. Then we are going to go to the Aviation Security Act. We hope to complete that late today or at the latest tomorrow.

I would like also to indicate that I spoke late last night with Senator LEAHY. Everyone is always concerned about how the Judiciary Committee is moving along. They have been heavily involved in all kinds of problems due to the September 11 incident. But one thing the committee has been working on, literally night and day, is the antiterrorism legislation. But in addition to that I am happy to report the Judiciary Committee tomorrow will report out a circuit court judge from New York, a district court judge from Mississippi, up to 15 U.S. attorneys, one Assistant Attorney General, and the Director of the United States Marshals Service. That will be done tomorrow afternoon.

There will be a hearing also in the Judiciary Committee tomorrow. There will be a hearing on a circuit court judge from Louisiana, two district court judges from Oklahoma, a district court judge from Kentucky, a district court judge from Nebraska, and Jay Bybee to be Assistant Attorney General for the Office of Legal Counsel.

The following week there are going to be a number of hearings, including one on John Walters to be Director of the Office of National Drug Policy. There is going to be a hearing on the 16th on Tom Sansoneppi to be Assistant Attorney General for Natural Resources. Then there is going to be an additional hearing on the 18th of this month on a circuit court judge and five district court judges.

So Senator LEAHY is to be commended for the work he is doing in conjunction with Senator HATCH and moving these nominations along. Senator LEAHY has a tremendous load. On behalf of the majority leader, I extend appreciation from the entire Senate for the great work he has been doing.

## VIETNAM TRADE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.J. Res. 51, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 51) approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I just spoke to my colleague, the distinguished Senator from New Hampshire, the only other Senator on the floor, who is about to speak on the pending bill, and asked if I might have just a few minutes. So I ask unanimous consent to proceed as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I rise to speak in opposition to the pending bill regarding normal trade relations with Vietnam.

It is significant for us to look at what is occurring on the Senate floor as compared to what happened on the House side. There are two issues involved. One is the numerous human rights violations committed by the country of Vietnam, and the second is the other issue—which is the issue binding—of whether or not we should have so-called normal, if you will, trade relations with the country of Vietnam.

I want to point out a few facts. Before I do that, I again point out that before the House passed normalization of trade with Vietnam, it passed H.R. 2833, dealing with human rights violations in Vietnam. I have a copy of the vote, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

### ROLL 335—TO PROMOTE FREEDOM AND DEMOCRACY IN VIETNAM

### YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

### NAYS—1

Paul

Mr. SMITH of New Hampshire. Mr. President, this is a vote of 410–1, which noted the human rights violations Vietnam has committed.

I ask my colleagues for the RECORD why we cannot have a similar vote in the Senate. If those who want to normalize relations with Vietnam choose to ignore the numerous human rights violations of that country, is that right? Where we had something that passed the House 410–1 and was sent over here, why can't we have a vote on that either before or after the vote on normalization of trade relations? I will tell you why. Because one Senator objects.

I want to point out to the majority side that at the appropriate time when someone from the majority is here on the floor, I am going to ask unanimous consent that we move to that legislation. I believe that is the appropriate thing to do.

Let me proceed by saying I don't think it is a secret that I have been a long-time critic of the regime in Hanoi. I have visited there four or five times, if not more, as a Senator and as a Congressman. I think I know pretty well the situation there. A lot of the criticism that I brought up has focused pretty much on the POW-MIA issue in the sense that in spite of all the statements to the contrary by many, they have not provided full disclosure on our missing. I will get back to that.

First, I want to comment on the passage in the House of H.R. 2833, the Vietnam Human Rights Act, before they took up normal trade relations. The House is saying: We know what you are doing; we are putting you on notice. We can't do that here in the Senate today because one Senator is blocking, as far as I know, it coming to the Senate floor—410–1, and we can't even get a vote on it in the Senate.

I commend the House for its action. They did the right thing. I don't agree with their passing normal trade relations, but they at least passed the human rights violation notification so that we now know and the world now knows about these violations. We should expect Vietnam to improve its record on human rights if we are trying to trade with them.

Why is that so unreasonable? We make these demands on other nations. But when it comes to Vietnam, we have to ignore their horrible record of open human rights violations. It is abysmal. Our own State Department explains it in its "Country Report on Human Rights Practices." We can't ignore these things.

My question is, Why doesn't the Senate do what the House did and pass the Vietnam Human Rights Act? It is here at the desk. We could pass it.

I have a letter from the U.S. Commission on International Religious Freedom requesting that the Senate pass H.R. 2833, the Vietnam Human Rights Act. I ask unanimous consent that the letter from the U.S. Commission on International Religious Freedom be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM,
*Washington, DC, September 12, 2001.*

CONGRESS SHOULD DEMAND RELIGIOUS-FREEDOM IMPROVEMENTS AS IT CONSIDERS VIETNAM TRADE AGREEMENT

The Senate will soon consider the Bilateral Trade Agreement (BTA) with Vietnam, approved by the House of Representatives last week. The agreement will extend Normal Trade Relations status to Vietnam, although this will remain subject to annual review. Given the very serious violations of religious freedom in that country, the Commission in May made a series of recommendations to the Bush Administration and Congress. Primary among these was that U.S. lawmakers should ratify the BTA only after Hanoi undertakes to improve protection of religious freedom or after Congress passes a resolution calling for the Vietnamese government to make such improvements.

The Vietnam Human Rights Act (H.R. 2833) passed by the House last week implements this and other Commission recommendations. Besides expressing U.S. concern about Vietnam's religious-freedom and human rights abuses, the Act authorizes assistance to organizations promoting human rights in Vietnam and declares support for Radio Free Asia broadcasting. The Commission urges the Senate to act likewise.

The Commission believes that approval of the BTA without any U.S. action with regard to religious freedom risks worsening the religious-freedom situation in Vietnam because it may be interpreted by the government of Vietnam as a signal of American indifference. The Commission notes that religious freedom in the People's Republic of China declined markedly after last year's approval of Permanent Normal Trade Relations status, unaccompanied by any substantial U.S. action with regard to religious freedom in that country.

Despite a marked increase in religious practice among the Vietnamese people in the last 10 years, the Vietnamese government continues to suppress organized religious activities forcefully and to monitor and control religious communities. This repression is mirrored by the recent crackdown on important political dissidents. The government prohibits religious activity by those not affiliated with one of the six officially recognized religious organizations. Individuals have been detained, fined, imprisoned, and kept under close surveillance by security forces for engaging in "illegal" religious activities. In addition, the government uses the recognition process to monitor and control officially sanctioned religious groups: restricting the procurement and distribution of religious literature, controlling religious training, and interfering with the selection of religious leaders.

The Vietnamese government in March placed Fr. Thaddeus Nguyen Van Ly under administrative detention (i.e. house arrest) for "publicly slandering" the Vietnamese Communist Party and "distorting" the government's policy on religion. This occurred after Fr. Ly submitted written testimony on religious persecution in Vietnam for the Commission's February 2001 hearing on that country.

In order to demonstrate significant improvement in religious freedom, the Vietnamese government should:

Release from imprisonment, detention, house arrest, or intimidating surveillance persons who are so restricted due to their religious identities or activities.

Permit unhindered access to religious leaders by U.S. diplomatic personnel and government officials, the U.S. Commission on International Religious Freedom, and respected international human rights organizations, including, if requested, a return visit by the UN Special Rapporteur on Religious Intolerance.

Establish the freedom to engage in religious activities (including the freedom for religious groups to govern themselves and select their leaders, worship publicly, express and advocate religious beliefs, and distribute religious literature) outside state-controlled religious organizations and eliminate controls on the activities of officially registered organizations. Allow indigenous religious communities to conduct educational, charitable, and humanitarian activities.

Permit religious groups to gather for annual observances of primary religious holidays.

Return confiscated religious properties.

Permit domestic Vietnamese religious organizations and individuals to interact with foreign organizations and individuals.

Mr. SMITH of New Hampshire. Mr. President, I quote from this letter.

Congress Should Demand Religious-freedom Improvements As It Considers Vietnam Trade Agreement.

The Senate will soon consider the Bilateral Trade Agreement with Vietnam approved by the House of Representatives last week.

Given the very serious violations of religious freedom in that country, the Commission in May made a series of recommendations to the Bush administration and Congress. Primary among these was that U.S. lawmakers should ratify the BTA only after Hanoi undertakes to improve protection of religious freedom or after the Congress passes a resolution calling for the Vietnamese government to make such improvements.

You have the U.S. Commission on International Religious Freedom asking us to do this. The House did it, and we are not doing it.

The Vietnam Human Rights Act which passed the House last week implements this and other Commission recommendations. The Commission urges the Senate to do likewise. However, we cannot do that because of the fact that someone is holding it up. That, to me, is unfortunate.

I am going to propose a unanimous consent request. At that time, I know the majority will object, but I want to propose it. I want to also say that I may ask for this a number of times.

I believe the individual Senator or Senators who oppose having a vote on human rights should come down and defend themselves. I would like to hear why it is we can't pass something that passed the House 410–1.

I know my colleague from Montana has a hearing to go to. I am more than happy to yield to the Senator from Montana in just a second so that he can go off to his hearing, providing I can reclaim the floor after the Senator from Montana speaks.

I ask unanimous consent that following the vote on H.J. Res. 51, extension of nondiscrimination with respect to products of the Socialist Republic of Vietnam, the Senate immediately proceed to a vote on final passage of H.R. 2833, the Vietnam Human Rights Act.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Montana.

Mr. BAUCUS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that I yield to Senator BAUCUS and that I can regain the floor after Senator BAUCUS completes his remarks.

Mr. BAUCUS. Mr. President, may I ask the Senator a question? I temporarily object.

The ACTING PRESIDENT pro tempore. Will the Senator from New Hampshire yield for a question?

Mr. SMITH of New Hampshire. Certainly.

Mr. BAUCUS. I think it is only proper that the Senator from New Hampshire regain the floor. I would just like his counsel, if he again asks unanimous consent whether he will refrain from doing so until somebody is on the floor to object.

Mr. SMITH of New Hampshire. Absolutely.

Mr. BAUCUS. Mr. President, I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. I thank my friend from New Hampshire. I deeply value his friendship. We have worked very closely together in lots of matters, particularly on the Environment and Public Works Committee. He is a man of tremendous integrity and is a very good Senator. I deeply appreciate his efforts in the Senate.

Mr. President, I rise in support of the House Joint Resolution 51, which would approve the trade agreement between the United States and Vietnam. This agreement was signed last year, and it would extend normal trade relations status to Vietnam.

It is identical to Senate Joint Resolution 16. That was approved unanimously by the Finance Committee in July of this year.

Our trade agreement with Vietnam represents an important step in a healing process, a step that has been a long time in coming.

Let me just review the history a bit.

After two decades of relative isolation from one another, our two countries began the process of normalizing ties and of healing in the mid-1990s.

In 1994, we lifted our embargo with Vietnam.

Then, in 1995, we normalized diplomatic relations, sending Pete Peterson to be our first Ambassador to Vietnam since the war. A true hero, Pete Peterson did a tremendous job, working with the Vietnamese to help locate missing American personnel, and to help facilitate the orderly departure from Vietnam of refugees and other immigrants.

In 1998, President Clinton waived the Jackson-Vanik prohibitions. This enabled Vietnam to obtain access to financial credit and guarantee programs sponsored by the U.S. Government.

Meanwhile, the Vietnamese Government has done its part. By all accounts, the Government has cooperated in efforts to fully account for missing American personnel. As former Ambassador Peterson reported in June 2000—I am quoting his report now—

> Since 1993, [39] joint field activities have been conducted in Vietnam, 288 possible American remains have been repatriated, and the remains of 135 formerly unaccounted-for American servicemen have been identified, including 26 since January 1999.

Continuing to quote Ambassador Peterson:

> This would not have been possible without bilateral cooperation between the U.S. and Vietnam. Of the 196 Americans that were on the Last Known Alive list, fate has been determined for all but 41. . . .

Moreover, with respect to freedom of emigration—the underlying purpose of the Jackson-Vanik provisions—the President recently reported:

> Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States to permit Vietnamese emigration.
>
> Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States . . . and only a small number of refugee applicants remain to be processed.

In light of this substantial progress in our relationship with Vietnam, the next logical step is to begin normalizing our commercial ties. The trade agreement concluded last year will do that.

That said, I and most of my colleagues have serious concerns about Vietnam's human rights record. It is not good. The State Department's most recent report describes the record as "poor." It notes that "although there was some measurable improvement in a few areas, serious problems remain." These include: arbitrary arrests and detentions, denials of fair and speedy trials to criminal defendants, significant restrictions on freedom of speech and the press, severe limitations on freedom of religion, denial of worker rights, and discrimination against ethnic minorities.

Making improvements in these and other areas ought to be a top priority of the United States in our relationship with Vietnam. But establishing a normal commercial relationship with Vietnam does not hinder that goal. Indeed, it complements our human rights efforts.

As our experience in countries such as China demonstrates, engagement works. Engagement without illusions works. By interacting with countries commercially, we bring them into closer contact with our democratic values. We generate demand for those values.

This does not mean that we can simply let trade begin to flow with Vietnam and then sit back and watch; rather, we have to engage Vietnam and work actively with them to improve human rights in that country. This process has already begun; and it needs to continue.

Our efforts include an annual high-level dialog with Vietnam on human rights. That exercise has had some success. While much work remains to be done, former Ambassador Peterson reported toward the end of his 6-year tenure that the Vietnamese Government has grown increasingly tolerant of public dissent.

The Government has also released key religious and political prisoners and loosened restrictions on religious practices.

Additionally, Vietnam recently allowed the International Labor Organization to open an office in Hanoi. Supported by the U.S. Department of Labor, the ILO is providing technical assistance in areas ranging from social safety nets, to workplace safety, to collective bargaining.

Further, it is likely that in the near future we will negotiate a textiles agreement with Vietnam, as we did 2 years ago with Cambodia.

Such an agreement would set quotas on imports of Vietnamese textile and apparel products into the United States. As we did with Cambodia, we should tie quota increases under such an agreement to improvements in worker rights.

Much work remains to be done to improve human rights in Vietnam, but engagement has gotten us off to a good start. And that is important. It is important to get off to a good start, get things moving in the right direction.

Moreover, it is important to remember that by approving the trade agreement with Vietnam, we are not giving it so-called PNTR; that is, permanent normal trade relations. We are not doing that. We are not doing for Vietnam what we did for China last year, in preparation for China's accession into the World Trade Organization.

The step we are taking with Vietnam is much more modest. Vietnam currently has a disfavored trade status, one in which exports to the United States are subject to prohibitive tariffs. This agreement moves Vietnam to a normal but probationary trade status.

Under the Jackson-Vanik provisions of the Trade Act, the President and Congress will still conduct annual reviews of Vietnam's trade status. These reviews will be an additional source of leverage in seeking improvement of human rights in Vietnam.

I would like to turn now to the substance of the agreement and the benefits that we will gain from it.

At its core, the agreement will enable us to decrease tariffs on Vietnamese imports to tariff levels applied to imports from most other countries. Vietnam, in return, will apply to U.S. goods the same tariff rates it applies to other countries.

But this agreement goes well beyond a reciprocal lowering of tariffs. It requires Vietnam, among other things, to lower tariffs on over 250 categories of goods; to phase in import, export, and distribution rights for U.S.-owned companies; to adhere to intellectual property rights standards which, in some cases, exceed WTO standards; and to liberalize opportunities for U.S. companies to operate in key service sectors, including banking, insurance, and telecommunications.

This agreement should provide a sound foundation for a mutually beneficial commercial relationship. It will build upon the increasingly stronger ties between the United States and Vietnam.

Indeed, I hope the efforts Vietnam makes to implement the agreement will put it well along the way to eventual membership in the WTO.

Make no mistake, there still will be a lot of work to be done, even after the agreement is approved. We will have to work with Vietnam to ensure that its obligations on paper translate into actual practice. We will also have to monitor operation of the agreement very carefully. But I am confident that this agreement does get us off to a very good start. That is critical.

I am pleased to support the resolution extending normal trade relations status to Vietnam.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, my colleague from Montana mentioned human rights violations. Yet in spite of the fact that the House voted 410–1 to cite those violations, we cannot have a similar vote in the Senate today, either before or after voting on normal trade relations with Vietnam. That is my issue and my concern, and it is why I did request unanimous consent to proceed to that bill.

For the life of me, I don't know why we choose to ignore these violations. Everyone knows where the votes are on normal trade relations. I know my view does not carry in this Chamber. But I don't understand why we can't at least vote on the human rights violations.

We should not approve the U.S.-Vietnam trade agreement without at least addressing these human rights violations in Vietnam. I don't understand why we can't address them. What is the fear? That somehow we are going to antagonize the Vietnamese? I am going to be giving you some information very shortly that makes one wonder why we would not want to antagonize the Vietnamese. We will talk about that.

Let me first ask, what does this human rights act do that we are not allowed to pass it in the Senate because somebody is holding it up with a secret hold? Well, it prevents the United States from providing nonhumanitarian assistance to the Government of Vietnam above 2001 levels unless the President certifies that the Government of Vietnam has made substantial progress toward releasing political and religious prisoners it holds; secondly, that the Government of Vietnam has made substantial progress toward respecting the right to freedom of religion, which it does not; thirdly, that the Government of Vietnam has made substantial progress toward respecting human rights, which it does not do; and the Government of Vietnam is not involved in trafficking persons. They do that, too.

We are going to ignore all that. We are going to ignore that, and we can't possibly have a vote today to cite the Vietnamese for those human rights violations because somehow we are going to offend them.

We don't take that position against other nations that have human rights violations. The President has the ultimate waiver authority under this legislation. If the continuation of assistance is deemed in the national interest, if he thinks it is in the national interest, he can waive these issues. He can waive the certification process, if he believes it is necessary. It is no big deal. There is no harm done if the Senate would pass this resolution.

This resolution authorizes appropriations of up to $2 million to NGOs, nongovernment organizations, that promote human rights and nonviolent democratic change. It states: It is the policy of the U.S. Government to overcome the jamming of Radio Free Asia by the Vietnamese. It authorizes $10 million over 2 years for that effort. It helps Vietnamese refugees settle in the United States, especially those who were prevented from doing so by actions of the Vietnamese, such as bribes and government interference. Yes, that goes on, too. We are going to ignore it, but it does go on.

It requires an annual report to Congress on the above-mentioned issues. As you can see, this is a very reasonable piece of legislation. It doesn't tie the hands of the President. It only involves nonhumanitarian aid. It only concerns increases in nonhumanitarian aid above the 2001 levels.

My personal belief is we should not approve normal trade relations with Vietnam. I know where the votes are. I know this legislation will pass.

I am particularly disgusted by a press report which contained an excerpt from the Vietnamese People's Army Daily commenting on the recent terrorist attacks. I want my colleagues to hear what the official organ of the Vietnamese Army thinks. And remember, they will profit handsomely from this trade agreement with the United States.

As I display the quote, I want to put everything in perspective. We had a terrorist attack, the worst ever in the history of America. This is what the Vietnamese official People's Army Daily said about it. In spite of that, we are not even allowed in the Senate to pass a resolution criticizing them for their human rights violations before we give them normal trade status.

I heard the President of the United States very clearly state and articulate over and over again, you are either with us or you are against us. It is not gray. It is either black or white. You are on our side in the fight against terrorism or you are not. Let's read what they said:

> . . . it's obvious that through this incident, Americans should take another look at themselves. If Americans had not pursued isolationism and chauvinism, and if they had not insisted on imposing their values on others in their own subjective manner, then perhaps the twin towers would still be standing together in the singing waves and breeze of the Atlantic.

That is what they said. But we are going to ignore all that. This is Vietnam. We now have to normalize trade relations with them, but we can't even criticize them on their human rights violations. I will withdraw any recorded vote on normal trade relations if we will just bring up by unanimous consent and vote on the human rights violations that the House passed 410–1.

Of what are we afraid? Why are we afraid of offending? Do my colleagues like that comment? How do they like that? How do they think the 6,000 families feel about that comment? That is what they said.

If we think that is bad, while it is up there, let me give a few more comments. This was 2 days after the incident:

> A visit to the city's institutes of higher learning on Thursday revealed an alarming level of excitement and happiness over the recent devastating terrorist attacks in the United States.

This was in the international news section of the Deutsche Presse. Here is what one person said on the streets of Hanoi:

> "Many people here consider this act of terrorism an act of heroism, because they dared confront the almighty United States," said one post-graduate student at Hanoi Construction University. Another student, 22-year-old class monitor Dang Quang Bao, said terrorism as a means is not ideal.
>
> "But this helped the U.S. open its eyes, because it has blindly imposed its power on the world through embargoes and intervening in the internal affairs of other nations.
>
> "When people heard about the attack in America," he added, "many said it was legitimate."
>
> Privately, thousands if not millions of Vietnamese admire the U.S. for its economic power, military supremacy. . . .
>
> But Communist-ruled Vietnam, like many Third World nations, maintains a testy relationship with the United States.
>
> "If Bush had died, I would be happier, because he's so warlike," said Tran Huy Hanh, a student at the Construction University who heads his class's chapter of the youth union.
>
> "America deserves this, because of all the suffering it has caused humankind," said one freshman at National Economics University.
>
> "But they should have attacked the headquarters of the CIA, because the CIA serves America's political plots," he said.

This Senate won't even give us a chance to vote to condemn their human rights violations. We are not even asking you to condemn this. All we are asking you to do is condemn the human rights violations they are committing. What are we doing? What are we saying to the American people?

It is unbelievable. I am stunned.

In the cafes and barber shops—not to mention the classrooms in Hanoi—people expressed broad consensus that the U.S. reaped what it has sown. Listen to this one: "I feel sorry for the terrorists who were very brave because they risked their lives," said a motorbike guard, who did not wish to be named, in Hanoi. "I am happy," gloated a 70-year-old Hanoian who said he was an army officer in wars against the French and Americans. "You see, America always boasts about its power, but what has happened proves America is not invincible."

"The United States is king of the jungle," said 25-year-old Phan Huy Son. "When the king is attacked, the other animals are happy."

This is what we got from Hanoi. Somebody will come down here and they will read the official little cable that came in. That is what it said "officially." But this is what the People's Army Daily said on September 13. It is outrageous in and of itself that they said it. But let me tell you something. We are further compounding the outrage by standing on the Senate floor and voting to normalize trade relations with them. That is bad enough. But even worse, we don't have the guts to bring up on the Senate floor and pass something that was supported 410–1. Don't tell me one Senator has a hold. I know one Senator has a hold on it. Let's go to that Senator and say take the hold off and let us vote on it, whatever the vote is.

"The towers would still be standing together in the singing waves and breeze of the Atlantic" were it not for us imposing values on others. Does that sound like somebody who is for us? It sounds like somebody who is against us to me. It is an insult, an outrage. I didn't even hear Saddam Hussein say that. It is an outrage that that was said. It is a further outrage that we are compounding by refusing to even consider the human rights violations. I understand a resolution approving normal trade relations is going to pass. I know it will pass. But why can't we have a vote? Why can't we have a vote right now after this debate on the human rights act?

Mr. President, after showing this material and talking about it, I am going to again, since there is representation of the majority side on the floor, ask unanimous consent that following the vote on H.J. Res. 51, the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, the Senate immediately proceed to and vote on final passage of H.R. 2833, the Vietnam Human Rights Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, will the Senator yield for a question before I object?

Mr. SMITH of New Hampshire. Certainly.

Mr. BAUCUS. Has this resolution been referred to the Foreign Relations Committee?

Mr. SMITH of New Hampshire. The resolution passed the House 410–1. I don't know if it has been referred to the committee. I assume so.

Mr. BAUCUS. It has not. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire. If it needs to be referred to the Foreign Relations Committee, it should be, and the Foreign Relations Committee should act post haste and get it up to the Senate floor before we consider the action we are now taking.

That is my point. We should not give free trade to a Communist regime that ignores basic human rights and insults us—"insult" isn't even strong enough—by saying something like that, having those comments made on the streets of Hanoi and proudly printing it in their propaganda rags. We stand here on the Senate floor and refuse to even talk about it. That is outrageous.

It is my understanding that the bill has been held at the desk after the House sent it over, to get it straight on the record.

I know my colleague from Iowa wishes to make some remarks, and I will be happy to yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. I thank the Senator from New Hampshire for his kind yielding of the floor because I have to go to a hearing at 11 o'clock before the Senate Finance Committee when we are going to talk about a stimulus package. So I thank the Senator.

I support the joint resolution approving the U.S.-Vietnam Bilateral Trade Agreement. I commend Chairman BAUCUS for his leadership in helping to bring this historic agreement before the Senate today. I also think we ought to take time to thank Senators MCCAIN and KERRY for their strong support of the agreement. These two Senators just named are people who have been, for a long time, active in trying to work out trade relations between the United States and Vietnam. Many times before now, I have opposed them in those efforts. Many times in the past, I have supported the Senator from New Hampshire in some of his efforts. I served with him for a long period of time on the Select Committee on POW/MIAs during the beginning of the last decade to work things out.

The reason I am for this trade agreement, as opposed to positions I have taken in the past, is because I think that trade—for business men and women—between the United States and another country can probably do more to promote human rights, market economic principles, and political freedom and political democracy, much more than we can as political leaders or diplomats working between two countries. I see a very beneficial impact over the long haul—not maybe the short haul—to changing a lot of things in Vietnam. The Senator from New Hampshire has raised issues about it, and legitimately so.

It is a fact that our Nation's healing process over Vietnam is not yet complete, nor may it ever be. But passage of this historic agreement, I believe, will aid us in the healing process. Approving the agreement will have other profound consequences for both nations and benefit to our Nation as well because I look at international trade as not benefiting the country that we are having the agreement with but benefiting the United States. If it doesn't benefit us, there is no point in our doing it.

When you look at the purpose of our trade arrangements, they are obviously to help our consumers; but more importantly, they are to enhance entrepreneurship within our country, expand our economy, and in the process, create jobs. If we don't create jobs, there is no point in our having the sort of trade arrangements that we have. We do create jobs when we have enhanced international trade. A lot of statistics show thousands and thousands of jobs are created with trade, and not only are jobs created, but jobs that pay 15 percent above the national average.

First, as far as this agreement is concerned, having consequences that are good, approval of the resolution will further strengthen our relations with Vietnam, a process that began under President George Bush in the early 1990s. President Clinton, putting our national interests first, diligently pursued the same policy started by the elder Bush.

President George W. Bush took another historic step on the road to better and more prosperous relations by sending this Vietnam bilateral trade agreement to Congress for approval on July 8 of this year.

Second, approval of this resolution will enable workers and farmers to take advantage of a sweeping bilateral trade agreement with Vietnam.

This agreement covers virtually every aspect of trade with Vietnam, from trade in services to intellectual property rights and investment.

The agreement includes specific commitments by Vietnam to reduce tariffs on approximately 250 products, about four-fifths of which are agricultural goods, and U.S. investors, in addition, will have specific legal protections unavailable to those same investors today.

Government procurement will become more open and transparent. Vietnam will be required to adhere to a number of multilateral disciplines on customs procedures, import licensing and sanitary and phytosanitary measures, which are so important to making sure that we do not have nontariff trade barriers in agricultural products.

There is no doubt that implementation of the United States-Vietnam bilateral trade agreement will open new markets for U.S. manufactured goods, services, and our farm products.

It is a win for American workers, but it is also going to benefit the Vietnamese people.

Continued engagement through open trade will help the country prosper. Adherence to the rule of law, or rule-based trading systems, will also further establish the rule of law in Vietnam. It is truly a win-win for both nations.

Finally, it is my sincere hope that passage of this joint resolution will help pave the way for even greater trade accomplishments yet this year. One of the most important things we can do for our Nation before we adjourn is to pass what is now called trade promotion authority which gives the President of the United States authority to negotiate in the manner that we have negotiated down trade barriers and tariffs since 1947, originally under the General Agreements on Tariffs and Trades and now under the World Trade Organization regime.

Our President must have all the tools we can offer, particularly at this time of economic uncertainty which happened as a result of the terrorist attacks on September 11. In my mind, there would be no more important tool at this time of economic uncertainty than trade promotion authority.

Federal Reserve Chairman Alan Greenspan told the Finance Committee the other day that terror causes people to pull back; in other words, to lose confidence, to not do normal economic activity, the normal spending and investment. That is what September 11 was all about. We see it in our economy today.

According to Chairman Greenspan, trade promotion authority is a vital tool encountering the tendency of people and nations to pull back and then lower their confidence in their own economy which affects the world economy collectively.

Most important, Alan Greenspan told us that Congress giving the President trade promotion authority will say to terrorists: You will not stop the global economic cooperation that has brought so much good and prosperity to the world just because of terrorist attacks that we have had in this country.

I think Chairman Greenspan has it absolutely right. Passing trade promotion authority will enable the President to help jump-start the world economy through trade. Passing trade promotion authority and launching a new round of WTO trade negotiations this November at the ministerial meeting in Qatar is a vital step toward economic recovery and restoring the long-term economic growth that benefits workers and farmers everywhere.

As I conclude this comment on the Vietnam bilateral trade agreement, let me say, as important as it is, and that is an important step toward finishing our trade agenda, so is the trade promotion authority for the President.

The Vietnam agreement then is just one step. Our trade agenda is not done. Let's do the right thing for the President and for the American people and follow Chairman Greenspan's advice. Let's work together to finish our trade agenda and pass trade promotion authority this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to speak in opposition to the resolution before us. First I commend the Senator from Iowa for his leadership on trade issues, his leadership on economic issues, and I certainly associate myself with his remarks regarding trade promotion authority and the need for the President to have that authority.

I also commend the Senator from New Hampshire for his remarks regarding the human rights situation in Vietnam. I agree. We should have the opportunity to vote on a resolution condemning the human rights record in Vietnam. It would only be appropriate to follow the precedent of the House in, while passing normal trade relations with Vietnam, also passing by an overwhelming margin a resolution condemning the human rights record.

The Senator from Iowa mentioned that trade benefits us. It should benefit us, and that should be the standard by which we engage these kinds of agreements. I ask the question: Will this agreement really do that?

He also mentions the fact that it should create jobs. Certainly trade, if it is fair and free trade, will create jobs.

The American consumer today is being purposefully confused, and our domestic farm-raised catfish industries are on the brink of bankruptcy in this country primarily due in large part to the massive exports from Vietnam of a product called basa fish. If this were any other product—if it were steel, for instance—it would be called dumping.

We have seen an incredible increase in the exports of basa fish to the United States and having it labeled within our country as being catfish. That blatant mislabeling is causing confusion among the American people and is absolutely destroying our domestic catfish industry.

The States of Arkansas, Mississippi, Alabama, and Louisiana produce 95 percent of the Nation's catfish. These catfish are grain-fed and farm-raised catfish produced under strict health and environmental regulations. Today, with the passage of this resolution, we are helping Vietnam while we are doing absolutely nothing to help United States aquaculture, United States catfish farmers who are on the brink of bankruptcy.

Arkansas ranks second in the amount of catfish produced nationally, but it is an industry that has grown and thrived in one of the poorest areas of our country, the Mississippi Delta, an area that has sometimes been referred to as the Appalachia of the nineties. It is an area that faces incredible economic challenges. Despite the strong work ethic, despite the strong spirit of the delta region, economic opportunities have been few and far between.

I ask my colleagues who are thinking about improving the economy of Vietnam, let's first think about what, with our current trade practice, we are doing to the aquaculture industry in the United States which has been one of the few shining success stories in this deprived, poor region of our Nation.

At a time when fears of unemployment and the realities of an economic downturn in the wake of the September 11 attacks are weighing heavily on the minds of the American people, it is not acceptable—it should not be acceptable—to sit back and watch an important industry that employs thousands of Americans, thousands of my constituents in the State of Arkansas, and see their industry crushed by inferior imports because of a glitch in our regulatory system.

Vietnamese basa is being confused by the American public as catfish due to labeling that allows them to be called basa catfish. These Vietnamese basa are being imported at record levels. Let me explain.

In June of this year, 648,000 pounds were imported into the United States. For the past 7 months, imports have averaged 382,000 pounds per month. To put that in perspective, in all of 1997, there were only 500,000 pounds of Vietnamese basa imported. We are almost doing that every month now. It is predicted that nearly 20 million pounds could be imported this year. That is an incredible 4,000-percent increase in 4 years.

I want my colleagues to think about an industry in their State that could survive—could it survive?—imports that had increased at the level of 4,000 percent in a 4-year period of time under mislabeling, confusing regulations.

The Vietnamese penetration into this market in the last year alone has more than tripled. Market penetration has risen from 7 percent to 23 percent of the total market. Four years ago, the Vietnamese basa, wrongly labeled "catfish," comprised less than 10 percent—to be exact, 7 percent—of the catfish market in the United States. Today it is almost one-quarter of the catfish market in the United States.

They have been able to achieve such remarkable market penetration by using the label of "catfish" on the packaging while selling this different species of fish for $1.25 a pound cheaper. It is a different species and is $1.25 a pound cheaper. It is being sold as what is produced in the United States, true channel catfish.

For those who argue this is the result of a competitive market, I offer a few facts. When the fish were labeled and marketed as Vietnamese basa or just plain basa, sales in this country were almost nonexistent. Some importers even tried to label basa as white grouper, believing that was going to lead to greater sales. Still no success.

However, by adding the name "catfish" to the label, these fish have seen sales skyrocket. Although the Food and Drug Administration issued an order on September 19 stating the correct labeling of Vietnamese basa be a high priority, the FDA is allowing these fish to retain the label of "catfish" in the title. I do not know whether it is by budget constraints or whether it is a lack of personnel at the FDA, but it is obvious that inspections have been lacking in the past and the inclusion of the term of "catfish" in the title serves to promote that confusion.

This illustration shows how Vietnamese companies and rogue U.S. importers are trying to confuse the American people. Names such as "cajun delight," "delta fresh," and "farm select" lead consumers to believe the product is something that it is not.

In fact, the brand "delta fresh" is one of the most misleading because it implies in the very title "delta fresh catfish" that it is being grown in the delta of the Mississippi, in Arkansas and Mississippi.

The reality is, it is fish from the Mekong Delta in Vietnam, which has unhealthy, environmentally unsafe conditions, being sold to the American consumer as channel-grown, farm-grown catfish.

The total impact of the catfish industry on the U.S. economy is estimated to exceed $4 billion annually. Approximately 12,000 people are employed by this industry. I have been told by the catfish association that as many as 25 percent of the catfish farmers in Arkansas will be forced out of business if this problem is not corrected soon.

Now let me remind my colleagues, this is the poorest region of the United States. It is poorer than what the Appalachian region was when we went in with massive national support. Yet this region, which has had very few bright spots in its economy in the last decade, has seen aquaculture as perhaps being the salvation of the economy in the delta of Arkansas. Twenty-five percent of these catfish farmers could be gone in the next year if we do not correct this problem.

Catfish farmers in this country have invested millions of dollars educating the American public about the nutritional attributes of catfish. Through their efforts, American consumers have an expectation of what a catfish is and how it is raised. They have an expectation that what they purchase is indeed a catfish and that it has been raised and farmed in a clean and environmentally safe environment.

All of the investment that the American catfish industry has made in order to educate the American people is being kidnapped by Vietnamese basa growers and rogue importers who are bringing this product in and pretending that it is that same product, and it is not.

This next poster shows an official list of both scientific names and market common names from the Food and Drug Administration. Almost all of these fish can contain the word "catfish" in their names under current FDA rules. We can see all of the very scientific names, and yet all of these various scientific names are allowed to use "catfish" in their market or common names creating incredible confusion among the consuming public, understandably.

Most people look, they see the word "catfish," and they do not pay any attention to the rest of that package labeling. When the average Arkansan hears the word "catfish," the idea of a typical channel catfish is what comes to mind. When they sit down at a restaurant and order a plate of fried catfish, that same channel catfish is what they expect to be eating.

The channel catfish, as we can see, there is a whole list of other varieties that are now being allowed to usurp that name.

One cannot blame the restaurateur who is offered "catfish for a dollar less a pound" for buying it. It is basa. It is not catfish. However, in many cases they do not realize that what they are really buying is not American-grown channel catfish but Vietnamese basa, that it is not subject to health and safety standards, not grown in clean ponds, not fed as American catfish are fed.

The third poster shows the relationship between these fish, and you will notice they are in different families and—only in the same order but totally separate families. The FDA claims since the fish are the same order, they can have the word "catfish" in their market or common name, even though they are not in the same family, they are not in the same genus, and they are not in the same species. By this standard, cats and cattle could be labeled the same.

In addition, it is important to note the conditions in which these fish are raised. U.S. catfish producers raise catfish in pristine ponds that are closely monitored. These ponds are carefully aerated and the fish are fed granulated pellets consisting of grains composed of soybean, corn, and cotton seed, all in strict compliance with Federal, State, and local health and safety laws.

What we are asking those catfish growers to compete with is Vietnamese basa which now composes almost a quarter of the domestic market. These other species, basa, are raised in cages in the Mekong Delta, one of the most polluted watersheds in the world. It has been reported that these fish are exposed to many unhealthy elements, including raw sewage.

I say to my colleagues, they would not allow the United States Food and Drug Administration to permit medicine to come in from such unhealthy, environmentally unsafe conditions. Yet we are allowing the American consuming public to eat basa labeled as catfish, grown in unhealthy environments, and not know the reality of what they are getting.

It is obvious the use of the label "catfish" is being used to mislead consumers and is unfairly harming our domestic industry. I think it is odd we continue to look for new and more open trade policies to provide other nations access to our markets when we continually fail to enforce meaningful fairness provisions.

As we sit on the brink of allowing another trade bill to pass this Congress, I want to reiterate a phrase that I have heard over and over: Free trade only works if it is fair trade.

This is not fair. Our regulatory agencies must recognize their responsibilities and act on them.

I realize this trade bill is not the answer to this problem. I understand this is a labeling issue, a regulatory issue, but I could not allow us to pass a trade bill that is going to benefit Vietnam at a time that we are so lax in our regulatory environment we are allowing a domestic industry to be gutted while we approve trade relations with a country that is destroying this domestic industry.

I urge all of my colleagues to support me and the congressional delegations of Arkansas, Mississippi, Louisiana, and Alabama as we move forward in trying to resolve this pressing issue, be it through regulatory changes or be it through legislative mandate. I thank my colleagues for their willingness to allow me to make my case on this important issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nevada.

Mr. REID. I ask unanimous consent that the time until 2 p.m. today be equally divided as provided under the statute governing consideration of H.J. Res. 51, and that at 2 p.m. today, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution, with rule 12, paragraph 4 being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is the intention of the majority leader, after the vote—this is not in the form of a unanimous consent request but, in a sense, an advisory one—as it was announced early today it is the majority leader's intention to go to the airport security legislation immediately after that vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to support the resolution, but I want to urge the Senate to take up the issue of airport security. Senator HOLLINGS, Senator MCCAIN, and I have introduced legislation, together with other colleagues, that we believe is absolutely critical to the restoration of the confidence of the American people with respect to flying.

I have been on any number of flights, as have my colleagues. We have been flying since September 11 many times, many of us, but obviously the American people remain uncertain and they want the highest level of safety, not simply be told it is safe. The highest level of safety is going to come when we have the highest standards that are enforceable, fully enforceable, with the kind of professional training and accountability that will do that. I hope this afternoon our colleagues will recognize the importance of this.

I met this morning with a person from a travel agency who does most of the reservations for the airlines. They went from selling 20,000 tickets a day to 2 in one day. Now they are back up around 10,000 or so, but 50 percent in a business with a margin of 1 percent is not sufficient. We clearly need to do everything possible in order to restore the confidence, and not just the confidence, but provide a level of security that Americans have a right to expect—not just tomorrow, not just for a few months, not as a matter of confidence-building in the aftermath of what happened, but for all of time out in the future. We can do that, and we need to do it rapidly.

I listened carefully to the Senator from Arkansas, and indeed he negated his entire argument at the end by saying: I recognize this is regulatory. In point of fact, what he is complaining about has nothing to do with the resolution we are passing today because all you have to do is label the fish differently. You can put "Arkansas grown," you can put "American grown," you can label any other kind of fish any way you want. If people are concerned about it, then, by gosh, they ought to turn to the FDA.

This trade agreement with Vietnam benefits both countries. Vietnam gets lower tariffs on its goods entering the United States, but Vietnamese tariffs on American goods will also be reduced. That will be a boon to the American exporter.

This agreement is another major step in the process of normalizing relations with Vietnam—a long, painstaking process which began with President Reagan, moved to President Bush, was continued by President Clinton, and now this administration supports it. This is an agreement the administration supports and with which they believe we should move forward.

None of us diminishes the importance of human rights, the importance of change in a country that remains authoritarian in its government. We object to that. I have said that many times. My hope in the long haul will be that we will celebrate one day the full measure of democracy in Vietnam through the rest of Asia. The question is, How do you get there? What is the best way to promote change? What is the best way to try to succeed in moving down a road of measured cooperation that allows people to accomplish a whole series of goals that are important to us as a country?

I know Senator MCCAIN and Senator HAGEL join me. As former combat servicemen in Vietnam, both very strongly believe that this particular approach of engaging Vietnam is the way in which we will best continue the process of change that we have witnessed already significantly in the country of Vietnam. We believe this trade agreement is another major step in the process of normalizing those relations and in moving forward in a way that benefits the United States as we do it.

This is the most sweeping and detailed agreement the United States has ever negotiated with a so-called Jackson-Vanik country. It focuses on four core areas: Trade in goods, intellectual property rights, trade in services, and investment. But it also includes important chapters on business facilitation and transparency. It is a win-win for the United States and for Vietnam in the way in which it will engage Vietnam and bring it further along the road to transparency, accountability, the adoption of business practices that are globally accepted and ultimately the changes that come through the natural process of that kind of engagement, to a recognition of a different kind of value system and practice.

The Government of Vietnam has agreed to undertake a wide range of steps to open its markets to foreign trade and investment, including decreasing tariffs on key American goods; eliminating non-tariff and tariff barriers on the import of agricultural and industrial goods; reducing barriers and opening its markets to United States services, particularly in the key sectors of banking and distribution, insurance and telecommunications; protecting intellectual property rights pursuant to international standards; increasing market access for American investments and eliminating investment-distorting policies; and adopting measures to promote commercial transparency.

These commitments, some of which are phased in over a reasonable schedule of time in the next few years, will improve the climate for American investors and, most importantly, give American farmers, manufacturers, producers of software, music, and movies, and American service providers access to Vietnam's growing market.

Vietnam is a marketplace of 80 million people. Only 5 percent of the population of Vietnam is over the age of 65; 40 percent, maybe more, of the population of Vietnam is under the age of 30. If 40 percent of the country is under the age of 30, that means they were born at the end of the war and since the war, and their knowledge is of a very different world. It is important to remember that and to continue to bring Vietnam into the world community and into a different set of practices.

For Vietnam, this agreement provides access to the largest market in the world on normal trade relations status (NTR) at a time when economic growth in this country has slowed. Equally important, it signals that the United States is committed to expanded economic ties and further normalization of the bilateral relationship.

This agreement was signed over 1 year ago. The Bush Administration sent it to Congress June 8. The House of Representatives approved it by a voice vote on September 6—an indication of the strong bipartisan support that exists for it. We can now complete a major step in moving forward by approving it in the Senate.

In closing, on the subject of human rights, I believe we are making progress. Many of the American nongovernmental organizations working in Vietnam and even some of our veterans groups—Vietnam Veterans of America and the VFW—support the notion that we should continue to move down the road in the way we have been with respect to the relationship and our related efforts to promote human rights. We need to maintain accountability. We should never turn our backs on American values. But there are different tools. Sometimes the tools can be overly blunt and counterproductive, and sometimes the tools achieve their goals in ways that advance the interests of all parties concerned.

In my judgment, passing this trade agreement separately on its own, is the way to continue to advance the interests of the United States both in terms of human rights, as well as our larger economic interests simultaneously. I urge my colleagues to adopt this resolution of approval.

Mr. WYDEN. Mr. President, I will ask unanimous consent to speak in morning business when the Senator from Massachusetts concludes his remarks.

Mr. KERRY. Mr. President, I yield the floor and reserve the remainder of our time.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise today to express my concerns with the United States-Vietnam Bilateral Trade Agreement and the problems that have been associated with Vietnamese fish that are displacing the American catfish industry.

Just two days after the September 11 terrorist attacks, the Socialist Republic of Vietnam's official, state-run media ran a story that stated,

> It's obvious that through this incident, Americans should take another look at themselves. If Americans had not pursued isolationism and chauvinism, and if they had not insisted on imposing their values on others in their own subjective manner, then perhaps the twin towers would still be standing together in the singing waves and breeze of the Atlantic.

I think that is indicative of the fact that the Vietnamese Government does not have a friendly view of the United States. We aren't imposing our views on people around the world. They are trying to impose their views on us. We have been attacked for it. I am offended by that. I think the American people ought to know that. The President said these nations ought to choose whether they are for us or against us with regard to eliminating terrorism. I wasn't pleased with that comment from Vietnam.

I want to make the note that they are apparently attempting to move in some direction toward a market economy, which I celebrate. Although we had a long and bitter and difficult war with them, I certainly believe that we can move beyond that conflict and that we can work together in the future. But comments such as the one I just read are not a way to build bridges between our nations. A nation that considers itself responsible should not make a statement like that at the very same time they are asking for trade benefits with this country.

We know what this will amount to. It will amount to the fact that they will sell a lot more in the United States than they will buy from us.

That is the way it works on these trade agreements. I am sure we have that today with China. We find that for every one dollar China buys from us, the United States buys four dollars from them. But I want to talk about this specific issue. It is frustrating to me.

Since 1997, the import volume of frozen fish filets from Vietnam that are imported and sold as "catfish" has increased at incredibly high rates. The volume has risen from less than 500,000 pounds to over 7 million pounds per year in the previous three years. The trend has continued this year-the-Vietnamese penetration into the U.S. catfish filet market alone has tripled in the last year from about 7 percent of the market to 23 percent.

The Vietnamese are selling their product in the U.S. for $1.25 less than

U.S. processors. Because of this, the prices that U.S. processors pay U.S. catfish farmers has dropped, causing significant losses and threatening farmers, processors, supplying feed mills, employees and communities dependent on the industry.

U.S. catfish farm production, which occurs mainly in Alabama, Mississippi, Arkansas, and Louisiana, accounts for 68 percent of the pounds of fish sold and 50 percent of the total value of all U.S. aquaculture, or fish farming, production.

That is a remarkable figure. Sixty-eight percent of the poundage of fish produced by aquaculture are catfish produced mainly in my State and others in the region.

The area where most of our catfish production comes from is an area of the State in which I was raised. That is, indeed, the poorest area of Alabama. We have very few cash-producing sources of income in that area of the State. Much of it has been lost. But there has been a bright spot in catfish—both in production of ponds, the scientific research, the feed mills and the processing of it. It produces quite a little spurt of positive economic growth in this very poor industry.

Seventy-five percent of the employees—I have been told—at these processing plants are single mothers. That is where many of them get their first job.

Catfish farming is a significant industry for many areas of our country. The problem is this: The fish that the Vietnamese are importing which are displacing U.S.-raised catfish are not catfish at all. They are basa fish, which are not even of the same family, genus, or species of North American channel catfish. They do not even look like North American channel catfish. These basa fish are being shipped into the United States and labeled as catfish. These labels claim that the frozen fish filets are Cajun catfish, implying they are from the Mississippi Delta or from Louisiana. In fact, they are from the Mekong Delta in South Vietnam. As a result, American consumers believe they are purchasing and eating United States farm-raised catfish when they are, in fact, eating Vietnamese basa.

Indeed, for some American people, who are not used to catfish, there has been an odd reluctance—I guess I can understand it—to eating catfish. The name of it makes them a bit uneasy. They wonder about eating catfish. But the American catfish industry has gradually, over a period of years, been able to wear down that image and show that catfish is one of the absolutely finest fish you can eat. It is a delight. And more and more people are eating it.

The American catfish industry has invested a long time in creating a market for which no market ever existed before. And now we have the Vietnamese shipping in a substantial amount—and it is continuing to grow at record levels—of what is not even catfish, and marketing it under the name of American catfish, a product that has been improved and has gained support throughout our country. So it really is a fraudulent deal.

Also, the Vietnamese basa fish are raised in conditions that are substantially different from the way that United States catfish are raised and processed.

I remember, as a young person, the Ezell Catfish House on the Tombigbee River. The fish were caught out of the river and sold there. Really the Ezell family was key to the beginning of catfish popularity. But people felt better about pond-raised catfish because the water is cleaner and there is less likelihood there would be the pollutants that would be in the river. So when you buy American catfish in a restaurant, overwhelmingly, 99 percent is pond-raised catfish. It is clean and well managed, according to high American standards.

That is not true of Vietnamese basa fish. These fish come out of the Mekong River. Most of these fish in Vietnam are grown in floating cages, under the fishermen's homes, along the Mekong River. They are able to produce fish at a low cost because of cheap labor, loose environmental regulations, and other regulations. I understand that the workers in Vietnamese processing plants are paid one dollar a day. And unlike other imported fish, such as tilapia or orange roughy, these fish are imported as an intended substitute for American farm-raised catfish.

A group of Alabama catfish farmers visited Vietnam last November and toured a number of the basa farms and processing plants. They witnessed the use of chemicals that have been banned in the United States for over 20 years, the use of human and animal waste as feed, and temperatures in processing plants too warm to ensure the freshness of the fish being processed there. These fish, of questionable quality, are being sent in record numbers to the United States and are fraudulently labeled as catfish.

If the Vietnamese were raising North American channel catfish of good quality and importing them into the United States, I could understand that. That would be fair trade. But fair trade is not importing basa fish, labeling them as catfish, and passing them off to American consumers as a quality pond-raised and processed catfish.

But there are some things our Federal Government can do to enforce and clarify our existing laws. So I am pleased today to join with Senator HUTCHINSON and Senator LINCOLN, and others, to introduce legislation that will eliminate the use of the word "catfish" with any species that are not North American catfish. This small step will help clarify FDA regulations and lessen consumer confusion.

In addition, the Food and Drug Administration, the Federal agency charged with protecting the safety of the American food supply, can begin inspecting more packages as they come into the United States to ensure that they are labeled in a legal manner. The FDA, the Customs Service, and the Justice Department need to vigorously pursue criminal violations in this regard, if appropriate.

Currently, the FDA allows at least five violations before they will take any enforcement action beyond a letter of reprimand to the company importing the mislabeled fish. That does not make good sense to me. The FDA allows an astounding number of violations before they do anything. So I encourage the FDA, the Customs Service, and the Justice Department to take every step they can in these matters.

I am disappointed there are no provisions in this trade agreement to address the problems of the catfish industry. While this trade agreement is not amendable—and I understand that—I want to take the opportunity while the Senate is considering this agreement to express my concerns for the way the Vietnamese fish industry is confusing American consumers and causing economic hardship in my State and others.

For these reasons, I expect, Mr. President, to vote against this agreement.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say to my colleague, I certainly have respect for and appreciate his concern about a local industry, but I think, as I said to Senator HUTCHINSON, this is a matter of labeling, it is a matter of regulatory process. It is not a question of whether or not you improve the overall agreement. I also say to my colleague—he may not be aware of it—obviously, the People's Army Daily, the Army, are the hardliners. And there is a struggle going on in Vietnam between the reformers and the hardliners, as there are in many countries that are trying to deal with this kind of process of change. That statement by the Army colonel is not representative of the Government.

I would like to share with all my colleagues that the President of Vietnam, the very next day after the terrorist attack, sent this message to the United States:

> The government and people of Vietnam were shocked by the tragedy that happened on the morning of 11 September 2001. We would like to convey to the government and people of the United States, especially the victims' families, our profound condolences. Consistently, Vietnam protests against terrorist acts that bring deaths and sufferings to civilians.

This is the comment I received from the Foreign Minister:

> Your Excellency Mr. Senator,
>
> I was extremely shocked and deeply moved by the tragedy happening in the United States on the 11 September 2001 morning. I would like to extend to you, and through you, to the families of the victims, my deepest condolences. I am confident that the U.S. Government and people will soon overcome this difficult moment. We strongly condemn the terrorist attack and are willing to work closely with the United States and other countries in the fight against terrorist acts.

This is a media report from the German press, Deutsche Presse. This is from Hanoi:

> American businesspeople, aid workers, and embassy officials said Wednesday they have been overwhelmed with the amount of support and sympathy offered by Vietnamese over last week's devastating terrorist attacks in the United States.
>
> While Vietnam's normally reserved state media has confined its expressions of sorrow to an announcement by President Duc Luong, personal reactions by Vietnamese have been deep and heartfelt.
>
> "There has been a real outpouring of sympathy," said a spokesman at the U.S. Consulate in Ho Chi Minh city, the former Saigon. Bouquets of flowers were left at the building's entrance, while locals and expatriates lined up last week to sign a condolence book.
>
> Similar acts were played out at the embassy in Hanoi where senior Vietnamese officials and contacts paid their respects.
>
> There have been reports of some U.S. firms receiving donations from Vietnamese for families of the victims in the United States.

So I really think we have to recognize that the transition for the military is obviously slower and far more complicated, as it is with the People's Liberation Army in China, versus what the leadership is trying to do as they bring their own country along. I really think we need to take recognition of these facts.

The fact is, there is participation in religious activities in Vietnam that continues to grow. Churches are full. I have been to church in Vietnam. They are full on days of worship and days of remembrance. Is it more controlled than we would like it? Yes. Has it changed. Yes? Is it continuing to change? Yes.

I think we should also recognize that last year some 500 cases were adjudicated by labor courts. And there were 72 strikes last year, and more than 450 strikes in Vietnam since 1993. So even within the labor movement there has been an increasing empowerment of workers, and there has been change.

Are things in Vietnam as we would want them to be tomorrow? The answer is no. But have they made progress well beyond other countries with whom we trade? You bet they have. Is their human rights record even better than the Chinese? Yes, it is. We need to take cognizance of these things.

Let me correct one statement of the Senator from New Hampshire. I am not alone in objecting to this particular attempt to try to bring the human rights bill to the floor in conjunction with action on the trade agreement. I am for having a human rights statement at the appropriate time. This is not the appropriate time. There are Senators on both sides of the aisle and a broad-based group of Senators who believe this is not the moment and the place for this particular separate piece of legislation. At some point in the future, we would be happy to consider it under the normal legislative process.

I respect the comments of the Senator, but I hope we will take notice of the official recognition that has come from Vietnam with respect to the terrorist attacks on the United States.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. KERRY. I will yield for a question. I need to move off the floor.

Mr. SESSIONS. I appreciate the hard work of the Senator. Having served his country with great distinction in Vietnam, he certainly has the honor and the authority to lead us in a new relationship with that country. I hope it will succeed. I tend to believe that is one of the great characteristics of America, that we can move past conflicts. It is with some reluctance that I believe, because of this trade issue, that I ought to vote against it.

Mr. KERRY. I understand and respect that very much from the Senator, and I thank him for his generous comments. I also remind colleagues that we are not relinquishing our right to continue to monitor, as we should, human rights in Vietnam or in any country. This is not permanent trade relations status. This is annual trade relations. What we are granting is normal trade relations status that must be reviewed annually as required by the Jackson-Vanik amendment. This annual review will allow us to continue to monitor Vietnam's human rights performance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are now debating the trade agreement with Vietnam which not only provides normal trade relations status with that country but also includes with it a bilateral trade agreement that we have negotiated with Vietnam.

Normal trade relations, which used to be called most-favored-nation status but has since been changed, are relations we have with almost every country in the world. I believe there are only five countries with which we do not have normal trade relations. This bill bestows normal trade relations with respect to Vietnam but does it on a yearly basis so the Congress will review it year by year.

Vietnam is a Communist country; it has a Communist government. It has an economic system that is moving towards a market-based economy. I, along with several of my colleagues, Senator DASCHLE, Senator LEAHY, John Glenn, and a couple others, visited Vietnam a few years ago. It was a fascinating visit to see the embryo of a marketed-based system.

I don't think a market-based economy is at all in concert with a Communist government. But nonetheless, just as is the case in China, Vietnam is attempting to create a market-based economy under the aegis of a Communist government.

A market-based economy means having private property, being able to establish a storefront and sell goods. It was fascinating, after being behind the curtain for so long, to see these folks in Vietnam being able to open a shop or find a piece of space on a sidewalk someplace and sell something. It was their piece of private enterprise. It was their approach to making a living in the private sector. So what we have is a country that has a Communist government but the emergence of a market economy.

It is interesting to watch. I have no idea how it will end up. But recognizing that things have changed in Vietnam in many ways, this country has proposed a trade agreement and normal trade relations with the country of Vietnam.

I am going to be supportive of that today. But I must say, once again, as I did about the free trade agreement with the country of Jordan, I don't think this is a particularly good way to do trade agreements. This comes to us under an expedited set of procedures. It comes to us in a manner that prevents amendments.

Amendments are prohibited because of Jackson-Vanik provisions in the trade act of 1974. These provisions would apply to a trade agreement we had negotiated with a country having similar economic characteristics to Vietnam.

What I want to say about this subject is something I have said before, but it bears repeating. And frankly, even if I didn't, I would say it because I believe I need to say it when we talk about international trade.

I am going to support this trade agreement. I hope it helps our country. I hope it helps the country of Vietnam. I hope it helps our country in providing some stimulus to our economy. Vietnam is a very small country with whom we have a very small amount of international trade. But I hope the net effect of this is beneficial to this country.

Trade agreements ought to be mutually beneficial. I hope it helps Vietnam because I hope that Vietnam eventually can escape the yoke of Communism. Certainly one way to do that is to encourage the market system they are now beginning to see in their country.

I hope this trade agreement is mutually beneficial. I do not, however, believe that trade agreements, by and large, should be brought to the floor of the Senate under expedited procedures.

I will vote for this agreement, but I want there to be no dispute about the question of so-called fast track procedures. Fast-track is a process by which trade agreements are negotiated and then brought to the floor of the Senate and the Senate is told: You may not offer amendments. No amendments will be in order to these trade agreements.

The reason I come to say this is because of recent statements made by our trade ambassador since the September 11 acts of terrorism in this country. He has indicated that, because of those events, it is all the more reason to provide trade promotion authority, or so-called fast track, to the President in order to negotiate new trade agreements. I didn't support giving that authority to President Clinton. I do not support giving that authority to this President. I will explain why.

First of all, the Constitution is quite clear about international trade. Article I, section 8 says:

> The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

That is not equivocal. It doesn't say the President shall have the power, or the trade ambassador shall have the power, or some unnamed trade negotiator shall have the power, but that Congress shall have the power. Only Congress shall have the power under the U.S. Constitution.

We have had experience with so-called fast track and international trade. Fast track has meant that succeeding administrations, Republican and Democrat, have gone off to foreign lands and negotiated trade agreements—agreements like the Free Trade Agreement with Canada, the North American Free Trade Agreement with Canada and Mexico, and the General Agreement on Tariffs and Trade. The list is fairly long. After negotiating trade agreements using fast track, the administrations would bring a product back to the Senate and say, here is a trade agreement we have negotiated with Canada, Mexico, and with other countries. We want you to consider it, Senators, under this restriction: You have no right under any condition or any set of circumstances to change it. So the Senate, with that set of handcuffs, considers a trade agreement with no ability to amend it, and then votes up or down, yes or no. It has approved these trade agreements. I have not supported them. I thought all of them were bad agreements. I will explain why in a moment. Nonetheless, they represent the agreements that have been approved by the Senate.

Let's take a look at how good these agreements have been. This chart represents the ballooning trade deficit in our country. It is growing at an alarming rate. Last year, the merchandise trade deficit in America was $452 billion. That means that every single day, 7 days a week, almost $1.5 billion more is brought into this country in the form of U.S. imports than is sold outside this country in the form of U.S. exports.

Does that mean we owe somebody some money? We sure do. These deficits mean that we are in hock. We owe money to those from whom we are buying imports in excess of what we are exporting. That means we are incurring very substantial debt.

You can look at the trade agreements we have negotiated with Canada, Mexico, and GATT and evaluate what happened as a result. Mexico: We had a small trade surplus with Mexico. Good for us. Then we negotiate a trade agreement with them and we turned a small surplus into a huge and growing deficit. Was that a good agreement? Not where I come from.

Canada: We had a modest trade deficit with Canada and we quickly doubled it after the trade agreement with Canada.

How about China? We now have a bilateral agreement with China. Let me just describe one of the insidious things that represents that bilateral agreement—automobiles. Our country negotiated an agreement with China that said if we have trade in automobiles between the U.S. and China, here is the way we will agree to allow it to occur: On American cars, U.S. cars being sold in China, after a long phase-in, we will agree that China can impose a 25-percent tariff on American cars being sold in China. On Chinese cars being sold in the United States, we will agree that we will impose only a 2.5-percent tariff. In other words, our negotiators negotiated an agreement that said, with respect to auto trade between the United States and China, we will allow you to impose a tariff 10 times higher than the tariff in the United States.

I don't know for whom these folks were negotiating, or for whom they thought they were working, and I don't know where they left their thinking caps when they negotiated these agreements, but they sure are not representing the interests of this country when they say to a country such as China, we will allow you to impose a tariff that is 10 times higher on U.S. automobiles going to China than on Chinese automobiles sold in the United States. That makes no sense.

My point is, our trade deficit with China has grown to well over $80 billion a year at this point—the merchandise trade deficit. We have the same thing with Japan. Every year for as far as you can see we have had a huge and growing trade deficit with the country of Japan. It doesn't make sense to continue doing that.

I can give you a lot of examples with respect to Japan. Beef is one good example. We send T-bone steaks to Tokyo. They need more beef. Beef costs a lot of money in Tokyo, so we send T-bone steaks. Twelve years after our beef agreement with Japan, every pound of American beef going to Japan has a 38.5-percent tariff on it. So we send T-bone steaks to Tokyo—not enough of them. Why? Because we have agreed with Japan that they can allow a 38.5-percent tariff still 12 years after a beef agreement that our trade negotiators had a big feast about because they thought they had won.

Another example of absurdities in trade is motor vehicles and Korea. Last year, we had 570,000 Korean vehicles come into the United States of America. Our consumers buy them. Korea ships their cars to the United States to be sold in our marketplace. Do you know how many vehicles we sold in Korea? We shipped about 1,700. So there were 570,000 coming this way, and 1,700 going that way. Why? Try to buy a Ford in Korea. You would be surprised by its cost due to tariffs and taxes. Korea doesn't want our cars in their country. They say: We are sorry, you are not welcome to send your cars to our marketplace.

If you don't like to talk about cars in international trade, talk about potato flakes. This product is found in many snack foods. Try to send potato flakes to Korea. You will find a 300-percent tariff. Does that anger the potato farmers? Of course it does. Do they think it is fair? Of course not. We have huge deficits with China, Japan, Korea, Mexico, and nobody seems to give a rip. Nobody cares. This trade deficit is growing, and it represents a deficit that is a burden on this economy. Someday, unlike the budget deficits we have had in the past, trade deficits must be and will be repaid with a lower standard of living in this country. That is inevitable. So we had better worry about these issues.

We have this growing trade deficit our friends in Canada—they are our friends, and we share a long common border. But we still have trade problems like stuffed molasses. You see, Brazilian sugar comes into Canada. They load it on liquid molasses, and it becomes stuffed molasses. Then it is sent into Michigan, and they unload it every day. So we have molasses loaded with sugar as a way to abridge our trade agreement. It is called stuffed molasses. Most people would not be familiar with that. It is not a candy. It is cheating on international trade.

I can spend an hour talking about these issues with respect to China, Japan, Europe, Canada, and Mexico. I won't do that, although I am tempted, I must say. My only point in coming to the floor when we talk about a trade agreement is to say this: There are those of us in the Senate that have had it right up to our chins with trade negotiators who seem to lose the minute they begin negotiating.

Will Rogers once said, "The U.S. has never lost a war and never won a conference." He surely must have been talking about our trade negotiators. I and a number of colleagues in this body will do everything we can to prevent the passage of fast-track trade authority. I felt that way about the previous administration, who asked for it; and I feel that way about this administration. We cannot any longer allow trade negotiators to go out and negotiate bad agreements that undercut this country's economic strength and vitality.

My message is I am going to vote for this trade agreement which establishes normal trade relations with the country of Vietnam. It is a small country with which we have a relatively small amount of bilateral trade.

I wish Vietnam well. I hope this trade agreement represents our mutual self-interest. I hope it is mutually beneficial to Vietnam and the United States, but I want there to be no dispute and no misunderstanding about what this means in the context of the larger debate we will have later on the issue of fast-track trade authority.

Fast-track trade authority has undermined this country's economic strength, and I and a group of others in the Senate will do everything we can—everything we can—to stop those who want to run a fast-track authority bill through the Congress. Ambassador Zoellick said in light of the tragedies that occurred in this country, it is very important for the administration to have this fast-track authority. I disagree.

What we need is to provide a lift to the American economy. How do we do that? Lift is all about confidence. It is all about the American people having confidence in the future. It is very hard to have confidence in the future of this economy when the American people understand that we have a trade deficit that is ballooning. It is a lodestone on the American economy that must be addressed, and the sooner the better.

I have a lot to say on trade. I will not burden the Senate with it further today, only to say this: Those who wish to talk about this economy and the events of September 11 in the context of granting fast-track trade authority to this administration will find a very aggressive and willing opponent, at least at this desk in the Senate. Having visited with a number of my colleagues. I will not be standing alone. We intend in every way to prevent fast-track trade authority.

Incidentally, one can negotiate all kinds of trade agreements without fast-track authority. One does not need fast-track trade authority to negotiate a trade agreement. The previous administration negotiated and completed several hundred trade agreements without fast-track authority.

Giving fast-track authority to trade negotiators is essentially putting handcuffs on every Senator. With fast-track, it is not our business with respect to details in negotiated trade agreements, it is only our business to vote yes or no. We have no right to suggest changes. Had we had that right with the U.S.-Canada agreement and the NAFTA agreement, I guarantee the grain trade and other trade problems we have had with both countries would be a whole lot different.

I have gone on longer than I intended.

Again, because we are talking about Vietnam, I wish Vietnam well, and I wish our country well. I want this to be a mutually beneficial trade agreement. With respect to future trade agreements and fast track, I will not be in the Chamber of the Senate approving those who would handcuff the Senate in giving their opinion and offering their advice on trade, only because the U.S. Constitution is not equivocal. The U.S. Constitution says in article I, section 8: The Congress shall have the power to regulate commerce with foreign nations.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. LINCOLN. Madam President, I yield time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Madam President, I appreciate very much the time of my friend and colleague from Arkansas. I rise this afternoon to speak in support of the Vietnam bilateral trade agreement, and I support this agreement with much enthusiasm.

It was 2 years ago in August that my brother Tom and I returned to Vietnam after 31 years. I left Vietnam in December of 1968 as a U.S. Army infantryman. My brother Tom left 1 month after I did in January 1969. We went to Hanoi, Saigon, which is now Ho Chi Minh City. We went to the Mekong Delta. We went to areas where we had served together as infantry squad leaders with the 9th Infantry Division.

What we observed during that time 2 years ago was something rather remarkable. Each of us had no preconditions put upon our return trip as to what we might see or hear. We were there at the invitation of Ambassador Peterson to cut the ribbon to open our new consulate in Ho Chi Minh City.

What we saw was a thriving, industrious nation. We saw a nation of over 70 million people, the great majority of those people born after 1975. That is when the United States quite unceremoniously left Vietnam.

The reason that is important is because that is a generation that was born after the war that harbors no ill will toward the United States. That is a developing generation of leadership that is completely different from the Communist totalitarian leadership that has presided in Vietnam.

I believe I am clear eyed in this business of foreign relations and who represents America's friends and allies and who does not. This business is imperfect, this business is imprecise—this business being foreign relations. Trade is very much a part of foreign relations.

Why is that? Because it is part of our relations with another nation. It is part of our role in a region of the world that strategically, geopolitically, and economically is important to us. Trade is part of foreign relations because it is a dynamic that represents stability and security, and when nations are stable, when there is security, when there is an organized effort to improve economies, open up a society, develop into a democracy. That is not always easy.

It was not easy for this country. I remind us all that 80 years ago the Presiding Officer of the Senate today could not vote in this country. We should be a bit careful as we lecture and moralize across the globe as to standards for America 2001 or standards for America 1900, the point being that trade is a very integral part of our relationships with other nations.

I suspect that if there ever was a time in the history of this young nation called America when our relationships with other nations are rather critical, it is right now.

Should we pass a trade agreement with a country based on what happened in this Nation on September 11? No.

Should we overstate the trade dynamic as the President continues to work with the Congress to develop an international coalition to take on and defeat global terrorism? No.

Should we be clear eyed in our trade relationships, evaluate them, pass them, and implement them on the basis of what is good for our country? Yes.

If a trade agreement is good for our country, should it be good for the other country? Yes.

Will this trade agreement be good for Vietnam? Yes.

Why is that good for us? It is good for us, first of all, because it breaks down trade barriers and allows our goods and our services an opportunity to compete in this new market called Vietnam.

Will it be enlightening, dynamic, and change overnight, and I will therefore see much Nebraska beef and wheat move right into Vietnam within 12 months? No, of course not. That is not how the world works.

Every trade agreement into which this country has entered, as flawed, imperfect, and imprecise as they are—and they all are—what is the alternative? Whom do we isolate when we do not trade? How do we further stability in a region of the world? How do we further our own interests, the interests of peace and stability and prosperity in the world? Let us not forget that the breeding ground for terrorism is always in the nations with no hope, always in the nations that have been bogged down in the dark abyss of poverty and hunger. That discontent, that conflict, is where the evil begins.

I say these things because I think they are important as we debate this Vietnam trade agreement because they are connected to the bigger issues we are facing in the country.

I do not stand in this Chamber and say it because of this great challenge we face today and we will face tomorrow and we will face years into the horizon, but I say it because it is good for this country. That part of the world, Southeast Asia, where China is on the north of Vietnam and at the tip of Southeast Asia, is in great conflict today.

Indonesia needs the kind of stability and trade relationships that we can help build. It is in the interest of our country, our future, and the world.

Just as this body did last week when we passed the Jordanian bilateral trade agreement, so should this body pass the Vietnam bilateral trade agreement.

I hope after we have completed that act today, we will soon move to the next level of trade, which is the largest, most comprehensive, and probably most important, and that is to once again give the President of the United States trade promotion authority. It has been known as fast-track authority.

Every President in this country, in the history of our country since 1974, has been granted that authority. Why is that? In 1974, a Republican President was granted that fast-track authority to negotiate trade agreements and bring them back before the Congress, by a Democratic Congress, which was clearly in the best interest of this country, and it still is.

Unfortunately, since 1994 the President of the United States, including the last President, President Clinton, and this new President, President Bush, has been without trade promotion authority. What has that meant to our country? It has meant something very simple and clear. That is, the President does not have the authority to negotiate trade agreements and bring them back to the Congress for an up-or-down vote.

What does that mean in real terms as far as jobs are concerned and for the people in New York, Arkansas, and Nebraska, all the States represented in this great Chamber? It means less opportunity, fewer good jobs, better paying jobs, more opportunities to sell goods and services.

So I hope as we continue to build momentum along the trade route and on the trade agenda, somewhat magnified by the events of September 11, we will get to a trade agenda soon in this body that once again allows this body to debate trade promotion authority for the President of the United States and will grant the President that authority we have granted Presidents on a bipartisan basis since 1974.

That is the other perspective, it seems to me, that we need to reflect on as we look at this debate today.

In these historic, critical times, I close by saying I hope my colleagues take a very clear, close look at this issue and attach all the different dynamics that are attached to this particular trade bill, and therefore urge my colleagues to vote for the Vietnam bilateral trade agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I yield myself such time as I may consume.

Madam President, I associate myself with some of the words from our Senator from Nebraska, very well founded in his conclusion that terrorism is bred in countries with no hope, and absolutely that is something that is very pertinent today as we talk about the engagement of our Nation in a trade agreement with Vietnam.

The grasp of the evil we saw in New York, the evil acts, the hatred we saw that was exhibited there, truly came from those who had no hope, from a country that produced those individuals who had no hope. Without a doubt, we are here today to talk about engaging nations in a way where we can help in working with them, building a friendship and a working relationship which in turn gives us the ability to share some of the hopes we have in our great Nation with other nations which then can grow those hopes in a way where we can be good neighbors and we can share with one another.

As a young woman growing up in a very small rural community in east Arkansas, I learned many great lessons from my father as the daughter of a farmer. But there was no greater lesson really to have learned than that my father impressed upon me how important it was to reach beyond the fenceposts of Phillips County, AR, to be engaged with other communities across the great river of the Mississippi, to work with individuals in Tennessee and Mississippi, but also to reach across even greater barriers into other countries, recognizing that the importance of what we did as farmers in east Arkansas and the growth of the economy were inherently dependent on the bridges we built with other nations across the globe.

That is what we are talking about today, looking at options for not only free trade but, more importantly, fair trade, to establish those relationships and those working agreements with nations where we not only can build hope but we can also build a greater opportunity for economic development in our own home as well as in those countries.

I also rise today to add some of my concerns about a very important issue a few of my colleagues have already addressed in this Chamber. The issue I am talking about is catfish. Aquaculture in our Nation has been a growing industry. This country is being deluged by imports of Vietnamese fish known as a basa fish which are brought into this country and misleadingly sold as catfish to our consumers who think they are buying farm-raised catfish.

Let us remember this important point: When consumers think of catfish, when we all think of catfish, we have in mind a very specific fish we have all known. But that is not what the Vietnamese are selling. They are selling an entirely different fish and calling it a catfish. This Vietnamese fish is not even a part of the same taxonomic family as a North American channel catfish. This Vietnamese fish that is coming into our country is no closer to a catfish than a yak is to a cow. My Midwesterners will understand that.

Why are they doing it? Because the catfish market in America is growing. Americans like catfish. It is wholesome. It is healthy. It is safe. It is the best protein source you can find from grain to a meat. American-raised catfish is farm raised and grain fed, grown in specially built ponds that pass environmental inspection, cared for in closely regulated and closely scrutinized environments to ensure the safest supply of the cleanest fish that a consumer could purchase or want to get at a restaurant.

The people importing these Vietnamese fish see a growing market of which they can take advantage. It is irrelevant to them that what they are selling isn't really catfish or that their fish are raised in one of the worst environmental rivers on the globe. The hard-working catfish farmers of my State of Arkansas, as well as Louisiana, Mississippi, and Alabama, are being robbed of a hard-won market that they developed out of nothing. As we all know, rural America has been in serious decline for years. The ability of family farmers throughout the country to scrape out a living has been disappearing in front of our very eyes.

Unfortunately, our rural communities in the Mississippi Delta where much of the catfish industry is now located have shared in this devastating decline. Of course, the decline of the rural economy has many causes, but a powerful force behind this decline has been the disconnect between production agriculture in the United States and the terribly distorted and terribly unfair overseas markets these farmers face. They must compete with heavily subsidized imports that come into this country and undermine their own market. When they are able to crack open a tightly closed foreign market, U.S. farmers must compete again with heavily subsidized foreign competition.

In short, the unfair trading practices of our foreign competitors have played a very significant role in the serious damage wrought on America's farmers and has been a primary cause in the decline of rural America.

Over the past several years, rather than accept defeat to the advancing forces, farmers in our part of the country decided to fight back. They fought back by building a new market in aquaculture, recognizing the enormous percentage of aquaculture fish and shell fish that we still import into this country today. There is one thing that we can do well in the delta region; it is grow catfish. So many of these communities, these farmers, their families and related industries, invested millions and millions of dollars into building a catfish industry and a catfish market. And they have diversified. It has taken years, but they have done it and done it well. They are still doing it.

Now, just as they are seeing the fruit of their years of labor and investment, just as they are finding a light at the end of the rural economic tunnel, they find themselves facing a new and more serious form of unfair trading practices. They saw their financial return on these other traditional crops fall alongside the general decline in our rural economy by shipments of fish that is no more closely related to catfish than you and I—than a yak is to a cow. It is an unfair irony that our catfish farmers find themselves once again in the headlights of an onslaught of unfair trade from another country. But my colleagues from catfish-producing States and I are not going to stand for it.

My distinguished colleague from Massachusetts, Senator KERRY, observed earlier this is a problem that can be addressed by attacking the Vietnamese practice itself where it occurs, and that is at the labeling stages. That is exactly what I am here to do today.

Today my colleagues and I, my colleagues from the other catfish-producing States, are introducing a bill that will stop this misleading labeling at the source. Our bill will prohibit the labeling of any fish—as catfish that is; in fact, not an actual member of the catfish family. We are not trying to stop other countries from growing catfish and selling it to our country. We simply want to make sure that if they say they are selling catfish, they are doing exactly that.

This is about truth in fairness. That is what our bill seeks to accomplish. On behalf of the catfish farmers in Arkansas and the rest of our producing States, I am proud to introduce this bill. We will pursue this bill with every ounce of fight we have. Our farmers and our rural communities deserve it. This is one way we from the Congress can address the issues we see and still maintain the good trading relationships, the good engagement with other nations to help grow that hope, to help build those friendships and relationships that we need in this ever smaller global world in which we are finding ourselves.

As we work to make those trade agreements and certainly the trade initiatives that are out there more fair, we want to continue to encourage all of the engagement of opening up freer trade with many of the nations of the world in the hope of finding that hope about which the Senator from Nebraska spoke so eloquently.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time do we have?

The PRESIDING OFFICER. Seventy-three and a half minutes.

Mr. SMITH of New Hampshire. I yield myself such time as I might consume.

Madam President, I will try to put back into perspective the issue before the Senate subsequent to some of the remarks made since I last spoke.

The issue is whether or not we want to continue to provide normal trade relations with the Vietnamese. That is the matter on which the Senate will be voting. The point I have been trying to make in my discussion is whether or not the Senate would be willing to do what the House did by a vote of 410–1 and approve the Vietnam Human Rights Act, H.R. 2833. I would like to see a favorable vote on H.R. 2833, but I am not asking for everybody to vote for it. I am simply asking for the opportunity to vote on it.

I don't understand, given all of the circumstances of the human rights violations that the Vietnamese have committed, why it is, if we are going to provide normal trade relations with them, that we cannot go on record as the House—and properly so—stating we object to those human rights violations. We do it to other countries all of the time. There is only one conclusion that can be drawn; let's be honest. We don't want to embarrass the Vietnamese. Those Members of the Senate holding up the opportunity to vote on H.R. 2833 are doing it strictly because they are afraid somehow this will embarrass the Vietnamese or somehow make it awkward for them.

As I said earlier, this is a quote from People's Army Daily which speaks for the Vietnamese Government on numerous occasions when they talked about the terrorist attack on the United States of America:

> . . . It's obvious that through this incident, Americans should take another look at themselves. If Americans had not pursued isolationism and chauvinism, and if they had not insisted on imposing their values on others in their own subjective manner, then perhaps the twin towers would still be standing together in the singing waves and breeze of the Atlantic.

I don't know about you, but I am offended by that remark. I am offended by that, to put it mildly. That is not what President Bush was talking about when he said: You are with us or against us in this fight against terrorism.

I know there was read on the floor an official statement by the Vietnamese Government which contradicted that, which expressed some concern about the outrage of the terrorist attack. It is also important to understand that in the paper where that was printed, there was also printed right next to it an article decrying the "brazen" interference by Washington in Vietnam's human rights matters.

So you are getting a double message here. The point is, we do not want a double message from the Vietnamese Government on what happened in New York and Washington 3 weeks ago. We want one very clear message, which is what President Bush asked for: You are with us or you are not.

I don't know how you feel, but as I read that statement, that doesn't strike me as somebody who is with us and supporting us in our acts against terrorism.

But however you feel about that remark—that offends me; I think it offends most Americans—that is not the issue before us today. I wish to repeat what I am asking for, which is a vote on the human rights bill—that is all—in addition to a vote on this bill.

Unfortunately, because of holds on the human rights bill—I repeat, it passed 410–1 in the House of Representatives—we can't have that vote. All it is going to do is cite and recite—and I will have some of these in the RECORD now—some of the human rights violations of which the Vietnamese Government is guilty.

I do not want to normalize trade relations with them for a number of reasons—first and foremost, because they have never fully accounted for POWs and MIAs, and I don't care how many people come on the floor and say they did. They have not. It is an issue I have worked on for 17 years, and I can tell you right now they have not fully cooperated in accounting for POWs. If anyone wants to sit down with me and go through it on a case-by-case basis, I will be happy to do it.

It is false. Paul Wolfowitz said it was. The archives have not been opened.

Have they been cooperative to some extent? Yes. Have they been fully cooperative? No. There are lots of families out there who have not gotten information on their loved ones that the Vietnamese could provide. They have not done it. So I don't want to hear this stuff that they are fully cooperative. They are not fully cooperative. There is a big difference between being cooperative and being fully cooperative. They are not cooperative fully. You can ask anyone who works on this issue in the Intelligence Committee—and certainly Paul Wolfowitz knows what he is talking about. He says they are not fully cooperative. So let's not stand on the floor of the Senate and say let's normalize trade with Vietnam because they have been fully cooperative when every one of us knows differently. End of story; they are not.

If you want to go beyond that, that is not the only issue. All I am asking is that the Senate, in addition to voting on this normalizing trade, would also give the Senate the opportunity to be heard on what the House did on the human rights violations. That is it.

Human Rights Watch and Amnesty International recently criticized the Vietnamese Government's use of closed trials to impose harsh prison terms on 14 ethnic minority Montagnards from the central highlands of Vietnam—closed trials, kangaroo courts. The Montagnards were the ones who helped us tremendously during the Vietnam war. That is a nice thank-you for what they did. Many of them gave their lives and lots of freedoms to stand up with us—stand with us during the vietnam war. Now we are having kangaroo courts, defendants charged. This is one of the charges: destabilizing security.

Why do we have to tolerate it? I understand we cannot necessarily go back into the Government of Vietnam and change their way of life. That has been said. I wish it would change. But we do not have to condone it by simply ignoring it while we give them normal trade relations. Give them the normal trade relations, if you want—I will vote no—but at the same time give us the opportunity to expose this and say on the floor of the Senate, as the House did 410-1, this is wrong. That is all I am asking.

The only reason I can't do it is because people have secret holds. I have said, and I will say it again publicly, I hate secret holds. I do not use them. When I put a hold on something, I tell people. If anybody asks me do I have a hold, I say, yes, I do, and here is the reason. If I can't take it off, I will tell you. If I can, I can work with you. I wish we did not have secret holds. I think it is wrong. I think those who have the holds should come down and say they have the holds and why. Why is it we cannot vote on the human rights accord as the House did?

I mentioned the Montagnards. I will repeat a few. But it is unbelievable, some of the things that are going on and we choose to ignore them because we do not want to offend them for fear we might not be able to sell them something.

To be candid about it, there are things more important than making a profit in America. There are about 6,500 people in New York who would love to have the opportunity to make a profit. They cannot because they have lost their freedom permanently because of what happened.

This is the insensitive, terrible comment that was made by these people in Vietnam. And there were more. I read more into the RECORD. I will not repeat them. Students on the street saying it is too bad it wasn't Bush and it is too bad it wasn't the CIA, on and on, comments coming out of the Vietnamese Government, and students and populace, and put in their papers, on the public record.

They can stop anything they want from being printed. They do not have a free press in Vietnam. If they don't want this stuff printed, they could say: We won't print it. But they did print it because it is a double slap. Here is the official message: We are sorry about what happened. But here is the other message. That is what bothers me.

Again, all I am asking for is the right to vote on this human rights accord and we cannot do it because we cannot get it to the floor.

The Government of Vietnam consistently pursues the policy of harassment, discrimination, intimidation, imprisonment, sometimes other forms of detention, and torture. Sometimes trading in human beings themselves—having people try to buy their freedom to get out of that place and after they pay the money they retain them anyway and will not let them out.

The recent victims of such mistreatment—it goes on and on. We could give all kinds of personal testimony to that—priests, religious leaders, Protestants, Jews, Catholics—anybody. They have all been victims of this terrible, terrible policy of this Government of Vietnam. Yet we ignore it. We refuse to even vote on it.

Everybody has to work with their own conscience. Again, however you feel about it, whether you agree or disagree with the violations, or whether you agree or disagree with normalizing trade with Vietnam, that is the issue. The issue is: Why can't we be heard? Why can't the Senate vote as the House did to point out what these terrible human rights violations are?

These are the Senate rules. I respect the Senate rules. Every Senator has a right to do that. I do not criticize the rule nor anyone's motives, other than to say I wish those who oppose voting on human rights would have the courage to come down and say why not. Why can't we say, at the same time we are giving you trade, that we are also willing to tell you it is wrong, what you are doing to people in Vietnam: torturing, slave trading, forcing people to buy their freedom and then not allowing them to get free after they pay the money, on and on—persecution of religious leaders. These things are wrong. We criticize governments all over the world for doing it, all the time. We take actions against them, sanctions and other things.

Then, on top of that, the insensitivity of this remark, and others—that is reason enough to say OK, we are not going to interfere with the trade, we will give you the trade, but we also want to point out to you that what you are doing is wrong. What you said here is wrong. What you are doing to citizens in Vietnam is wrong, and we are going to say that in this resolution, as the House did. That is all I am asking. I know it is not going to happen. That is regrettable. I think, frankly, it is not the Senate's finest hour that we ignore that remark, ignore the human rights violations and give them trade.

Sometimes you just have to let your heart take priority in some of these matters. You know what your heart says. You know in your heart that is wrong. You know it is. I don't care how much profit we make buying or selling—whatever, grain. It doesn't matter to me what it is. Profit should not take precedence over principle. Believe me, we are letting that happen today at 2 o'clock when we vote. I am telling you we are. It is not the Senate's finest hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Before I suggest the absence of a quorum, I might recommend to my colleague from New Hampshire, he might be interested in requesting a unanimous consent to send that bill back to committee. If it went through the process, it might have a better chance of coming up to the floor.

Mr. SMITH of New Hampshire. Madam President, if the Senator will agree that we postpone this vote until we have this bill go back to the committee where it can be heard and brought to the floor, I would be fine with that. Apparently that is not going to be the case. I think it is only fair if the Committee on Foreign Relations is going to discuss human rights violations, we should hold off the vote on this and do both at the same time. That is not going to happen.

Mrs. LINCOLN. It is just a suggestion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have risen many times in this body over the course of the last decade to affirm my support for moving forward our relationship with Vietnam. We began carefully, over a decade ago, with cooperation in the search for our missing service personnel. That cooperation, along with Vietnam's withdrawal from Cambodia and the end of the cold war, fostered a new spirit in Southeast Asia that allowed us to lift the U.S. trade embargo against Vietnam in 1994 and normalize diplomatic relations in 1995. My friend Pete Peterson was nominated by the President to serve as our ambassador in Hanoi in 1996 and was confirmed by the Senate in 1997. We lifted Jackson-Vanik restrictions on Vietnam in 1998 and have sustained the Jackson-Vanik waiver for that country in subsequent years. In 2000, we signed a bilateral trade agreement with Vietnam—one of the most comprehensive bilateral trade agreements our country has ever negotiated. We stand ready today to approve this agreement and, in doing so, complete the final step in the full normalization of our relations with Vietnam.

It need not have come this far, and would not have come this far, were it not for the support of Americans who once served in Vietnam in another time, and for another purpose—to defend freedom. The wounds of war, of lost friends and battles gone wrong, took decades to heal. It took some time for me, as it did for Pete Peterson, JOHN KERRY, CHUCK HAGEL, and many other veterans, just as it took some time for America, to understand that while some losses in war are never recovered, the enmity and despair that we felt over those losses need not be our permanent condition.

I have memories of a place so far removed from the comforts of this blessed country that I have forgotten some of the anguish it once brought me. But that is not to say that my happiness with these last, nearly thirty years, has let me forget the friends who did not come home with me. The memory of them, of what they bore for honor and country, still causes me to look in every prospective conflict for the shadow of Vietnam. But we must not let that shadow hold us in fear from our duty, as we have been given light to see that duty.

The people we serve expect us to act in the best interests of this nation. And the nation's best interests are poorly served by perpetuating a conflict that claimed a sad chapter of our history, but ought not hold a permanent claim on our future.

I supported normalizing our relations with Vietnam for a number of reasons, not the least of which was that I could no longer see the benefit of fighting about it. America has a long, accomplished, and honorable history. We did not need to let this one mistake, terrible though it was, color our perceptions forever of our national institutions and our nation's purpose in the world.

We were a good country before Vietnam, and we are a good country after Vietnam. In all the annals of history, you cannot find a better one. Vietnam did not destroy us or our historical reputation. All these years later, I think the world has come to understanding that as well.

It was important to learn the lessons of our mistakes in Vietnam so that we can avoid repeating them. But having learned them, we had to bury our dead and move on.

But then Vietnam was not a memory shared by veterans or politicians alone. The legacy of our experiences in Vietnam influenced America profoundly. Our losses there, the loss of so many fine young Americans and the temporary loss of our national sense of purpose—stung all of us so sharply that the memory of our pain long outlasted the security and political consequences of our defeat. And for too many, for too long, Vietnam was a war that would not end.

But it is over now, a fact I believe the other body's overwhelming vote on this bilateral trade agreement, and the surprising lack of controversy it engenders, indicates. America has moved on, as has Vietnam. Our duty and our interests demand that we not allow lingering bitterness to dictate the terms of our relationships with other nations. We have found in the new, post-cold-war era, a place of friendship for an adversary from an earlier time. I am very proud of America, and of the good men and women who serve her, for that accomplishment.

We looked back in anger at Vietnam long enough. And we cannot allow any lingering resentments we incurred during our time in Vietnam to prevent us from doing what is so clearly in our duty: to help build from the losses and hopes of our tragic war in Vietnam a better peace for both the American and Vietnamese people.

This trade agreement between our nations cements the relationship with Vietnam we have been building all these years, since we decided to put the war behind us. In approving this agreement, Vietnam's leaders have gambled their nation's future on a strong relationship with us, and on freeing their people from the shackles of international isolation and the command economy they once knew.

History shows that nations exposed to our values and infused with the day-to-day freedoms of an open economy become more susceptible to the influence of our values, and increasingly expect to enjoy them themselves. In choosing to deepen their nation's relationship with the United States, Vietnam's leaders have made a wise choice that will benefit their people. In choosing to deepen America's relationship with Vietnam, we have thrown our support to the Vietnamese people, and cast our bet that freedom is contagious.

We do not reward Hanoi by voting for this trade agreement today. In doing so, we advance our interests in Vietnam even as we expose its people to the forces that will continue to change Vietnam for the better. The change its people have witnessed over the past decade has been dramatic. This trade agreement will accelerate positive change. This is a welcome development for all Vietnamese, and for all Americans.

Madam President, I yield the floor.

Mrs. LINCOLN. Madam President, I thank the Senator from Arizona for his wisdom and the thoughtfulness that he brings to this body. I appreciate it very much.

Mr. McCAIN. I thank the Senator.

Mrs. LINCOLN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. CARPER. Madam President, I rise today in strong support of the resolution that is before us.

The first time I saw Vietnam was from a P-3 naval aircraft about 31 years ago this year. Twenty-one years would actually pass from that time before I set foot on Vietnamese soil. Many times in the early 1970s my aircrew and I flew over Vietnam, around Vietnam, and landed in bases in that region. I never set foot on Vietnamese soil until 1991.

At that time, I was a Member of the House of Representatives and led a congressional delegation that included five other United States Representatives, all of whom served in Southeast Asia during the Vietnam war. We went at a time when many believed that U.S. soldiers, sailors, and airmen were being held—after the end of the war—in prison camps. We went there to find out the truth as best we could.

What we encountered, to our surprise, was a welcoming nation. We visited not only Vietnam but Cambodia and Laos. In Vietnam, we found, to our surprise, a welcoming nation. Most of the people who live in Vietnam are people who were born since 1975, since the Government of South Vietnam fell to the North.

For the most part—not everyone—but for the most part, they like Americans, admire Americans, and want to have normal relations with our country.

Our delegation also included U.S. Congressman Pete Peterson from Florida. Our delegation took with us, to those three nations, a roadmap, a roadmap that could lead to normalized relations between the United States and, particularly, Vietnam.

Our offer was that if the Vietnamese would take certain steps, particularly with respect to providing information in allowing us access to information about our missing in action, we would reciprocate and take other steps as well.

We laid out the roadmap. We assured the Vietnamese that if they were to do certain things, we would not move the goalposts but we would reciprocate. They did those certain things, and we reciprocated. In 1994, former President Clinton lifted the trade embargo between our two countries.

Think back. It has been 50 years, this year, since the United States has had normal trade relations with Vietnam—50 years. In 1994, the embargo, which had been in place for a number of years, was lifted.

I had the opportunity to go back to Vietnam a few years ago as Governor of Delaware. I led a trade delegation to that country. What I saw in 1999 surprised me just as much as being surprised when we were welcomed in 1991.

I will never forget driving from the airport to downtown Hanoi and being struck by the number of small businesses that had cropped up on either side of the highway that we traversed. It was a fairly long drive, and everywhere we looked small businesses had popped up to provide a variety of services and goods to the people.

The Government leaders with whom we met talked about free enterprise. They talked about how the marketplace, and finding ways to use the marketplace, might allow them to better meet the needs of their citizens, how it would enable them to become a more important trading partner in that part of the world, and for them to be a nation with less poverty and with greater opportunities for their own citizens.

Vietnam today is either the 12th or 13th most populous nation in the world. Some 80 million people live there. There are a number of reasons why I believe this resolution is in our interest, and I will get into those reasons in a moment, but I want to take a moment and read the actual text of this resolution. It is not very long. It says:

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,
>
> That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam transmitted by the President to the Congress on June 8, 2001.

Negotiations on the bilateral trade agreement before us began in 1996 or 1997. We have been at this for almost 5 years. It was negotiated by Pete Peterson who became our Ambassador and was part of our congressional delegation 10 years ago. Pete did a wonderful job as Ambassador, and I give him a lot of credit for having hammered out the provisions of this bilateral trade agreement.

The agreement was concluded a year ago in an earlier administration and has been sent to us by President Bush for our consideration. There are a number of reasons that former President Clinton and his administration thought this was a good idea for America. There are a number of similar reasons that President Bush and his administration believe this agreement is a good one for America.

First, it acknowledges that Vietnam is a big country, a populous country, and one that is going to play an ever more important role in that part of the world and in the world. It has 80 million people, mostly under the age of 30, for the most part people who like us, admire us, who want to have a good relationship with the United States despite our very troubled relations over the last half century.

Those markets that now exist in Vietnam have not been especially open to us. Sure, we have had the ability to sell over the years more and more goods and services, including a fair amount of high-technology equipment and goods. They now sell a number of items to us. We buy those. But they have in place barriers to our exports, and we have barriers to their exports. We will create jobs in this country, and they will create jobs in their country, if we will lift the import restrictions here and there, reduce the quotas dramatically and the tariffs. This provision does that, not just for them but for us. To the extent that we can sell more goods and services there, we benefit as a nation, and we will.

A number of countries in that part of the world do not respect intellectual property rights. Vietnam is not among the worst offenders in that regard. But there are problems in this respect. This agreement will take us a lot closer to where we need to be in protecting intellectual property rights, not just of Americans but of others around the world.

On my last visit to Vietnam, in the meetings we had with their business and government leaders, we talked a lot about transparency and how difficult it was for those who would like to invest in Vietnam, do business in Vietnam, to go through their bureaucracy. Their bureaucrats make ours look like pikers. They are world class in terms of throwing up roadblocks and making things difficult for investment to occur. This agreement won't totally end that, but it will sure go a long way toward permitting the kind of investments American companies want to make and ought to be able to make in Vietnam and, similarly, to reciprocate and provide their business people, their companies, the opportunity to invest in the United States.

There is something to be said for regional stability as well. Vietnam can contribute to regional stability if their economy strengthens and they move toward a more free market system. Or they can be a contributor to destabilization. This agreement will better ensure they are a more stable country and able to promote stability within the region.

Others have raised concerns today about alleged continuing abuses in human rights and the denial of freedom of religion, insufficient progress toward democratization. There is more than a grain of truth to some of that. Religious leaders are not given the kinds of freedoms that our leaders have. The Vatican declared last year that as far as they are concerned, freedom to worship is no longer a problem in Vietnam. They open kindergartens now and they teach the catechisms as much as they are taught here in Catholic-sponsored kindergartens. When I was there in 1991, they still had reeducation camps. They no longer have those. They have been replaced for the most part by drug rehabilitation facilities.

Much has been made today of the reaction of the Vietnamese to the horrors here 22 days ago, September 11. The truth is, the Vietnamese press has been overwhelmingly sympathetic to the American people and to those who lost loved ones on September 11. Their government leaders provided, literally within days, a letter of deep condolences to our President to express their abhorrence for what happened in our Nation.

With respect to terrorism, if anything, Ambassador Peterson shares with me that they have been helpful to us in working on terrorist activities and providing not only information that is valuable to us but giving us the opportunity to reciprocate. He suggests they may have actually been a better partner at this transfer of information than we have.

Finally, the freedom to emigrate. I recall 10 years ago there were difficulties people encountered trying to emigrate to this country or other countries from Vietnam. Today, for the most part, passports are easily obtained. If a person wants to go to to Australia, to the Philippines, to the United States, if they don't have criminal records or other such problems in their portfolio, they are able to get those passports and travel.

Let me conclude with this thought: I think in my lifetime, the defining issue for my generation, certainly one of the defining issues, has been our animosity toward Vietnam, the war we fought with Vietnam, a war which tore our country apart. That war officially ended 26 years ago. A long healing process has been underway since then in Vietnam and also in this country.

We have come a long way in that relationship over the last 26 years. So have the Vietnamese. We have the potential today to take that last step in normalizing relations, and that is a step we ought to take.

Vietnam today is no true democracy. They still have their share of problems.

So do we, and so does the rest of the world. But I am convinced that if we adopt this resolution and agree to this bilateral trade agreement, it will move Vietnam a lot further and a lot faster down the road to a true free enterprise system. With those economic freedoms will come, more surely and more quickly, the kind of political freedoms we value and would want for their people just as much we cherish for our people.

With those thoughts in mind, I conclude by saying to our old colleague—the Presiding Officer also served with Congressman Peterson—later the first United States Ambassador to Vietnam: I will never forget when I visited him a year or two ago on our trade mission, he and his wife Vi were good enough to host a dinner for our delegation at the residence of the Ambassador. And as we drove to the Embassy the next day, we drove by the old Hanoi Hotel. The idea that an American flier who had spent 6 and a half years as a prisoner of war in the Hanoi Hotel would return 25, 30 years later to be America's first Ambassador to that country in half a century, the idea that that kind of transformation could occur was moving to me then, and it is today.

There is another kind of transformation that has occurred in our relationship with Vietnam and within Vietnam as well, a good transformation, a positive transformation, one that we can reaffirm and strengthen by a positive vote today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under "Morning Business.")

Mr. BINGAMAN. Mr. President, I rise today in strong support of H.J. Res. 51, the Vietnam Trade Act, which would extend normal trade relations to the nation of Vietnam. I know there is limited time available on this issue today, so I will keep my comments short and to the point.

Let me begin by clarifying what this agreement actually does. Simply put, the purpose of this trade agreement is to normalize trade relations between the United States and Vietnam. At present, Vietnam is one of only a handful of countries in the world that do not receive what is called normal trade relations status from the United States. Under this agreement, the United States will obtain a range of significant advantages in the Vietnamese market it does not have at this time, examples being; access to key sectors, including goods, services and agriculture; protection for investment and intellectual property, transparency in laws and regulations, and a lowering of tariffs on products. For the United States, this agreement translates into a unique opportunity for American companies to enter a country with significant development needs. It means sales across the board in the consumer market, sales in infrastructure development, and sales in government procurement. Importantly, it means that we will now be able to compete on equal footing with other foreign countries, all of which trade with Vietnam on "normal" terms and many of which already have a significant presence in that country.

For Vietnam, this agreement translates into a substantial decrease in tariffs on products it can send to the United States and a tangible opportunity for export-led economic growth now and in the future. It gives Vietnam and its people, more than half of which are under the age of 25, a very real chance to obtain the level of prosperity, security, and stability that it has desired for nearly a half a century. It means an increased standard of living, an increased exchange of ideas with the world, and an increased integration of Vietnam's institutions with the international system. Most of all, it means positive and peaceful political economic change in a country that has suffered tremendously for far too long.

Let us not lose sight of this last point, because much like the U.S.-Jordan free trade agreement, the U.S.-Vietnam bilateral trade agreement has a larger geo-political context. In 1995, after years of lingering animosity between our two countries, the United States and Vietnam made a conscious and, I think, an extremely wise decision to take a different and far more constructive path in our relations. For many, this decision was also difficult and even controversial as there was a number of critical issues that they felt remained unresolved.

These issues—the POW/MIAs, religious freedom, human rights, labor rights, and so on—are not going away quickly. I have thought about them carefully and at length as I decided whether or not I would support this legislation. I do not want to underestimate or, even worse, ignore the fact that Vietnam has a very long way to go when it comes to the rights and liberties that we in our country consider fundamental.

But I also feel that this comes down to the question of how change is going to occur. Does it occur through engagement or isolation?

Based on the evidence I have seen, both in the case of Vietnam and with other countries, I am convinced it is far more productive to integrate Vietnam into our system of norms, values, and rules—pull it into the common tent where we can talk to government officials and private citizens on a regular basis on the issues that matter to us all than leave it out. I have come to the conclusion that it is far better to create cooperative mechanisms to discuss issues like forced child labor, or environmental degradation, or trafficking in women, or international trade than to ostracize Vietnam and wonder why change is not occurring. I think it is essential that the United States interact regularly and intensively with Vietnam. Our goal should be to integrate Vietnam fully into the collective institutions of East Asia and the international community. Only through this effort will we see incremental but steady reform and progress occur.

Let me say in conclusion that Vietnam is changing in dramatic, important, and, I believe, irreversible ways. I believe this trade agreement will not only accelerate and expand that change, but it will also create a strong, mutually beneficial relationship between the United States and Vietnam. I want to thank all my colleagues who have played an integral role in drafting this legislation. I am convinced it will have a profound and lasting effect on Vietnam, on the region of East Asia as a whole, and on U.S.-Vietnam relations. Our countries have come a long way, and I am extremely encouraged to see that we have put old and counterproductive animosities aside to take a very positive step forward into the future.

Mr. ALLEN. Mr. President, I rise in support of the United States-Vietnam Bilateral Trade Agreement. I believe this agreement will help transform Vietnam's economy into one that is more open and transparent, expand economic freedom and opportunities for Vietnam's people and foster a more open society.

At the same time, I commend my colleague, Senator BOB SMITH, for his efforts to press for consideration of the Vietnam Human Rights Act. Senator SMITH is correct: These two measures should have been considered in tandem.

A constituent, and friend, of mine is Dr. Quan Nguyen. He is a respected leader of the Vietnamese community in Virginia. His brother, Dr. Nguyen Dan Que, is in Vietnam and he is not free. He is the head of the Non-Violent Movement for Human Rights in Vietnam. He spent 20 years in Vietnamese prisons because he dared to believe in the concept of freedom, liberty and democracy. He has been under house arrest since 1999. He lives with two armed guards stationed outside his residence. His telephone and Internet accounts have been cut off and his mail is intercepted. Dr. Que has been labeled a common criminal because his "anti-socialist" ideas are a crime in Vietnam.

The struggle for freedom of conscience, economic self-sufficiency and human rights is one that has not ended with the conclusion of the Cold War.

Regimes throughout the world continue in power while denying basic human rights to their citizens and unjustly imprisoning those who peacefully disagree with the government. One such place is the Socialist Republic of Vietnam.

I support increased trade with Vietnam and will vote for this measure. At the same time, I urge the government of Vietnam to choose the path of enlightened nations, the path of true freedom, and true respect for all its citizens and their human rights. Vietnam waits on the cusp of history, and the choices before it are important choices between freedom and respect for human rights, or stagnation and totalitarianism.

Mr. LEVIN. Mr. President, The bilateral trade agreement that the United States signed with Vietnam in July 2000 represents a milestone in U.S. relations with Vietnam. Building a foundation for a strong commercial relationship with Vietnam is not only in our economic interest, but it is in our security interest and our diplomatic interest. Vietnam has made comprehensive commitments, which will help open up Vietnam's market for products produced by U.S. workers, businesses and farmers. These commitments will not only help pave the way for changes in the Vietnamese economy, but in Vietnamese society as a whole.

While the U.S.-Vietnam bilateral trade agreement is an important step forward in our diplomatic and commercial relationship, I am disappointed that the agreement does not address Vietnam's poor record of enforcing internationally-recognized core labor standards. The Government of Vietnam continues to deny its citizens the right of association, allows forced labor, and inadequately enforces its child labor and worker safety laws. Vietnam's poor labor conditions led President Clinton to sign a Memorandum of Understanding, MOU, with Vietnam in December 2000. This MOU, pledging U.S. technical assistance for Vietnam to improve its labor market conditions, is a start, but it does not require Vietnam to take specific steps to improve enforcement of existing laws and regulations. More is needed.

I join my colleagues who have been urging the Administration to commit to enter into a textiles and apparel agreement with Vietnam that would include positive incentives for Vietnam to improve its labor conditions, similar to the agreement the U.S. has in place with Cambodia. Such an agreement is important to maintain a consistent U.S. trade policy that recognizes the competitive impact of labor market conditions. Additionally, if the United States fails to enter into a textile and apparel agreement with Vietnam similar to the agreement with Cambodia, the agreement with Cambodia may be undermined if businesses move production to Vietnam at the expense of Cambodia.

The vote today inaugurates an annual review of whether the United States should extend normal trade relations, NTR, to Vietnam. As Congress undertakes these annual NTR reviews for Vietnam, we will closely monitor progress in reaching a textiles and apparel agreement, and Vietnam's respect for core labor rights.

Mr. MURKOWSKI. Mr. President, I rise in support of H.J. Res 51, approving the bilateral trade agreement between the United States and Vietnam. Our relationship with Vietnam has come far in 25 years. Today, Vietnam is gradually integrating into the world economy, is a member of APEC, the ASEAN Free Trade Area and has economic and trade relations with 165 Countries.

Vietnam has granted normal trade relations to the United States since 1999. At the same time, our cooperative relations with Vietnam on other matters, including POW issues, has progressed admirably. Establishing normal trade relations for Vietnam is a logical step in our trade AND foreign relations.

Negotiated over a four-year period, this trade agreement represents an important series of commitments by Vietnam to reform its economy. It provides important market access for American companies and is a crucial step in the process of normalizing relations between the United States and Vietnam.

There are those in this body who do not believe, as I do, that the United States and Vietnam are ready to end thirty-five years of violence and mistrust between our two countries. There are Senators who believe the great battle between capitalism and communism has yet to be fully won. There are Senators who believe that our goal should be to destroy the last vestiges of communism. I am one of those Senators.

I believe that communism belongs, to paraphrase the President in his remarkable joint address of Congress on September 20, "in history's unmarked grave of discarded lies."

There are those who believe that the best way to make sure the lie of Vietnamese communism dies is to shun Vietnam, to condition interaction on a fundamental political shift in Vietnam. In other words, you change your ways, and then we will engage you. I am not one of those Senators.

I believe that trade is the best vehicle to force political change. The Vietnamese, like China before it, has gone far down a path of economic reform. They practice Capitalism and preach Communism.

I believe that capitalism is infectious. I do not believe that Capitalism and communism can co exist. I believe that the road on which Vietnam is traveling will inevitably lead to democratic change, and that its experiment with Communism will die an unlamented death.

Further delay in passing the BTA will harm will delay Vietnam on this road. The BTA is the right vehicle at the right time for our economic AND foreign policy priorities.

I urge my colleagues to pass H.J. Res. 51.

Mr. COCHRAN. Mr. President, the catfish industry in the United States is being victimized by a fish product from Vietnam that is labeled as farm-raised catfish. Since 1997, the volume of Vietnamese frozen fish filets has increased from 500,000 pounds to over 7 million pounds per year.

U.S. catfish farm production, which is located primarily in Mississippi, Arkansas, Alabama, and Louisiana, accounts for 50 percent of the total value of all U.S. aquaculture production. Catfish farmers in the Mississippi Delta region have spent $50 million to establish a market for North American catfish.

The Vietnamese fish industry is penetrating the United States fish market by falsely labeling fish products to create the impression they are farm-raised catfish. The Vietnamese "basa" fish that are being imported from Vietnam are grown in cages along the Mekong River Delta. Unlike other imported fish, basa fish are imported as an intended substitute for U.S. farm-raised catfish, and in some instances, their product packaging imitates U.S. brands and logos. This false labeling of Vietnamese basa fish is misleading American consumers at supermarkets and restaurants.

According to a taxonomy analysis from the National Warmwater Aquaculture Center, the Vietnamese basa fish is not even of the same family or species as the North American channel catfish.

The trade agreement with Vietnam, unfortunately, will allow the Vietnamese fish industry to enhance its ability to ship more mislabeled fish products into this country, and under the procedure for consideration of this agreement it is not subject to amendment.

However, I hope the U.S. Department of Agriculture and the Food and Drug Administration will review its previous decisions on this issue and take steps to ensure the trade practices of the Vietnamese fish industry are fair and do not mislead American consumers.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the resolution to approve the bilateral trade agreement signed by the United States and Vietnam on July 13, 2000. I believe this agreement is in the best interests of the United States and Vietnam and will do much to foster the political and economic ties between the two countries.

Under the terms of the agreement, the United States agrees to extend most-favored nation status to Vietnam, which would significantly reduce U.S. tariffs on most imports from Vietnam. In return, Vietnam will undertake a wide range of market-liberalization measures, including extending MFN treatment to U.S. exports, reducing tariffs, easing barriers to U.S. services, such as banking and telecommunications, committing to protect certain intellectual property rights, and providing additional inducements and protections for inward foreign direct investment.

These steps will significantly benefit U.S. companies and workers by opening a new and expanding market for increased exports and investment. Just as important for the United States, this agreement will promote economic and political freedom in Vietnam by bringing Vietnam into the global market economy, tying it to the rule of law, and increasing the wealth and prosperity of all Vietnamese.

I share the concerns many have expressed about the human rights situation in Vietnam. No doubt, there is a great deal of room for improvement. Nevertheless, I am a firm believer in the idea that as you increase trade, as you increase communication, as you increase exposure to western and democratic ideals, you increase political pluralism and respect for human rights. The more you isolate, the greater the chance for human rights abuses.

I believe the United States will continue to address this issue and use the closer ties that will come from an expanded economic and political relationship to press for significant improvement of Vietnam's human rights record. We owe the people of Vietnam no less. In addition, as I have stated above, I believe that this agreement will promote economic opportunity and the rule of law in Vietnam which will have a positive effect on that country's respect for human rights.

Mr. President, this agreement is another step in the normalization of relations between the United States and Vietnam that began with the lifting of the economic embargo in 1994 and the establishment of diplomatic relations the following year. Let us not take a step backwards. We have the opportunity today to ensure that this process continues and the political and economic ties will grow to the benefit of all Americans and all Vietnamese. I urge my colleagues to support the resolution to approve the United States-Vietnam trade agreement.

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of the bilateral trade agreement with Vietnam, this trade agreement will extend normal trade relations status to Vietnam. This important legislation enjoys strong bipartisan support, it passed the House of Representatives by voice vote and implements the comprehensive trade agreement signed last year.

The United States has extended the Jackson-Vanik waiver to Vietnam for the past 3 years. This waiver is a prerequisite for Normal Trade Relations trade status and has allowed American businesses operating in Vietnam to make use of programs supporting exports and investments to Vietnam. The passage of this trade agreement completes the normalization process with Vietnam that has spanned four Presidential Administrations, and I believe it is a milestone in the strengthening of our bilateral relations.

I would like to commend our former Ambassador to Vietnam, Pete Peterson. Ambassador Peterson's tenure as Ambassador was a seminal period in United States-Vietnamese relations, and he did, by any standard, an outstanding job in representing the United States.

I believe that this trade agreement will result in significant market openings for America's companies. In particular, Oregon companies will benefit from this expansion of trade with Vietnam by having greater access to Vietnam's market of almost 80 million people, as well as lower tariffs on Oregon goods. This agreement also gives the United States greater influence over the pace of economic, political and social reforms by opening Vietnam to the West. Our goods and our democratic values will have a strong and lasting impression in that country. I believe that this agreement will help transform Vietnam into a more open and transparent society, expanding economic freedom and opportunities for the Vietnamese people.

Portland, OR is home to a strong Vietnamese-American community, most of whom left their homeland as refugees decades ago. Oregon welcomed these people with open arms and their tight-knit community have become highly sought after workers and valued American citizens. I hope that this step towards better relations will bring about true economic and social reforms to their homeland, as well as faith in their new country's ability to share western values abroad.

I applaud the Administration for its work on this trade effort and for its work in rebuilding relations between the United States and Vietnam. In particular, the work of the Department of Defense in solving unresolved MIA cases in Vietnam has been outstanding. The devotion to the goal of repatriating MIAs to the United States has provided a sense of closure to many American families who experienced a loss decades ago.

I would like to thank my colleagues on the Senate Finance Committee for the timely disposition of this trade agreement, and I look forward to working with the Vietnamese people to bring further economic and political reforms to their country.

Mr. DASCHLE. Mr. President, today, the Senate takes a significant step toward opening Vietnamese markets to America's farmers and workers, normalizing our relations with Vietnam, and reaffirming our commitment to engage, and not retreat from, the rest of the world.

H.J. Res. 51, the Vietnam Trade Act, is the result of nearly five years of negotiations. It will put into action the landmark trade agreement that was signed last summer by the United States and Vietnam.

A number of years ago, I had the opportunity to visit Vietnam. I remember the warmth with which we were greeted by nearly everyone we met. I especially remember a girl I met one morning on a street in Hanoi. She couldn't have been more than 12 or 13 years old, and she was selling old postcards of different places all over the world.

I offered to buy the one postcard she had from America.

She shook her head and said, "No, won't sell . . . America." To her, that postcard was priceless. It represented a place of freedom and opportunity.

This trade agreement will allow US goods and services to enter Vietnam. Just as important, it will allow American ideals to flow more freely into that nation. It will help that young woman, and the 60 percent of all Vietnamese who were born after the war, create a freer and more prosperous Vietnam.

Instead of holding onto that old, tattered postcard, she will be able to grasp real freedom and opportunity. That will help both of our Nations.

I want to thank the many people who made this agreement possible: Ambassador Pete Peterson and the trade negotiators in the Clinton Administration; President Bush, who has pressed for this act's completion; Chairman BAUCUS and Senator GRASSLEY, who have worked together to bring this bill to the floor; and, four senators whose war stories are well known, and whose service to this country is unparalleled. This trade agreement would not have been possible without the courageous leadership of JOHN KERRY, JOHN MCCAIN, CHUCK HAGEL, and MAX CLELAND.

This is the most comprehensive bilateral trade agreement ever negotiated by the U.S. with a Jackson-Vanik country.

It demands that Vietnam provide greater access to their markets, provide greater protection for intellectual property rights, and modernize business practices.

The result will be new markets, and new opportunities, for our companies, farmers and workers.

This trade deal is far more than just a commercial pact. It is another step in the long road toward normalizing relations between our two countries.

We all know where our countries were, and how far we have come.

For people like JOHN MCCAIN and JOHN KERRY, for all of us who served during the Vietnam War era, we came of age knowing Vietnam as an adversary.

In the years since, we've been able to open lines of communication. We've worked to provide a full accounting of American prisoners of war and those missing in action, and we are cooperating on research into the health and environmental effects of Agent Orange.

Today, we take another step toward making Vietnam a partner.

In exchange for serious economic reform and increased transparency, this agreement normalizes the economic relationship between our countries.

Those reforms, in turn, will give Vietnam the opportunity to integrate into regional and global institutions. And they will give the Vietnamese people a chance to know greater freedoms and a more open society.

We are clear-eyed about Vietnam's problems. The State Department found again this year that the Vietnamese government's human rights record is poor. Religious persecution and civil rights abuses are still rampant throughout the country.

In pressing forward today, we are not condoning this behavior. To the contrary, we are calling on the Vietnam government to fulfill its commitments for greater freedom.

And we are pledging to hold them to that commitment.

Finally, the Vietnam Trade Act is also a reaffirmation of America's continued international leadership.

Last spring, when this resolution was introduced in the Senate, I said that its passage would send a signal to the world that the United States is committed to engaging with countries around the globe by using our mutual interests as a foundation for working through our differences.

In the wake of September 11, this engagement is more important than ever, and since that time we have: overwhelmingly approved the Jordan Free Trade Act, the first ever U.S. free trade agreement with an Arab country; taken another step to make right our dues at the United Nations; and, begun building an unprecedented international coalition against terrorism.

Final passage of this agreement will send an additional message to the global community that the United States cannot, and will not, be scared into its borders.

We will not close up shop.

And to that young girl in Hanoi, and all who share her hopes, we say that we will not be content to defend our freedoms solely within our borders. We will continue to be a light to all who look to us for hope.

We will not retreat from the world. We will lead it.

This is a good resolution. And it allows us to begin implementing a good agreement. I urge my colleagues to support it.

Mr. NELSON of Florida. Mr. President, I rise today in support of the Vietnam Bilateral Trade Agreement. This agreement paves the way for improved relations between the United States and Vietnam, and will improve overall economic and political conditions in both countries. I would like to say a few words about a man who was an integral part of negotiating this agreement, Ambassador Douglas "Pete" Peterson. Many people in Florida are familiar with the heroic deeds and leadership of Pete Peterson. It is fitting and proper that we, in this body, recognize his exemplary service to our country.

Pete Peterson was a young Air Force pilot when he was shot down, captured, and held as a prisoner of war in Vietnam where he remained for 6½ years. He was regularly interrogated, isolated, and tortured. Very few POWs were held longer. His example of perseverance under the most horrible conditions and circumstances is one that cannot be easily comprehended, but is one that we must regard with immense gratitude.

Pete Peterson was not deterred by his horrific experience in Hanoi and continued his service in the Air Force. He went on to complete 26 years of service, retiring as a colonel. He distinguished himself as a leader in Florida, and was elected to represent the second congressional district of Florida in 1990.

After serving three terms in the U.S. Congress, Pete became the U.S. first post-war Ambassador to Vietnam. I have known Pete for many years, and he made a comment about his tour as Ambassador to Vietnam, which I believe, is indicative of his commitment to service, "How often does one have the chance to return to a place where you suffered and try to make things right?"

Pete Peterson made things right. One step toward doing so was the Vietnam Bilateral Trade Agreement. This was Pete's top trade priority, but it was much more. It was an important part of normalizing relations with Vietnam, including political and economic reform, as well as working to improve human rights. Only someone of Pete Peterson's caliber could have successfully represented the United States during the challenging period of normalizing relations and healing between our nations. Only someone of his patriotism, honor, and integrity could have played such a prominent role in achieving this trade agreement. This agreement will increase market access for American products and improve economic conditions in Vietnam as well as the climate for investors in Vietnam

Now we still have some work to do. I know the Commission on International Religious Freedom has been critical of Vietnam, and I was disappointed to see some of the comments that came out of Hanoi in the wake of the terrorist attacks on September 11. However, only through engagement and cooperative efforts can we most effectively press Vietnam to continue to respect human rights and continue political and economic reform. That is why Pete Peterson should be recognized and thanked here today. I yield the floor.

Mr. BAUCUS. Madam President, what is the parliamentary position?

The PRESIDING OFFICER. H.J. Res. 51 is pending.

Mr. BAUCUS. Madam President, is there an agreement when a vote will occur?

The PRESIDING OFFICER. A vote will occur at 2 p.m.

Mr. BAUCUS. Seeing a vote is about to occur, I will be with you very briefly.

### FAST TRACK LEGISLATION

Mr. BAUCUS. I am encouraged by the beginnings of bipartisan action from the House on fast-track legislation, otherwise known as trade promotion authority. We have a little ways to go, but I am very encouraged by the beginnings of a bipartisan agreement in the other body. It is my hope there can be more bipartisan agreement than there has been thus far.

We want a bill to pass the House with as many votes as possible. Obviously, granting fast-track authority, granting trade promotion to the President by the Congress, if it passes by an extraordinarily large margin, will be helpful in negotiating the SALT trade agreement with other countries.

If the House does pass this bill, the Senate Finance Committee will take up the bill and hopefully bring the bill to the floor and get it passed. The key is in the spirit of the bipartisanship and cooperation, which has been tremendous, that has occurred since September 11. There is an opportunity for continued bipartisan agreement in the trade bill.

I am very pleased to say there has been such cooperation in Washington, DC—both Houses, both political parties, both ends of Pennsylvania Avenue. There is an opportunity here for that same spirit of cooperation to continue on the trade bill. If it does, we will get it passed earlier rather than later.

I see 2 o'clock has arrived.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER (Mr. BAYH). The joint resolution having been read the third time, the question is, shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—12

Bunning
Byrd
Campbell
Cochran
Feingold
Hatch
Helms
Hutchison
Lott
Sessions
Smith (NH)
Thurmond

The joint resolution (H.J. Res. 51) was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST—S. 1447

Mr. DASCHLE. Mr. President, I have been in consultation with the distinguished Republican leader. I appreciate the advice we have been given on all sides with regard to how to proceed on the airport security bill. I don't know that we have reached a consensus, but I do think it is important for us to procedurally move forward with an expectation that at some point we are going to reach a consensus.

At this point, I ask unanimous consent that the Senate now proceed to consideration of S. 1447, the aviation security bill.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, first let me say to our colleagues, Senator DASCHLE and I have been talking about this issue, along with antiterrorism, off and on for the last week or 10 days. We are committed to dealing with those two important issues as soon as is humanly possible because we believe, I believe, strongly that aviation security needs to be addressed. The administration has a lot of things it can do and is doing. Secretary Mineta has outlined things he is proposing to do in terms of sky marshals and strengthening the cockpits and a number of areas where they can move forward without additional legislative authority. Some of the things that need to be done will require additional legislative action.

This is one of the two highest priority matters we need to address that would be positive for the American public to feel more secure in flying, get flying back up to where it should be. Along with antiterrorism, which will allow us to have additional authority for our law enforcement people and intelligence to address this threat, it is the highest possible priority.

I agree with Senator DASCHLE that we should find a way to consider aviation security, but there are two or three problems. I am going to be constrained to have to object because there are two or three objections on this side that come from a variety of standpoints at this time.

There is some concern that it did not go through the Commerce Committee for the traditional markup so that other good ideas could be offered, but they could, of course, be offered when the bill is considered. And there are some concerns about the federalization of the screening, the bifurcated arrangement between urban hubs and nonurban hubs. Those that are nonurban hubs want to make sure they will not be given second-class service in that area.

There is also a concern about what may be added to this bill from any number of very brilliant Senators, very good ideas that are not relevant at all to this issue.

Some of them could relate to energy, about which I feel very strongly. Some of them could relate to Amtrak, about which I also feel very strongly. But this is about aviation security. We should have an understanding about how we deal with the displaced workers issue, how do we deal with the Amtrak security issue, and other issues. If we do that, this very important issue will begin to sink of its own weight.

We have, over the past 3 weeks, done good work in a nonpartisan, bipartisan way. But we addressed the issues that needed to be addressed, maybe not perfectly but we took action. I believe the American people have appreciated that.

We should continue to find a way to make that happen. We are not ready for consent right now, partially because Secretary Mineta will be here in 20 minutes to meet with Senator HOLLINGS, Senator MCCAIN, Senator HUTCHISON, Senator ROCKEFELLER, and others, to talk about some specific recommendations the administration would like to make. I also understand that there will be a specific recommendation as to how to proceed on the dislocated workers or the employees issue that perhaps will be discussed with Senator DASCHLE and me and others within a short period of time.

So I think all of these are very important. But for now, unless we could get an agreement that we would limit this to relevant amendments, which would knock out a number of these side issues that are floating around, then we would have to object at this time.

I understand that Senator DASCHLE will then be inclined to file a motion to proceed, and that would require a vote on the motion to proceed—we will have to talk through exactly what is required—either on Friday or next Tuesday. In the interim, I hope we will work, as we have in the past, to find a way to get a focus and to get aviation security addressed.

I know Senator HOLLINGS wants to do that. He doesn't want nonrelevant amendments. He is willing to work with Senators on both sides to make that happen. I know Senator MCCAIN is very intent on getting a focused aviation security bill. I believe we can make it happen, but we need a little bit more time to pursue understandings of how that would happen.

Let me inquire of Senator DASCHLE. I presume at this time that the Senator would not be prepared to agree to limit this to only relevant amendments. Is that correct?

Mr. DASCHLE. Mr. President, if I may respond to the Republican leader, first, I agree with virtually all he has said. There is an urgency to the airport security bill that dictates that we come to the floor this afternoon. I know Senator HOLLINGS, Senator MCCAIN, and others have spent a good deal of time working in concert with experts and with others to reach the point that they have in bringing this bill to the floor right now. Earlier today, I made the announcement that we were going to take up airport security first and counterterrorism second, and that my hope was that we could take up counterterrorism as early as Tuesday. That may not now be the case.

I don't know that there are two more urgent pieces of legislation than these two bills that are virtually ready to go. Obviously, that doesn't mean because these two bills are urgent, that there is no other urgent matter related to the tragedy that has to be addressed. The question is, How many vehicles do you have, given the very serious limitation on time? Senator LOTT and I have spent a lot of hours, working late into the night trying to pre-conference some of this. But a lot of our colleagues, understandably, say, "What about us? We want to participate. We have amendments that are good ideas that we would like to offer."

So acknowledging that some of these matters cannot be pre-conferenced, our only option is to come to the floor. Then our only option is to hear out other ideas, as Senator LOTT suggested. Some are directly relevant to airport security, and some have to do with the tragedies that millions of Americans are facing in that they no longer have a job, they no longer have health insurance, they no longer have the ability to cope any more than the airlines had an ability to cope a week ago. So there is an urgency to addressing their crises as well.

One Senator on the floor just now noted that we are probably a stone's throw away from a railroad tunnel that could be every bit as much in jeopardy and in danger as any airport today. There is an urgency to railroad security that we have to address. The question is, Do we have to take up each one of these bills separately and address them individually or can we do what the Senate has always done as we look at issues, which is address them in the most collective way, asking for people to be disciplined, cooperative, and to understand the urgency and to understand that this is a different day? We are in a crisis situation. I am as much for ensuring that everybody has an opportunity to be heard as is possible. But we need to recognize that the whole country is watching, the whole country is expecting us to respond, as we have so far.

So I am disappointed, frankly, that we are not able to get agreement to go to this bill and debate issues that are of import to the country, not just to any particular Republican or Democrat. So we will file cloture and recognize that there will be another time when these bills and amendments are going to be considered. I hope that in working as Senator LOTT and I have, together with all of the cooperation we have been given these last 3 weeks, we can work through these difficult questions. I am still confident that we can, even though we may have hit a temporary snag.

Mr. LOTT. Mr. President, if I might respond, and then I will yield because I know the chairman and ranking member want to comment, too, I think what Senator DASCHLE is saying is that he would not be able to agree to limit it only to relevant amendments now. But there is another option here, and that is for us as Senators to focus on aviation security and not put all of our very best ideas on this particular bill. If we could do that, we could complete this legislation tomorrow. We would have aviation security done tomorrow. Senator HOLLINGS and Senator McCAIN would be happy. I would like to have a different approach to screening, but I am prepared to debate and vote on that.

If it goes beyond that, the option for ideas—good ideas—and alternatives and unrelated and nonrelevant amendments, it could go on and on. I think maybe we can get this worked out this afternoon. If we do not, it guarantees that instead of being on the counterterrorism legislation on Tuesday, we will be on this, and counterterrorism will be shoved off another day or 2 or 3. That is not disastrous because we want to make sure we do them both right, but for the sake of getting this done, I plead to my colleagues on both sides of the aisle, let's find a way to agree to do aviation security and to do these other issues that are also important.

Regarding Amtrak, everybody in this Chamber probably knows—and Senator McCAIN knows it and doesn't like it—I have been a big supporter of Amtrak. I am interested in making sure that it is safe and secure and that we have a viable Amtrak system, but we should not do it on this bill.

So I have to object at this time to the unanimous consent request. I understand Senator DASCHLE will be prepared to offer a motion to proceed and file cloture on that.

Mr. DASCHLE. Mr. President, before I file the cloture motion, let me yield to the distinguished Senator from South Carolina first, and to the Senator from Arizona second.

Mr. HOLLINGS. I thank the leader. The leaders, in all candor, have worked around the clock to get the disparate interests on this issue together so that we can decide on what we can agree upon rather than what we disagree upon. In that light, let me thank the majority and the minority leaders for their perseverance in helping us get this bill up.

It is fair to say I am as interested in this issue as the previous speakers. We have been working very hard on this issue. We just had a Commerce subcommittee hearing on rail and maritime security all day long yesterday. We are ready to go with the airline security bill. But there are some differences of views; similarly, with respect to the economic stimulus, and also with respect to the unemployment benefits bill. In fact, you can bring this bill up and, unless it is relevant, you can add Lawrence Welk's home to this measure, and so forth. We know what the rules of the Senate are. But it is going to be embarrassing if we leave for the weekend having agreed on money, but not on security. We should have put airline security ahead of money to bailout the airlines. But the K Street lawyers overwhelmed us. They were down here and we got billions to keep the airlines afloat. But, by gosh, we can't agree on taking up this airline security measure so that we can keep them in business. So we intentionally put them out of business by delaying implementation of a meaningful security measure.

We are not having votes on Friday; we are not having votes on Monday. Unless we can get this thing up this afternoon it is not likely to pass before the weekend. Someone commented that when we considered this matter in the Commerce Committee, we started at 9 o'clock and we got through at quarter to 7 that evening with only a half hour out. We had a full day's hearing and unanimously voted this bill out of committee. The bill is flexible. It was mentioned that the Secretary of Transportation is coming over with views from the White House. We are willing to go along with any reasonable compromise from the administration. What we are trying to do is get security. We are not trying to pass your bill in spite of our bill, or whatever.

We are going to meet at 3 o'clock. I hope the two Senate leaders will try to get together and work out this dispute. Senator McCAIN has been a leader on this. We have agreed on the details. There are a few little differences. But let's get together with the leadership and get this measure up so that we can go home this weekend at least having taken care of security, and then we can move to counterterrorism and unemployment benefits later.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DASCHLE. I still retain the floor for purposes of making a motion, but I yield to the Senator from Arizona first.

Mr. McCAIN. Mr. President, I thank Senator LOTT and Senator DASCHLE for the efforts they are making to try to bring this measure forward. I especially thank Senator HOLLINGS. He has agreed, along with me, that we would oppose any nonrelevant amendments to this legislation. That is an important commitment on the part of Senator HOLLINGS. I know how he feels about Amtrak and about seaport security and a number of other issues. I thank Senator HOLLINGS for that.

Briefly, if we now wait, as Senator HOLLINGS said, until cloture is voted on Friday, and we surely can't act until Monday, and we are not going to be in on Monday, we are well into next week. Last week, we passed legislation to keep the airlines afloat financially. Millions of Americans still will not fly on airliners because they don't believe they are safe. That is a fact.

When Americans know that the Congress of the United States has acted in a bipartisan fashion, with the support of the President of the United States, to take measures to ensure their security, that will be the major step in restoring the financial viability not only of the airlines but of America because we are dependent on the air transportation system in order to have an economy that is viable.

I am happy to say that the airlines are totally supportive of this legislation. They want it enacted right away. They believe it is vital for their future viability.

Finally, the fact that it didn't go through the Commerce Committee, the chairman and I are not too concerned about that. I think we are fairly well known to be conscious of that. As far as the screening issue is concerned, that is why we have debate and amendments. We will let the majority rule. That is relevant to the bill. Again, about provisions being added, I don't think any Member of this body is going to try to add an amendment that would be perceived as blocking airline security, including the Senator from Massachusetts, who is very concerned about the issue of Amtrak.

I hope the two leaders will continue working together. We will meet with Secretary Mineta and hear for the first time the views of the administration on this issue. I hope that by the time that meeting is over, we will have an agreement so we can move forward.

Lots of Members are involved in this issue. Lots of Members want to talk about it. Lots of Members are involved in it, so we are going to have to have a lot of discussion on this issue. The sooner we move forward, the sooner we are going to get it done. As Senator HOLLINGS said, we can get this bill passed by tomorrow afternoon if we all work at it, but if we wait over the weekend, I do not think it is the right signal to send. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE. I yield briefly to the Senator from California.

Mrs. BOXER. Mr. President, I believe as strongly about railroad security and airport security as I do airline security, but we need to move on this particular bill. To put it in personal terms, every one of those jets that were hijacked were headed to my State with light loads and heavy fuel, and those passengers were sacrificed.

We need to move forward. We need the air marshals. We need the funds to pay for them. We need the screeners and everybody else. Even though the bill did not officially go through the committee, I praise Chairman HOLLINGS and ranking member MCCAIN because, in fact, they led that committee through some amazing hearings. I think this bill is a terrific first step. I yield the floor.

The PRESIDING OFFICER. The majority leader.

## AVIATION SECURITY ACT—MOTION TO PROCEED

### CLOTURE MOTION

Mr. DASCHLE. Mr. President, I move to proceed to the consideration of S. 1447 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security:

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me go right to the heart of airport security. I had the most unique experience earlier today with El Al officials who came to the Committee on Commerce and reviewed in detail their security provisions for Israel's airline. They have not had a hijacking in the last 20 to 25 years.

I do not want to necessarily single them out other than to say that the officials present included, the regional director for the North America and Central America Israeli Security Agency and the head of the Israeli Security Agency of the Aviation Department. We also had the chief of security for El Al Airlines, and the top captain of El Al Airlines visit with us.

The four gentlemen went through in detail the Israeli airport security program. It was an eye opener for me. I have been working on this issue since the eighties when Pan Am Flight 103 went down over Lockerbie, Scotland. I was insisting then that we have federalization of security at our airports and on our airplanes. I was in the minority.

With respect to TWA Flight 800, in 1996 it was the same, and we had bill upon bill and measure upon measure and study upon study, more training, more this, more that, a particular officer in charge, the Vice President Gore study. None of this made a difference. Of course, the hijackers still flew the planes into buildings in America and killed 6,000 people.

I borrowed this diagram from the Israeli delegation. This particular diagram is entitled "Onion Rings Security Structure." The security in Israel and El Al Airlines brings into sharp focus that security is not a partial operation. Security is not part private contract and part governmental. As has been said for years, the primary function of the State government—and a former distinguished Governor is occupying the Chair—is public education, and the primary function of the National Government is national defense. We have gone now from, in a sense, international defense to national defense, homeland security. That is our primary function.

There is no difference in safety and security. We would not think for a second of privatizing the air traffic controllers. I agreed with President Reagan. He said: You are not striking; you are staying on the job. We are going to have, in a sense, security and safe flights.

This diagram starts with the outer rim of intelligence. The second rim is in the airport. The third rim is the check-in area. The fourth rim is the departure gate. The fifth ring is cargo, and the next two rings are the airport area and the aircraft itself.

They Israeli officials were asked: How about somebody who vacuum cleans the aircraft aisles and in between the seats? They have 100-percent security checks. Point: There is no such thing as a low-skilled job in security. As a matter of fact, they periodically rotate security officers to different postings. They found out, like we found out with the Capitol Police that rotations make a difference in the effectiveness of our security personnel. We do not have the Capitol Police sit in the same spot from early morning until their 8 hours are up just looking at the screen as the tourists come into the Nation's Capitol. The officer does that for about 4 hours, and then they swap him off to another post.

The Israeli security officials keep their airport personnel alert, they keep them well paid, they keep them well trained, and they keep them well tested.

The El Al folks were telling me that they make 150 annual security checks at Israel's airports. They try to sneak vicious items through security like a knife or a metallic object resembling a bomb. Of course, it is not a real bomb. The airports are not given a check in January and then they wait until the next January to check again. They have intermittent checks throughout the entire year.

By way of emphasis, in that check-in area they confer with intelligence. Intelligence confers with them. Intelligence will tell them, for example, if you have ever been down to Tijuana, they have certain entities down in Mexico that can really plagiarize, copy, an immigration pass. They know when they come from certain areas what passes to look at. In fact, they have them on a board there because I have been down there and checked with the Immigration Service, in a similar fashion.

Intelligence can say: Wait a minute, if they come from this area, we found out now they have counterfeit measures over there and they are almost perfect and here is what we have to look for, and everything else of that kind. So that is why they take them into a side room, give them a separate check, fingerprint and everything else they have, take a picture.

You have absolute security and therefore absolute trust in the flights on El Al.

You cannot have anything other than that for the U.S. travelers. Specifically, we cannot have the Capitol policemen, who give us security, be private contractors, nor can the Secret Service that gives the President security be private contractors. To put it another way, I am not going to agree to any kind of contract or partial contract or partial supervision over airline security and airport security until they privatize the Secret Service or the Capitol Police, or excuse me, the 33,000 that we have in Immigration and Border Patrol. They are all civil servants. Nobody says privatize the civilian workers, 666,000 civilian civil service workers in the Department of Defense.

I am told that the OMB called over there earlier this year and said we want to start contracting. There is a fetish about contracting out and privatizing and downsizing. That helps us get elected. I am going to get elected. I am going to Washington. I am going to downsize the Government. Just like private industry has proven its profitability in downsizing, so I am for downsizing. Those political ideologies have to be dispensed with. As the President has to get a coalition of foreign countries, he has to get a coalition of political interests in-country, get us on the right road for the war against terrorism.

They wanted to privatize over at the Defense Department and they said: You are not privatizing anything over here. We are engaged in security.

They cannot be made contract employees. They come in, they are incidental to all the information and goings on, and everything else like that. We have to have total security checks, audit them from time to time and everything else. That is the same thing with the airports.

We have made a provision for the smaller airports. They are going to have to have the same kind of security, but they can be hired. There is flexibility given in this particular bill. With that flexibility, we know we can work this out right across the hall when we meet momentarily with the Department of Transportation.

Incidentally, the Deputy Secretary of Transportation in charge of security will not only have this particular security for airlines and airports but for rail transportation, the tunnels, the stations, and for the seaports. That is the way it is in Israel. The Israeli Security Agency intermittently changes around and does different tasks, and everything else like that. So they keep them alert. They keep them well paid, and there is none of this 400-percent turnover like we have down at Hartsfield Airport in Atlanta, the busiest airport in the world. There is a 400-percent turnover in security personnel down there. It is between $5.50 and $7.25, the minimum wage. So that has to stop.

We have to have, as has been provided in this particular bill, the marshals. We expand the marshals group, I can say that. I have talked about the airport and the interims, and everything else of that kind.

There was one question I asked when I first met with El Al security. I said: Do any of you all contract? They were just amazed.

They asked: What does he mean by contract?

I said: Private employment or whatever it is.

You would not let controllers quit on you. You cannot let the security people strike on you. They are like the FBI. Do you think we can have the FBI strike or the Senators go on strike?

I have 4 more years. Should I sit down and strike? You cannot have a strike of your public employees. That has been cleared in Israel, and everything else of that kind.

The second question I asked, I said it seemed to me once you secured the cockpit, separated it from the cabin and the passengers, once you secured that cockpit and they are never permitted to open that door in flight, then what you really have is the end of hijacking because you get a better opportunity of killing a greater number of people or taking them off or something or beating on them and everything else of that kind, you cannot take the plane.

The rule of the game was otherwise. Heretofore, until September 11, the rule of the game was for the pilots to say: You want to go to Havana, Cuba? I wanted to go there, too. Let us all fly to Havana. And you ask the other hijacker: You want to go to Rio? As soon as we land in Cuba and get some fuel, we will go to Rio. They will go anywhere they want to accommodate the hijacker and get the plane on the ground at whatever place he wants to go and let law enforcement take over.

It is totally changed. We have the marshals. That door is never opened. The El Al executive told me—actually, it was the pilot I was talking to—he said, if my wife was being assaulted in that cabin in the passenger's section, I do not open the door. I land it and let the security take over, the FBI or the local security or wherever it is.

So that is the end of the opportunity to take over and take a plane wherever you want it to go. We have not just relied on that, of course. We have the marshals.

I said about these hijackers, suppose they grab the stewardess and say: Identify who the marshal is. They said the marshal is trained as soon as he sees that happening, he takes the hijacker out. He does not wait around. He is watching. He is trained. He is skilled and they do not dilly around, and everything else of that kind.

Instead, even in a disaster of that kind, they still cannot get into the cabin and hijack the plane. Of course, they know immediately. They have communications and signals. They know immediately in the cockpit that is what is going on and they land the plane.

I could go on and on. I think what everyone should know is this overwhelming bipartisan majority is ready to pass this bill no later than tomorrow night sometime. We are not having votes on Friday so we cannot get votes on cloture Friday. We are not having votes on Monday, so you cannot get cloture. You have to wait until Tuesday morning. It will be a public embarrassment that we worked patiently with the leadership, and I have commended them both. They have worked around the clock to try to get us together on what we could get together on rather than bringing in all of these amendments. We do not want to send over a bill with all kinds of amendments and then go into a long conference if we can clear, generally speaking, a barebones bill for security so that we can get the flying public back on the planes.

If we can do that by late tomorrow night, working with the White House and the House leadership who is also in this particular meeting, then more power to us. Otherwise, shame on us if we cannot do that. We are behind schedule.

I tried my best to get this particular security measure up before the money bill came up. Everybody was saying we could not put any amendments, we could not even consider security along with the money. We had to wait, although we had a unanimous consent. We did not have that particular consideration.

I thank the distinguished Chair. I thank the leadership for their diligence in trying to work this out so we can proceed to it. There is no question that we can get cloture.

If we could forgo the cloture motion and agree that nongermane amendments are not allowed, just germane amendments on the bill, we could consider them, vote them, we would be here late this evening and late tomorrow might and get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I compliment the chairman and ranking member of the Commerce Committee for work on airline safety. I know my friend from South Carolina feels strongly about port safety and rail safety as well.

However, I say to my colleague, who happens to be presiding today and was a former board member of Amtrak, I am, as the saying goes, tired of getting stiffed around here. I have been a Senator for 28½ years. I have tried over that 28½ years to put Amtrak in a position where it can run safely, securely, and efficiently. I have gotten promise after promise after promise of support and cooperation, and always procedurally I end up being in a position where Amtrak gets left out.

Let's talk about security for a moment. The Senator from Delaware and I don't have a major airport; we have a large airport but no major commercial airport in our State. We fly commercially in and out of Philadelphia or Baltimore, sometimes. We know how important air safety is. We know how important to our economy it is. I note, by the way, with all the difficulty, understandably, of the airlines—there is apprehension on behalf of the American people to get on an airplane, with the necessary cancellations of flights because they don't have enough people flying—there has been standing room only on Amtrak trains, we are putting more and more trains in the northeast corridor, and there is standing room only on most of them.

I ask my friends, parenthetically, what would have happened to our economic system if, in fact, we had had no rail passenger service since September 11? You think you have a problem now? You "ain't" seen nothing yet.

I, along with my colleague from Delaware, and others, went to Amtrak and asked: Have you reviewed your safety needs? They said: Yes, we have. I said: Put together a package for us that lays out in some detail the concerns you have relative to safety, security, and terrorism.

I note parenthetically, I served on the Intelligence Committee for 10 years. I have been chairman of the Judiciary Committee for the better part of a decade. I have been on a terrorism committee or subcommittee since I arrived in the Senate in the 1970s. I will say something presumptuous: No one here knows more about terrorism than I do. I don't know it all, but I have worked my entire career trying to understand the dilemma. I now chair the Foreign Relations Committee. I made a speech literally the day before this happened at the National Press Club, saying our greatest priority was dealing with terrorism, and laid out in detail what might happen. I am not the only one.

I will make an outrageous statement: My bona fides in knowing as much about what terrorists are doing, are likely to do, and being informed are equal to anyone's on this floor, or who has ever served in the Senate, or who is now serving. I may not know more, but I don't know anybody who knows more than I do. I am saying what will happen next is not going to be another airliner into a building. It will be an Amtrak train. It will be in the Baltimore Tunnel which was built before the Civil War.

Do you realize—my colleague knows this—if you have a Metroliner and an "Am fleet" in that tunnel at one time, you have more people in there than in five packed 747s? Guess what. There is no ventilation in there. None. There is no lighting. There are no fire hoses. I can go on and on and on. In New York City, the Amtrak Penn Station, do you know how many people go through those tunnels, which also have no ventilation, that are underground, and have little or no security? Three hundred and fifty thousand people a day—three hundred and fifty thousand people a day.

As one of my colleagues said in an earlier meeting I had downstairs with those concerned about Amtrak, not the least of whom is my colleague presiding—he said what we are doing on airport security and airline security is acting after the horse is out of the barn. We are. And we have to. And we should. And I will. But God forbid the horse gets out of another barn.

We have a chance now—now, not after there is some catastrophe on our passenger rail system—to do something. I remind my colleagues, the First Street tunnel in D.C. runs under the Supreme Court of the United States and runs under the Rayburn Building. It was built in 1910. There is only one way out: Walk out. No ventilation. Not sufficient lighting, signals, security.

I said in that Press Club speech the day before the airline crashed into the trade towers and brought them down, it is much more likely someone will walk into a subway with a vial of sarin gas than someone sending an ICBM our way. I will repeat that: It is much more likely. Do you think these guys are stupid? Obviously, they are not stupid. They figured out if they added enough jet fuel to two of the most magnificent buildings man ever created, they could create enough heat to melt the beams and crush the building. Do you think these same folks have not sat down and figured out our vulnerabilities?

Everybody is worried about our water system, a legitimate thing to worry about. We can monitor the water system before it gets to your tap. What do you monitor in tunnels, 6 of them, that have 350,000 people a day going through them, in little cars, with no way to get out, underground?

My heart bleeds for my friends who tell me to be concerned about their airports. I am concerned about them. When are people going to be concerned? We have 500 people, as my colleagues knows, on an Am-fleet train. I think that is about two 757s. I don't know that for a fact. That is one train.

A lot of our colleagues rode up to New York City on Amtrak, because they couldn't fly, to observe the devastation. I hope they observed, while sitting in the tunnel, that in one case, over 141 years old, there was more than one train in that tunnel. Two of these tunnels run under the Baltimore harbor.

So last night our staffs got together. By the way, all those concerned about Amtrak safety are equally concerned about airline safety, and, I might add, port safety. Do you know how many cargo containers come into the port of Philadelphia or even the little port of Wilmington? Probably the only man who knows that is my colleague presiding, the former Governor.

My Lord. So we sat down last night. We thought we had a reasonable discussion, all those parties interested. We got a commitment. OK, we will bring up port safety and Amtrak safety measures and we will guarantee, to use the Senate jargon, a vehicle. In other words, we will vote for it on something we know is not going to get killed, like they kill everything else that has to do with Amtrak.

So I said OK, I will not introduce this amendment on the airline bill. I will not do it.

By the way, I want to make it clear I got full support from the chairman of the committee. He supports our effort.

So I came in this morning, about to go out, take my committee down to meet with the Secretary of State for a 2-hour lunch to go over these terrorist issues—not about Amtrak but about Afghanistan and the surrounding area—and as I am leaving I find out through my staff member who handles this issue: Guess what. We really have no deal.

So I call the leadership. The leadership says: JOE, we can't guarantee you can get this up.

Now I gather up the Members of the Senate who have a great concern about the safety issues relating to Amtrak and some say: JOE, will you dare hold up the airline bill? Would you dare do that?

My response is: Would they dare not to take on our amendment? Would they dare not take on our amendment, after being told—which I will be telling my colleagues about for the next several hours, although I am not going to speak that long now. I say to my friend from Missouri, so he can speak—would they dare take the chance of not helping us? Will they dare? Will my colleagues dare to take the chance that they are going to let another horse out of the barn this time? Will they dare?

This is serious business. This is business as serious as I have ever been engaged in as a U.S. Senator. If I act as if I am angry, it is because I am. Not only angry, I am really disappointed. I would have thought in this moment when we are embracing each other in the sense that we are helping each of our regions deal with their serious problems—I was so, so, so overjoyed; having been here for the bailout of New York City in the 1970s, I was so gratified to see my friends from the South and the Midwest and the Northwest come to New York's aid instantaneously. I said, my God, this is really a change. It is really a change in attitude because America has been struck.

We come to the floor with an amendment that does two things: One, provides for more police, more lighting, more fencing, more cameras, et cetera, and provides for us to take equipment out of storage and refurbish it so we can handle all those passengers who are not flying, and what is the response? Either "No" or "Another day, Senator." I have had it up to here with another day.

As I said, and I will have a lot more to say about this in the next couple of days, there are six tunnels in New York. 350,000 people per day locked inside a steel case called a car, going through those tunnels. Those tunnels have insufficient lighting. They were built decades ago. They do not have the proper signaling for emergencies. They do not have the proper ventilation. They do not have the proper safety in terms of guards.

You are talking about air marshals on an airplane with as few as 50 people on it. I am for that. And you are telling me you are not going to give me the equivalent of an air marshal at either end of a tunnel that has 350,000 people a day go through it? Where is your shame?

The Baltimore tunnel was built in 1870, just after—I said "before" and I misspoke—just after the Civil War. By the way, you would not be able to build these tunnels today. I want to make sure that is clear to everybody. Under EPA construction standards, you could not build these tunnels. They would not allow it to be done just for normal safety reasons.

I have been crying about this for the last 15 years, about just normal safety problems—not terrorists, just a fire in the tunnel as you had in Baltimore.

All of you who live, love, and work in Washington, there is a tunnel that Amtrak trains, MARC trains and other trains come through in DC. It is called the First Street tunnel in DC. It was built in 1910. All you need is one Amfleet train in there and one Metroliner in there—and there are more than two at a time—and you have over 800 people locked in a steel canister in a tunnel that was built in 1910, that sits directly underneath the Supreme Court of the United States of America and the Rayburn Building.

I am not suggesting I know his position, but I suspect his reaction if I told my friend from Missouri, St. Louis: Guess what. I am not going to spend Delaware money making sure there are guards or added security at the St. Louis Airport. I am not going to do it. You are on your own, Sucker. I am not going to do that. I am not going to beef up security.

We can get on an Amtrak train with a bomb. No one checks. There are no detectors to go through to get on a train. There are no security measures. We do not even have enough Amtrak police for the cars.

If I said to my friends in St. Louis and Philadelphia and Seattle and Atlanta and Miami—we use the same standard for the airlines. Under ordinary circumstances, you might be able to say to me: JOE, it is too expensive. You just have to take your chances.

We have the Attorney General saying to people that there is more to come. How many of my colleagues out here have said: "It is not only if but when the next biological or chemical attack takes place"?

If you are going to have a biological or chemical attack, in case you haven't figured it out, the more confined the space, the more devastating the damage.

Like I said, I will come back to speak to this. What we are asking for is lighting, fencing, access controls for tunnels, bridges and other facilities, satellite communications on trains, remote engine turnoff, and hiring of police and security officers. That adds up to $515 million, and it doesn't even do it all. Tunnel safety, rehabilitating existing tunnels in Baltimore and Washington and completing the entire life safety system of New York tunnels, that is $998 million.

The total security all by itself is $1.513 billion. That does not deal with the capacity on bridges and tracks to account for the 20 percent increase in ridership because the airlines aren't moving, or the equipment capacity to be able to carry these people safely—just the safety of the cars themselves.

I tell you what. We all stood up here and we bailed out the airlines and their executives the other day to the tune of—I forget the number—$15 billion, and we did it in a heartbeat or, as they say, in a New York minute. And we cannot even now come along and deal in this bill with the workers of the airlines. But that is another fight.

Here we are with this simple, straightforward request. This isn't a 1-year undertaking. This is a permanent investment.

Unless all of you are so sure that there is no more terrorist activity underway, unless all of you are so sure that in case it is—by the way, we carry in the Northeast more passengers than every single plane that lands on the east coast in a day. Have you got that? This is not fair. This is not smart. It is not right to block our ability to have a guarantee that the Nation and the Congress speak on this issue.

As I said, it is a little like preaching to the choir. I know my colleague from Delaware, as the old saying goes, has forgotten more about the details of Amtrak, having been a board member, than even I know, having used it for 28 years. But I sincerely hope there is a change of heart. I don't want to slow up the passing of the airplane safety bill. I just want the people of my State to know that the people of my region are going to be treated as fairly as everybody else. Give them a basic shot at security—just a basic shot at security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank you very much. I appreciate the kindness of my colleague from Delaware for yielding the floor.

This subject is at the top of everyone's mind—the impact of terrorism and the threat of future terrorism. We are going to be talking about security and security in all forms of transportation.

I want to mention the economic recovery that is absolutely essential because we know that terrorists cannot win. Even though they committed a dastardly act and killed over 6,000 people and destroyed major economic and military landmarks, they cannot win if they do not destroy our economy and cripple us psychologically.

Today I introduced a measure to help in the economic recovery for the small businesses in the United States, a bill called the Small Business Leads to Economic Recovery Act of 2001. It is a comprehensive economic stimulus package for the Nation's small businesses and self-employed entrepreneurs.

The Small Business Administration tells us that some 14,000 small businesses are in the disaster area in New York alone. They have been directly affected by this tragedy. But the economic impact doesn't stop with those businesses. For months, small enterprises and self-employed individuals have been struggling with the slowing economy. The dastardly terrorist attacks make their situation even more dire.

As ranking member on the Small Business Committee, on a daily basis I hear pleas for help from small businesses in my State of Missouri and across the Nation. Small restaurants have lost much of their business because of a fall-off in business travel. Local flight schools have been grounded as a result of the response to the terrorist attacks. Main street retailers are struggling to survive.

I think we should act and act soon. That is why I introduced this bill to increase access to capital, to provide tax relief and investment incentives, and to assure that when the Federal Government goes shopping for badly needed services, they will shop with small business in America.

The SBA existing Disaster Loan Program was not designed to meet the extraordinary obstacles facing small businesses following the September 11 attacks. It could be a year or more before they can reopen. Small businesses throughout the United States have shut down as a result of security concerns. General aviation aircraft remain grounded, closing flight schools and other small businesses depending on aircraft.

My bill would allow these small businesses to defer for 2 years the repayment of principal and interest on these SBA disaster relief loans, and accrued interest will be forgiven. Many small businesses are experiencing serious economic problems because their businesses have been in a sharp decline since September 11. We need to help these businesses with cashflow or working capital so their businesses can return to normal.

We would establish a special loan program for allowing small businesses to cope by lowering the interest to prime plus 1, with no upfront guarantee fee. The SBA will guarantee 95 percent of the loan.

Banks would be able to defer principal payments up to 1 year.

For general economic recovery, small businesses would benefit from an enhancement of the existing 7(a) Guaranteed Business Loan Program to make those loans more affordable.

No guaranteed fees would be paid by small business. The SBA guarantees would be increased from 80 percent to 90 percent for loans up to $150,000 and from 75 percent to 85 percent for loans greater than $150,000.

I will be cosponsoring with Senator KERRY, the chairman of the committee, a measure that will help deal with these key ingredients for assuring access to capital for small business.

In addition, under the Debenture Small Business Investment Company Program, pension funds cannot invest in small business investment companies without incurring unrelated business taxable income.

Most pension funds can't invest—eliminating 60 percent of private capital potential. My bill corrects this problem by excluding Government-guaranteed capital borrowed by debenture SBICs from debt for the Unrelated Business Tax Income rules.

On small business tax relief, we would increase the amount of new equipment that small business could expense to $100,000 per year, allowing small businesses that do not qualify for expensing to depreciate computer equipment and software over 2 years.

These will be significant enhancements to cashflow.

We increase the depreciation limitation on business vehicles to ease cashflow problems for small businesses and help stimulate automotive industry recovery.

We raise the deduction for business meals back up to 100 percent to get people to take lunches at restaurants which are struggling. The restaurant industry lost 60,000 jobs in September. We need to get restaurants back on their feet.

We would repeal the alternative minimum tax on individuals and expand the AMT exemption for small corporations to leave more earnings in the pockets of small businesses to reinvest for long-term growth and job creation.

These items will give a significant boost to small business, which has been and is the driving force in our economy.

Finally, when the Federal Government goes out shopping, we want to make sure it shops with the small businesses in America. Currently the Brooks Act prohibits small business set-asides for architectural and engineering contracts above $85,000, a figure set in 1982. My bill would raise that ceiling to $300,000.

The policy of the Federal Government that contracts valued at less than $100,000 be reserved for small businesses would be adopted for the General Services Administration. For contracts not on the Federal Supply Schedule, they would be reserved for and limited to small businesses registered with the SBA.

My bill would remove the ceiling on sole-sourcing contracting under the HUBZone and 8(a) Programs to permit larger contracts to be awarded quickly to small businesses capable of providing postdisaster goods and services.

These changes I think would help get small businesses' engines—the engine that drives our economy that will help lead us out of the economic stagnation we face as a result of these dastardly terrorist attacks.

I invite my colleagues to join with me to contact my small business staff and let me know if they have questions. I urge them to join with me in sponsoring this badly needed stimulus package for small business.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is a bit disappointing that this afternoon we had to file a cloture motion in order for the Senate to consider a piece of legislation dealing with airport and airline security in this country.

All Americans understand that on September 11, when hijackers hijacked four commercial airlines and used fully loaded 767s to run into buildings and kill thousands of Americans using those commercial airliners as guided missiles—bombs, with substantial amounts of fuel to kill thousands of innocent Americans—everyone understands that from that moment forward, when the airlines were shut down—all of them were grounded, and then, following that grounding, the airlines began to ramp back up and provide some additional passenger service once again—that the American people are concerned, and have been concerned about safety.

So the Congress began working on this question of, How do we prevent this from ever happening again? How do we promote and develop the safety and security that the American public wants with respect to air travel? How do we give the American people the confidence that getting on an airplane and using that commercial airliner for travel around the country is safe and secure for them?

We do that in the following ways: The Congress writes a piece of legislation, as we have done in the Senate in the Commerce Committee—and that piece of legislation deals with the range of security issues that the American people are concerned about—and then you bring it to the floor of the Senate, you debate it, and have a vote on it. Regrettably, today we are not able to do that because we have people objecting to its consideration.

But let me go through the elements of this legislation and explain how important it is. First of all, from the broader standpoint, it is critically important that a country such as ours, with an economy such as ours, have a system of commercial air travel that is vibrant and available to the American people, to move people and commerce around this country. A strong economy cannot exist in this country without a network of commercial air services that are available around the country. So we have to take steps very quickly to repair this and deal with the damage caused by the September 11 tragedies.

Going into September 11, we had a very soft economy in this country. The leading economic indicators in America—our airlines, for example: When things begin to go soft, the first thing people cut back—both families and businesses—would be air travel. You do not take the trip you were going to take because the economy is softer. You do not know what the future is going to hold. Airlines are the first to be hurt in a soft economy. So going into September 11, we had all of our major carriers in this country hemorrhaging in red ink, showing very substantial losses.

September 11 was a tragedy unlike any this country has ever seen. That tragedy occurred with the hijacking of commercial airliners. And, of course, all airlines were grounded in America immediately on that day. Each day thereafter, when those airlines were grounded, of course, the airlines continued to lose a massive quantity of money. No one, at all, criticized the grounding. That had to be done. But that industry suffered massive losses at a time when post-September 11 no airplanes were flying anywhere.

When the airlines began flying again, with the permission of the FAA and the Department of Transportation, it appeared very quickly that people were not quickly coming back, or easily coming back, to use commercial air services. They were concerned. They were nervous. They wondered whether it was safe and secure.

This Congress then believed it had a responsibility—and it does—to do the things necessary to say to the American people, we are taking steps to prevent this from happening again. What are those steps?

My colleague, Senator HOLLINGS, the chairman of the Commerce Committee, along with Senator MCCAIN and Senator KERRY, Senator BOXER, myself, and many others, have proposed a piece of legislation that but for the objections would be on the floor of the Senate at this moment for debate, a piece of legislation that takes the steps necessary to give the American people confidence that this system of air travel is safe and secure.

Here is what we do: We change the screening at airports, the baggage screening process at airports, change it in a very significant way. Federal standards: In the largest airports, Federal workers; in the smaller airports, law enforcement, repaid by the Federal Government; but Federal standards with respect to all baggage screening; law enforcement capabilities with Federal standards with respect to guarding the perimeter of airports; sky marshals that will be used extensively on airplane flights all across this country; the hardening of cockpits so potential skyjackers cannot get through the cockpit doors.

All of these issues—screening, sky marshals, perimeter security, baggage screening security—all of these, and more, including an Assistant Secretary of Transportation, whose sole responsibility will be to make sure that we take the measures necessary to assure safety on America's commercial airline services, all of these are designed to say to the American people: You can have confidence in America's air service. What happened on September 11 is not going to happen again. These security measures are designed to prevent hijackings because they are designed to prevent hijackers from ever boarding an airplane again in this country.

Those things are necessary to give the American people confidence about the safety and security of air travel. And it is necessary to do them not later, not 2 weeks from now, or a month from now, or next year—it is necessary to take this action now.

This Senate ought to take action now on this issue of airport security. We ought not have to file cloture on a bill like this, not a bill that is so important to this country. A piece of legislation this important ought not have to have a cloture motion filed on it. This ought to be where the good will of both sides comes together to say: Let's do this. We know it needs to be done. We know it is important for America. Let's do it.

It doesn't mean there aren't better ideas that can come to bear on this legislation. But we ought to have it on the floor and debate it, have people offer amendments, if they choose—if they can improve it with amendments, good for them—but it is very disappointing to me that cloture had to be filed on something this important and this timely.

Let me say, on a couple of the issues people are concerned about—I understand some, perhaps, would object because they object to linking some sort of extended unemployment compensation to this legislation or they object to doing unemployment compensation or extended benefits for unemployed people, especially those who have been laid off by the airlines, and other related industries—they object to doing that at some time certain.

Well, look, I supported the piece of legislation about 2 weeks ago that addressed the critical financial needs of the airlines themselves. But we cannot ignore those who have been laid off. It is only reasonable, in my judgment, that if we are going to help the companies, that we also ought to be responsible enough to help the people. The people make up those companies.

When 120,000 of those people find their jobs are lost, we ought to be willing to say: We are willing to help you as well. Unemployment compensation and extended benefits is not radical, it is the right thing for this Congress to do.

With respect to the other issue—that is Amtrak—I would say to those who support Amtrak, you do not support it more than I do. I really believe Amtrak is important to this country. Passenger rail service is something this country needs, and it has been ignored far too long.

I do not agree with those in the Senate who say: It is awful that we have subsidized passenger rail service. Of course we have subsidized it, but we have subsidized every other form of commercial transportation service in this country as well. In fact, we have subsidized them more than we have subsidized Amtrak.

I happen to think this country ought to be proud of commercial rail passenger service. We ought to invest in it. We ought to provide a security bill for it because there are real security issues, as evidenced by the comments just addressed to the Senate by my colleague from Delaware—real security issues. But even more than that, more than the security issues—or at least as important as the security issues—we need to make the investment in Amtrak so that all across this country, and especially in the Eastern corridor, we have first-class rail service up and down that corridor that will allow us to take a substantial quantity—up to 30 or 40 percent—of those commuter flights off the Eastern corridor out of the air, and move those people by rail. It makes much more sense to do that. Yet we have people in this Chamber who somehow do not want to continue rail passenger service in our country.

Rail passenger service is important. I do not believe, however, those who support it, which includes myself—I do not believe we ought to hold up the airport security bill because of our concern about Amtrak. I say, do this bill—do it now—and next week let's come back and do that Amtrak security bill. I believe we can do that.

I believe there will be 60 votes in support of the motion to proceed. If we have to break a filibuster, I believe we will have 60 votes to do that with respect to Amtrak. And, as I said, I do not take a back seat to anyone in my support of rail passenger service in this country. I think it is important, critically important, and we ought to manifest that importance in what we do in the Senate. We ought not be afraid of a vote. Let's fight that issue, but let's not do it by holding up an airport security bill. That is not the right thing to do and it is not the fair thing for the American people.

There is one other thing we have to do. We ought to do airport security now. Yes, let's provide extended unemployment compensation for those people who have lost their jobs as a result of direct Federal intervention in their industry. That list is an extended list. But there is nothing wrong with this country saying: During tough times, we are here to help.

Incidentally, when we have an economy that has been as soft as ours has been and has taken the kind of hit our economy took, we better be prepared to take some bold action to help companies and people, to help them up and say: We want to give you some lift.

With respect to that last point, we also not only need to do the issue of airport security, extended unemployment, and Amtrak, we also need to do an economic stimulus package. I want to talk about that for a moment.

If we are going to make a mistake in this country with respect to this economy, I want us to make a mistake of doing something rather than doing nothing. I don't want us to sit around with our hands in our suspenders and talk about what would have or should have been. I want us to take aggressive action to say: We understand this economy is in peril. We have watched the Asian economies. We have seen the Japanese economy stall for 10 years.

This country had a vibrant, growing economy. And going into September 11, it had fallen off a shelf of some type early, about a year ago, maybe 9 months ago. We were in very serious difficulty.

The Federal Reserve Board was cutting interest rates furiously to try to recover and provide lift to this economy. That has not provided the lift—at least not the lift they certainly would have wanted. The September 11 event cuts a huge hole in this economy. What to do next?

First of all, let's all admit we don't understand this economy. It is a new, different, and global economy. It is a fact that we have economic stabilizers that we have not previously had. In the last 20 and 30 years we have put in economic stabilizers that provide more stability with respect to movements up and down.

It is also true that the stabilizers have not and could not repeal the business cycle, the cycle of inevitable contraction and expansion in the economy. We were on the contraction side of that cycle going into September 11. And then we saw a huge hole torn into this country's economy by the tragic events committed by terrorists.

What to do now? First, let's try to understand what the consequences of this might be. Almost all of us understand the consequences are dire for our economy. We must restore confidence in the American people about their economic future.

How do we do that? The only remedy that we understand and know is a remedy in which we try to stimulate the economy with fiscal policy to complement what the Fed is doing in monetary policy.

Senator DASCHLE and I, in my role as chairman of Democratic Policy Committee, wrote to 11 of the leading economic thinkers in America—some in the private sector, some in the public sector—Nobel laureates, among others. We asked them the following questions last Wednesday: Do you believe there should be an economic stimulus package? If not, why not? And if you do, what should that stimulus package be?

These leading economists were good enough to turn around a paper, in most cases two pages of their analysis, within a matter of 4 or 5 days. I have compiled and given to every Member of the Senate a special report from the Democratic Policy Committee regarding eleven leading economic thinkers on whether Congress should pass a stimulus package. I hope all of my colleagues will read this.

Every single one, with one exception, of the leading economists in this country have written an analysis for us telling us they believe we must pass some kind of economic stimulus package. Most of them say it ought to be temporary. Most of them say we should be somewhat cautious that we not do the wrong thing here. But they have recommendations on how they believe we should enact a stimulus package that tries to provide lift and opportunity to the American economy.

The easiest thing in the world for the Congress to do at this point would be just to sit around and ruminate, which we do really well, and muse and debate and talk and end up not doing anything. Why? Because we have all kinds of fiscal issues. We have an economy that has slowed down. We don't have the revenue coming in. We have huge bills piling up.

What is the solution to that? Just swallow your tobacco and sit around and do nothing? It was Will Rogers who once said this about tobacco: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times. Well, we don't have anyplace left at this moment. We have to decide that we are going to take action and we are going to have to change with the times.

The times changed for this country on September 11. This country took a huge hit to its economy. In addition to that, of course, the tragedy is immeasurable in terms of the cost of human life. But as we now try to pick up the pieces, one of the wonderful things about the American spirit is, we are doers. We are a country of action.

If you look at a couple hundred years of economic history in America—I have studied some, and I have taught some economics—you see a country that is intent on creating an economy that is in its own image, in its own desire, by taking action rather than waiting for things to happen. It is not a market system that needs no nurturing. It is a market system that from time to time needs some help to move along.

If ever this economy needs some help from this Congress and from the Federal Reserve Board, it is now. Let us not make the mistake of omission. Let us not make the mistake of doing nothing. If we do the wrong thing, if we make a mistake, let's make that mistake by having taken action. I would much sooner do that than to decide to sit around at this time and in this place and not be bold.

I am hoping my colleagues will take a look at this special report that has some of the best analysis in it that we can find. It is very unusual to be able to write Nobel laureates and top economists in this country, from Goldman Sachs and Brookings and Princeton, Massachusetts Institute of Technology and Yale, people who we know and have studied for years, the great thinkers in this country about our economy. It is an opportunity that is extraordinary to be able to come here and to offer this analysis to the Senators who are interested in fiscal policy.

That is where we are. We find ourselves at the moment unable to move on airport security. That is a profound disappointment. Apparently, we have filed a cloture petition. I hope we will rethink that today.

We must, in addition to getting airport security as quick as we can, then also do something with respect to extended unemployment benefits. I believe next week we also ought to go to the Amtrak issue. I am fully supportive of that. We ought to decide very quickly to join with the President and Members of Congress and enact a stimulus package that will provide lift and some assistance to the American economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I second the remarks of the distinguished Senator from North Dakota. I thank him for his insight into the economy and for his desire to get this legislative body moving.

I will quote from a distinguished author, Charles Dickens, who said:

> It was the best of times, it was the worst of times. It was the age of wisdom, it was the age of foolishness. It was the epoch of belief, it was the epoch of incredulity. It was the season of light, it was the season of darkness. It was the spring of hope, it was the winter of despair.

That introduction to "A Tale of Two Cities" written by Dickens is apropos of the time we have at hand. Dickens' words speak to us today as we try to make sense of the events of September 11 because, though the darkness and despair were all too readily apparent, I believe we can actually see wisdom and light and hope as this great Nation moves forward in unity and resolve.

It is a sad but nonetheless true fact that our country is no more vulnerable to terrorist assault now than it was on September 10. It just feels that way. With the heightened attention to this threat, I would contend that the vulnerability is less now than it was actually before, but that is certainly no guarantee against future attacks.

While the September 11 acts of terror demonstrate all too vividly the depth of inhumanity that some human beings are capable of, the response in the United States and around the world has conclusively proved that for most people, it is, in Lincoln's words, "the better angels of our nature" which ultimately prevail.

When in our lifetimes have we seen the selfless men and women who serve as police and firefighters extolled above athletes and rock stars? When have we seen cynicism and apathy largely vanish from our public airwaves? When have we seen such sustained bipartisanship at home and unity of purpose in the international community? Not in my lifetime, Mr. President.

The current challenge facing our country and the entire civilized world is indeed a crisis, but I contend that it is a crisis in the way the Chinese understand the word—one word, one phrase, one character, meaning danger; but the other character meaning opportunity. The Chinese write the word "crisis" in two characters, Mr. President, not one: danger and opportunity. We have before us both.

For some time, I have been planning to come to the Senate floor to mark the first anniversary of the completion of an effort I undertook last year with my distinguished friend and colleague, the distinguished Senator from Kansas, PAT ROBERTS. Over the course of last year—completed on October 3—Senator ROBERTS and I conducted a series of bipartisan dialogs on the global role of the United States in the post-cold-war era. That sounds somewhat esoteric in light of the attacks on our country on September 11, but our purpose then was to draw attention to this important topic and to help begin the process of building a bipartisan consensus on national security, which both of us felt was needed and indispensable to protecting our national interests.

Over the course of our discussions last year, we came to mutual agreement on a set of general principles which we felt should undergird America's security policy in the 21st century. These included that we, as a nation, need to engage in a national dialog to define our national interests, differentiate the level of interest involved, and spell out what we should be prepared to do in defense of those interests and build a bipartisan consensus in support of the resulting interests and policies.

The President and the Congress need to, among other things, find more and better ways to increase communications with the American people on the realities of our international interests and the costs of securing them. We need to find more and better ways to increase the exchange of experiences and ideas between the Government and the military to avoid the broadening lack of military experience among the political elite and find more and better ways of ensuring that both the executive and legislative branches fulfill their constitutional responsibilities in national security policy, especially concerning military operations other than declared wars.

We are in such a situation now. We have a war on terrorism. It is actually undeclared legally, but it has been declared publicly. The President and the Congress need to urgently address the mismatch between our foreign policy ends and means, and between commitments and our forces, by determining the most appropriate instrument—diplomatic, military, et cetera—for securing policy objectives; reviewing carefully current American commitments—especially those involving troop deployment to ensure clarity of objectives, and the presence of an exit strategy. That is something we ought to keep in mind in this war, too. Increasing the relatively small amount of resources devoted to the key instruments for securing national interests, including our Armed Forces, which need to be reformed to meet the requirements of the 21st century, diplomatic forces, foreign assistance, United Nations peacekeeping operations, which also need to be reformed to become much more effective, and key regional organizations.

We are the only global superpower, and in order to avoid stimulating the creation of a hostile coalition of other nations against us, the United States should and can afford to forego unilateralist actions, except where our vital interests are involved. One of the things I am encouraged about now, is our unilateralist tendencies have been swept up in an agreement among civilized nations to support us in our war on terrorism. That is a very comforting thought.

One of the things that helps us along these lines is that the United States should pay its international debts, and we agreed to do so. We also must continue to respect and honor our international commitments and not abdicate our global leadership role. Finally, the United States must avoid unilateral economic and trade sanctions. I think in the wake of the attack on our country, we have lifted some of these sanctions, especially against India and Pakistan.

With respect to multilateral organizations, the United States should more carefully consider NATO's new Strategic Concept and the future direction of this, our most important international commitment. We need to press for reform of the peacekeeping operations and decisionmaking processes of the U.N. and Security Council. We need to fully strengthen the capabilities of regional organizations, such as the European Union, the Organization for Security and Cooperation in Europe, the OAS, the Organization for African Unity, and the Organization of Southeast Asian Nations, and so on, to deal with threats to regional security. We need to promote a thorough debate at the U.N. and elsewhere on proposed standards for interventions within sovereign states.

In the post-cold-war world, the United States should adopt a policy of realistic restraint with respect to the use of U.S. military forces in situations other than those involving the defense of vital national interests.

We crossed that threshold on September 11. Responding to the terrorist attack is in our vital national interests, and we ought to use military force to do that. As a matter of fact, this Congress authorized the President to use all necessary force to go after those who came after us on September 11.

In all other situations, we must insist on well-defined political objectives. As a matter of fact, it is not a bad idea in this particular war either. We must determine whether nonmilitary means will be effective and, if so, try them prior to any recourse to military force. I think we are doing that in so many ways in tightening the noose around the terrorists' necks. We should ascertain whether military means can achieve the political objectives. Sometimes military means cannot attain a political objective. We ought to be aware of that. We need to determine whether the benefits outweigh the costs—in other words, whether the cost of military engagement is worth the cost. We need to determine the "last step" we are prepared to take before we get involved militarily. That was the advice of Clausewitz, the great German theoretician, on war two centuries ago. We must insist that we have a clear, concise exit strategy when we involve ourselves in military affairs around the world, and we must insist on congressional approval of all deployments other than those involving responses to emergency situations.

The United States can and must continue to exercise international leadership, while following a policy of realistic restraint in the use of military force. We must pursue policies that promote a strong and growing economy, which is actually, as we now see, the essential underpinning of any nation's strength.

We must maintain superior, ready, and mobile Armed Forces capable of rapidly responding to threats to our national interest. My goodness, do we ever see the need for that since September 11. We must strengthen the nonmilitary tools as well. We must make a long-term commitment to promoting democracy abroad via a comprehensive, sustained program which makes a realistic assessment of the capabilities of such a program.

Obviously, much has changed since Senator ROBERTS and I submitted our list last year, but I think the fundamentals remain the same. If anything, the events of September 11 have underscored several of the points we were trying to make.

First, foreign policy matters. American leadership and engagement in the world make a real difference to our security here at home.

I remember having lunch with Tom Friedman, the great author of "The Lexus and The Olive Tree," a best selling book. He said, "Without America on duty, there would be no America on line."

We forget that our first line of defense in so many ways is America on duty. So foreign policy matters.

Secretary of State Powell has done an awesome job, along with the President, and Secretary Rumsfeld, in arraying the international community against terrorism, including the key countries bordering Afghanistan, in the effort to bring the terrorists and collaborators to justice. It is very clear now, if it was doubted before, that these efforts could not succeed without this multinational cooperation.

One of the things that has also been reinforced is that when we move to protect our national interests, we need to make use of the whole range of instruments available to us. The instruments we have available are not only and not necessarily primarily our military forces, but our diplomatic, economic, intelligence, and law enforcement assets as well, all of which are engaged today, even as I speak, in the fight against the forces of terrorism.

Third, Senator ROBERTS and I were anxious to have our country take a good hard look at its multitudinous overseas military engagements and commitments, with an eye toward focusing on the vital and essential deployments while deemphasizing other engagements which can divert both resources and attention from our most crucial national interests, of which homeland defense must be at the top of the list.

In so many ways, as someone who has traveled to the Balkans, Kosovo, and South Korea, it is a strange feeling to know that our country in our defensive effort guards Kosovo and protects South Korea almost better than it does New York City and Washington.

In short, I believe we can and must be prepared to commit all available American resources, including military forces, in defense of truly vital national interests, the most important of which is our homeland defense. In other cases, I believe we must impose a much higher bar before we put American service men and women in harm's way.

Former Chairman of the Joint Chiefs of Staff Henry Shelton put it very well in an address to the Kennedy School at Harvard University. He said:

> The military is the hammer in America's foreign policy toolbox . . . and it is a very powerful hammer. But not every problem we face is a nail. We may find that sorting out the good guys from the bad guys is not as easy as it seems. We also may find that getting in is much easier than getting out.

It reminds me of a good line by Napoleon that wars are easy to get into but hard to get out of.

General Shelton went on to conclude:

> These are the issues we need to confront when we make the decision to commit our military forces—

Even as we commit them today.

> And that is as it should be because, when we use our military forces, we lay our prestige, our word, our leadership, and—most importantly—the lives of our young Americans on the line.

Let me be very clear that the events of September 11 did, indeed, touch upon our vital interests, and we can and will use our military "hammer" to capture or kill those responsible. This body voted unanimously to confer that authority on President Bush and to stand firmly behind our service men and women who, as the President said so well, are ready to "make us proud" once again. Certainly this Senator does. I stand behind our forces, our troops, and our President in this resolve to accomplish this goal.

Finally, as I said before, Senator ROBERTS and I began our process over a year ago, convinced of the need to bring greater attention to national security and foreign policy, as well as to forge a durable bipartisan consensus on the major elements of such a policy. Frankly, we saw little evidence that either greater attention or more bipartisanship was likely anytime soon. This is where the opportunity I spoke of earlier comes in. At least for now, we have an attentive Congress and public and a bipartisan foreign policy. We have come a long way. The challenge is to sustain that in the months and years ahead.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we are trying to move to the bill that will upgrade aviation security in our country. I hope we can work out an agreement that will allow us to start debating the aviation security bill.

What we are all trying to do is get a bill that is just on aviation security. There are a lot of other issues people want to bring up that are quite legitimate issues, but I do not think we should put them on a bill dealing with aviation security because this issue is the one we need to address right now. It is a separate issue, and it should be kept separate.

If we can assure the flying public that everything that can be done is being done to upgrade aviation security, that will mitigate the damage we are seeing to our economy as a result of a smaller number of flights and smaller number of people traveling. We want to bring back the aviation industry. We want people to go on vacations, to travel for business, just as they did before September 11. We want people to stay in the hotels and rent the cars so the economy does not experience a domino effect from airlines not flying and people being afraid to get on with their daily lives.

We understand why people are concerned. I have been flying every weekend since September 11. I know their concerns. We need to address the security issue so people will know they can fly and this, in effect, will begin to rebuild our economy.

What we are trying to put forward in a bipartisan bill is sky marshals so that we can begin the recruitment and training to beef up the Sky Marshal Program.

We want to make our cockpits more secure. We want to make sure our pilots are protected and they are able to give their full attention to flying the airplane.

We are trying to upgrade the screening of carry-on baggage.

We have only had 3 weeks to determine the changes that need to be made. I know the administration and Members of Congress are looking at all options for closing the loopholes in aviation security, but we can take some major steps forward, even as we are studying other ways in which we can do better, by upgrading the training and the education requirements for the screeners, to make sure they have enough training to recognize an illegal item.

We want to make sure there is armed supervision of those screeners, Federal marshals. Right now we have Guardsmen from the States and we have detailees from other agencies that are overseeing screeners in many airports. We want to make that more permanent so that people will know it is not business as usual at the airports and that is why it is safer to fly.

I hope we will be able to move to this bill today. It is important that we finish the bill this week. We will have differences on some of the details of the bill. We can have amendments and up-or-down votes. If you win, you win; if you lose, you lose.

The basic agreement we have on the key components of the bill is solid and bipartisan, and the components are also, I believe, agreed to by the administration. There are a couple of sticking points. We need to work those out, but we do not need to hold the bill up to work out the differences. We need to go to the bill.

If we can get an aviation security bill passed in the Senate, send it to the House, and send it to the President, the American people will begin to see that there is a heightened awareness of the need for security, and they will see the beginning of the implementation of the plans to do more at our airports.

I want to thank all of those who are working on it, Senator MCCAIN and I on our side, Senator HOLLINGS and Senator ROCKEFELLER on the Democratic side. We are working very well together. We had a meeting with the Secretary of Transportation, talking about the areas where we agree, which is 90 percent of the bill we would have before us.

I think we need to go to the bill. Let Congress work its will. Other Members have some very good ideas. We need to start talking about them. I do not think we should waste this valuable time.

The President has said, and Congress has agreed, there are certain things we must do quickly. We certainly took quick action for trying to shore up and stabilize the airlines. We have done that. We now need to give our law enforcement agencies the ability to gather intelligence.

Our FBI is doing an incredible job of finding all of the tentacles of these terrorist cells, but we need to give them the tools they need to continue that investigation and to find out where these people are in our country or in other countries that would affect our own security.

We need to act quickly on that antiterrorism bill. We need to act quickly on the aviation security bill. These are the priorities the President has set, and we need to go forward and address those. We are wasting time by not going to this bill, and I urge my colleagues to work out the differences. Do not require us to have extraneous amendments. Let us get on the bill. Let us have amendments that are germane to the bill and go forward in the way we have always done, having our votes, getting the final passage. Let us do the important business that will increase our capability to keep our country going, to keep our economy strong, to keep our people safe. That is our responsibility, and that is what we should be doing right now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I want to talk about something that is very familiar to the Presiding Officer: the meetings that the Senator and I have had with airline employees back home. The most recent meeting was a rally at the Capital. We have made the commitment to these workers that we want to help the industry. We want the industry to get back on its feet. That is critically important and what everybody wants.

We also believe the help has to be there for the employees. By the way, Mr. Richard Anderson, the CEO of Northwest Airlines, dropped by the other day and left me a letter of support. He has come out as CEO of Northwest firmly, squarely, behind getting assistance to the employees.

Maybe this has been said on the floor. I have been at briefings today, one of which was superb, with Secretary of State Powell, about whom I cannot say enough good things in terms of his wisdom and his hopes for how we proceed now in the aftermath of September 11. I cannot believe some of my colleagues are opposing moving to the floor with this airline safety bill in part because they are not committed to this package of benefits for employees. They don't want to see it happen. I will get people angry at me, and later we will have debate. I will be pleased to debate people later. To me, it is heartless. When people are flat on their backs, you help them. That is part of what government is for.

I say to the Presiding Officer, Senator DAYTON, I felt on Sunday, beyond speaking at a rally, you sometimes get the sense that people are reaching out to you. It is not so much to shake your hand, it is not to beg you, but to reach out for help. The handshake was more, in our State, a reaching out for help. It is frightening to be out of work and to not know how you will support your family.

We have this package to extend the unemployment benefits up to a year, and actually improve the U.I. with more benefits, and calling on States to increase what they will pay out, with the Federal Government providing the money. And in this nightmare situation, which we don't have to deal with, Senators, but if we did, if we were out of work, we would sure want the help.

When you lose your job and then in a couple of months you lose your health care benefits, you cannot afford what is called the COBRA program. The idea was to help families provide for health care, to be able to afford the coverage and not be without any coverage.

For God's sake, how much longer do Senators think we should wait?

I am not going to go after the industry, I don't think they were crying uncle. Frankly, as someone who has been a severe critic of Northwest Airlines—I never been able to get along with them—I give Mr. Anderson credit. I have had some of the employees say: He might care about us. I give him a lot of credit. Several flight attendants on a flight said that to me.

The truth of the matter is, they were ready, they had their array of lobbyists, et al, up here. We put the package through, and we were told: If you don't indemnify us—several carriers said—we will shut down Monday, a week ago. We didn't want that to happen.

But now we have employees out of work, what is it, 4,500 in our State, or thereabouts. We have Senators who do not want this bill coming to the floor. First, we have to take the steps on airline safety—no question about it—now. But it is absolutely appropriate to also, in the same legislation, talk about Amtrak. It is part of the transportation system. It is related.

But the other part of it is the employees. I say to the Presiding Officer, I don't know if I will feel empty, depressed, or just furious and angry, to go back home this weekend and see some of those same employees who are going to be saying: Why? Why? Why the delay? Why can't you help us?

That is what I say to some of my colleagues. What is going on here? In all due respect, this should be a no-brainer. We should have the airline safety bill out. We have amendments; people can vote for or against the amendments. But it is not business as usual. This is not a business-as-usual time. This is not a typical time in our country.

I say to Senators, I know if you are thinking: In all due respect, PAUL, don't be gratuitous; it is not like anyone needs to tell us that, given what happened to our country on September 11 and the murder of so many people.

I get the impression that maybe on the economic hard times and what has happened to people in their own lives here on the economic security part, there are a number of Senators who I don't think get it. They don't get it.

I have not had a chance to talk to the majority leader. I assume we will file cloture, have a vote, and force this issue. If people don't want to vote for assistance for the aviation employees, let them vote no. I think it would be pretty hard to sleep if you were to cast such a vote.

I say to the Presiding Officer, I remember 4 or 5 days after September 11, I was coming back here and talking to some of the employees and saying, hello, how are you, to a woman while checking in; the woman said: All right; I'm hanging in there.

I realized what she was talking about was not September 11. She was talking about herself because she knew they would be out of work. My first reaction was: Why wouldn't you be focused on September 11 and the slaughter of people in the country? Then I said to Sheila: Wait a minute; she was not wrong to react that way. She had to be concerned about what would happen to her and her family. She knew she would be out of work.

These workers are asking us for help. I would like to smoke out Senators, have Senators over the next 2 days come out here and debate and tell us why they don't want to support an amendment, if that is the case.

I have to make this distinction. I can some see Senators saying: Well, of all people, PAUL, over the years, it is not like you haven't come out here and slowed things up and used your leverage.

I understand that. Frankly, I don't know what the cause is here. Maybe I am just being self-righteous. I don't, frankly, know what the cause is. If the cause is, as I suspect, there are some Senators who don't want to see this package go through, then I say, just come on out here and "have at it," make your arguments, and let's vote.

We have a lot going on in terms of unity and Members of both parties feeling so strongly about what happened. All of us, I think, have a lot of concerns. It is hard not to every day worry about. What next not to worry about? What kind of action are we going to take? What kind of military action? What will be the reaction? Will we be successful? Will we be able to hold the people who committed this act of murder accountable? Can we minimize the loss of life of helpless civilians? I pray so. What will happen in Pakistan? What about other Middle East countries? What about our own country? Will there be other attacks? Will our people be protected? What is happening to the economy?

The truth is, we should, by tonight, be near getting this bill done, and then we have to put together another economic stimulus package. I do not know, but I think maybe our party, I say to the Presiding Officer, is a little bit too timid. I think we have to put together a significant stimulus package. I think part of it can be tax rebates, especially for the people who pay the Social Security tax who did not get any help. Let's put some money in the hands of people who are going to go out and spend it—do it. We should be extending the unemployment insurance, the health care benefits as well, and definitely help small business. There is no doubt in my mind that a lot of small businesses are really taking it on the chin.

There are child care expenses. There is affordable housing. There are some things we can do that are like a marriage. Let's put some money in affordable housing. I have my own ideas. I will not go through specifics today. I think I will tomorrow. Rebuilding crumbling schools—all of it has immense potential. And, frankly, we have to get onto that as well.

There is a whole lot we need to do, and the sooner the better. I guess I think the unity can apply to a lot of the challenges ahead. But I just find this refusing to proceed—maybe I am just coming on one of these weeks where Monday we were supposed to deal with the mental health bill, not an unimportant piece of legislation. I am not going to try to mix agendas. I will just say again the mental health equitable treatment legislation is bipartisan. I have been fortunate enough to be joined on this effort with Senator DOMENICI. There are 65 supporting Senators. We could have done it in several hours with debate on amendments. It was blocked.

By the way, there are going to be huge mental health issues, lots of struggles for families. Nobody should doubt that.

I have done a lot of work with Vietnam vets with PTSD. I have seen it. There is going to be so much of that. And the fact is, once you say you have to provide the same coverage for people dealing with this illness as with that, then you have the care following the money. Then you get some good care out of this. That was blocked.

I have been trying to get to some legislation that passed the House unanimously. It seems small. But there is not anything I care more about. It is for families dealing with a disease called Duchenne's disease. Senator COCHRAN has been helping on it. It is muscular dystrophy for children, little boys, a problem with a recessive gene. It is Lou Gehrig's disease, and for these little children there is no hope; there is no future. It is a very cruel disease, if you know Lou Gehrig's disease. It takes everything away from these children and then they die.

These families, they are so young when you meet them and the children are so young and they are just trying to get some focus in the Centers for Disease Control, NIH, some centers for excellence. We have bipartisan support. My understanding is, again, some Senators do not want to let that go through on unanimous consent.

There are things we can do that are good things for people that should not be that controversial, that we should be able to do. Maybe part of what I am doing today is just expressing my overall frustration. But I will say again, there is no more important piece of legislation than this aviation safety bill.

I think the Presiding Officer, his suggestions about having the Guard involved and giving some people reassurance—the President is taking that up. I am proud of the Senator from Minnesota. Thank you for getting that idea out there. I think it will be adopted. It is part of what we will do in this transition period.

And then there are a lot of other proposals that make a whole lot of sense: federalizing the workforce, having highly trained people. I was talking with Senator HOLLINGS and he said a lot of people who now do the security work, they should really have first priority to get the job training. It is not as if we just bash people and say: You are gone. Some are very qualified—with the training. Others may not be able to do the work.

There are other features as well. But the other part of it is I never dreamed we would have such a hard time getting help to the workers, to the employees. Maybe there is something wrong with the way my mind works. I am sure there are other colleagues who think so. But to me it is like 2 plus 2 equals 4. Yes, you help out the industry. Yes, we had to do it under emergency conditions. Yes, the next step is to make sure the employees, all the people who have been part of this industry, get help. They are out of work. And there is opposition to this. It is obvious.

I guess we are basically at a point where we are going to file for cloture, have a vote on it, and I suppose this will go over to next week. If so, fine. But as far as I am concerned—I have heard the Presiding Officer say this—I am getting to the point now where I think we are going to have to be here quite a long time this fall. We have a lot of work to do. If it is going to be delayed, things are going to have to extend on.

There is an education bill—the same kind of interesting issue where for some reason there is a lot of opposition to providing the resources to which I think we made a commitment to schools. I would say to Senator DAYTON, the Presiding Officer, my guess is—and I think we should do this—this Monday we are going to have the hearing together and focus on the terrorist attack, the recession, and their effect on the Minnesota population.

I think there will come a time where we probably should just focus on education. Just imagine what is going to happen with the State budgets that are going to contract, whether there will be the resources for the schools. Imagine the number of kids who will be eligible soon for the free- and reduced-cost lunch program. Imagine the struggles families are going to have.

By the way, we could help these families if we could get some of these benefits out there to them.

I think that ties in to another issue the Presiding Officer has worked on and been very outspoken on, directly correlated to whether or not we are going to keep the IDEA program mandatory funding and fund it or get the money for title 1. There are things we can do now, colleagues, that will help people.

I will finish this way: The two things that have most inspired me, if that word can be used, given what we have been through as a nation, is, A, the wisdom of people in Minnesota and around the country who were not—I said this to Secretary of State Powell, and I think everybody would agree—the people are not impatient. They are not bellicose. They are not sayings "Bombs away." People are very well aware of how difficult this will be. They want to have it done in the right way. They want it to be consistent with our values. They do not want to see the kind of military action that will lead to massive loss of innocent civilians.

They want to deal with the humanitarian crisis in Afghanistan. They don't want people to be starving to death, people who have nothing to do with the Taliban and nothing to do with terrorism. And the other thing is I think a lot of what I would call "people values" have come out. I don't know if I can remember another time in my adult life where I have seen people so involved in helping other people. Part of it, of course, is to help all the people who have lost loved ones in New York and those lost on the plane that went down in Pennsylvania and the Pentagon and D.C. and Virginia and surrounding areas.

But I think it goes beyond that. If there is one good thing you can point to, it is that I think people really are thinking more about ways in which they can help other people. Call it a sense of community or whatever you want to call it. I can't for the life of me figure out why that hasn't yet reached the Senate.

Where are the people values? How can we continue to delay helping these employees who are out of work in the aviation industry? How can we delay putting together a package? We call it economic stimulus, but the truth of the matter is, the best thing you can do in an economic stimulus package is also get help to people flat on their back who can use the money to consume because they have tried to make ends meet.

I have amendments. We have all worked together on the Carnahan package. I thank the Senator from Missouri for her fine work. We want to see that passed. I think some of us have other amendments. We want to get to an economic stimulus package.

There is a lot of work to do here: Education, and appropriations bills. I hope the whole question of prescription drug costs for elderly people doesn't just get completely put off. Frankly, those problems are no less compelling. I don't think I am exaggerating the point if I say that it is not going to be easy on a lot of working families if they have to end up with hard times and continue to have to help their parents and grandparents with prescription drug costs. It all gets tied in together.

It is all about communities. It is all about families. It is all about our being a family. It is all about how to help people. There were a lot of people who campaigned on this issue. Senator DAYTON of Minnesota probably campaigned as effectively on this issue as anybody in the country.

It is not as if these issues go away. It is all a part of what we need to do in the country. If I wanted to be kind of "Mr. Economist," I would say: My God, elderly people are paying half their monthly budget on prescription drug costs. Help them out so it is affordable, so they can have some money to consume with.

There are lots of things we can do that sort of represent a good marriage of helping people, which also will enable people to consume, and which will also help our economy. We need to do it now. We should do it for humanitarian reasons. We should do it out of a sense that we are our brothers' and sisters' keepers. We should do it with a sense of "there, but for the grace of God, go I." We should do it for economic reasons and national security reasons.

Here I am at 5 minutes to 5 on the floor of the Senate, and no one is here because moving to the airline safety bill has been blocked. Outrageous.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I want to make some brief remarks about our progress, or lack of progress, on airport security, which is a very important and vital issue.

We had a good meeting with the Secretary of Transportation, Norman Mineta, and I think we are defining some of our differences, as well as areas of agreement. I am hopeful that we can negotiate out those differences. We need to move forward with this legislation. It is now 5:25 in the afternoon and we have not had a single amendment debated or proposed. We have not moved to the bill. We need to move to this legislation.

Last week, with a degree of bipartisanship that was very gratifying, this body passed legislation to take care of the financial difficulties that airlines are experiencing and have experienced as a result of the terrorist attacks. Now we need to restore the confidence of the American people in their ability to fly from one place to another with a sense of safety and security, which they do not have today.

It is inappropriate for us not to act before we go out of session tomorrow. Already, there are only a few amendments that would need to be considered. As I mentioned earlier, Senator HOLLINGS, the chairman, and I have committed to opposing nonrelevant amendments no matter what their virtues may be. So I intend, tomorrow, if we are unable, for whatever reason, to come down and ask unanimous consent that this legislation be the pending business. I think it is very important.

I see the Senator from Nevada on the floor. I thank him for his efforts in trying to see this bill brought up and addressed before we go out of session for the week.

I don't think we should allow any peripheral issues to prevent us from moving forward. I have had good will statements made from strong supporters of Amtrak that they would not have those provisions on this bill. For those who are worried about the unemployed and others who have suffered because of the airline shutdown, those people have also said we can move forward. There is no reason we should not. I hope we will, and I hope we will not have to employ any parliamentary procedures in order to do what we all know is necessary, which is to protect the flying safety of our air transportation system.

By the way, the Air Transport Association is strongly in support of this legislation. I have been visited by airline executives who have urged that we act as quickly as possible to restore the confidence of the American people. I hope we will listen to them as well and not get hung up on some rather unimportant—when you look at the importance of this bill—side issues.

So I hope we will act tomorrow, and, if not, I will try to come down to the floor and force action in whatever parliamentary fashion I can.

I yield the floor.

Mr. THOMPSON. Mr. President, I am offering an amendment to the Aviation Security Act that would ensure that results-oriented management is a key component of whatever changes are ultimately made to our airport security system. We can not afford more business as usual. We have to insist that the traveling public is safe from those who would perpetrate evil deeds like those of September 11.

First, my amendment requires the Federal Government to set and enforce goals for aviation security. It requires the head of aviation security, within 60 days of enactment, to establish acceptable levels of performance and provide Congress with an action plan to achieve that performance. Over the long-term, the head of aviation security must establish a process for performance planning and reporting that informs Congress and the American people about how the government is meeting its goals. By creating this process, we will be constantly assessing the threats we face and ensuring that we have the means to measure our progress in preparing for those threats. This is a new, detailed method for ensuring that performance management is in place specifically in the government's aviation security programs.

I firmly believe that good people, well managed, can substantially improve our aviation security. So this amendment gives those responsible for aviation security enhanced tools to regain the confidence of America's flying public. We employ a good mix of carrots and sticks to drive performance. For instance: Managers and employees would be eligible for bonuses for good performance. The head of aviation security may have a term of 3 to 5 years, which can be extended if he or she meets performance standards set forth in an annual performance agreement. This amendment establishes an annual staff performance management system that includes setting individual, group, and organizational performance goals consistent with an annual performance plan. The amendment allows FAA management to hold employees—whether public, private, or a mix thereof, strictly accountable for meeting performance standards. Those who fail to meet the performance measures that have agreed to could be terminated, be they managers, supervisors, or screeners.

These provisions are not new. Agencies like IRS, the Patent and Trademark Office, and the Office of Student and Financial Assistance, already have many of these flexibilities. This amendment targets these flexibilities specifically to the area of aviation security so that we can immediately begin the process of ensuring the public's safety.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator leaves the floor, we would like to report to him that I finished speaking with Senator HOLLINGS. Senator HOLLINGS and Senator McCAIN have worked together in the Commerce Committee for many years now. I think the cooperation the two of them have shown during this difficult time of the past 3 weeks is exemplary. I personally appreciate the work the two of them have done, setting aside partisan differences and moving through difficult issues. I, too, hope we can figure out a way to move on to complete the work we have before us.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I join my colleague from Nevada in complimenting my friend from Arizona. It is also very much my hope and desire that we can bring up the airport security bill and complete it tomorrow. I heard my colleague from Arizona say that both he and Senator HOLLINGS are willing to object to amendments that are not relevant to the underlying package. That is a concern of a lot of people. That will help streamline and finish the bill.

I hope and believe we will have the bipartisan leadership in agreement with that so that we can keep nongermane amendments off this package and we can pass the airport security bill. Then we can work on other issues together as well. I hope that is the case. We have had good progress in working in a bipartisan way on a lot of issues. I would like to see that the case on this package as well. Then we can take up the antiterrorism package next week and finish it as well.

I thank my friend.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. NELSON of Florida. I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNIZING AMBASSADOR DOUGLAS P. PETERSON

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 167, submitted earlier today by Senators McCAIN, KERRY, GRAMM, and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 167) recognizing Ambassador Douglas "Pete" Peterson for his service to the United States as the first American ambassador to Vietnam since the Vietnam War.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, on behalf of the other Senators—and I know they are in various negotiations on other legislation; in Senator McCAIN's case, the Airline Security Act, and in the case of Senator GRAMM, he is involved in the Intelligence Committee right now—I say on behalf of all of them, and for me, what a great privilege it is to recognize a public servant, Ambassador Pete Peterson, who served as a Member of Congress prior to being named by President Clinton as the first United States Ambassador to Vietnam.

We bring forth this resolution commending Ambassador Peterson because of his extraordinary leadership in helping bring about the Vietnam Trade Act, which this Senate passed earlier today. What is so poignant about this story of Douglas Pete Peterson is the fact that when he first went to Vietnam during the Vietnam war as an Air Force pilot, he was shot down and captured and held in captivity for over 6 years. He was able to return to that country as Ambassador and has won the hearts of the people of Vietnam.

I remember reading a story that absolutely gripped me about a few days before Pete Peterson departed as Ambassador to Vietnam, he had a reunion with one of his captors. This was a captor who, at a time of great stress, after Pete had been beat over and over again to the point of unconsciousness, and he did not know if he was going to live or die at that particular point, in his stupor of coming in and out of consciousness, he motioned to one of his captors that he was thirsty, and his captor brought him a cup of tea.

A couple of days before Pete was to depart as the first Ambassador from America to Vietnam, and a very successful Ambassador, he had a reunion with that captor, and that Vietnamese gentleman offered him a cup of tea again.

How times had changed and what a great leader for us to have representing America where he held no grudge; he did not want revenge. He offered the best of America showing that we are a forgiving people. After serving six distinguished years as a Member of Congress from the State of Florida, for Pete, a Vietnam POW, to return to that country that had held him captive the longest as one of the POWs, then to come back extending the hand of friendship with no malice in his heart, was to win the hearts of the Vietnamese people. In the process, he negotiated and tweaked and nurtured the Vietnam trade bill, which we passed earlier today.

It is with a great deal of humility that I speak on behalf of so many others, including Senator McCAIN. Although he was not in the same POW camp with Ambassador Peterson, he clearly knew of him and thinks the highest of him. My words are inadequate to express the thoughts of all these other Senators.

I want to say one thing in closing about Pete Peterson. He is not only a hero to so many in his public and professional life —his professional life as a military officer, as a Member of Congress, and as our first Ambassador to Vietnam—but he is also a role model as a human being. After he returned from Vietnam, he suffered through the years of a long and torturous process of cancer with his first wife, finally claiming her life, but Pete Peterson was right there with her the whole way. He had the joy in Vietnam of meeting an Australian diplomat's daughter of Vietnamese descent, his present wife Vi. They make an engaging and attractive couple.

Mr. President, I offer these comments of appreciation as we pass this resolution.

Mr. McCAIN. Mr. President, four years ago, I rose in this body to encourage my colleagues to confirm the nomination of my friend Pete Peterson to serve as the American ambassador to Vietnam, the first since the end of the Vietnam War. When we confirmed Pete for this important assignment in 1997, many of us could not have foreseen his success in building a normal relationship between our two countries.

Indeed, the best measure of Pete's success is the fact that it seems quite normal today for the United States to have an ambassador resident in Hanoi to advance our array of interests in Vietnam, which range from accounting for our missing service personnel to improving human rights to cooperating on drugs and crime to addressing regional challenges together. That normalcy is due largely to the superb job Pete did as our ambassador to Vietnam.

As a former fighter pilot shot down and held captive for six and a half years, some would have assumed it was not Pete's destiny to go back to Vietnam to restore a relationship that had been frozen in enmity for decades. Indeed, there was a time in Pete's life when the prospect of voluntarily residing in Hanoi would have been unthinkable. Much time has passed since then. Our relationship with Vietnam has changed in once unthinkable ways.

Pete rose to the occasion and helped us to build the new relationship we enjoy today. Pete's willingness, after having already rendered many years of noble service to his country, to answer her call again and serve in a place that did not occasion many happy memories for him, was an act of selfless patriotism beyond conventional measure. I am immensely proud of him.

I know of no other American whose combination of subtle intuition and steely determination, whose ability to win over both former Vietnamese adversaries and skeptics of the new relationship here at home, could have matched the success Pete had in transforming our relations. Pete did this in service to America, and as an acknowledgment that the range of our interests in Vietnam, and the values we hope to see take root there, called for such an approach.

Our nation is better off for Pete's service. So are the Vietnamese people. So are those Americans who learned the grim but whole truth about the fate of their loved ones who had been missing since the war as a result of Pete's unending commitment to a full and final accounting. After the number of POW/MIA repatriation ceremonies over which he presided—each flag-draped coffin containing the hopes and dreams of a lifetime—Pete can confirm that providing final answers to all POW/MIA families is alone ample reason for our continuing engagement with the Vietnamese.

Pete Peterson has built a legacy that serves our nation and honors the values for which young Americans once fought, suffered, and died, in Southeast Asia. I can think of no higher tribute than that.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the Senate is considering a resolution in recognition of the outstanding service of our former U.S. Ambassador to Vietnam, Mr. Pete Peterson. I will comment briefly on the exceptional life of Mr. Peterson.

Mr. President, Pete Peterson is an American in our proudest tradition. Throughout his adult life, he has served America as a career officer in the United States Air Force, serving with bravery during the Vietnam war, including a period of over 6 years of incarceration in a Vietnam prison after having been shot down in combat.

Pete Peterson returned to the United States and to Marianna, FL, after his long period of incarceration in Vietnam and, as a civilian, established his own business but continued his commitment to service, service in the form of being a volunteer at the State's principal school for boys who have the most difficult experience of delinquency.

Pete Peterson served as a role model to these young men who were at the point in life where they either were going to recapture a sense of personal responsibility and values or they were likely to spend their own adult life in another form of prison for periods of longer than 6 years, even, that Pete Peterson spent in Vietnam.

He performed great service to these young men and, in the course of that service, became aware of the role that service in elective office might have in terms of furthering his interest in America's youth. And so, in 1990, Pete Peterson, in what many considered to be almost a cause without hope, announced that he was going to run for the U.S. Congress. He did, and by the end of the campaign had managed to rally such public support that he defeated an incumbent Member of Congress—a rare feat in these days.

He then served 6 years of very distinguished service in the House of Representatives. Having announced in 1990, when he first ran, that he would only serve three terms, at the end of his three terms, in 1996, he indicated he was going to return home to Marianna, having completed that congressional phase of his public career. Little did he know there was yet to be another important chapter before him. And that chapter developed as a result of the Congress and the President—President Clinton—reestablishing normal diplomatic relations with our previous adversary, Vietnam.

President Clinton asked Pete Peterson to be the first United States Ambassador to Vietnam in the postwar era. Of course, Pete accepted that challenge to return to the service of the Nation that he so deeply loved.

He was an exceptional Ambassador. You can imagine the emotion he felt, as well as the people of Vietnam—to have a man who had spent years as a prisoner of war in Vietnam now returning as the first United States Ambassador.

Any sense of bitterness, any sense of loss that Pete may have felt evaporated. He represented our Nation and reached out to the people of Vietnam with unusual ability and warmth.

A testimony to his great service is the legislation that this Senate today approved, which is a trade agreement with Vietnam. This is symbolic of the new relationship that will exist between the United States and Vietnam as we rebuild our relationship based on our common interest in advancing the economic well-being of both of our peoples. This trade agreement would not have been before the Senate today but for the exceptional skills, as our Ambassador to Vietnam, which were exercised by Pete Peterson.

So, Mr. President, I join those who are taking this opportunity, as we enter into a new era of relationship with Vietnam, to recognize the particular role which our former colleague in the House of Representatives, Pete Peterson, played in making this possible.

He is truly an exceptional American, but in the mold of so many generations of exceptional Americans. We are fortunate, as Americans, and those of us who know him also as a Floridian, to have served with and to have lived at the same time with such a special human being as Pete Peterson.

I commend him for his many contributions to our Nation, and wish him well, as I am certain he will be pursuing further opportunities for public service.

Mr. NELSON of Florida. I ask unanimous consent the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Resolutions Submitted.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. I ask unanimous consent to proceed up to 22 minutes.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

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## AFGHANISTAN

Mr. BIDEN. Mr. President, I rise to speak in a matter that is very hard to discuss these days, when we are dealing with the aftermath of the destruction that has been visited upon our country. I rise to speak of a matter that is at the very heart of our fight against terrorism.

Today I met with the Secretary of State, along with my Senate Foreign Relations Committee colleagues, including the occupant of the Chair, for about 2 hours. I applaud the actions of President Bush and Secretary Powell and the rest of the administration throughout this terrible crisis. I applaud what he had to say at our meeting.

Of all the topics Secretary Powell discussed with me and other members of the Foreign Relations Committee, none was more important in my view than this: We must make a bold, brave, and powerful decision to provide generous relief and reconstruction aid to the people of Afghanistan and neighboring countries, even as we move toward war. We must wage a war against the vicious thugs who attacked our nation, but we must not permit this war to be mischaracterized as a battle against the people of Afghanistan or the wider Muslim world.

If we can't make this critical distinction, all our efforts are doomed to failure. The people of Afghanistan, who are looking for a way of ridding themselves of the Taliban regime, might direct their anger at us rather than at the brutal warlords who have caused them so much misery and pain. The people of Muslim countries from Morocco to Indonesia could turn against the United States, with disastrous consequences for many years to come—notwithstanding my belief that we will prosecute this military effort with discreet and precise efforts to minimize civilian casualties.

We have already seen how those who wish us ill can portray legitimate, restrained military action as an indiscriminate attack on innocent civilians, and how such an argument can be persuasive to so many people in the Middle East. Saddam Hussein, a man who has killed far more Muslims than any American attack before, during, or since the gulf war, has depicted the United States-led actions against Iraq as an assault on Iraqi women and children, an assault on Islam. That is a guy who has killed more believers of Islam than just about anybody else—and yet he is able to put out a boldfaced lie, the lie that our soldiers have gone out of their way to hurt innocent civilians. In fact, our soldiers have always gone out of their way to avoid collateral damage to civilians, even during the height of the gulf war.

The United Nations' sanctions imposed since that time place no restrictions on the delivery of food or medicine to the people of Iraq. Quite the opposite. Yet Saddam has won the international battle. He has convinced a significant portion of the Islamic world that we are the reason the people of Iraq do not have food and medicine in sufficient supply. It is Saddam who is starving his own people, deliberately sitting on billions of oil dollars earmarked for humanitarian aid to the people of Iraq while he pursues his weapons of mass destruction and builds himself more palaces.

The reason I bring this up is that throughout much of the Muslim world Saddam's propaganda remains convincing. People see these images of children and their mothers scrambling for food, the footage of destroyed buildings, and they know the United States conducts bombing raids to enforce the no-fly zone and we are leading an international coalition to maintain sanctions. So they conclude, with his distinct urging, that we are not acting in accordance with U.N. resolutions and the consent of the world community, but that we are acting in the way Saddam Hussein portrays us as acting: victimizing his people, oppressing women and children, and causing great hardship.

No matter how we cut it, he has won the battle over who's at fault. If you had told me that was going to be the case after the gulf war, I would have told you that you were crazy. One of the reasons he has won is we are so accustomed in America to not beating our own chests about what we do for other people, we are so accustomed to thinking that people are going to be open minded, as we are. It is almost beyond our capacity to believe anyone could think we were responsible for those women and children and old people in Iraq starving, being malnourished, and not having adequate medical care.

It is very simple in the Muslim world right now. When America bombs, America is blamed for anything else that happens. And not just blamed for what we have done, but we are blamed for what we have not done. It is not fair, but it is the fact. As the world's only superpower, we receive a lot of misdirected blame under the best of circumstances. The nuances and subtleties of geopolitics don't get translated to the language of the street. And once the bombs start to fall, any vestige of nuance is blown away with whatever they hit.

We cannot allow what happened in Iraq to happen in Afghanistan. Osama bin Laden and the Taliban leader, Mullah Omar, have been trying to cast the current conflict in terms of religion and have been calling our efforts a crusade against Islam.

You mention the word "crusade" in the Middle East and it has a very different context than when we use it here. It is not accidental that the word is used by bin Laden. It conjures up several hundred years of painful history.

This is not a crusade. It is not a war against Muslims. And we cannot permit bin Laden and the Taliban to portray it as such. So how do we prevent it from happening this time?

We have all said the right words. President Bush, Secretary Powell, and most Senators gathered in this Chamber have all spoken out forcefully. Our rhetoric has been fine, but if we want to convince the world's 1.6 billion Muslims of our sincerity, it will take much more than our rhetoric. It will take action, real action, to save the lives of real people.

After my long-time involvement with and strong advocacy for Muslims in Europe, whenever I go to the Balkans I can barely take a step without being reminded of this dynamic. If my name is mentioned among Muslim leaders, I am thanked for being one of their saviors; I am thanked for being one of the people who has fought to help them—and I'm sure all those American servicemen and servicewomen over there now protecting the Muslims in the Balkans feel the same. But none of that message has gotten to the Middle East. It is ironic.

So what we need to do is back up our words with our wallets. In my view, we must do this ahead of time.

We say we have no beef with the Afghan people, and we do not. But one out of four Afghans—perhaps 7 million people—are surviving on little more than grass and locusts. We say our fight is only against the terrorists, along with their sponsors, and it is. But the people of Afghanistan have been subjected to constant warfare for the past two decades. They are looking for help, and they are looking at us.

We did not cause the terrible drought that brought so many Afghans to the brink of starvation, and we did not cause the Soviet invasion or the civil war that followed. We were interested in Afghanistan, but only when it suited our own interests. We paid attention during the 1980s, but then came down with a case of attention deficit disorder. As soon as the last Russian troops pulled out in 1989, our commitment seemed to retreat along with them. And I was here, so I share this responsibility.

The years of bloody chaos that followed were what gave rise to the Taliban. If we had not lost interest a decade ago, perhaps Afghanistan would not have turned into the swamp of terrorism and brutality that it has become.

I say this not to cast stones, because I was here. We do not need to ask who "lost" Afghanistan. There is more than enough blame to go around. It is not a matter of political party or ideological outlook. Nobody—Republican, Democrat, liberal, conservative—stepped up to the plate when it counted because we did not take it as seriously as it turned out to be.

It is time we all stepped up to the plate.

In fairness to the folks who were here, like me and others, the truth of the matter is we get called on from all over the world and we find ourselves responding to whatever the crisis of the moment is.

It is time to reverse more than a decade of neglect, not only for the sake of Afghanistan, but for our sake. Not only for the sake of Pakistan, which faces growing instability exacerbated by the enormous burden of sheltering millions of Afghan refugees. Not only for the sake of the Central Asian republics, all of which are threatened by chaos fomented in Kabul and Kandahar. We have to take action not merely for their sake, but for our own sake.

The tragedy of September 11 served as a stark reminder that isolation is impossible. What happens in South and Central Asia has direct impact on what happens right here in the United States. If we ever were able to think of our nation as one buffered from faraway events, we can no longer maintain that illusion. So what can we do?

Let me make this very bold proposal as to what I think we should and could do. The plight of the Afghans had reached a crisis point before September 11, and the prospect of military action has made matters even worse. The U.N. places the number of Afghan refugees at about 3 million, and in Iran at about one half that, with another million displaced within Afghanistan itself. These people are living—if one can call it that—in conditions of unspeakable deprivation. One camp in the Afghan city of Herat is locally called, quite appropriately, "the slaughterhouse." The expectation of U.S. attacks has already prompted more desperate people to flee their homes, and a estimated 1.5 million may soon take to the road.

U.N. Secretary Kofi Annan has issued an appeal for $584 million to meet the needs of the Afghan refugees and displaced people, within Afghanistan and in neighboring countries. This is the amount deemed necessary to stave off disaster for the winter, which will start in Afghanistan in just a few weeks.

We must back up our rhetoric with action, with something big and bold and meaningful. We can offer to foot the entire bill for keeping the Afghan people safely fed, clothed, and sheltered this winter, and that should be the beginning.

We can establish an international fund for the relief, reconstruction, and recovery of Central and Southwest Asia. We can do this through the U.N. or through a multilateral bank, but we must be in it for the long haul with the rest of the world.

The initial purpose of the fund would be to address the immediate needs of the Afghans displaced by drought and war for the next 6 months. But the fund's longer-term purpose would be to help stabilize the whole region by, as the President says, draining the swamp that Afghanistan has become.

We can kick the effort off in a way that would silence our critics in the rest of the world: a check for $1 billion, and a promise for more to come as long as the rest of the world joins us. This initial amount would be more than enough to meet all the refugees' short-term needs, and would be a credible downpayment for the long-term effort. Eventually the world community will have to pony up more billions, but there is no avoiding that now, not if we expect our words ever to carry any weight.

If anyone thinks this amount of money is too high, let me note one stark, simple and very sad statistic. The damage inflicted by the September 11 attack in economic terms alone was a minimum of several hundred billion dollars and a maximum of over $1 trillion. The cost in human life, of course, as the Presiding Officer knows, is far beyond any calculation.

The fund I propose would be a way to put some flesh on the bones, not only of the Afghan refugees, but on the international coalition that President Bush has assembled. All nations would be invited to contribute to this fund, and projects for relief and reconstruction could be carried out under the auspices of the United Nations. Countries that are leery of providing military aid against the Taliban could use this recovery fund as a means to demonstrate their commitment to the wider cause.

Money from the fund would be used for projects in several countries. In the short term, it could help front-line countries handle the social problems caused by existing refugee burdens or the expected military campaign. This would further solidify the alliance and give wavering regimes, especially Pakistan, a valuable "deliverable" to present to its own people.

The fund would also be used for relief efforts within Afghanistan itself. This could take several forms. It could help finance air drops of food and medical supplies. It could support on-the-ground distribution in territories held by the Northern Alliance and other friendly forces. And perhaps, most significantly, it could provide the Pashtun leaders of the south with a powerful incentive to abandon the Taliban and join the United States-led effort.

Think of the impact. Many Pashtun chiefs, including current supporters of the Taliban, are already on the fence. If the Pashtuns, who are now going hungry, saw relief aid pouring into neighboring provinces or in from the air, with their own leaders stubbornly stuck by Mullah Omar and refused such aid well, we could suddenly find ourselves with a lot of new allies. The seemingly intractable problem of forging a political consensus in Afghanistan might become a whole lot easier to solve.

A massive humanitarian relief effort will not guarantee a favorable political solution. But it clearly is within the realm of possibility. We can establish our credibility by committing ourselves to providing this aid now, before the first bomb falls.

The funding that I propose will address not only the short-term goal, but the more important (and more difficult) longer term ones as well. Whatever we do in Afghanistan—whether it involves the commitment of military, political, or humanitarian assets—must be geared toward a long-term solution. We cannot repeat the mistakes of the past. If we think only in the short term, only of getting Bin Laden and the Taliban—which we must do, but that is not all we must do—we are just begging for greater trouble down the line.

We have a unique opportunity here and right now—a window of opportunity that will not be open forever. Now, while the attention of the country and the world is focused on this vital issue, we can create a consensus necessary to build a lasting peace in the region.

This will be a multinational, multiyear, multibillion-dollar commitment. And if we take a leading role, I am confident that other nations will follow.

Today is not the time to speak about political reconstruction of Afghanistan. The situation is extremely fluid, and delicate negotiations are in progress. This Chamber is not the appropriate place for such a sensitive discussion.

Today is also not the time to discuss all the details of the long-term economic reconstruction package for the region. Once the immediate refugee crisis is dealt with, there will be plenty of opportunity to deal with the nitty-gritty of how best to help the people in the region rebuild their lives. I will not presume to lay out a long-term agenda today. But some of the foremost items on such an agenda might include the following:

Creation of secular schools, both in Pakistan and Afghanistan, to break the stranglehold of radical religious seminaries that have polluted a whole generation of Afghan boys. The Taliban movement is an outgrowth of this network of extremist seminaries, a network which has been funded by militant forces around the world and has fed off the lack of secular educational opportunities.

We can also be involved in the restoration of women's rights. The Taliban created a regime more hostile to the rights of women than any state in the whole world. Women under Taliban rule have been deprived of even the most basic of human rights. A critical element of the new school system, I should emphasize, will be providing equal education for girls and boys alike. If Afghan girls and women do not have a chance to go to school, they will never be able to have the rights they are so cruelly denied now by the Taliban.

De-mining operations: Afghanistan is the world's most heavily mined country. Clearing these mines will take time, money, and expertise. Until these fields are cleared, farmers—whether currently trapped in refugee camps or trapped by drought—cannot start farming their land.

Creation of full-scale hospitals and village medical clinics in Afghanistan and throughout the region. As in the case of schools, the absence of such services has created a void filled by radical groups.

People sometimes ask why extremist organizations have been so successful in recruiting support in the Muslim world. Let me tell you, they don't do it all by hate. Many militant groups provide valuable social services in order to gain goodwill, and then twist that goodwill to vicious ends.

Another thing we can provide is a crop substitution program for narcotics. This week, the Taliban reversed its short-lived ban on growing opium. As part of a long-term solution, we have to help the Afghan farmers find a new way to support their families. We cannot let Afghanistan resume its place as the world's No. 1 source of heroin.

Building basic infrastructure: Just as Saddam manipulated images of war in Iraq, the Taliban could have success doing the same. We have to counter this effort by drilling wells, building roads, providing technical expertise, and a whole range of development projects.

We are portrayed as bringing destruction to the region. We must fight that perception: we must prove to the world that we are not a nation of destruction, but of reconstruction.

This afternoon, the members of the Foreign Relations Committee and I had a very productive meeting with the Secretary of State. Everything I have said here today is an attempt to support Secretary Powell and President Bush in their efforts to send the world a simple message: Our fight is against terrorism—not against Islam. We oppose the Taliban not the Afghan people.

We stand ready as a great nation, as a generous nation, as a nation that has led the world in the past, a nation whose word is its bond, and we stand ready to match our words with our actions.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE ANTITERRORISM PACKAGE

Mr. SPECTER. Madam President, I have sought recognition to express my concern about what is happening on the antiterrorism package. Two weeks ago Attorney General John Ashcroft met with Members in an adjacent room, 211, down the hall, and asked for legislation that week. I responded we could not do it instantly but we could do it briefly.

Since that time, we have only had one hearing in the Senate Judiciary Committee, a week ago yesterday, where we heard from Attorney General Ashcroft for about 75 minutes. Most of the members of the committee did not have a chance to question him. I did.

We really have a serious issue of prompt action by the Congress. But it has to be deliberative. We have to be sure of what is in the legislation. When Attorney General Ashcroft testified, he said on the detention of aliens, the only ones they wanted to detain were those who were subject to deportation proceedings. My response to that was that I thought they had the authority now, but the bill was much broader. It authorized detention of aliens without any showing of cause at the discretion of the Attorney General, and we could give the Attorney General and law enforcement the additional authority. But it had to be carefully drawn.

Similarly, on the use of electronic surveillance, the Attorney General said he wanted to have the availability of electronic surveillance on content only on a showing of probable cause, but the amendments to the Foreign Intelligence Surveillance Act were broader.

Here again, I think we can give the Department of Justice and law enforcement what they need, but we have to carefully craft the bill. We have not had any hearings since. There is a meeting scheduled later today with all Republican Senators, with our ranking member, Senator HATCH, to have what I understand will be compromise legislation which has been worked out. But the difficulty is that the Supreme Court of the United States has, in a series of decisions, struck down acts of Congress when there has been an insufficient record showing a deliberative process and showing reasons for why the Congress has done what the legislation seeks to accomplish. In the area of law enforcement and civil liberties, there is, perhaps, more of a balancing test than in any other field.

What we need to do is to have a record. If the Department of Justice can show that there is a need for electronic surveillance which more closely approximates the standards of the Foreign Intelligence Surveillance Act than the traditional standards of probable cause—a really pressing need with factual matters—that is something which the Judiciary Committee ought to consider. If there are pressing matters about the detention of aliens—I understand the House has a bill which would allow for detention for 7 days, which is a protracted period of time—there has to be a showing as to what is involved. That can be accomplished only through the hearing process. Perhaps we need closed hearings. But I am very concerned, and I have communicated my concern that something may happen in the intervening time which might be attributable to our failure to act.

I hope we will let the Judiciary Committee undertake its activities. We have a lot of seasoned people there who have prosecutorial and governmental experience, who have things to add to really understand exactly what the specific needs are and to structure legislation which will meet those specific needs and which, under a balancing test that the courts have imposed, will survive constitutional muster.

But we are on notice and we are on warning that the Court will strike down legislation if there is not a sufficient deliberative record as to why the legislation is needed.

It was my hope that we could have had a markup early this week, and we still could with dispatch. There is no reason that the Senate can't have hearings on Fridays, or on Saturdays, when we are not going to be in session, to have markups and sit down with Department of Justice people to get the details as what they need perhaps in closed session and move ahead to get this legislation completed.

I think we can accommodate the interests of law enforcement, a field in which I have had some experience, and also the civil liberties and constitutional rights, a field again that I have had some familiarity with.

I thank my distinguished colleague from New Hampshire for letting me speak at this time.

## THE FUTURE OF THE AIRLINE INDUSTRY

Mr. WYDEN. Madam President, less than 2 weeks ago, legislation providing $15 billion to the airline industry flew through the Congress like a runaway express. The legislation moved so quickly that I am of the view that additional steps are needed to impose accountability on the airlines for this unprecedented infusion of taxpayer money.

One-third of the $15 billion is already on its way out the door of the U.S. Treasury and will be given to the carriers according to a formula that they sought. Saturday is the deadline for deciding the basic process and rules for apportioning the remaining $10 billion in loans and loan guarantees. The way this staggering sum of money is allocated will shape the structure of the airline industry for years to come.

Yesterday the Wall Street Journal reported that the larger and financially healthier airlines have attempted to impose their terms for the $10 billion in loan guarantees on the smaller and the weaker carriers. If the Office of Management and Budget acquiesces to the demands of the larger carriers, it could crush the smaller airlines in the short term and squash significantly the hopes of competition and consumer choice in the long run.

On the horizon of the aviation industry there may be only two or three carriers dominating routes, dictating prices, and reducing service to small and usually rural markets. It is for this reason that I come to the floor today, and I intend to outline several principles that I believe the Congress should insist upon in order to keep an eye on shaping the future of this industry so that there is real competition, affordable prices for consumers, and adequate service across this country.

It is obviously critically important to focus on the short-term needs of getting people traveling again on those near empty planes and restoring consumer confidence. But it is just as important to put in place policies that protect the long-term interests of the flying public and the taxpayer.

The $10 billion package of loans and loan guarantees is going to dramatically reshape the industry for years to come. On the question of competition, on whether flights are affordable, and whether rural areas are turned into economic sacrifice zones, the decisions that are going to be made in the next few weeks will have a dramatic impact.

The entire Senate understands that there is a national airline rescue effort underway. Since September 11, Congress has heard much from the airline industry about what the industry believes needs to be done. Congress has responded. It is time now for the Congress to set out what the American people have a right to expect from the airline industry. Fortunately, this job is going to be easier because the Comptroller General, David Walker, and the Department of Transportation Inspector General, Ken Mead, are in place in order to provide a crucial reality check. Already Mr. Walker has performed an important service of pulling together a General Accounting Office team, getting me and other Members of the Senate a sense of what the industry's loss projections are, and particularly an analysis of their short-term needs. This type of independent third-party review is going to be essential in the weeks and months ahead.

Let me give the Senate just a few examples of the important questions that the public has a right to have debated now, in order to know to what the end product of this debate involving the $15 billion is going to lead. For example, suppose that the $10 billion in loan guarantees is allocated in a way that favors a few large carriers, which is something that is being sought by some in the industry. The end result could be consolidation to just a couple of airlines, precisely the result the Government was trying to avoid when it blocked the proposed United-US Airways merger. Or suppose carriers use loan guarantees to strengthen their operations in "fortress hubs" while pulling back elsewhere. The end result for many consumers would be a monopolistic environment with little competition and few choices.

Of course, there is the risk that taxpayer dollars will be wasted on airlines that may not survive in any case or on airlines that really do not need the help. Care has to be taken to ensure that these dollars are used to get the maximum for the American public.

Responsibility for avoiding these pitfalls lies, in the first instance, with the Air Transportation Stabilization Board. The Board has the authority to decide who will receive loan guarantee assistance and subject to what terms and conditions. The Congress, unfortunately, has not provided this Board with a lot of guidance. The legislation provides only general criteria, such as the requirement that the loan in question be prudently incurred. Congress has not told the Board where to place its priorities or what the goals should be. Therefore, I believe some guiding principles are needed with respect to how that $15 billion is allocated. I propose the following principles this morning:

First, Government assistance must be allocated in ways that are going to promote and not hinder competition between the airlines. This must be a primary goal because without competition the entire premise of the deregulated industry relying on market forces makes no sense. The Government cannot afford to focus narrowly on each individual loan guarantee application while ignoring the big picture issue of how the overall assistance package affects the balance of competition in the industry.

Second, companies receiving assistance need to be monitored closely to make sure they are using the money responsibly. Are the taxpayer funds being used to subsidize dividends to the shareholders, lucrative compensation for top executives, or increased lobbying? The legislation does contain some provisions with respect to executive compensation, but the additional issues I am raising could send a message, at a time when America is hurting, that some of the powerful may be profiting.

Third, companies receiving assistance and their major stakeholders should be required to demonstrate that they are doing everything in their power to improve the situation. Companies would have to show that they have a plan for returning to profitability and that the plan is actually being followed. Top managers should take salary reductions and debtholders and employees should make sacrifices as well. Taxpayers who are funding that $15 billion legislative package should know that all of the company's stakeholders are helping to shoulder the burden.

Fourth, there needs to be an upside for the taxpayer. In the Chrysler bailout legislation, the Treasury Department received stock options that eventually led to a substantial profit for the taxpayers. Similarly, this effort should be coupled with a mechanism for the public to recoup its investment when airlines return to profitability.

Fifth, service to small markets must not be a casualty of this crisis. As airlines cut flights or routes in response to the current predicament, their first instinct may be to eliminate small market service and turn small communities in Nebraska and Oregon and other rural States into sacrifice zones. Americans need an airline system that connects the entire country and not just the large hubs. Any program of Government assistance to the airlines must seek to encourage the airlines to maintain and indeed improve service in the small markets.

Sixth, companies should be rewarded for treating employees in a responsible manner. Approximately 100,000 airline workers have already been laid off—but there are significant differences from airline to airline in the type of severance arrangements offered, and also in the efforts the airlines make to rehire workers when conditions begin to improve again. When it comes to public assistance, companies with more responsible labor policies should have a significant leg up in those loans and loan guarantees.

Seventh, and finally, the current focus on the interests of the airlines should not come at the expense of efforts to protect the interests of consumers. The fact is, this is a concentrated industry in which consumers often face limited choices. There is a real risk that, if some air carriers fail, the competition situation may get worse before it gets better.

That makes consumer protection all the more important in a number of basic areas—areas where the Department of Transportation Inspector General has already said there is a serious problem, and that Members of this body have tried to address in passenger rights legislation.

There may be a need as this new effort goes forward for proconsumer rules in order to protect consumers.

Adhering to these seven core principles that I have laid out this morning is not going to be easy. There is no simple rule or formula that Congress should impose, or that the board could follow that would automatically achieve all of the objectives that I have laid out today.

It is critical, in my view, in order to make sure this job is done responsibly, for Congress to obtain on a weekly basis the information necessary to exercise responsible oversight over the airline industry. This information must be real-time data, including load factors, yields per mile, fares, type of aircraft, dividend payments, service to small markets, cancellations, workforce statistics and route information.

In the coming weeks, the Air Transportation Stabilization Board begins to implement the loan guarantee program. I am certain the Senate Commerce Committee under the leadership of Chairman HOLLINGS will be actively engaged. I am anxious to work with my colleagues to put in place the principles that I have outlined today, as well. I am sure, as other Members of the Senate who will propose what they believe should govern how this $15 billion is allocated.

The airline industry has been heard from. Now the public has a right to ask the airline industry to support policies and to work with the U.S. Congress to ensure that this is true competition, affordable prices, and decent service.

In closing, I am of the strong view that the work of the Congress on that $15 billion legislation began when the bill passed. I hope and trust that my colleagues will join with me in doing everything we can to ensure that at the end of the bailout process the American people are left with a more competitive airline industry, one that offers high-quality service to every area of the country and gives the public what they have a right to expect will be the end process of that unprecedented legislation that the Congress passed a little less than 2 weeks ago.

Madam President, I yield the floor.

## MEMORIAL TRIBUTE TO D. MICHAEL HARVEY

Mr. BINGAMAN. Madam President, it is both with a sense of sorrow and with great admiration that I rise today to pay tribute to an exemplary public servant and a good friend, D. Michael Harvey, who died on August 31, 2001. Mike served the United States Senate and the Committee on Energy and Natural Resources with distinction for some 22 years. He often said that there was no higher calling than public service. Mike worked for and counseled some of the giants of the committee: Clifford Hansen of Wyoming; Lee Metcalf of Montana; Henry M. (Scoop) Jackson of Washington; Mark Hatfield of Oregon; Dale Bumpers of Arkansas; and J. Bennett Johnston of Louisiana. He served at the direction of the committee's leaders, but all the committee's members—Democrats and Republicans alike—had access to and benefit of his counsel.

Mike was born in Winnipeg, Manitoba, and raised in Rochester, NY. He received his B.A. from the University of Rochester in 1955. He joined Eastman Kodak Co., for 4 years, before moving to Washington.

Mike began his public service career in 1960 with the Bureau of Land Management in the Interior Department, spending his last 4 years there as chief of the Division of Legislation and Regulatory Management. He received a J.D. from Georgetown University in 1963, while working at BLM. In the mid-1960s he served with the Public Land Law Review Commission and the Federal Water Pollution Control Administration.

In 1973 Mike accepted an invitation from Senator Henry M. Jackson to become special counsel to the Senate Committee on Interior and Insular Affairs. In February 1977, when the Senate reorganized its committee structure and created the Senate Committee on Energy and Natural Resources, Mike was appointed its first chief counsel. Until his retirement in 1995, he served as majority chief counsel during the years that the Democrats controlled the Senate and as chief counsel and staff director for the minority when Republicans held the majority.

During his tenure with the committee, Mike played a key role in developing landmark legislation involving Alaska lands, the regulation of surface coal mining, and Federal energy policy and land management. His knowledge of the law regarding natural resources was enclyclopedic and his judgment was well-respected. Mike was dedicated to achieving good public policy and his counsel was always given with that paramount objective in mind. In addition to providing a sounding board on a huge range of issues, Mike was a role model, a teacher and a mentor for his colleagues. He established a high standard of professionalism among the committee staff and instilled it, by his example more than by precept, in the generation of young staff members that he trained.

Mike was known by all who worked with him for his dedicated professionalism and the breadth and depth of his substantive expertise. But he was perhaps known best for the extremely high standard of ethics he brought to public service. You could always get a legal opinion from Mike of the highest caliber, and you could be absolutely confident that the opinion was free of any special interest or personal prejudgment. He was a talented professional and a fine human being.

Mike was actively involved in American Bar Association activities. He served on the council of the ABA Section of Natural Resources Law. He was past chairman of the Fairfax County Park Authority. He served as a congressional adviser to the U.S. delegation to the third U.N. Conference on the Law of the Sea and served on the board of governors of the Henry M. Jackson Foundation and the board of directors of the Public Land Foundation. Mike often attended the theater, loved poetry, and was known to quote Shakespeare at length.

The Senate was fortunate to have the benefit of Mike Harvey's considerable talents for many years. I was privileged to have worked with him and to have known him. Our deepest sympathies go out to Mike's family: his wife, Pat; his four children, Michelle, Jeffrey, David, and Leslie; and his 10 grandchildren. We share in their loss.

In eulogizing the great Scoop Jackson, Mike relied on a quotation from Shakespeare. I believe that Shakespeare's eloquent words apply as well to the late Mike Harvey:

> His life was noble, and the elements so mixed in him that Nature might stand up and say to all the world: "This was a man."

I yield the floor.

## CAPITOL HILL POLICE

Mr. WELLSTONE. Madam President, regarding the Capitol Hill police, I will try to write a resolution and have it passed by the Senate, I hope they will do the same on the House side. I want to thank the Capitol Hill police for what they have been doing for us. I think my colleagues are aware, but sometimes in the rush of war it is easy to forget. Many of the Capitol Police are putting in 17- and 18-hour days. You can see the exhaustion on their faces.

I have been thanking the officers individually when I walk by, and they are very gracious, but it is almost as if they are saying: Well, it is hard, but we want to do this.

We owe a real debt of gratitude to them. I will try to bring a resolution to the floor tomorrow and have that passed. It would mean a lot. I think all Senators are very grateful. Those are long days and weeks. They are doing the extra work for the security for all of us.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred March 6, 2001 in Middleburg, PA. Two brothers, Todd Justin Clinger, 20, and Troy Lee Clinger, 18, were charged with attempted homicide after severely beating a neighbor, Michael Aucker, 41. Police allege that one of the brothers, Troy, said that Aucker tried to make a pass at them while the trio drank beer in their trailer. Police said the three men walked out on the deck, where the brothers allegedly punched and stomped on Aucker with heavy work boots several times before taking the bleeding Aucker to his nearby trailer.

Aucker was discovered a day and a half later by a neighbor and co-worker. When they found him, he was in a coma and every bone in his face and nose were broken.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## THE NEED FOR RURAL AIR TRANSPORTATION

Mrs. LINCOLN. Madam President, I rise today to express my deep concern with the state of the airline industry in the United States.

On Friday, September 21, Congress passed the "Air Transportation Safety and System Stabilization Act." This bill provided the commercial airline industry with $15 billion in emergency aid and loans. The intention of the bill was to ensure that our system of commercial air transportation remained viable nationwide, both in less populous rural areas and in larger metropolitan areas.

When this bill came before the Senate, I had reservations about how effective it would be. I was not convinced that it would do enough to help the tens of thousands of workers who were being laid off by the airline companies; I was not convinced that it provided adequate incentives to assist the airlines in correcting the management problems that had forced them into a corner to begin with; I was not convinced that it would do enough to encourage passenger confidence in the wake of the horrible hijackings of September 11; and I was not convinced that we were taking adequate time to consider the ramifications of the package. I expressed my reservations to several of my colleagues, and I was assured that we would deal with those concerns soon after.

It would appear my reservations were well-founded. One important provision of the stabilization bill was that the airlines would honor their service commitments so that small communities would not lose scheduled air service. This week, United Airlines announced that they are discontinuing service to Little Rock, AR. The cutback at Little Rock was one component of a sweeping reduction in capacity which will reduce United's service from 2,300 daily flights worldwide to 1,900 daily flights. According to the airline, the cutback is a result of the reduced demand for travel nationwide. Similar cuts were made in Virginia, Washington, and Alabama. The airline claims that service will resume if demand for air travel picks up.

The day after the United announcement, other airlines followed suit. American Eagle, USAirways Express, Continental Express, TWA, Delta, and Northwest all curtailed their service to Arkansas as well. Most of these airlines only reduced their schedules, but it is still enough to limit the options for transportation in and out of Arkansas. These cuts are a blow to the economic well-being of rural States. How can rural economies ever grow if we don't maintain transportation to those States?

When the airline stabilization bill came before the Senate, there were several legitimate reasons for us to support it. In the aftermath of the September 11 attacks, the federal government had shut down the airlines for nearly three days, dealing a serious blow to their revenues. Furthermore, once the planes were in the air again, the airlines suffered a significant decline in passengers. When we passed the bill, we were looking to ease the blow of the shutdown and subsequent decline in ridership.

Now that I see how the commercial airlines are going to treat small- and mid-sized markets and rural States, it is clear to me that we may have rushed the airline stabilization package. Certainly, if I had known that the airlines were simply going to take the money and then announce they would no longer serve my constituents, I might have thought again about the vote I cast in favor of that package.

I have contacted the Secretary of Transportation to express my concerns and ask for a full review of these scheduled service reductions. I hope that my colleagues will join me in requesting this review, to ensure that the American people are getting a fair return on the investment they have made in the airline industry.

Perhaps the great lesson of the airline stabilization package is that, if we are going to enact policy to build and strengthen our economy, we need to have adequate discussion and debate to ensure that the policies are effective, constructive, and broad-based. In the coming weeks and months, as we take up other matters of economic policy, funding for defense and national security, and agricultural policy, let's take care to consider the ramifications and the realities of what we're dealing with so that we can do what's best for our entire Nation.

## DEFENSE NATIONAL STOCKPILE

Mr. CLELAND. Madam President, I am pleased to join the Chairman and our colleagues from the Senate Armed Services Committee, Senator COLLINS, and Senator HUTCHINSON, in a colloquy on the forest products industry and the release of materials from the Defense National Stockpile that poses a potential threat to this industry.

The forest products industry is an important industry for our Nation, and for my own State of Georgia as well. It is important in the sense that it provides materials critical to our way of life, and also because it employs a large number of our fellow citizens. It is an industry that reaches into a large number of States. Any process undertaken by a branch of our Federal Government that would harm the forest products industry would, therefore, be likely to draw the attention and the immediate response of this Congress. I certainly would seek to participate in such a response, and to engender the greatest possible support among my colleagues.

We have been faced in recent weeks with the prospect that the sale or other release of sebacic acid, a lubricant and plasticizer made by the forest product industry, by the Defense National Stockpile might result in the harmful depression of the sebacic acid market and thereby harm the forest products industry. I have been following this matter closely. My staff coordinated a meeting between the officials responsible for the Defense National Stockpile and representatives of the industry, in the hopes that such a meeting and negotiation would resolve any potential problems associated with the authority for Federal sebacic acid release. The officials responsible for the stockpile assured me that the current authorization for release of sebacic acid was not excessive and that the release would be gauged so as not to have a negative impact on the price of sebacic acid. These assurances were made while acknowledging the release of an additional 400,000 pounds of acid, which I understand was needed this year in order to make up for the mismanagement of the contracting process for last year's stockpile release.

The forest products industry in Georgia and, indeed, across the country is highly concerned with this year's proposed release, and has requested that Congress restrict the authorization to release material from the stockpile. Having received assurances from the officials managing the stockpile release, along with their request that we avoid legislation affecting the annual authorization to release sebacic acid, I am here today to serve notice that I will closely follow the scope and effect of any sebacic acid release over the next year. If the release has a negative effect on the market for sebacic acid, I will vigorously pursue legislation in the next authorization bill to curtail future releases of sebacic acid.

Ms. COLLINS. I thank the Senator. As does the Senator from Georgia, I view this matter as one of national importance, deriving from the policies of the Department of Defense, which fall within the oversight of our Committee. I also share his concerns because, as does he and many of our colleagues, I have constituents who depend on the forest products industry for their livelihood.

I am also pleased that we have agreed to this colloquy as a bipartisan expression of our mutual concern over the current Department of Defense release authority for sebacic acid. Having taken this measured step this year, I will monitor the impact of Department of Defense sebacic acid release on the market, and will be ready to join my colleagues in taking legislative action as required.

The fact that an additional amount of acid is being released now, due to the acknowledged contracting miscues on the part of Department of Defense officials last year, is a further indication that we must be prepared to act in our oversight role to restrict future releases of sebacic acid. The horrible acts of terrorism that befell us on September 11 have had an effect on our economy. I believe the Department must take current economic conditions into account as it implements its releases of sebacic acid over the coming year.

Mr. HUTCHINSON. I thank my good friend from Maine, Senator COLLINS, and our distinguished colleagues from the Senate Armed Services Committee. I need not tell them that the forest products industry is an important industry in Arkansas. I will stand with you, if it becomes necessary, to restrict the Department of Defense authorization for release of sebacic acid. I know that we will be joined by many others, on both sides of the aisle. It is easy to see that the impact of this issue has the potential to affect the quality of life of working Americans across any number of states. I find it reassuring that our Committee is making such a strong statement of our intention to act if necessary. Our restraint this year demonstrates the trust we place in the Department of Defense to act reasonably within the scope of current legislative language. But that restraint will turn to resolve if the release of sebacic acid under the current authority proves harmful to the sebacic acid market.

Mr. LEVIN. I appreciate the Senator from Georgia, Mr. CLELAND, bringing this issue to my attention. I also appreciate the fact that the Senators from Georgia, Maine, and Arkansas have sought a colloquy on this issue to avoid offering an amendment to the National Defense Authorization Act for Fiscal Year 2002 and thereby slowing its passage in this time of crisis. The current law requires the Department of Defense to ensure that its sales of excess materials from the National Defense Stockpile do not adversely affect the markets for those materials. It is especially important in our current economic situation that the Department not take actions that would harm the private sector. I fully expect that the Department will comply with the law and act prudently in this regard.

## AMERICA: 'BACK ON THE JOB'

Mr. NELSON of Nebraska. Madam President, I would like to recognize the tremendous outpouring of solidarity and support from America's citizens in response to the September 11 terrorist attacks. The nation's collective reaction to the horror of that day has been one of compassion and focused determination. I am pleased, not just with the response from our elected officials and our opinion-makers, but with all of our citizens across the country who have shown such courage in the face of adversity.

In an outcome that has surely flummoxed the mastermind of this tragedy, a reality has emerged: America is still strong and, because of this tragedy, America ultimately will be even stronger.

There is no firmer support for this belief than the way in which Americans have worked, as directed by our Commander-in-Chief, to get back to the demands of our daily schedules. The best civilian offense in the aftermath of these attacks is not to cower to fears of future attacks, but instead to quickly 'get back on the job' and resume our routines. To that end, our nation has been constructing an effective and forceful civilian offense. But we can still do more.

I have come to the floor today to encourage the continuation of debate—specifically here in the Senate—on issues critical to our national security. A return to such a dialogue should not be frowned upon or considered as a sign of splintered resolve, but rather as proof that America and her values are alive and well.

I commend President Bush and his advisors for their efforts thus far in preparing our minds and our military for the long battle we've undertaken. Our leaders, both civil and military, have built a coalition of nations sharing in our objective to thwart terrorist activity around the globe. We've sent a clear message to our friends, and they have responded with strong support.

And just this morning, we've communicated another message. By announcing our intent to reopen National Airport, we're telling not only friends, but the whole world, that we Americans will not live in fear within our own borders. I am pleased with President Bush's announcement. Now that added security measures have been implemented, I agree with him: It's time to unlock the symbolic front door to our nation's capital and re-affirm our commitment to get back to business.

That determination to get back to business is evident, not just at National, but at airports across the country. We have increased security measures at all airports, which in turn, have increased our sense that freedom has triumphed fear.

It's important to recognize, though, that the lack of convenience resulting from increased security measures cannot, and should not, be misconstrued as a loss of liberty. Let us not confuse the longer lines at airports and the time-consuming luggage screenings as threats to liberty; instead, consider these measures as threats to terrorism.

We are witnessing America's most important moment, and we are meeting the challenge with dignity and pride. With the events of September 11, tyranny has tried to mute the freedom that rings throughout our nation. We have defeated similar efforts in the past, and we will defeat them again. As long as we stand unified and stand strong, our spirit will never be silenced.

The solidarity shown at the different levels of government of the past few weeks, within the various agencies, and across party lines has been unwavering. Here in the Senate, we swiftly approved legislation to provide $40 billion toward the recovery effort and to help finance the retaliation measures currently being developed by the U.S. Military under the direction of the President. In addition, we approved a resolution authorizing the use of force in response to the unwarranted attacks. Without question, this unity is an extraordinary asset for a country poised to wage an assault on terrorism.

A few weeks ago, at Yankee Stadium in New York, and earlier at the National Cathedral in Washington, DC, thousands of people—Muslims, Jews, Hindus, Christians—people of all faiths—came together and honored and remembered the fallen heroes, the innocent lives, and the bright futures claimed by terrorism. At these services, and at services across the country and in my home state of Nebraska, people revived their spirits and their faith in democracy.

These gatherings are visual displays of unity signaling that America is on the mend. Sure, for some of us, it may not ever feel like 'business as usual' again, or at least for awhile, life in America may feel more like business as 'unusual.' Nonetheless, it is important for we policymakers to get back to work, including debate and discussion of all these issues. Such action will help ensure the continued viability of democracy and the continued vitality of the United States of America. After all, lockstep agreement among policymakers is not an American ideal. The free exchange of ideas, which helped America flourish, was the terrorists' true target on September 11. The terrorists, who likely don't even understand the true meaning of freedom, loathe America's system of government, her ideals and her liberty.

In response, we must show the world how the American government will carry on, that the people will continue to have their say, and that debate will still be the prelude to unity—and not the construct of obstruction.

To be clear, I am not saying we, as a nation, will no longer be unified in this effort to combat terrorism. I am simply saying that we all need to actively participate in developing, not simply rubber-stamping, policy.

As a legislative body, we can return to the comparatively mundane and, consequently, more polarizing issues without losing sight of our resolve to fight terrorism. By doing so, we will not have swayed our national values to placate forces of evil.

Yes, in times of tragedy, it is imperative to find a common bond to bring our nation together. But, as we heal our wounds, we must give all people, on all sides of an issue, a chance to be heard. After all, democracy is the healthiest alternative to war. Our weapons are words, and our nation's internal battles are fought on the grounds of the Constitution, rather than on the grounds of the combat zone.

I do not believe in the bitter partisanship that has, at times, characterized our nation, but I do believe that debate is critical to a strong democracy. Freedom of expression is fundamental to life in America and, by extension, to healthy debate here in Congress. We in the Senate are free to speak our minds and hearts. And as a result of that freedom, we need to freely come together and return to 'normal' debate empowered by the Constitution. Then, and only then, we will have successfully given back to the country that has given so much to each of us.

## ADDITIONAL STATEMENTS

### MAJOR GENERAL EDWARD SORIANO

• Mr. ALLARD. Madam President, I rise today to honor a great military leader, MG Edward Soriano, the outgoing commanding general of 7th Infantry and Fort Carson, CO. Major General Campbell will assume command and General Soriano will be moving on to greater responsibilities. As he and his wife Vivian depart Ft. Carson, they leave with a record of outstanding public service and numerous significant accomplishments.

Among these accomplishments is the Army's first housing privatization project. This project has been a major success, is ahead of schedule, and is now a model for military installations throughout the country. Additionally, General Soriano has overseen numerous successful deployments of units, including the deployment of the 3rd Armored Cavalry Regiment to Bosnia. Now, as our military forces conduct the war on terrorism, it is evident that the service members and their families of Ft. Carson will benefit greatly from his work.

His efforts to improve the readiness and capability of Ft. Carson and its units has met with great success and will have a long lasting and significant positive impact on the soldiers and civilians who live and work there. Furthermore he has ensured that Ft. Carson will provide our President and Secretary of Defense a first class platform from which to deploy military power.

General Soriano has done his excellent work on the facilities at Ft. Carson, despite funding shortfalls. His most significant achievement, however, has been in preparing the war fighting capability of its people. The soldiers and civilians at Ft. Carson are among the best in the Army, and are proven performers. Any venture managed by the men and women of "The Mountain Post" will certainly meet with success.

Finally, General Soriano and his wife have developed and nurtured an outstanding working relationship with the people of Colorado Springs, surrounding local communities, and the nearby Air Force Bases. They will be sorely missed, but they leave an organization committed to the pursuit of excellence. I wish him good luck and God speed.•

### COMMENDING WILLIAM F. HOFMAN

• Mr. KENNEDY. Madam President, I welcome this opportunity to commend a distinguished citizen of Massachusetts, William F. Hofmann III of Belmont, who is now completing his highly successful term as president of the nation's largest insurance association—the Independent Insurance Agents of America.

Bill is partner in Provider Insurance Group, which has offices in Belmont, Brookline and Needham in Massachusetts, and his career has long been notable for his outstanding contributions, and dedication to his community and his profession.

Bill began his service in the insurance industry with the Massachusetts Association of Insurance Agents where he served as president. He also served the State as its representative on the national board of the Independent Insurance Agents of America.

Bill was elected to IIAA's Executive Committee in 1995, and became its president last fall. He has worked effectively through the IIAA to strengthen the competitive standing of independent insurance agents by helping to provide the support they need to run more successful businesses. He served as chairman of IIAA's Education Committee for four years, and in 1994 he received a Presidential Citation for his work in this area.

For many years, Bill has also been an active and concerned member of his community. He served as president and as a member the Board of Directors for the Boston Children's Service, and has been active in the Belmont Youth Basketball program. He served as chairman of the Belmont Red Cross, and as treasurer for the Belmont Religious Council. Bill is an elected town meeting member, finance committee member, and registrar of voters in Belmont.

I commend Bill for his leadership in all these aspects of his brilliant career, and I know he will continue his service to our community in the years ahead. Massachusetts is proud of him for all he has done so well.•

### THE STATE OF IDAHO'S PROCLAMATION OF WORLD POPULATION AWARENESS WEEK

• Mr. CRAPO. Madam President, I rise today to enter into the RECORD a proclamation signed by the Governor of the State of Idaho.

Rapid population growth and urbanization have become catalysts for many serious environmental impacts and they apply substantial pressures on many facets of our infrastructure. These pressures often result in transportation, health, sanitation, and public safety problems, making urbanization an issue that cannot be ignored.

It is, therefore, important for us to recognize the problems associated with rapid population growth and urbanization. The Governor of the State of Idaho has proclaimed the week of October 21–27, 2001, as World Population Awareness Week in my State. I would like to commend the Governor for his commitment to this issue.

I ask that the proclamation be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the world population stands today at more than 6.1 billion and increases by some one billion every 13 years; and

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 75% of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with the advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in security, health and crime problems, as well as deterring the provision of basic social services; and

Whereas, in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

Whereas, World Population Awareness Week was proclaimed last year by Governors of 32 states, as well as Mayors of more than 315 United States cities, and co-sponsored by 231 organizations in 63 countries; and

Whereas, the theme of World Population Awareness Week in 2001 is "Population and the Urban Future";

Now Therefore, I, Dirk Kempthorne, Governor of the State of Idaho, do hereby proclaim the week of October 21 through 27, 2001, to be World Population Awareness Week in Idaho and urge all citizens of our state to take cognizance of this event and to participate appropriately in its observance.●

## SPINA BIFIDA AWARENESS MONTH

● Mr. BROWNBACK. Madam President. I rise today to alert my colleagues that October is Spina Bifida Awareness month.

Many Americans don't know much about Spina Bifida. For instance, most don't know Spina Bifida is a neural tube defect and occurs when the central nervous system does not properly close during the early stages of a child's development in the womb. Even fewer American's realize that the most severe form of Spina Bifida occurs in 96 percent of children born with this disease. However, thanks to the good work that the Spina Bifida Association of America is carrying out to promote the prevention of Spina Bifida and to enhance the lives of all affected by this condition, we are all learning more every day.

During the month of October the Association makes a special push to increase public awareness about Spina Bifida, and future parents about prevention. Simply by taking a daily dose of the B vitamin, folic acid, found in most multivitamins women of childbearing age have the power to reduce the incidence of Spina Bifida by up to 75 percent. That such a simple change in habit can have such a profound effect should leave no question as to the importance of awareness.

However, awareness is not the only important work done by the Spina Bifida Association of America. The Association was founded in 1973 to address the needs of the Spina Bifida community and is currently the only national organization solely dedicated to advocating on behalf of the Spina Bifida community. There are more than 60 chapters serving over 100 communities nationwide.

One such chapter in Wichita, KS, was started by Tammy and Tim Wolke. Tammy and Tim have four children, two of whom are adopted. Not only do these heroic parents care for one child born with Spina Bifida, but also a child with cerebral palsy. But caring for their own children just hasn't been enough to keep Tammy and Tim busy. So, in their "free time," the Wolkes have developed and cultivated a chapter of the Spina Bifida Association of America which serves about 200 families in their part of Kansas.

As we discuss the wonderful work of the Spina Bifida Association of America and the Wolkes, I would be remiss if I failed to mention another great Kansan. In 1988, the Association established a scholarship fund to enhance opportunities for individuals with Spina Bifida to achieve their full potential through higher education. This year's four year scholarship of $20,000 was recently awarded to Jennifer Maxton of Derby, KS. Thanks to this scholarship, Jennifer will be able to attend the school of her dreams at the University of Kansas. Jennifer is a truly amazing person who wants to become a pediatric surgeon and study abroad in Nepal. As if those goals weren't lofty enough, Jennifer hopes to some day climb Mount Everest. Jennifer wants to improve the lives of others who have not been as fortunate as she. This scholarship will start her down this path. I wish her the best of luck as she begins her academic life this fall as a Jayhawk.

I would also be remiss if I failed to mention that this evening, the Spina Bifida Association of America will be holding its 13th annual event to benefit the Association and its work in local communities around the country. Washington Post Sports columnist, Tony Kornheiser will be roasted at this event by a number of distinguished members of the Washington community, including our Congressional colleagues Senator CLINTON and Representative STEVE LARGENT. I regret that I will be unable to join my friends tonight, but wish to commend the Association for all of its hard work to prevent and reduce suffering from this birth defect and to improve the lives of those 70,000 individuals living with Spina Bifida throughout our Nation. I wish the Spina Bifida Association of America the best of luck in its endeavors and urge all of my colleagues and all Americans to support its important efforts.

God bless the Spina Bifida Association and God bless America.●

## TRIBUTE TO LIEUTENANT COMMANDER RONALD JAMES VAUK

● Mr. CRAIG. Madam President, today I wish to pay tribute to a wonderful man, Lieutenant Commander Ronald James Vauk, whose life was cut short on September 11, 2001, while he was doing what he loved to do, serving his country. He was a Reservist on duty as Watch Commander at the Naval Command Center when terrorists attacked the Pentagon in Washington, D.C. This tragedy was not only a savage blow to the United States, but will forever be remembered in the hearts and minds of a loving family, a strong Idaho community, and many loyal friends.

Ron was a devoted husband and good father who was born to Dorothy and Hubert Vauk and raised in Nampa, ID. He was the youngest of nine children and attended St. Paul's Catholic School and Nampa High School, graduating in 1982. I had the pleasure of recommending Ron for an appointment to the United States Naval Academy after he served a year as an enlisted sailor. He graduated the Naval Academy in 1987 and married an incredible young women by the name of Jennifer Mooney. Ron had an exemplary career as a Naval Officer and submariner, serving on both the USS Glenard P. Lipscomb and the USS Oklahoma City. His love for the Navy continued with his service as a Reservist and a project manager for the Delex Corporation and then as an assistant group supervisor in submarine technology for the Johns Hopkins University Applied Physics Laboratory. Ron's work at Johns Hopkins was extremely important, but he was always ready to serve our Nation as a Naval Reserve Officer whenever called upon. He was a quiet genius who wasn't afraid to work hard to get the job done. And, he was a very good man who loved his family and was devoted to his wife Jennifer and their pride and joy, Liam, who is almost four years old. The entire family is excited and looking forward to the upcoming birth of Ron and Jennifer's second child, expected in November.

Ron will also be sorely missed by his parents, Dorothy and Hubert, and their eight other grown children. Ron's brothers and sisters all came together to be with Jennifer and son Liam at their home in Mt. Airy, MD. They are Charles Vauk, of Boise, Teri and Bill Masterson, Carson City, NV; Celia and Ken Shikuma, Huntington Beach, CA; David and Suzie Vauk, Nampa; Lynne and Alan Caba, Nampa; Gary and Julie Vauk, Grapevine, TX; Patricia Vauk and Paul Wilson, Minneapolis, MN; and Dennis and Donna Vauk, Houston, TX. Ron is also survived by his father and mother-in-law Patrick and Carol Mooney of Baltimore, and sister and brother-in-law Alissa and Chris DeBoy of Mt. Airy, MD, and 18 nieces and nephews. I know I speak for all my colleagues in the Senate in expressing my profound sorrow to the Vauk family for their loss.

LCDR Ronald James Vauk was awarded the Purple Heart in the name of the United States President for his ultimate sacrifice. General George Washington, this Nation's Founding Father, established the Badge of Military Merit in 1782 as a means of recognizing courage and steadfastness in actual combat against the enemies of our Country. From the original three Badges of Military Merit awarded by General Washington, we now have the Purple Heart. LCDR Vauk was one of the first casualties of the War on Terrorism. Rest assured, this war will be won and the United States will continue to lead the world in protecting freedom. Ron was at the Pentagon on September 11, 2001, because he was bravely doing what he believed in and what needed to be done. He was a thorough professional who believed in his country and his duties as a Naval Officer.

On Monday I visited Jennifer, Liam and members of the Vauk family. Jennifer is a remarkable woman, who bears the burden of this tragedy with tremendous grace and dignity. I am very proud to recognize LDCR Ronald Vauk and tell him and his family, Thank you from a grateful Nation.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 169. An act to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.

H.R. 203. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

H.R. 1161. An act to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

H.R. 1384. An act to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 2385. An act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes.

H.R. 2666. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program.

H.J. Res. 42. Joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. WALSH, Mr. MILLER of Florida, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. SKEEN, Mr. VITTER, Mr. YOUNG of Florida, Mr. OLVER, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. DICKS, and Mr. OBEY.

### ENROLLED BILLS SIGNED

At 3:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1860. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

NOTE: In the RECORD of September 19, 2001, on page S9503, the following items were inadvertently omitted:

## MESSAGE FROM THE HOUSE

At 7:18 p.m., message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 231. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa nonimmigrants.

## MEASURES REFERRED

The following bills were read the first. And the second times by unanimous consent, and referred as indicated:

H.R. 169. An act to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes; to the Committee on Governmental Affairs.

H.R. 203. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 1384. An act to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; to the Committee on Energy and Natural Resources.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2385. An act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2666. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4217. A communication from the Associate General for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision to Cost Limits for Native American Housing" (RIN2577-AC14) received on October 1, 2001; to the Committee on Indian Affairs.

EC-4218. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Department of Education, received on September 26, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4219. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on October 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4220. A communication from the Secretary of Labor, transmitting, pursuant to law, the Annual Report on the Operations of the Office of Workers Compensation Programs for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-4221. A communication from the Inspector General, Federal Communications Commission, transmitting, pursuant to law, the commercial inventory report; to the Committee on Governmental Affairs.

EC-4222. A communication from the Director of the Office of Personnel Management, Office of Insurance Programs, transmitting, pursuant to law, the report of a rule entitled

"Suspension of Enrollment in the Federal Employees Health Benefits (FEHB) Program to Enroll in TRICARE" (RIN3206–AJ36) received on October 1, 2001; to the Committee on Governmental Affairs.

EC–4223. A communication from the Director of the Office of Personnel Management, Workforce Compensation, transmitting, pursuant to law, the report of a rule entitled "Final Regulation on Pretax Allotments for Health Insurance Premiums" (RIN3206–AJ16) received on October 1, 2001; to the Committee on Governmental Affairs.

EC–4224. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations—Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention" (RIN0694–AC43) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4225. A communication from the Deputy Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Program—Core and Intermediary Components" received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4226. A communication from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations; Federal Republic of Yugoslavia (Serbia and Montenegro) Miloservic Regulations" received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4227. A communication from the Secretary of Energy and the Secretary of Agriculture, transmitting jointly, pursuant to law, a report relative to the Biomass Research and Development Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Congressional Review Coordinator , Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle, Bison, and Captive Cervics; State and Zone Designations" (Doc. No. 99-092-2) received on October 1, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (Doc. No. FV01–905–1IFR) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4230. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate" (Doc. No. FV01–948–2IFR) received on October 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4231. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Tolerances for Emergency Exemptions" (FRL6804–3) received on October 1 , 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4232. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Waiver of Advance Notification Requirement to Import Acetone, 2-Butanone (MEK), and Toluene" (RIN1117–AA53) received on October 1, 2001; to the Committee on the Judiciary.

EC–4233. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on the Judiciary.

EC–4234. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the 2000 Activities of the Administrative Office of the United States Courts, and the 2000 Judicial Business of the United States Courts; to the Committee on the Judiciary.

EC–4235. A communication from the Acting Director of Endangered Species, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Scaleshell Mussel" (RIN1018–AF57) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4236. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for the Ohlone Tiger Beetle (Cincindela ohlone)" (RIN1018–AF89) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4237. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Implementing the Three Percent Set-Aside Provision Contained in the State and Tribal Assistance Grants Account Section of the Agency's Fiscal Year Appropriations Act" received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4238. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pretreatment Program Reinvention Pilot Projects Under Project XL" (FRL7073–3) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4239. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Operating Permit Program Revision: West Virginia" (FRL7073–9) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4240. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permit Program; West Virginia" (FRL7073–7) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4241. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permit Program; Delaware" (FRL7072–7) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4242. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NSPS and NESHAP; Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska" (FRL7071–5) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4243. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Montery Bay Unified Air Pollution Control District" (FRL7098–9) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4244. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act (CAA) Full Approval of Operating Permits Program in the State of Florida" (FRL7072–1) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4245. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act (CAA) Final Full Approval of Operating Permits Program; State of Idaho" (FRL7068–5) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4246. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act (CAA) Full Approval of Operating Permits Program and Approval and Promulgation of Implementation Plans; State of Arkansas; New Source Review (NSR)" (FRL7072–2) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4247. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the Air Force Academy, Colorado; to the Committee on Armed Services.

EC–4248. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Domestic Source Restrictions—Ball and Roller Bearings and Vessel Propellers" (Case 2000–D301) received on October 1, 2001; to the Committee on Armed Services.

EC–4249. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Cancellation of MIL–STD–973, Configuration Management" (Case 2001–D001) received on October 1, 2001; to the Committee on Armed Services.

EC-4250. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Use of Recovered Materials" (Case 2001-D005) received on October 1, 2001; to the Committee on Armed Services.

EC-4251. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Cost or Pricing Data Threshold" (Case 2000-D026) received on October 1, 2001; to the Committee on Armed Services.

EC-4252. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Memorandum of Understanding—Section 8(a) Program" (Case 2001-D009) received on October 1, 2001; to the Committee on Armed Services.

EC-4253. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the Auxiliary Cargo and Ammunition Ship Live Fire Test and Evaluation Management Plan; to the Committee on Armed Services.

EC-4254. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Name Change of User Fee Airport in Ocala, Florida" (T.D. 01-69) received on September 26, 2001; to the Committee on Finance.

EC-4255. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 97-31—Modification of Rev. Rul. 97-31" (Rev. Rul. 2001-48) received on September 26, 2001; to the Committee on Finance.

EC-4256. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Liabilities Assumed in Certain Corporate Transactions" (RIN1545-AY55) received on September 26, 2001; to the Committee on Finance.

EC-4257. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fee Airports" (T.D.01-70) received on September 26, 2001; to the Committee on Finance.

EC-4258. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the Annual Report of Continuing Disability Reviews for Fiscal Year 2000; to the Committee on Finance.

EC-4259. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Impact of the Caribbean Basin Economic Recovery Act (CBERA) for calendar years 1999 and 2000; to the Committee on Finance.

EC-4260. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Loss Utilization in a Life-Nonlife Consolidated Return—Separate V. Single Entity Approach" (UIL: 1503.05-00) received on October 1, 2001; to the Committee on Finance.

EC-4261. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Gaming—Applicable Recovery Period under IRC sec. 168(a) for Slot Machines, Video Lottery Terminals, and Gaming Furniture, Fixtures, and Equipment" (UIL: 0168.20-06) received on October 1, 2001; to the Committee on Finance.

EC-4262. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Archer MSA Count for 2001" (Ann. 2001-99) received on October 1, 2001; to the Committee on Finance.

EC-4263. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002 Per Diem Rates" (Rev. Proc. 2001-47) received on October 1, 2001; to the Committee on Finance.

EC-4264. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2001" (Rev. Rul. 2001-45) received on October 1, 2001; to the Committee on Finance.

EC-4265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amend Class E5 Airspace, Ocracke, NC" ((RIN2120-AA66)(2001-0154)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4266. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Request for Comments Goodyear Tire and Rubber Company Flight Eagle Tires, 34x9.25-16 18PR210MPH, Part Number 348F83-2" ((RIN2120-AA64)(2001-0491)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4267. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Corporation (Formerly Allison Engine Company) AE 210 Turboprop and AE 3007 Turbofan Series Engines" ((RIN2120-AA64)(2001-0491)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4268. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Coast Guard Force Protection Station Portsmouth Harbor, Portsmouth, New Hampshire; Coast Guard Base Portland, South Portland, Maine, and Station Boothbay Harbor, Boothbay Harbor Maine" ((RIN2115-AA97)(2001-0113)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4269. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Part of Jacksonville and Port Canaveral, Florida (COTP Jacksonville 01-095)" ((RIN2115-AA97)(2001-0114)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4270. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Piscataqua River, ME" ((RIN2115-AE47)(2001-0073)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4271. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Harlem River, MA" ((RIN2115-AE47)(2001-0074)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4272. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments" ((RIN2115-ZZ02)(2001-0001)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4273. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Ontario, Rochester, New York" ((RIN2115-AA97)(2001-0109)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4274. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Snell and Eisenhower Locks , St. Lawrence River, Massena, New York" ((RIN2115-AA97)(2001-0110)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4275. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Ontario, Oswego, New York" ((RIN2115-AA97)(2001-0111)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4276. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Saint Lawrence River, Massena, New York" ((RIN2115-AA97)(2001-0112)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4277. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; St. Croix, U.S. Virgin Island (COTP San Juan 01-098)" ((RIN2115-AA97)(2001-0105)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4278. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01-101)" ((RIN2115-AA97)(2001-0106)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4279. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Tomlinson Bridge, Quinnipiac River, New Haven, CT" ((RIN2115-AA97)(2001-0107)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4280. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of Charleston, South Carolina (COTP Charleston 01-097)" ((RIN2115-AA97)(2001-0108)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.ec4281

EC-4281. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Lake Pontchartrain, LA" ((RIN2115-AE47)(2001-0100)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4282. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Flight Restrictions" (RIN2120-AH13) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4283. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" (RIN2120-ZZ37) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4284. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Control of Air Traffic; request for comments" (RIN2120-AH25) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4285. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan" (RIN2120-ZZ36) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4286. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (35); amdt no. 2070 [9-21/9-27]" ((RIN2120-AA65)(2001-0051)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4287. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (102); amdt. no. 2067 [9-10/9-27]" ((RIN2120-AA65)(2001-0050)) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4288. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, Office of the Secretary, received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4289. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 60 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Amendment 58 to the FMP for Groundfish of the Gulf of Alaska, and Amendment 10 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands" (RIN0648-AL95) received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4290. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4291. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements" received on October 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4292. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend section 3007 of the Balanced Budget Act of 1997 to shift auction deadlines for spectrum bands; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN for the Committee on Foreign Relations:

Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert W. Jordan.

Post: Ambassador to Saudi Arabia.

Contributions, Amount, Date, and Donee:

1. Self: Robert W. Jordan: $600, February 27, 2001, Baker Botts Bluebonnent Fund; $100, May 18, 2001, Republican National Committee; $500, January 12, 2000, Jon Newton for U.S. Congress; $600, February 27, 2000, Baker & Botts Bluebonnet Fund; $100, March 31, 2000, Darrell Clements (for U.S. Congress); $100, March 31, 2000, Republican National Committee; $100, June 14, 2000, Pete Sessions (for U.S. Congress); $50, June 14, 2000, Republican National Committee; $1,000, June 20, 2000, Good Government Fund; $600, February 23, 1999, Baker & Botts Bluebonnet Fund; $1,000, March 17, 1999, Bush for President; $1,000 (general), April 8, 1999, Senator Kay Bailey Hutchison; $1,000 (primary), April 8, 1999, Senator Kay Bailey Hutchison; $300, November 17, 1999, Baker & Botts Bluebonnent Fund; $500, December 9, 1999, Congressman Pete Sessions; $600, March 23, 1998, Baker & Botts Bluebonnet Fund.

2. Spouse: Ann T. Jordan: $30, June 8, 2000, Native American Heritage Association; $25, March 31, 1999, Native American Rights Fund; $30, March 31, 1999, Native American Heritage Association; $200, May 2, 1999, Emily's List; $30, November 1, 1998, NARAL; $30, January 5, 1997, Native American Heritage Association.

3. Children and Spouses: Mark T. Jordan, none; Peter P. Jordan, none; Andrew R. Jordan, none.

Parents: Philip L. Jordan (deceased); Eloise W. Jordan (deceased).

5. Grandparents: Gilbert and Edna Wood (deceased); Francis and Marie Jordan (deceased).

6. Brothers and Spouses: Philip Jordan, Jr., none; Karen Jordan, none.

7. Sisters and Spouses: none.

Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. EDWARDS (for himself and Mr. HAGEL):

S. 1486. A bill to ensure that the United States is prepared for an attack using biological or chemical weapons; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1487. A bill to amend the Internal Revenue Code of 1986 to encourage the patronage of the hospitality, restaurant, and entertainment industries of New York City; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1488. A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, to make modifications in the veterans home loan guaranty program, to make permanent certain temporary authorities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1489. A bill to provide for the sharing of information between Federal departments, agencies, and other entities with respect to aliens seeking admission to the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 1490. A bill to establish terrorist lookout committees in each United States Embassy; to the Committee on Foreign Relations.

By Ms. **SNOWE** (for herself and Mrs. FEINSTEIN):

S. 1491. A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien; to the Committee on the Judiciary.

By Mr. **GRAMM** (for himself and Mr. MILLER):

S. 1492. A bill to amend the Internal Revenue Code of 1986 to repeal the tax relief sunset and to reduce the maximum capital gains rates for individual taxpayers, and for other purposes; to the Committee on Finance.

By Mr. **BOND**:

S. 1493. A bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes ; to the Committee on Finance.

By Mrs. **LINCOLN** (for herself, Mr. SHELBY, Mr. SESSIONS , Mr. BREAUX, Ms. LANDRIEU, Mr. HUTCHINSON, and Mr. COCHRAN):

S. 1494. A bill to amend the Federal Food, Drug, and Cosmetic Act to limit the use of the common name "catfish" in the market of fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. **SMITH** of New Hampshire (for himself and Mr. INHOFE):

S. 1495. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions concerning the liability associated with a release or threatened release of recycled oil; to the Committee on Environment and Public Works.

By Mr. **GRAHAM**:

S. 1496. A bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator; to the Committee on Finance.

By Mr. **HATCH**:

S. 1497. A bill to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. **LIEBERMAN** (for himself, Mr. THOMPSON, Mr. AKAKA , and Mr. WARNER):

S. 1498. A bill to provide that Federal employees, members of the foreign service, members of the uniformed services, family members and dependents of such employees and members, and other individuals may retain for personal use promotional items received as a result of official Government travel; to the Committee on Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. **REED** (for himself, Ms. COLLINS, Mr. TORRICELLI, Mr. BOND, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CONRAD, Mr. CORZINE, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, and Mr. WELLSTONE):

S. Res. 166. A resolution designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as "National Childhood Lead Poisoning Prevention Week"; to the Committee on the Judiciary.

By Mr. **McCAIN** (for himself, Mr. KERRY, Mr. GRAHAM, Mr. HAGEL, Mr. NELSON of Florida, Mr. CLELAND, and Mr. CARPER):

S. Res. 167. A resolution recognizing Ambassador Douglas "Pete" Peterson for his service to the United States as the first American ambassador to Vietnam since the Vietnam War; considered and agreed to.

## ADDITIONAL COSPONSORS

### SEPTEMBER 21, 2001

### S. RES. 160

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. CAMPBELL), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FIRST), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Mr. MURKOWSKI),the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. ALLEN), the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Florida (Mr. NELSON), the Senator from New York (Mr. SCHUMER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. CORZINE), the Senator from Tennessee (Mr. THOMPSON), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as "Family History Month."

### SEPTEMBER 24, 2001

### S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

### S. RES. 160

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mrs. MURRAY), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as "Family History Month."

### AMENDMENT NO 1599

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1601

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), and the Senator from North Dakota (Mr. DORGAN) wee added as cosponsors of amendment No. 1601 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SEPTEMBER 25, 2001

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, as for other purposes.

OCTOBER 3, 2001

S. 326

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 1017

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1165

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1165, a bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1236, a bill to reduce criminal gang activities.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1257

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH of Oregon) was withdrawn as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1444

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1444, a bill to establish a Federal air marshals program under the Attorney General.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1465

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

S. 1478

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.

S.J. RES. 18

At the request of Mr. SARBANES, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.J. Res. 18, a joint resolution memorializing fallen firefighters, by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. CON. RES. 70

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 70 , a concurrent resolution expressing the sense of the Congress in support of the "National Wash America Campaign."

S. CON. RES. 74

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

AMENDMENT NO. 1820

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1820 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 1488. A bill to amend title 38, United States Code, to authorize a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans, to make modifications in the veterans home loan guaranty program, to make permanent certain temporary authorities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it will be my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This "by-request" bill is titled the "Veterans' Benefits Act of 2001." It would, among other things, authorize a cost-of-living adjustment for fiscal year 2002 for VA disability compensation, make modifications the VA home loan guaranty program, and make permanent certain temporary authorities.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 1488

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Act of 2001".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Section 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—COMPENSATION PROGRAM

Sec. 101. Increase in compensation rates and limitations.
Sec. 102. Rounding down of cost-of-living adjustments in compensation and DIC rates.

TITLE II—HOUSING LOANS

Sec. 201. Vendee loan authority.
Sec. 202. Loan fees.
Sec. 203. Procedures on default.

TITLE III—TEMPORARY AUTHORITIES MADE PERMANENT

Sec. 301. Income verification authority.
Sec. 302. Limitation on pension for certain recipients of medicaid-covered nursing home care.
Sec. 303. Health-care and medication copayments.
Sec. 304. Third-party insurance collections.

### TITLE I—COMPENSATION PROGRAM

### SEC. 101. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2001, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2001.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2001, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2002, the Secretary shall publish in the Federal Register the amounts specified in subsection (b) as increased under this section.

### SEC. 102. ROUNDING DOWN OF COST-OF-LIVING ADJUSTMENTS IN COMPENSATION AND DIC RATES.

(a) COMPENSATION COLAS.—Section 1104(a) is amended by striking out "fiscal years 1998 through 2002."

(b) DIC COLAS.—Section 1303(a) is amended by striking out "fiscal years 1998 through 2002."

### TITLE II—HOUSING LOANS

### SEC. 201. VENDEE LOAN AUTHORITY.

(a) TERMINATION OF VENDEE LOAN AUTHORITY.—Section 3733(a) is amended by striking out paragraphs (1) and (2) in their entirety and inserting in lieu thereof:

"(1) Prior to October 1, 2001, the Secretary may sell real property acquired by the Secretary as the result of a default on a loan guaranteed or made under this chapter with the purchase financed by a loan made by the Secretary."

(b) INTERNAL REVENUE CODE AMENDMENT.—Section 6103(I)(7)(D) of the Internal Revenue Code of 1986, is amended by striking out "Clause (viii) shall not apply after September 30, 2003."

### SEC. 302. LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.

Section 5503(f) is amended by striking out paragraph (7).

### SEC. 303. HEALTH CARE AND MEDICATION COPAYMENTS.

(a) Section 1710 is amended by striking out "before September 30, 2002," in subsection (f)(2)(B).

(b) Section 1722A is amended by striking out subsection (d).

### SEC. 304. THIRD-PARTY INSURANCE COLLECTIONS.

Section 1729 is amended by striking out "before October 1, 2002," in subsection (a)(2)(E).

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THE SECRETARY OF VETERANS AFFAIRS,
*Washington, August 2, 2001.*

Hon. RICHARD B. CHENEY,
*President of the Senate,*
*Washington, DC.*

DEAR MR. VICE PRESIDENT: There is transmitted herewith a draft bill, the "Veterans' Benefits Act of 2001," to authorize a cost-of-living adjustment (COLA) for fiscal year (FY) 2002 in the rates of disability compensation and dependency and indemnity compensation (DIC), to make modifications in the veterans home loan guaranty program, to make permanent certain temporary authorities, and for other purposes. All of the bill's provisions are in support of the President's FY 2002 budget request for the Department of Veterans Affairs (VA). I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

*Compensation and DIC COLA*

Section 101 of the draft bill would direct the Secretary of Veterans Affairs to increase administratively the rates of compensation for service-disabled veterans and of DIC for the survivors of veterans whose deaths are service related, effective December 1, 2001. As provided in the President's FY 2002 budget request, the rate of increase would be the same as the COLA that will be provided under current law to veterans' pension and Social Security recipients, which is currently estimated to be 2.5 percent. We estimate that enactment of this section would cost $376 million during FY 2002, $7.1 billion over the period FYs 2002–2006 and $27.6 billion over the period FYs 2002–2011. Although this section is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA), the paygo effect would be zero because OBRA requires that the full compensation COLA be assumed in the baseline. We believe this proposed COLA is necessary and appropriate in order to protect the benefits of affected veterans and their survivors from the eroding effects of inflation. These worthy beneficiaries deserve no less.

Section 102 of the draft bill would amend 38 U.S.C. §§1104(a) and 1303(a), respectively, to provide that, in calculating the cost-of-living adjustment in the rates of disability compensation and dependency and indemnity compensation pursuant to the enactment of authorizing legislation governing payment of benefits in FY 2002 and thereafter, the Secretary of Veterans Affairs shall round down to the next lower whole dollar any rate that is not evenly divisible by one dollar. Currently, section 1104(a) requires the Secretary to utilize this round-down calculation method during FYs 1998 through 2002. This requirement was added by Public Law No. 105–33, §8031(a)(1), 111 Stat. 251, 668 (1997). This section was renumbered (from 1103 to 1104) by Public Law No. 105–368, §1005(a), 112 Stat. 3315, 3364 (1998). Section 102 is subject to the PAYGO requirement of OBRA. Enactment of this section would result in no cost savings in FY 2002, but would result in savings of $14.5 million in FY 2003, $196 million over the period FYs 2002–2006 and $996 million over the period FYs 2002–2011.

*Housing Loans*

Section 201 of the draft bill would terminate, effective October 1, 2001, the authority of the Secretary to provide financing in connection with the sale of a single-family home acquired by (VA) following the foreclosure of a loan guaranteed or made by VA. Such financing is commonly referred to as a "vendee loan." After that date, purchasers of VA-owned properties would need to obtain financing from private lenders. Vendee loans are not a veterans benefit. Currently, all members of the public may purchase VA-owned homes and obtain vendee financing. Veterans receive a very limited preference with regard to purchasing such properties.

Subsection (a) would amend 38 U.S.C. §3733 to terminate vendee loans effective October 1, 2001, except with respect to properties for which VA accepted a purchase before such date.

Subsection (b) would make a conforming amendment to 38 U.S.C. §3720 regarding the powers of the Secretary to dispose of property acquired under the housing loan program.

Section 201 is subject to the PAYGO requirement of OBRA. Enactment of this section would result in a cost of $18 million in FY 2002, and then savings of $50 million over the period FYs 2002–2006 and savings of $227 million over the period FYs 2002–2011.

Section 202 of the draft bill would make permanent the increases in the fees collected from most veterans obtaining or assuming a loan guaranteed, insured, or made by VA. These increases were originally enacted by the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). OBRA '93 increased the fees for most VA guaranteed housing loans by 75 basis points, or 0.75 percent of the loan amount, and established a fee of 3 percent of the loan amount on veterans who obtain a second no-downpayment loan under the VA program. The increased fees are now set to expire on September 30, 2008.

Section 202 is subject to the PAYGO requirement of OBRA. The enactment of section 202 would not result in cost savings until FY 2009. In FY 2009, cost savings would be $275 million, and cost savings for the period FYs 2002–2011 would be $841 million.

Section 203 would make permanent the VA "no-bid formula" contained in 38 U.S.C. §3732(c). This formula determines VA's liability to a loan holder under the guaranty and whether or not the holder would have the election to convey the property to VA following the foreclosure. As amended by OBRA '93, the no-bid formula requires VA to consider, in addition to other costs, VA's loss on the resale of the property. The no-bid formula currently applies to all loans closed before October 1, 2008.

Section 203 is subject to the PAYGO requirement of OBRA. The enactment of section 203 would not result in cost savings until FY 2009. In FY 2009, $23 million would be saved as a result of enactment of this section. Total savings from FYs 2002–2011 would be $2 million.

*Extension of Temporary Authorities*

Section 301 of the draft bill would amend 38 U.S.C. §5317 and 26 U.S.C. §6103, respectively, to permanently authorize VA to verify the eligibility of recipients of, or applicants for, VA's needs-based programs through data matching with the Internal Revenue Service and the Social Security Administration. VA's authority under 38 U.S.C. §5317 expires on September 30, 2008. However, authority under the Internal Revenue Code for this data matching expires on September 30, 2003. This section is subject to the PAYGO requirement of OBRA. Enactment of this section would result in cost savings of $6 million in FY 2004, and would result in cumulative cost savings of $18 million for the period FYs 2002–2006 and $48 million for the period FYs 2002–2011.

Section 302 of the draft bill would make permanent the $90 limitation on monthly VA pension payments that may be made to beneficiaries, without dependents, who are receiving Medicaid-covered nursing-home care by removing the existing September 30, 2008, expiration date set forth in 38 U.S.C. §5503(f). By reducing pension income, this provision reduces beneficiaries' share of their nursing home expenses. State Medicaid programs pay the difference, with a percentage of their expenditures reimbursed by the Federal government. This section is subject to the PAYGO requirement of OBRA. While section 302 would maintain higher State and Federal Medicaid costs, enactment of this section would result in VA cost savings of $527 million in FY 2009. VA cost savings for the period FYs 2002-2011 would be $1.6 billion.

Section 303(a) would amend 38 U.S.C. §1710(f)(2)(B) to make permanent a requirement that veterans eligible for health care under 38 U.S.C. §1710(a)(3) pay a copayment of $10 for each day they receive VA hospital care. The requirement that veterans pay the copayment expires on September 30, 2002. Section 303(a) would also extend the current $5 copayment for each day a veteran receives nursing home care. However, that $5 copayment will continue only until such time that VA publishes final regulations establishing a new copayment for nursing home care in accordance with requirements of 38 U.S.C. §1710B, a new provision added to title 38 by the Millennium Health Care and Benefits Act, Public Law No. 106–117. This section is subject to the PAYGO requirement of OBRA; however, the PAYGO effect would be zero because OBRA requires that collections be assumed in the baseline. Enactment of this section would result in continued collections of $8 million beginning in FY 2003. For FYs 2002–2006, the collections would total $40 million. For the period FYs 2002–2011, total collections would be $80 million.

Subsection (b) would amend 38 U.S.C. §1722A to make permanent a requirement that certain veterans pay VA a copayment for each 30-day supply of medication that they receive on an outpatient basis. The requirement that veterans pay the copayment expires on September 30, 2002. The copayment amount is currently $2 for each prescription, but section 1722A contains provisions allowing VA to increase the copayment amount and VA is likely to increase the amount during FT 2002. This section is subject to the PAYGO requirement of OBRA; however, the PAYGO effect would be zero because OBRA requires that collections be assumed in the baseline. Assuming continuation of only a $2 copayment, enactment of this section would result in collections of $100 million in FY 2003, $500 million over the period FYs 2002–2006, and $1 billion over the period FYs 2002–2011. In addition, enactment of this section would allow VA to implement the provision of the Veterans Millennium Health Care and Benefits Act increasing copayments, which would result in collections of $268 million in FY 2003.

Section 304 would amend 38 U.S.C. §1729(a)(2)(E) to permanently authorize VA to collect from third-party private insurers for care VA provides to insured service-connected veterans for their nonservice-connected disabilities. Under existing law, the authority to collect from insurers expires on September 30, 2002. This section is subject to the PAYGO requirement of OBRA; however, the PAYGO effect would be zero because OBRA requires that collections be assumed in the baseline. Enactment of this section would result in collections of $591 million in FY 2003. It would result in collections of $2.5 billion for the period FYs 2002-2006 and $5.9 billion over the period FYs 2002–2011.

Because this draft bill would affect direct spending and receipts, it is subject to the PAYGO requirement of OBRA. The Office of Management and Budget estimates that the provisions authorized by this draft bill would result in a total PAYGO cost of $19 million for FY 2002, but a PAYGO savings of $265 million for FYs 2002–2006, and $2.6 billion for FYs 2002–2011.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,

ANTHONY J. PRINCIPI.

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By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1489. A bill to provide for the sharing of information between Federal departments, agencies, and other entities with respect to aliens seeking admission to the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 1490. A bill to establish terrorist lookout committees in each United States Embassy; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mrs. FEINSTEIN):

S. 1491. A bill to provide for the establishment and implementation of a fingerprint processing system to be used whenever a visa is issued to an alien; to the Committee on the Judiciary.

Ms. SNOWE. Madam President, I rise today to introduce three bills that will provide our first line of defense, our Consular Officers at our embassies and INS Inspectors at our ports-of-entry, with the resources and information they need to determine whether to grant a foreign national a visa or permit them entry to the United States. They are: The Terrorist Lookout Committee Act, the Visa Fingerprinting Act, and the Information Sharing to Strengthen America's Security Act.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my twelve years as ranking member of the House Foreign Affairs International Operations Subcommittee and chair of the International Operations Subcommittee of the Senate Foreign Relations Committee. It was this lack of coordination that permitted the radical Egyptian Sheik Rahman, the mastermind of the 1993 World Trade Center bombing, to enter and exit the U.S. five times unimpeded even after he was put on the State Department's Lookout List in 1987, and allowed him to get permanent residence status by the INS even after the State Department issued a certification of visa revocation.

These bills are an essential step toward removing a vulnerability in our national security that has continued through the years. For example, the Inman report of 1984, which was commissioned by Secretary Shultz after three terrorist attacks against the U.S. Embassy and marines in Lebanon in 1983 and 1984, found that coordination between agencies must be improved. After the 1998 bombings of U.S. embassies in Kenya and Tanzania, the Accountability Review Board, a board which is required by law to make findings and recommendations upon the loss of life or property, made a recommendation that the FBI and State Department should improve their information sharing on terrorism. The 2000 National Commission on Terrorism also recommended that the FBI should establish a cadre of reports officers to distill and disseminate terrorism-related information once it is collected.

While intelligence is frequently exchanged, no law requires law enforcement and intelligence agencies to share information on dangerous aliens with the State Department. The information sharing that does occur among agencies is done on a voluntary basis. Accordingly, the first bill I am introducing, the Information Sharing to Strengthen America's Security Act, requires all U.S. law enforcement agencies and the intelligence community to share information on foreign nationals with the State Department so that visas can be granted with the assurance that the sum total of the U.S. government has no knowledge why an alien should not be granted a visa to travel to the U.S.

This bill increases the information sharing among our law enforcement agencies, our intelligence community, and the State Department, so that foreign nationals who are known by any entity of the U.S. Government to be associated with, or members of, terrorist organizations are denied a visa. This includes the FBI, DEA, INS, Customs, CIA and the Defense Intelligence Agency, DIA, all vital agencies in the war on terrorism.

The second bill I am introducing—the Terrorist Lookout Committee Act, builds on the Information Sharing to Strengthen America's Security Act by requiring a Terrorist Lookout Committee to be established in every one of our embassies. This committee, which would be chaired by the Deputy Chief of Mission, will be comprised of the senior representatives of all law enforcement agencies and the intelligence community. The purpose of the mandated monthly meeting is to provide a forum for these officials to add names to the State Department's Consular Lookout and Support System, CLASS, of those who are considered dangerous aliens and, if they applied for a visa, should undergo a thorough review and possible denial of the visa.

If no names are submitted to the list then the chair is required to certify, subject to an Accountability Review Board, that no member had knowledge of any name that should be included. This requirement will elevate awareness of, and focus constant attention on, the necessity of maintaining the most accurate and current information possible. Finally, quarterly reports by the Secretary of State are to be submitted to the House International Relations Committee and the Senate Foreign Relations Committee.

To ensure that the foreign national who received the visa from our Embassy is the same person using it to enter the United States, I have introduced the Visa Fingerprinting Act. This bill requires the Secretary of State and the INS Commissioner to jointly establish and implement a fingerprint-backed check system. Foreign nationals would be fingerprinted before a visa could be issued, with information catalogued in a database accessible to Immigration officials. INS authorities at port-of-entry would then be required to match fingerprint data with that of the foreign nationals seeking entry into the U.S., with the INS certifying to the match before permitting entry. My bill authorizes a one-time congressional expenditure to establish and implement the system, but the cost of operating the system would be funded through an increase in the visa service charge required for each visa.

The use of biometric technology such as fingerprint imaging, retinal and iris scans, and voice recognition, is no longer just a part of our science-fiction movies, but has become a widely used means of identity verification. The U.S. Government uses it at military and secret installations for access to both information and the installations themselves. Airports, such as Charlotte-Douglas International which utilizes iris scanning technology, have incorporated biometric technology to limit access to particular areas of the airport to authorized personnel only.

Interestingly, the INS already started down this road when, in 1998, it began to issue biometric crossing cards to Mexicans who cross the border frequently. These cards have a digital fingerprint image which, upon crossing, is matched to the fingerprint of the person possessing the card.

The bottom line is, we must stop terrorists not only at their points of entry, but more critically, at their point of origin. In America's war on terrorism, we can do no less.

By Mr. BOND:

S. 1493. A bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes; to the Committee on Finance.

Mr. BOND. Madam President, I rise today to introduce the "Small Business Leads to Economic Recovery Act of 2001." The senseless terrorist attacks of September 11th have dealt a severe blow to the Nation and to our already struggling economy. The Small Business Administration estimates that 14,000 small businesses are within the disaster area in New York alone. These businesses clearly have been directly affected by this national disaster. But the economic impact does not stop there. For months small enterprises and self-employed individuals across the country have been struggling with the slowing economy. The recent terrorist attacks makes their situation even more dire.

In light of these events, the increasing calls from the small business community for economic stimulus legislation have understandably increased. As the Ranking Member of the Committee on Small Business and Entrepreneurship, I receive on a daily basis pleas for help from small business in Missouri and across the Nation: small restaurants who have lost much of their business due to the fall off in business travel; local flight schools that have been grounded as a result of the recent terrorist attacks; and Main Street retailers who are struggling to survive in the slowing economy. Clearly, we must act and act soon.

In response to these urgent calls for help, I have prepared the Small Business Leads to Economic Recovery Act of 2001, which is designed to provide effective economic stimulus in three distinct but complementary ways: increasing access to capital for the Nation's small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation's largest consumers—the Federal Government—to shop with small business in America.

When the Disaster Relief Program at the Small Business Administration, SBA, was first established, the terrorist attack on New York City and the Pentagon was hardly contemplated. Now that we as a Nation are confronted with this nightmare, it is easy to see that are traditional approach to disaster relief will not be helpful to the thousands of small businesses located at or around the World Trade Center and the Pentagon.

In New York City, it may be a year or more before many of the small businesses destroyed or shut down by the terrorist attacks can reopen their doors for business. Small firms near the Pentagon, such as those at the Reagan National Airport or Crystal City, Virginia, are also shut down or barely operating. And there are small businesses throughout the United States that have been shut down for national security concerns. For example, General Aviation aircraft remain grounded, closing all flight schools and other small businesses dependent on single engine aircraft.

Regular small business disaster loans fall short of providing effective disaster relief to help these small businesses. Therefore, my bill will allow small businesses to defer for up to two years repayment of principal and interest on their SBA disaster relief loans. Interest that would otherwise accrue during the deferment period would be forgiven. It is my intention that this essential new ingredient will allow the small businesses to get back on their feet without jeopardizing their credit or diving them into bankruptcy.

Small enterprises located in the presidentially declared disaster areas surrounding the World Trade Center and the Pentagon are not the only business experiencing extreme hardship as the direct result of the terrorist attacks of September 11th. Nationwide, thousands of small businesses are unable to conduct business or are operating at a bare-minimum level. Tens of thousands of jobs are at risk of being lost as our nation's small businesses weather the fall out from the September 11th attacks.

My bill provides a special financial tool to assist small businesses as they deal with these significant business disruptions. Small businesses in need of working capital would be able to obtain SBA-guaranteed "Emergency Relief Loans" from their banks to help them during this period. Fees normally paid by the borrower to the SBA would be eliminated, and the SBA would guarantee 95 percent of the loan. A key feature of my bill is the authorization for the bank to defer repayment of principal for up to one year.

My colleagues and I have been hearing time and time again during the last three weeks since the terrorist attacks that small businesses are experiencing significant hardship. Many small businesses were already experiencing a downturn in business activity prior to September 11th. As the White House Chief of Staff recently commented, our economy was in a downturn before September 11, and this downturn was further exacerbated by the terrorist attacks.

Historically, when our economy slows or turns into a recession, the strength of the small business sector helps to right our economic ship, leading the nation to economic recovery. Today, small businesses employ 58 percent of the U.S. workforce and create 75 percent of the net new jobs. Clearly, we cannot afford to ignore America's small businesses as we consider measures to stimulate our economy.

The Small Business Leads to Economic Recovery Act of 2001 also provides for changes in the SBA 7(a) Guaranteed Business Loan Program and the 504 Certified Development Company Loan Program to stimulate lending to small businesses that are most likely to grow and add new employees. These enhancements to the SBA's 7(a) and 504 loan programs are to extend for one year. They are designed to make the program more affordable during the period when the economy is weak and banks have tightened their underwriting requirements for small business loans.

Specifically, when the economy is slowing, it is normal for banks to raise the bar for obtaining commercial loans. However, making it harder for small businesses to survive is the wrong reaction to a slowing economy. By tweaking the 7(a) and 504 loans to make them more affordable to borrowers and lenders, we will be working against history's rules governing a slowing economy, thereby adding a stimulus for small businesses. Essentially, we will be providing a countercyclical action in the face a slow economy with the express purpose of accelerating the recovery.

I have agreed to cosponsor a bill that Senator JOHN KERRY, Chairman of the Committee on Small Business and Entrepreneurship, intends to introduce in the near future to improve and strengthen the credit and management assistance programs at the SBA in response to the September 11th terrorist attack. I am pleased to report that his bill will incorporate key ingredients of Title I of the Small Business Leads to Economic Recovery Act of 2001 by adopting the three tier approach to enhance the SBA's credit programs so they can respond more effectively and efficiently to the September 11th disaster.

With the contraction of the private-equity market over the past year, the Small Business Investment Company, SBIC, program has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million. In the current economic environment, the SBIC program represents an increasingly important source of capital for small enterprises.

While Debenture SBICs qualify for SBA-guaranteed borrowed capital, the government guarantee forces a number of potential investors, namely pension funds, to avoid investing in SBICs because they would be subject to tax liability for unrelated business taxable income, UBTI. When free to choose, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI.

As a result, 60 percent of the private-capital potentially available to these SBICs is effectively "off limits." The Small Business Leads to Economic Recovery Act of 2001 corrects this problem by excluding government-guaranteed capital borrowed by Debenture SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI recordkeeping or tax liability. More importantly, this change in the law could double the amount of private capital being invested in small businesses through the Debenture SBIC program.

The access-to-capital provisions of the bill will go a long way toward easing the cash-flow burdens that small firms are now facing, but we can also tackle this problem from another perspective, reducing the tax burden of small businesses. Accordingly, the second component of my Small Business Leads to Economic Recovery Act provides substantial tax relief for small businesses. These provisions hold the greatest potential, in my opinion, for fast and effective tax stimulus for small enterprises.

First and foremost, this bill would permit small businesses to expense substantially more of their new equipment purchases by raising the expensing limit to $100,000 per year and by increasing the expensing phase-out threshold to $500,000. In addition, for small businesses that cannot qualify for expensing, the bill reduces the depreciation-recovery period for computers, peripheral equipment and software to two years.

Together, these provisions have several important advantages for America's small businesses, especially in light of the current economic conditions. By allowing more equipment purchases to be deducted currently and reducing the recovery period for technology purchases that must be depreciated, we can provide much needed capital for small businesses. With that freed-up capital, a business can invest in new computer equipment, which will benefit the small enterprise and, in turn, stimulate the sagging technology industry. Finally, new computer equipment will contribute to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has stressed is essential to the long-term vitality of our economy.

Finally, these modifications will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to the onerous depreciation rules. And for businesses that do not qualify for expensing, shortening the recovery period for computer equipment from the current five-year period will add some common sense to the tax law. Since most computers have outlived their usefulness after two to three years, let alone five years, too many businesses are left to depreciate this property long after it has become obsolete.

In short, the equipment-expensing and depreciation changes I propose are a win-win for small businesses, the technology industry, and our national economy as a whole. But we do not stop there. The bill also addresses the limitation on depreciation that many small firms face with regard to the automobiles, light trucks and vans that are so essential to their operations.

Specifically, the Small Business Leads to Economic Recovery Act amends the limitations under section 280F of the tax code, which currently prohibit a small business from claiming a full depreciation deduction if the vehicle costs more than $14,460, for vehicles placed in service in 2000. Although these limitations have been subject to inflation adjustments since they were adjusted in 1986, they have not kept pace with the actual cost of new vehicles in most cases. For many small businesses, the use of a car, light truck or van is an essential asset for transporting personnel to sales and service appointments and for delivering their products. Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deduction for vehicles costing less than $25,000, which will continue to be indexed for inflation.

This provision of the bill will help ease the cash flow strains for many small businesses, freeing critical capital that can be used for investments in new business vehicles. In turn, purchases of new cars, light trucks or vans will offer much-needed stimulus for the nation's automotive industry. Again, multiple benefits for a small change in our tax code.

My bill also responds to the difficult times facing the nation's restaurant industry, which the National Restaurant Association estimates lost 60,000 jobs in September due to slower sales caused by the current economic conditions and the recent terrorist attacks. While by no means a complete solution, we can lend a hand to the restaurant industry, which is dominated by small businesses, by increasing the business-meals deduction to 100 percent. This will provide an incentive for businesses to return to their local restaurants, and at the same time assist non-restaurant businesses and the self-employed for whom business meals are an unavoidable fact of life.

At the National Women's Small Business Summit, which I hosted last June, a number of participants noted that unlike their large competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While the newspaper ad is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.

In addition, many self-employed individuals like sales representatives spend enormous amounts of time on the road with no choice but to eat in restaurants while away from home. For these individuals the current 50 percent limitation on the deductibility of business meals is a severe strain on cash flow, especially with the soft market conditions they face for selling their products and services. A 100 percent deduction will ease those strains and help small firms in these situations to weather the current economic storm.

The final tax provisions of my bill relate to a growing problem for small businesses—the alternative minimum tax, AMT. For the sole proprietors, partners, and S corporation shareholders, the individual AMT increases their tax liability by, among other things, reducing depreciation and depletion deductions, limiting net operating loss treatment, eliminating the deductibility of state and local taxes, and curtailing the expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies. For these reasons, the bill includes the recommendation of the Taxpayer Advocate to repeal the individual AMT. In light of the current economic situation facing our nation's small enterprises, my bill will repeal the individual AMT beginning this year.

For small corporations, the AMT story is much the same, high compliance costs and additional taxes draining away scarce capital from the business. Accordingly, for small corporate taxpayers, the bill increases the current exemption from the corporate AMT. As a result, a small corporation will initially qualify for the exemption if its average gross receipts are $7.5 million or less, up from the current $5 million, during its first three taxable years. Thereafter, a small corporation will continue to qualify for the AMT exemption for as long as its average gross receipts for the prior three-year period do not exceed $10 million, up from the current $7.5 million.

The tax component of the Small Business Leads to Economic Recovery Act will provide significant cash-flow relief for small enterprises and many incentives for them to continue investing in our economy for their long-term well being. Together with the access-to-capital component, the tax relief will give a significant boost to small businesses and our economy. But we can do more, we can call on the Nation's largest consumer, the Federal Government, to shop with small business in America.

Toward that end, my bill would make some subtle changes in the laws governing Federal procurement that will have a dramatic impact on expanding contracting opportunities for small businesses. For example, when the Brooks Act was enacted in 1982, it prohibited small business set asides for contracts to provide architectural and engineering services valued at $85,000 or more. It has been almost twenty years, and the ceiling has not been adjusted, not even once, to reflect inflation or other changes in the economy. My bill would increase this ceiling to $300,000 and would create immediate opportunities for contracting officers in Federal agencies to increase the number of contracts set aside for small businesses.

It is also the Federal Government's policy that contracts valued at less than $100,000 be reserved for small businesses. This policy, however, is not followed by the General Services Administration, GSA, with respect to the Federal Supply Schedule, FSS. Too often contracts for less than $100,000 are filed by large businesses. Therefore, my bill would require that all Federal agency contracts, requirements or procurements valued at less than $100,000 be reserved for small businesses. Again, this change in our law would have an immediate positive effect by making more contracting opportunities available to small businesses.

For contracts for property or services not on the GSA's FSS, my bill would require that contracts valued at less than $100,000 be reserved for competition among small businesses registered on the SBA's PRO-Net and the Central Contractor Register, CCR, at the Department of Defense, DoD. By using the two registries, small businesses would know where to go to begin the process of competing for government contracts, and contracting officers would have at their fingertips a list of hundreds of thousands of small businesses listed by industry category.

My bill would provide for a six-month announcement period, which would be followed by a one year phase-in period during which 25 percent of the dollar value of all contracts valued less than $100,000 would be set aside for small businesses. After the first year, the set aside would increase to 50 percent in the second and subsequent years.

Minority-owned small businesses and small businesses located in economically distressed urban and rural areas are at a particular disadvantage when competing for Federal government contracts. My bill would offer improved opportunities for these small businesses as part of the disaster-recovery effort. It would provide that when a contracting officer directs a contract to a HUBZone or 8(a) small businesses, the current ceiling on sole-source contracting would be removed. This change would apply only to the money that is appropriated by the Congress specifically targeted to the September 11 disaster-recovery effort.

The Small Business Leads to Economic Recovery Act is a comprehensive bill to help the Nation as well as the owners and employees of small businesses. Its relief is targeted and is designed to work tomorrow and in the immediate future. Now is not the time to focus on ten year plans and lengthy phase-in periods. Small businesses need help, today, and my bill will put cash in the business' bank account and in employees' pockets. Small businesses have been the champions of past economic recoveries. My bill gives small businesses the tools to accelerate a recovery, so that our Nation's economic fortunes are reversed sooner rather than later.

Madam President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Small Business Leads to Economic Recovery Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Deferment of disaster loan payments.
Sec. 104. Refinancing existing disaster loans.
Sec. 105. Emergency relief loan program.
Sec. 106. Economic recovery loan and financing programs.

TITLE II—SMALL BUSINESS TAX PROVISIONS FOR ECONOMIC STIMULUS

Sec. 201. Amendment of 1986 Code.
Sec. 202. Increase in expense treatment of certain depreciable business assets for small businesses.
Sec. 203. Expensing of computer software.
Sec. 204. Modification of depreciation rules for computers and software.
Sec. 205. Adjustments to depreciation limits for business vehicles.
Sec. 206. Increased deduction for business meal expenses.
Sec. 207. Modification of unrelated business income limitation on investment in certain debt-financed properties.
Sec. 208. Repeal of alternative minimum tax on individuals.
Sec. 209. Exemption from alternative minimum tax for small corporations.

TITLE III—SMALL BUSINESS PROCUREMENTS

Sec. 301. Expansion of opportunity for small businesses to be awarded department of defense contracts for architectural and engineering services and construction design.
Sec. 302. Procurements of property and services in amounts not in excess of $100,000 from small businesses.
Sec. 303. Sole Source Procurements of Property and Services under the 2001 Emergency Supplemental Appropriations Act for Recovery From and Response to Terrorist Attacks on the United States.

## TITLE I—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Small Business Emergency Loan Assistance Act of 2001".

**SEC. 102. DEFINITIONS.**

In this title—

(1) the term "Administration" means the Small Business Administration;

(2) the term "covered loan" means a loan made by the Administration to a small business concern—

(A) under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) located in an area which the President has designated as a disaster area as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; and

(3) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

**SEC. 103. DEFERMENT OF DISASTER LOAN PAYMENTS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, payments of principal or interest on a covered loan shall be deferred, and no interest shall accrue with respect to a covered loan, during the 2-year period following the date of issuance of the covered loan.

(b) RESUMPTION OF PAYMENTS.—At the end of the 2-year period described in subsection (a), the payment of periodic installments of principal and interest shall be required with respect to a covered loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to a loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

**SEC. 104. REFINANCING EXISTING DISASTER LOANS.**

(a) IN GENERAL.—Any loan made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a covered loan under this Act, and the refinanced amount shall be considered to be part of the covered loan for purposes of this title.

(b) NO AFFECT ON ELIGIBILITY.—A refinancing under subsection (a) by a small business concern shall be in addition to any covered loan eligibility for that small business concern under this title.

**SEC. 105. EMERGENCY RELIEF LOAN PROGRAM.**

(a) BUSINESS LOAN AUTHORITY.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

"(A) IN GENERAL.—During the 1-year period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has suffered, or that is likely to suffer, significant economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001.

"(B) LOAN TERMS.—With respect to a loan under this paragraph—

"(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 95 percent of the balance of the financing outstanding at the time of disbursement of the loan;

"(ii) no fee may be required or charged under paragraph (18);

"(iii) the applicable rate of interest shall not exceed a rate that is one percentage point above the prime rate as published in a national financial newspaper published each business day;

"(iv) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph would exceed $1,000,000;

"(v) upon request of the borrower, repayment of principal due on a loan made under this paragraph shall be deferred during the 1-year period beginning on the date of issuance of the loan; and

"(vi) the repayment period shall not exceed 7 years, including any period of deferment under clause (v).

"(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

"(D) SIGNIFICANT ECONOMIC INJURY.—In this paragraph, the term'substantial economic injury' means an economic harm to a small business concern that results in the inability of the small business concern—

"(i) to meet its obligations as they mature;

"(ii) to pay its ordinary and necessary operating expenses; or

"(iii) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.".

### SEC. 106. ECONOMIC RECOVERY LOAN AND FINANCING PROGRAMS.

(a) ONE-YEAR SUSPENSION OF SECTION 7(a) FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

"(C) ONE-YEAR WAIVER OF FEES FOLLOWING TERRORIST ATTACKS.—No fee may be collected or charged, and no fee shall accrue under this paragraph during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001.".

(b) ONE-YEAR INCREASE IN PARTICIPATION LEVELS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (E)"; and

(2) by adding at the end the following:

"(E) TEMPORARY PARTICIPATION LEVELS FOLLOWING TERRORIST ATTACKS.—During the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, clauses (i) and (ii) of subparagraph (A) shall be construed to read as follows:

"'(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $150,000; or

"'(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $150,000.'.".

(c) ONE-YEAR SUSPENSION OF OTHER FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A), by striking "which amount shall" and inserting "which amount shall not be assessed or collected, and no amount shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001, and which amount shall otherwise"; and

(2) in subsection (d)(2), by adding at the end the following: "No fee may be assessed or collected under this paragraph, and no fee shall accrue, during the 1-year period beginning on the date of enactment of the Small Business Terrorism Relief and Economic Stimulus Act of 2001.".

## TITLE II—SMALL BUSINESS TAX PROVISIONS FOR ECONOMIC STIMULUS

### SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### SEC. 202. INCREASE IN EXPENSE TREATMENT OF CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—

"(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $100,000.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.".

(b) EXPANSION OF PHASE-OUT OF LIMITATION.—Section 179(b)(2) is amended to read as follows:

"(2) REDUCTION IN LIMITATION.—

"(A) IN GENERAL.—The limitation under paragraph (1) for any taxable year shall be reduced (but not below zero) by the amount by which the cost of section 179 property for which a deduction is allowable (without regard to this subsection) under subsection (a) for such taxable year exceeds $500,000."

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the dollar amount contained in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 2000" for "calendar year 1992" in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(c) TIME OF DEDUCTION.—The second sentence of section 179(a) (relating to election to expense certain depreciable business assets) is amended by inserting "(or, if the taxpayer elects, the preceding taxable year if the property was purchased in such preceding year)" after "service".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 203. EXPENSING OF COMPUTER SOFTWARE.

(a) COMPUTER SOFTWARE ELIGIBLE FOR EXPENSING.—The heading and first sentence of section 179(d)(1) (relating to section 179 property) are amended to read as follows:

"(1) SECTION 179 PROPERTY.—For purposes of this section, the term 'section 179 property' means property—

"(A) which is—

"(i) tangible property to which section 168 applies, or

"(ii) computer software (as defined in section 197(e)(3)(B)) to which section 167 applies,

"(B) which is section 1245 property (as defined in section 1245(a)(3)), and

"(C) which is acquired by purchase for use in the active conduct of a trade or business.".

(b) NO COMPUTER SOFTWARE INCLUDED AS SECTION 197 INTANGIBLE.—

(1) IN GENERAL.—Section 197(e)(3)(A) is amended to read as follows:

"(A) IN GENERAL.—Any 'computer software.".

(2) CONFORMING AMENDMENT.—Section 167(f)(1)(B) is amended by striking "; except that such term shall not include any such software which is an amortizable section 197 intangible".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

### SEC. 204. MODIFICATION OF DEPRECIATION RULES FOR COMPUTERS AND SOFTWARE.

(a) 2-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF COMPUTERS AND PERIPHERAL EQUIPMENT.—

(1) IN GENERAL.—Section 168(c) (relating to applicable recovery period) is amended by adding at the end the following flush sentence:

"In the case of 5-year property which is a computer or peripheral equipment, the applicable recovery period shall be 2 years.".

(2) CONFORMING AMENDMENTS.—

(A) Section 168(g)(3)(C) (relating to alternative depreciation system for certain property) is amended to read as follows:

"(C) QUALIFIED TECHNOLOGICAL EQUIPMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of any qualified technological equipment, the recovery period used for purposes of paragraph (2) shall be 5 years.

"(ii) COMPUTERS OR PERIPHERAL EQUIPMENT.—In the case of any computer or peripheral equipment, the recovery period used for purposes of paragraph (2) shall be 2 years.".

(B) Section 168(j)(2) (relating to depreciation of property on Indian reservations) is amended by adding at the end the following flush sentence:

"In the case of 5-year property which is a computer or peripheral equipment, the applicable recovery period shall be 1 year.".

(C) Section 467(e)(3)(A) (relating to certain payments for the use of property or services) is amended by adding at the end the following flush sentence:

"In the case of 5-year property which is a computer or peripheral equipment, the applicable recovery period shall be 2 years.".

(b) 2-YEAR DEPRECIATION PERIOD FOR COMPUTER SOFTWARE.—Section 167(f)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "36 months" and inserting "24 months".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

### SEC. 205. ADJUSTMENTS TO DEPRECIATION LIMITS FOR BUSINESS VEHICLES.

(a) IN GENERAL.—

(1) INCREASE IN LIMITATION.—Section 280F(a)(1)(A) (relating to limitation on amount of depreciation for luxury automobiles) is amended—

(A) by striking "$2,560" in clause (i) and inserting "$5,400";

(B) by striking "$4,100" in clause (ii) and inserting "$8,500";

(C) by striking "$2,450" in clause (iii) and inserting "$5,100"; and

(D) by striking "$1,475" in clause (iv) and inserting "$3,000".

(2) CONFORMING AMENDMENT.—Section 280F(a)(1)(B)(ii) (relating to disallowed deductions allowed for years after recovery period) is amended by striking "$1,475" each place that it appears and inserting "$3,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

### SEC. 206. INCREASED DEDUCTION FOR BUSINESS MEAL EXPENSES.

(a) IN GENERAL.—Section 274(n)(1) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" in the text and inserting "the allowable percentage".

(b) ALLOWABLE PERCENTAGE.—Section 274(n) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Allowable percentage.—For purposes of paragraph (1), the allowable percentage is—

"(A) in the case of amounts for items described in paragraph (1)(B), 50 percent, and

"(B) in the case of expenses for food or beverages, 100 percent.".

(c) Clarification of Special Rule for Individuals Subject to Federal Hours of Service.—Section 274(n)(4) (relating to limited percentages of meal and entertainment expenses allowed as deduction), as redesignated by subsection (b), is amended to read as follows:

"(4) Special rule for individuals subject to federal hours of service.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (2)(B) shall apply to such expenses.".

(d) Conforming Amendment.—The heading for subsection (n) of section 274 is amended by striking "50 Percent" and inserting "Limited Percentages".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 207. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) In General.—Section 514(c)(6) (relating to acquisition indebtedness) is amended—

(1) by striking "include an obligation" and inserting "include—

"(A) an obligation",

(2) by striking the period at the end and inserting ", or", and

(3) by adding at the end the following:

"(B) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

"(i) issued by such company under section 303(a) such Act, or

"(ii) held or guaranteed by the Small Business Administration.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to acquisitions made on or after the date of the enactment of this Act.

### SEC. 208. REPEAL OF ALTERNATIVE MINIMUM TAX ON INDIVIDUALS.

(a) In General.—

(1) Repeal.—Section 55(a) (relating to alternative minimum tax) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2000, shall be zero.".

(2) Nonrefundable personal credits fully allowed against regular tax liability.—

(A) In general.—Section 26(a) (relating to limitation based on amount of tax) is amended to read as follows:

"(a) Limitation Based on Amount of Tax.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the taxpayer's regular tax liability for the taxable year.".

(B) Child credit.—Section 24(d) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 209. EXEMPTION FROM ALTERNATIVE MINIMUM TAX FOR SMALL CORPORATIONS.

(a) In General.—Section 55(e)(1)(A) (relating to exemption for small corporations) is amended to read as follows:

"(A) $10,000,000 gross receipts test.—The tentative minimum tax of a corporation shall be zero for any taxable year if the corporation's average annual gross receipts for all 3-taxable-year periods ending before such taxable year does not exceed $10,000,000. For purposes of the preceding sentence, only taxable years beginning after December 31, 1997, shall be taken into account.".

(b) Gross Receipts Test For First 3-year Period.—Section 55(e)(1)(B) is amended to read as follows:

"(B) $7,500,000 gross receipts test for first 3-year period.—Subparagraph (A) shall be applied by substituting '$7,500,000' for '$10,000,000' for the first 3-taxable-year period (or portion thereof) of the corporation which is taken into account under subparagraph (A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

## TITLE III—SMALL BUSINESS PROCUREMENTS

### SEC. 301. EXPANSION OF OPPORTUNITY FOR SMALL BUSINESSES TO BE AWARDED DEPARTMENT OF DEFENSE CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

Section 2855(b)(2) of title 10, United States Code, is amended by striking "$85,000" and inserting "$300,000".

### SEC. 302. PROCUREMENTS OF PROPERTY AND SERVICES IN AMOUNTS NOT IN EXCESS OF $100,000 FROM SMALL BUSINESSES.

(a) Small Business Set-Asides.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(q) Procurements of Property and Services not in Excess of $100,000.—

"(1) Federal supply schedule items.—The head of an agency procuring items listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the items from a small business.

"(2) Other property and services.—The head of an agency procuring property or services not listed on a Federal Supply Schedule in a total amount not in excess of $100,000 shall procure the property or services from a small business registered on PRO-Net or the Centralized Contractor Registration System. Competitive procedures shall be used in the selection of sources for procurements from small businesses under this subsection.".

(b) Phased Implementation.—

(1) First 2 years.—During the 2-year period beginning on the effective date determined under subsection (c), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 25 percent of the procurements described in that subsection (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 25 percent of the procurements described in subsection (q)(2) (determined on the basis of amount).

(2) Ensuing 2 years.—During the 2-year period beginning on the day after the expiration of the period described in paragraph (1), the requirement of subsection (q)(1) of section 15 of the Small Business Act (as added by subsection (a) of this section) shall apply with respect to 50 percent of the procurements described in that subsection (determined on the basis of amount), and the requirement in subsection (q)(2) of that section shall apply with respect to 50 percent of the procurements described in subsection (q)(2) (determined on the basis of amount).

(c) Effective Date.—Section 15(q) of the Small Business Act (as added by subsection (a) of this section) shall take effect on the first day of the first month that begins not less than 180 days after the date of enactment of this Act.

### SEC. 303. SOLE SOURCE PROCUREMENTS OF PROPERTY AND SERVICES UNDER THE 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

Notwithstanding the provisions of sections 8(a)(1)(D)(i)(II) and subclauses (I) and (II) of section 31(b)(2)(A)(ii) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II), 658(b)(2)(A)(ii)(I), and 658(b)(2)(A)(ii)(II), respectively), a contracting officer may award non-competitive contracts with the budget authority provided by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) or by subsequent emergency appropriations bill adopted pursuant thereto, if—

(a) such contracts are to be awarded to an eligible Program Participant under section 8(a) or to a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 637(a) and 632(p)(5)), and

(b) the head of the procuring agency certifies that the property or services needed by the agency are of such an unusual and compelling urgency that the United States would be seriously harmed by use of competitive procedures, pursuant to—

(1) section 2304(c)(2) of Title 10, United States Code, or

(2) section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)).

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## S. 1493: SMALL BUSINESS LEADS TO ECONOMIC RECOVERY ACT OF 2001

### DESCRIPTION OF PROVISIONS

## TITLE I—SMALL BUSINESS EMERGENCY LOAN ASSISTANCE

### *Section 101. Short Title*

This section sets forth the title, "Small Business Leads to Economic Recovery Act of 2001."

### *Section 102. Definitions*

This section provides the definitions of key words used in Title I.

### *Section 103. Deferment of Disaster Loan Payments*

In recognition that the small businesses eligible for Disaster Assistance Loans will not be able to begin repayment of the loans for up to two years, the bill provides that both principal and interest payment will be deferred for two years from the date of loan origination. Interest that accrues during the deferment period would be forgiven.

### *Section 104. Refinancing Existing Disaster Loans*

As the result of the World Trade Center bombing in 1993, there are small businesses in the Presidentially-declared disaster area that have outstanding SBA disaster loans. This section will permit small businesses to refinance outstanding disaster loans in the new disaster loans with the two-year deferment provision.

### *Section 105. Emergency Relief Loan Program*

This section creates a special one-year program at the SBA using key components of the 7(a) guaranteed business loan program to create a working capital loan program for small businesses suffering significant economic injury as the result of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon. The loans would have a 95 percent guarantee, and there would be no up-front borrower fee. The interest rate would be the Prime Rate plus 1 percent. Banks would have the option to defer principal payments for up to one year.

This special working capital loan program recognizes there are small businesses nationwide that are experiencing serious cash flow difficulties as the result of the terrorist attacks, e.g., travel agencies, flight training and other commercial users of single-engine VFR aircraft.

### *Section 106. Economic Recovery Loan and Financing Programs*

As the result of the deteriorating economy, which was experiencing a downturn prior to September 11, 2001, banks had initiated steps to tighten the availability of credit to small businesses. For Fiscal Year 2001, it is projected that new loan originations may drop as much as 25 percent from the projections on October 1, 2000.

This section will make significant changes for one year to the 7(a) guaranteed business loan program. Loans would be available for all qualified borrowers. The up-front loan origination fee paid by the borrower, which ranges from 2.0 percent to 3.5 percent depending on loan size, would be eliminated. The guarantee percentage for the general loan program would be increased from 75 percent to 85 percent. For the LowDoc program, the guarantee percentage would increase from 80 percent to 90 percent.

This section would also make similar changes to the 504 Certified Development Company Loan Program. For one year, the up-front fee paid by the bank making the loan in the first loss position would be eliminated. Further, the annual fee paid by the borrower would also be dropped.

### *Section 107. Small Business Investment Company Enhancement Program*

The Administration and the SBIC industry has recommended that the SBIC/Participating Securities Program become a fee-based program, which would eliminate the need for an annual appropriation. This change would entail enacting legislation to increase the SBIC fee from 1 percent to at least 1.38 percent. This section would allow the SBA to increase the annual fee to no more than 1.50 percent, which would support a program level fo $3.5 billion in Fiscal Year 2002.

## TITLE II—SMALL BUSINESS TAX PROVISIONS FOR ECONOMIC STIMULUS

### *Section 201. Amendment of 1986 Code*

This section clarifies that all changes in the bill are to the Internal Revenue Code of 1986, as previously amended.

### *Section 202. Increase in Expense Treatment of Certain Depreciable Business Assets for Small Businesses.*

The bill amends section 179 of the Internal Revenue Code to increase the amount of equipment purchases that small businesses may expense each year from the current $24,000 to $100,000. This change will eliminate the burdensome recordkeeping involved in depreciating such equipment and free up capital, for small businesses to grow and create jobs.

The bill also increases the phase-out limitation for equipment expensing from the current $200,000 to $500,000, thereby expanding the type of equipment that can qualify for expensing treatment. This limitation along with the annual expensing amount will be indexed for inflation under the bill.

Following the recommendation of the National Taxpayer Advocate, the bill also amends section 179 to permit expensing in the year that the property is purchased or the year that the property is placed in service, whichever is earlier. This will eliminate the difficulty that many small enterprises have encountered when investing in new equipment in one tax year, e.g., 2001 that cannot be placed in service until the following year, e.g., 2002. The equipment-expensing provisions will be effective for taxable years beginning after December 31, 2000.

### *Section 203. Expensing of Computer Software*

In connection with the expanded equipment-expensing limits, the bill also permits taxpayers to expense computer software up to the new $100,000 limit on annual equipment expensing. This provision will eliminate the compliance costs and burdens of depreciation software over a three-year period, which is often inconsistent with the product's actual useful life. This provision will be effective for taxable years beginning after December 31, 2000.

### *Section 204. Modification of Depreciation Rules for Computers and Software*

For small business taxpayers who do not qualify for expensing treatment, the bill modifies the outdated depreciation rules to permit taxpayers to depreciate computer equipment and software over a two-year period. Under present law, computer equipment is generally depreciated over a five-year period and software is usually depreciated over three years. With the rapid advancements in technology, these depreciation periods are sorely out of date and can result in small businesses having to exhaust their depreciation deductions well after the equipment or software is obsolete. The bill makes the tax code in this area more consistent with the technological reality of the business world. This provision will be effective for computers and software placed in service in taxable years beginning after December 31, 2000.

### *Section 205. Adjustments to Depreciation Limits for Business Vehicles*

The bill amends section 280F of the Internal Revenue Code, which limits the amount of depreciation that a business may claim with respect to a vehicle used for business purposes. Under the current thresholds, a business loses a portion of its depreciation deduction if the vehicle costs more than $14,460, for vehicles placed in service in 2000. Although these limitations have been subject to inflation adjustments, they have not kept pace with the actual cost of new cars, light trucks and vans in most cases. For many small businesses, the use of a car, light truck or van is an essential asset for transporting personnel to sales and service appointments and for delivering their products. Accordingly, the bill adjusts the thresholds so that a business will not lose any of its depreciation deduction for vehicles costing less than $25,000, which will continue to be indexed for inflation. This provision will be effective for vehicles placed in service in taxable years beginning after December 31, 2000.

### *Section 206. Increased Deduction for Business Meal Expenses*

The bill increases the limitation on the deductibility of business meals from the current 50 percent to 100 percent beginning in 2001 to provide an incentive for businesses to return to their local restaurants. At the same time, this provision will assist non-restaurant businesses and self-employed individuals level the playing field. Unlike their large competitors, small enterprises often sell their products and services by word of mouth and close many business transactions on the road or in a local diner. In many ways the business breakfast with a potential customer is akin to formal advertising that larger businesses purchase in newspapers or on radio or television. While the newspaper ad is fully deductible, however, the business meal is only 50 percent deductible for the small business owner.

In addition, many self-employed individuals like sales representatives spend enormous amounts of time on the road with no choice but to eat in restaurants while away from home, further straining their cash flow. By increasing the deduction to 100 percent, the bill addresses these problems, as well as the lack of parity that small business owners face with respect to individuals subject to the Federal hours-of-service limitations of the Department of Transportation, such as truck drivers, who are currently able to deduct a larger portion of their business meals.

### *Section 207. Modification of Unrelated Business Income Limitation on Investments in Certain Debt-Financed Properties*

With the recent contraction of the private-equity market, the Small Business Investment Company, SBIC program, which is overseen by the SBA, has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million. Debenture SBICs qualify for SBA-guaranteed borrowed capital, which subjects tax-exempt investors that would otherwise be inclined to invest in Debenture SBICs to tax liability for unrelated business taxable income, UBTI. When free to choose, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI. As a result, 60 percent of the private-capital potentially available to Debenture SBICs is effectively "off limits."

The bill would exclude government-guaranteed capital borrowed by Debenture SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in Debenture SBICs without the burdens of UBTI recordkeeping or tax liability, thereby providing additional capital for investment in small businesses across the nation. This provision would be effective for acquisitions made on or after the date of enactment of this bill.

### *Section 208. Repeal of Alternative Minimum Tax on Individuals*

The bill repeals the individual Alternative Minimum Tax, AMT effective for taxable years beginning after December 31, 2000. For individual taxpayers, the individual AMT has become an increasingly burdensome tax. For the sole proprietors, partners, and S corporation shareholders, the individual AMT increases their tax liability by, among other things, limiting depreciation and depletion deductions, net operating loss treatment, the deductibility of state and local taxes, and expensing of research and experimentation costs. In addition, because of its complexity, this tax forces small business owners to waste precious funds on tax professionals to determine whether the AMT even applies.

### *Section 209. Expansion of the Exemption From the Alternative Minimum Tax for Small Corporations*

For small corporate taxpayers, the bill increases the current exemption from the corporate AMT, under section 55(e) of the Internal Revenue Code. Under the bill, a small corporation will initially qualify for the exemption if its average gross receipts are $7.5 million or less, up from the current $5 million, during its first three taxable years. Thereafter, a small corporation will continue to qualify for the AMT exemption for so long as its average gross receipts for the prior three-year period do not exceed $10 million, up from the current $7.5 million. The increased limits for the small-corporation exemption from the corporate AMT will be effective for taxable years beginning after December 31, 2000.

## TITLE III—SMALL BUSINESS PROCUREMENTS

### *Section 301. Expansion of Opportunity for Small Businesses To Be Awarded Department of Defense Contracts for Architectural and Engineering Services and Construction Design*

The Brooks Act was enacted in 1982 and prohibits any small businesses set asides for architectural and engineering contracts valued at $85,000 or more. No change in this ceiling has been made since enactment of the Brooks Act. This section would increase the ceiling to $300,000, which would create, almost immediately, new Federal contracting opportunities for small businesses.

### *Section 302. Procurements of Property and Services in Amounts Not in Excess of $100,000 From Small Businesses*

This section would make more contracts valued at less than $100,000 available to small businesses. Under the Federal Supply Schedule, FSS, at GSA, all agency contracts, requirements, or procurements valued at less than $100,000 would be made from small businesses.

For contracts for property or services not on the GSA's FSS, the procuring agency would set aside such contracts, valued at less than $100,000, for competition among small businesses registered on the SBA's PRO-Net and the DoD's Centralized Contractor Registration, CCR, System. There would be a two-year phase-in period. After an initial six-month period, during the first year, 25 percent of the dollar value of all contracts less than $100,000 would be awarded to small businesses. This would increase to 50 percent in the second and subsequent years.

### *Section 303. HUBZone and 8(a) Sole-Source Contracts*

Contracts for property and services made with funds from the "2001 Emergency Supplemental Appropriations Act for Recovery From and Response to Terrorist Attacks on the United States" will be exempt from the ceiling on sole-source contracts under the HUBZone and 8(a) programs. Currently, the ceilings are $3 million for service contracts and $5 million for manufacturing contracts.

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By Mr. GRAHAM:

S. 1496. A bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator; to the Committee on Finance.

Mr. GRAHAM. Madam President, today I am introducing the Tour Operators Up-front Deposit Relief, TOUR, Act. This legislation codifies a long-standing practice used by the tour operator industry to account for prepaid deposits received in advance of a customers travel.

A tour operator puts together travel "packages" often involving a number of different elements: airlines, ground transportation, hotels, restaurants, local guides and other services for one or more destinations. Services often include the direct provision of tour components such as motor coaches. The packages are sold to the public, usually through travel agents. Approximately 70 percent of retail travel agent sales involve tour operator packages. A vacation package combines multiple travel elements into an all-inclusive price. A tour is a trip taken by a group of people who travel together and follow a pre-planned itinerary. In both instances, the travel has been planned by professionals whose group purchasing power insures substantial savings. In addition, prepayment covers all major expenses which minimizes budgeting concerns.

Tour operators employ a long standing, universally accepted method of accounting which recognizes deposits as income upon the date of departure of the passenger. This treatment defers income recognition while the customer still has the right to cancel the travel without substantial conditions and prior to the tour operator's performing many of the tasks and making many of the commitments required to insure a timely, safe and reliable trip.

Recently, the Internal Revenue Service, IRS, has adopted a position in selected tour operator audits which would, if generally applied, require virtually all tour operators to change their method of accounting for deposits. The IRS position is that tour operators must recognize deposits as income upon receipt even though they may not incur expenses for months, or in some cases, more than a year. This position is in direct contrast to guidance previously provided by the IRS. Revenue Procedure 71-21 acknowledges that accrual basis taxpayers should be allowed to defer advanced payment for services under certain circumstances but has improperly refused to interpret this ruling to apply to tour operators.

If the IRS continues to pursue its position, it will raise the cost of operations for tour operators. This added cost will be passed on to Americans seeking to travel. Given the difficulties facing this industry in light of the events of September 11, the IRS position is particularly misguided.

The legislation being introduced today clarifies that Revenue Procedure 71-21 applies to the tour operator industry. Under this Procedure, deposits become taxable income on the date the tour departs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tour Operators Up-Front-Deposit Relief (TOUR) Act".

**SEC. 2. METHOD OF ACCOUNTING FOR DEPOSITS RECEIVED BY ACCRUAL BASIS TOUR OPERATORS.**

In the case of a tour operator using an accrual method of accounting, amounts received from or on behalf of passengers in advance of the departure of a tour arranged by such operator—

(1) shall be treated as properly accounted for under the Internal Revenue Code of 1986 if they are accounted for under a method permitted by Section 3 of Revenue Procedure 71-21, and

(2) for purposes of Revenue Procedure 71-21, shall be deemed earned as of the date the tour departs.

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By Mr. HATCH:

S. 1497. A bill to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Virgin River Dinosaur Footprint Preservation Act. Originally introduced in the House by Representative JAMES HANSEN of Utah, this legislation is vital in guaranteeing the preservation of one of our Nation's most intact and rate pre-Jurassic paleontological discoveries. I applaud Chairman HANSEN for his leadership on this issue.

In February 2000, Sheldon Johnson of St. George, UT began development preparations on his land when he uncovered one of the world's most significant collections of dinosaur tracks, traildraggings, and skin imprints in the surrounding rock. The site has attracted thousands of visitors and the interest of some of the world's top paleontologists.

This valuable resource is now in jeopardy. The fragile sandstone in which the impressions have been made is in jeopardy due to the heat and wind typical of the southern Utah climate. We must act quickly if these footprints from our past are to be preserved. This bill would authorize the Secretary of the Interior to purchase the land where the footprints and traildraggings are found and convey the property to the city of St. George, UT, which will work with the property owners and the county to preserve and protect the area and resources in question. I urge my colleagues to support this effort to protect our national treasure.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 166—DESIGNATING THE WEEK OF OCTOBER 21, 2001, THROUGH OCTOBER 27, 2001, AND THE WEEK OF OCTOBER 20, 2002, THROUGH OCTOBER 26, 2002, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Ms. COLLINS, Mr. TORRICELLI, Mr. BOND, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CONRAD, Mr. CORZINE, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 166

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high-income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs and activities.

### SENATE RESOLUTION 167—RECOGNIZING AMBASSADOR DOUGLAS "PETE" PETERSON FOR HIS SERVICE TO THE UNITED STATES AS THE FIRST AMERICAN AMBASSADOR TO VIETNAM SINCE THE VIETNAM WAR

Mr. MCCAIN (for himself, Mr. KERRY, Mr. GRAHAM, Mr. HAGEL, Mr. NELSON of Florida, Mr. CLELAND, and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas while serving as a fighter pilot in the United States Air Force, Pete Peterson was shot down over North Vietnam in 1966 and captured by the Vietnamese military;

Whereas Pete Peterson was held for 6½ years as a prisoner of war in Vietnam;

Whereas after his return to the United States in 1973, Pete Peterson distinguished himself as a businessman and educator in his home State of Florida;

Whereas Pete Peterson was elected to Congress to represent the 2nd Congressional District of Florida in 1990 and went on to serve three terms;

Whereas Pete Peterson first returned to Vietnam in 1991 as a Member of Congress investigating Vietnamese progress on the POW/MIA issue;

Whereas President Reagan began the process of normalizing United States relations with Vietnam;

Whereas President Clinton lifted the trade embargo against Vietnam in 1994;

Whereas President Clinton normalized diplomatic relations with Vietnam in 1995;

Whereas in 1997 Pete Peterson was appointed the first United States ambassador to Vietnam in 22 years;

Whereas throughout Pete Peterson's tenure as United States Ambassador to Vietnam, the President certified annually that the Government of Vietnam was "fully cooperating in good faith" with the United States to obtain the fullest possible accounting of Americans missing from the Vietnam War;

Whereas Ambassador Peterson played a critical role in the process of building a new and normal relationship between the United States and Vietnam;

Whereas Ambassador Peterson worked tirelessly to encourage the Government of Vietnam to continue its efforts to reform and open Vietnam's economy;

Whereas thanks to Ambassador Peterson's leadership, Congress in 1998 approved a waiver of the Jackson-Vanik restrictions for Vietnam, thus enabling the Overseas Private Investment Corporation and the Export-Import Bank to operate in Vietnam;

Whereas completion of a United States-Vietnam trade agreement was Ambassador Peterson's top trade priority;

Whereas the United States and Vietnam began negotiations for a bilateral trade agreement in 1996;

Whereas Ambassador Peterson's diplomatic efforts throughout the process of negotiation were invaluable to the completion of the bilateral trade agreement;

Whereas in the agreement the Government of Vietnam agreed to a wide range of steps to open its markets to American trade and investment;

Whereas the agreement will pave the way for further reform of Vietnam's economy and Vietnam's integration into the world economy;

Whereas Ambassador Peterson witnessed the signing of the United States-Vietnam Bilateral Trade Agreement on July 13, 2000;

Whereas President Bush transmitted that trade agreement to Congress on June 8, 2001;

Whereas the United States House of Representatives approved the agreement on September 6, 2001; and

Whereas the United States Senate approved the agreement on October 3, 2001: Now, therefore, be it

*Resolved*, That Douglas "Pete" Peterson is recognized by the United States Senate for his outstanding and dedicated service to the United States as United States Ambassador to Vietnam from 1997–2001, and for his historic role in normalizing United States-Vietnam relations.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1843. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1844. Mr. REID (for Mr. KOHL) proposed an amendment to the bill H.R. 768, an act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

SA 1845. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1843.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows;

On page 143, beginning on line 9, strike "and (3)" and all that follows through the colon and insert the following: "(3) effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims; and (4) alternative development programs and emergency aid plans have been developed, in consultation with communities and local authorities in the areas in which such aerial coca fumigation is planned, and in the areas in which such aerial coca fumigation has been conducted, such programs and plans are being implemented:".

**SA 1844.** Mr. REID (for Mr. KOHL) proposed an amendment to the bill H.R. 768, an act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

**SEC. 2. AMENDMENT.**

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

**SEC. 3. GAO STUDY AND REPORT.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the effect of the antitrust exemption on institutional student aid under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(2) CONSULTATION.—The Comptroller General shall have final authority to determine the content of the study under paragraph (1), but in determining the content of the study, the Comptroller General shall consult with—

(A) the institutions of higher education participating under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) (referred to in this Act as the "participating institutions");

(B) the Antitrust Division of the Department of Justice; and

(C) other persons that the Comptroller General determines are appropriate.

(3) MATTERS STUDIED.—

(A) IN GENERAL.—The study under paragraph (1) shall—

(i) examine the needs analysis methodologies used by participating institutions;

(ii) identify trends in undergraduate costs of attendance and institutional undergraduate grant aid among participating institutions, including—

(I) the percentage of first-year students receiving institutional grant aid;

(II) the mean and median grant eligibility and institutional grant aid to first-year students; and

(III) the mean and median parental and student contributions to undergraduate costs of attendance for first year students receiving institutional grant aid;

(iii) to the extent useful in determining the effect of the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note), examine—

(I) comparison data, identified in clauses (i) and (ii), from institutions of higher education that do not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note); and

(II) other baseline trend data from national benchmarks; and

(iv) examine any other issues that the Comptroller General determines are appropriate, including other types of aid affected by section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(B) ASSESSMENT.—

(i) IN GENERAL.—The study under paragraph (1) shall assess what effect the antitrust exemption on institutional student aid has had on institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance.

(ii) CHANGES OVER TIME.—The assessment under clause (i) shall consider any changes in institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance over time for institutions of higher education, including consideration of—

(I) the time period prior to adoption of the consensus methodologies at participating institutions; and

(II) the data examined pursuant to subparagraph (A)(iii).

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2006, the Comptroller General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the findings and conclusions of the Comptroller General regarding the matters studied under subsection (a).

(2) IDENTIFYING INDIVIDUAL INSTITUTIONS.—The Comptroller General shall not identify an individual institution of higher education in information submitted in the report under paragraph (1) unless the information on the institution is available to the public.

(c) RECORDKEEPING REQUIREMENT.—

(1) IN GENERAL.—For the purpose of completing the study under subsection (a)(1), a participating institution shall—

(A) collect and maintain for each academic year until the study under subsection (a)(1) is completed—

(i) student-level data that is sufficient, in the judgment of the Comptroller General, to permit the analysis of expected family contributions, identified need, and undergraduate grant aid awards; and

(ii) information on formulas used by the institution to determine need; and

(B) submit the data and information under paragraph (1) to the Comptroller General at such time as the Comptroller General may reasonably require.

(2) NON-PARTICIPATING INSTITUTIONS.—Nothing in this subsection shall be construed to require an institution of higher education that does not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) to collect and maintain data under this subsection.

**SEC. 4. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on September 30, 2001.

Amend the title so as to read: "An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.".

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**SA 1845.** Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 20 and 21, strike "The Government Accounting Office, as well as other independent" and insert "Independent".

On page 4, lines 10 and 11, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 4, line 19, before the semicolon, insert "and for ensuring accountability of the officials (public or private) responsible for administering the operational aspects of aviation security, based on performance standards".

On page 7, line 23, after the period, insert the following: "The Administrator shall provide funding and permanent staff to the Council.".

On page 18, lines 20 and 21, strike "in accordance with the provisions of part III of title 5" and insert "notwithstanding the provisions of title 5".

At the end of the bill, insert the following:

**SEC. 15. HUMAN CAPITAL CHANGES TO REINFORCE RESULTS-BASED MANAGEMENT.**

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

**"§ 44939. Human capital changes to reinforce results-based management**

"(a) AUTHORITY OF THE ADMINISTRATOR.—

"(1) The Administrator shall maintain responsibility for the development and promulgation of policy and regulations relating to aviation security.

"(2) The Deputy Administrator for Aviation Security shall be subject to the direction of the Administrator.

"(b) APPOINTMENT OF THE DEPUTY ADMINISTRATOR FOR AVIATION SECURITY.—

"(1) The Deputy Administrator for Aviation Security shall be appointed by the Administrator for a term of not less than 3 and not more than 5 years. The appointment shall be made on the basis of experience with law enforcement, national security, or intelligence.

"(2) The Deputy Administrator for Aviation Security may be removed by the Administrator or the President for misconduct or failure to meet performance goals as set forth in the performance agreement described in section 44940.

"(c) REAPPOINTMENT OF THE DEPUTY ADMINISTRATOR FOR AVIATION SECURITY.—The Administrator may reappoint the Deputy Administrator for Aviation Security to subsequent terms of not less than 3 and not more than 5 years, so long as the performance of the Deputy Administrator is satisfactory.

"(d) COMPENSATION.—

"(1) IN GENERAL.—The Deputy Administrator for Aviation Security is authorized to be paid at an annual rate of basic pay not to exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(B) of such title.

"(2) BONUS.—In addition, the Deputy Administrator for Aviation Security may receive a bonus of up to 50 percent of base pay, based upon the Administrator's evaluation of the Deputy Administrator's performance in relation to the goals set forth in the agreement described in section 44940. The annual compensation of the Deputy Administrator may not exceed $200,000.

"(e) SENIOR MANAGEMENT.—

"(1) APPOINTMENT.—The Deputy Administrator for Aviation Security may appoint such senior managers as that Administrator determines necessary without regard to the provisions of title 5, United States Code.

"(2) COMPENSATION.—

"(A) IN GENERAL.—A senior manager, appointed pursuant to paragraph (1), may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of such title.

"(B) BONUS.—In addition, senior managers appointed pursuant to paragraph (1) may receive bonuses based on the Deputy Administrator's evaluation of their performance in relation to goals set forth in agreements described in section 44940. The annual compensation for a senior manager may not exceed 125 percent of the maximum rate of base pay for the Senior Executive Service.

"(3) REMOVAL.—Senior managers may be removed by the Deputy Administrator for Aviation Security for misconduct or failure to meet performance goals set forth in the performance agreements.

"(4) PERSONNEL CEILINGS.—The Deputy Administrator for Aviation Security shall not be subject to ceilings relating to the number or grade of employees.

"(5) AVIATION SECURITY OMBUDSMAN.—The Deputy Administrator for Aviation Security, in consultation with the Administrator, shall appoint an ombudsman to address the concerns of aviation security stakeholders, such as airport authorities air carriers, consumer groups, and the travel industry.

**"§ 44940. Short-term transition; long-term results**

"(a) SHORT-TERM TRANSITION.—

"(1) IN GENERAL.—Within 60 days after the date of enactment of the Aviation Security Act, the Deputy Administrator for Aviation

Security shall, in consultation with Congress—

"(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

"(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

"(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Administrator, the Deputy Administrator for Aviation Security, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

"(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

"(1) PERFORMANCE PLAN AND REPORT.—

"(A) PERFORMANCE PLAN.—

"(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Administrator and the Deputy Administrator for Aviation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

"(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Department of Transportation, the Administrator, the Deputy Administrator for Aviation Security, and any other agency or organization that may have a role in ensuring safety and security of the civil air transportation system.

"(iii) The performance plan shall be available to the public. The Deputy Administrator for Aviation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"(B) PERFORMANCE REPORT.—

"(i) Each year, consistent with the requirements of GPRA, the Deputy Administrator for Aviation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

"(ii) The performance report shall be available to the public. The Deputy Administrator for Aviation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

"(2) PERFORMANCE MANAGEMENT.—

"(A) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

"(i) Each year, the Administrator and the Deputy Administrator for Aviation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Administrator.

"(ii) Each year, the Deputy Administrator for Aviation Security and each senior manager shall enter into an annual performance agreement that sets forth organization and individual goals for those managers.

"(B) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Administrator for Aviation Security shall establish an annual performance management system, notwithstanding the provisions of title 5, which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for individual, group, and organizational performance consistent with the performance plan.

"(3) PERFORMANCE-BASED SERVICE CONTRACTING.—In carrying out the aviation security program, the Deputy Administrator for Aviation Security shall, to the extent practicable, maximize the use of performance-based service contracts for any screening activities that may be out-sourced. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 449, of title 49, United States Code, is amended by inserting after the item relating to section 44938 the following new items:

"44939. Human capital changes to reinforce results-based management

"44940. Short-term transition; long-term results".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 3, at 9:30 a.m., to conduct a hearing. The Committee will receive testimony on the nominations of Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, and Harold Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, October 3, 2001, at 11 a.m., to hear testimony on the need for an economic stimulus package and if one is needed, potential components.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2001, at a time to be determined, to hold a business meeting.

The committee will consider and vote on the following matters:

Nominees: Mr. Robert W. Jordan of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

Committee Organization: Approval of the creation of the Subcommittee on Central Asia and South Caucasus, as follows:

*Membership*

Robert G. Torricelli, Chairman
Joseph R. Biden, Jr.
John F. Kerry
Paul D. Wellstone
Barbara Boxer

Richard G. Lugar, Ranking Member
Chuck Hagel
Gordon H. Smith
Sam Brownback

(The Chairman and Ranking Member of the full committee are ex officio members of each subcommittee on which they do not serve as members.)

*Jurisdiction of Subcommittee on Central Asia and South Caucasus*

The subcommittee deals with matters concerning Central Asia and the South Caucasus, including the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as Armenia, Azerbaijan and Georgia.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Federalism, and Property Rights be authorized to meet to conduct a hearing on Wednesday, October 3, 2001, at 9:30 a.m., in Dirksen 226.

Tentative Witness List [Invited]: United States Department of Justice, Washington, DC; Mr. Jerry Berman, Executive Director, Center for Democracy & Technology, Washington, DC; Professor David D. Cole, Professor of Law, Georgetown University Law Center, Washington, DC; Dr. Morton H. Halperin, Chair, Advisory Board, Center for National Security Studies, Washington, DC; Dean Douglas W. Kmiec, Dean and St. Thomas More Professor, Columbus School of Law, The Catholic University of America, Washington, DC; Professor John O. McGinnis, Professor of Law, Benjamin N. Cardozo School of Law at Yeshiva University, New York, NY; Mr. Grover Norquist, President, Americans for Tax Reform, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

On October 2, 2001, the Senate passed S. 1438, as follows:

S. 1438

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2002".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. Applicability of report of Committee on Armed Services of the Senate.

### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical agents and munitions destruction, Defense.
Sec. 107. Defense health programs.

#### Subtitle B—Army Programs

(Reserved)

#### Subtitle C—Navy Programs

Sec. 121. Virginia class submarine program.
Sec. 122. Multiyear procurement authority for F/A–18E/F aircraft engines.
Sec. 123. V–22 Osprey aircraft program.
Sec. 124. Additional matter relating to V–22 Osprey aircraft.

#### Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C–17 aircraft.

#### Subtitle E—Other Matters

Sec. 141. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 142. Procurement of additional M291 skin decontamination kits.

### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Authorization of additional funds.
Sec. 204. Funding for Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness program.

#### Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. F–22 aircraft program.
Sec. 212. C–5 aircraft reliability enhancement and reengining.
Sec. 213. Review of alternatives to the V–22 Osprey aircraft.
Sec. 214. Joint biological defense program.
Sec. 215. Report on V–22 Osprey aircraft before decision to resume flight testing.
Sec. 216. Big Crow Program and Defense Systems Evaluation program.

#### Subtitle C—Other Matters

Sec. 231. Technology Transition Initiative.
Sec. 232. Communication of safety concerns between operational testing and evaluation officials and program managers.
Sec. 233. Supplemental Authorization of Appropriations for Fiscal Year 2001 for Research, Development, Test, and Evaluation Defense-wide.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 305. Amount for impact aid for children with severe disabilities.
Sec. 306. Improvements in instrumentation and targets at Army live fire training ranges.
Sec. 307. Environmental Restoration, Formerly Used Defense Sites.
Sec. 308. Authorization of additional funds.
Sec. 309. Funds for renovation of Department of Veterans Affairs facilities adjacent to Naval Training Center, Great Lakes, Illinois.

#### Subtitle B—Environmental Provisions

Sec. 311. Establishment in environmental restoration accounts of sub-accounts for unexploded ordnance and related constituents.
Sec. 312. Assessment of environmental remediation of unexploded ordnance and related constituents.
Sec. 313. Department of Defense energy efficiency program.
Sec. 314. Extension of pilot program for sale of air pollution emission reduction incentives.
Sec. 315. Reimbursement of Environmental Protection Agency for certain response costs in connection with Hooper Sands Site, South Berwick, Maine.
Sec. 316. Conformity of surety authority under environmental restoration program with surety authority under superfund.
Sec. 317. Procurement of alternative fueled and hybrid electric light duty trucks.

#### Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Rebate agreements with producers of foods provided under the special supplemental food program.
Sec. 322. Reimbursement for use of commissary facilities by military departments for purposes other than commissary sales.
Sec. 323. Public releases of commercially valuable information of commissary stores.

#### Subtitle D—Other Matters

Sec. 331. Codification of authority for Department of Defense support for counterdrug activities of other governmental agencies.
Sec. 332. Exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
Sec. 333. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes la-Coquette, France.
Sec. 334. Implementation of the Navy-Marine Corps Intranet contract.
Sec. 335. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 336. Reauthorization of warranty claims recovery pilot program.
Sec. 337. Funding for land forces readiness-information operations sustainment.
Sec. 338. Defense Language Institute Foreign Language Center expanded Arabic language program.
Sec. 339. Consequence management training.
Sec. 340. Critical infrastructure protection initiative of the Navy.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

#### Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Authorized daily average active duty strength for Navy enlisted members in pay grade E–8.

#### Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2002 limitation on nondual status technicians.
Sec. 415. Limitations on numbers of reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of reserve components.
Sec. 416. Strength and grade limitation accounting for reserve component members on active duty in support of a contingency operation.

#### Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

### TITLE V—MILITARY PERSONNEL POLICY

#### Subtitle A—Officer Personnel Policy

Sec. 501. General officer positions.
Sec. 502. Reduction of time-in-grade requirement for eligibility for promotion of first lieutenants and lieutenants (junior grade).
Sec. 503. Promotion of officers to the grade of captain in the Army, Air Force, or Marine Corps or to the grade of lieutenant in the Navy without selection board action.
Sec. 504. Authority to adjust date of rank.
Sec. 505. Extension of deferments of retirement or separation for medical reasons.
Sec. 506. Exemption from administrative limitations of retired members ordered to active duty as defense and service attachés.
Sec. 507. Certifications of satisfactory performance for retirements of officers in grades above major general and rear admiral.
Sec. 508. Effective date of mandatory separation or retirement of regular officer delayed by a suspension of certain laws under emergency authority of the President.
Sec. 509. Detail and grade of officer in charge of the United States Navy Band.

### Subtitle B—Reserve Component Personnel Policy

Sec. 511. Reauthorization and expansion of temporary waiver of the requirement for a baccalaureate degree for promotion of certain reserve officers of the Army.
Sec. 512. Status list of reserve officers on active duty for a period of three years or less.
Sec. 513. Equal treatment of Reserves and full-time active duty members for purposes of managing deployments of personnel.
Sec. 514. Modification of physical examination requirements for members of the Individual Ready Reserve.
Sec. 515. Members of reserve components afflicted while remaining overnight at duty station within commuting distance of home.
Sec. 516. Retirement of reserve personnel without request.
Sec. 517. Space-required travel by Reserves on military aircraft.

### Subtitle C—Education and Training

Sec. 531. Improved benefits under the Army College First program.
Sec. 532. Repeal of limitation on number of Junior Reserve Officers' Training Corps units.
Sec. 533. Acceptance of fellowships, scholarships, or grants for legal education of officers participating in the funded legal education program.
Sec. 534. Grant of degree by Defense Language Institute Foreign Language Center.
Sec. 535. Authority for the Marine Corps University to award the degree of master of strategic studies.
Sec. 536. Foreign persons attending the service academies.
Sec. 537. Expansion of financial assistance program for health-care professionals in reserve components to include students in programs of education leading to initial degree in medicine or dentistry.
Sec. 538. Pilot program for Department of Veterans Affairs support for graduate medical education and training of medical personnel of the Armed Forces.
Sec. 539. Transfer of entitlement to educational assistance under Montgomery GI Bill by members of the Armed Forces with critical military skills.
Sec. 540. Participation of regular members of the Armed Forces in the Senior Reserve Officers' Training Corps.

### Subtitle D—Decorations, Awards, and Commendations

Sec. 551. Authority for award of the Medal of Honor to Humbert R. Versace for valor during the Vietnam War.
Sec. 552. Review regarding award of Medal of Honor to certain Jewish American war veterans.
Sec. 553. Issuance of duplicate and replacement Medals of Honor.
Sec. 554. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 555. Sense of Senate on issuance of Korea Defense Service Medal.
Sec. 556. Retroactive Medal of Honor special pension.

### Subtitle E—Funeral Honors Duty

Sec. 561. Active duty end strength exclusion for Reserves on active duty or full-time National Guard duty for funeral honors duty.
Sec. 562. Participation of retirees in funeral honors details.
Sec. 563. Benefits and protections for members in a funeral honors duty status.
Sec. 564. Military leave for civilian employees serving as military members of funeral honors detail.

### Subtitle F—Uniformed Services Overseas Voting

Sec. 571. Sense of the Senate regarding the importance of voting by members of the uniformed services.
Sec. 572. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.
Sec. 573. Guarantee of residency for military personnel.
Sec. 574. Extension of registration and balloting rights for absent uniformed services voters to State and local elections.
Sec. 575. Use of single application as a simultaneous absentee voter registration application and absentee ballot application.
Sec. 576. Use of single application for absentee ballots for all Federal elections.
Sec. 577. Electronic voting demonstration project.
Sec. 578. Federal voting assistance program.
Sec. 579. Maximization of access of recently separated uniformed services voters to the polls.
Sec. 580. Governors' reports on implementation of Federal voting assistance program recommendations.

### Subtitle G—Other Matters

Sec. 581. Persons authorized to be included in surveys of military families regarding Federal programs.
Sec. 582. Correction and extension of certain Army recruiting pilot program authorities.
Sec. 583. Offense of drunken operation of a vehicle, aircraft, or vessel under the Uniform Code of Military Justice.
Sec. 584. Authority of civilian employees to act as notaries.
Sec. 585. Review of actions of selection boards.
Sec. 586. Acceptance of voluntary legal assistance for the civil affairs of members and former members of the uniformed services and their dependents.
Sec. 587. Extension of Defense Task Force on Domestic Violence.
Sec. 588. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
Sec. 589. Report on health and disability benefits for pre-accession training and education programs.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2002.
Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
Sec. 603. Reserve component compensation for distributed learning activities performed as inactive-duty training.
Sec. 604. Clarifications for transition to reformed basic allowance for subsistence.
Sec. 605. Increase of basic allowance for housing in the United States.
Sec. 606. Clarification of eligibility for supplemental subsistence allowance.
Sec. 607. Correction of limitation on additional uniform allowance for officers.
Sec. 608. Payment for unused leave in excess of 60 days accrued by members of reserve components on active duty for one year or less.

### Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Hazardous duty pay for members of maritime visit, board, search, and seizure teams.
Sec. 616. Submarine duty incentive pay rates.
Sec. 617. Career sea pay.
Sec. 618. Modification of eligibility requirements for Individual Ready Reserve bonus for reenlistment, enlistment, or extension of enlistment.
Sec. 619. Accession bonus for officers in critical skills.
Sec. 620. Modification of the nurse officer candidate accession program restriction on students attending civilian educational institutions with Senior Reserve Officers' Training Programs.
Sec. 621. Eligibility for certain career continuation bonuses for early commitment to remain on active duty.
Sec. 622. Hostile fire or imminent danger pay.

### Subtitle C—Travel and Transportation Allowances

Sec. 631. Eligibility for temporary housing allowance while in travel or leave status between permanent duty stations.
Sec. 632. Eligibility for payment of subsistence expenses associated with occupancy of temporary lodging incident to reporting to first permanent duty station.
Sec. 633. Eligibility for dislocation allowance.
Sec. 634. Allowance for dislocation for the convenience of the Government at home station.
Sec. 635. Travel and transportation allowances for family members to attend the burial of a deceased member of the uniformed services.
Sec. 636. Family separation allowance for members electing unaccompanied tour by reason of health limitations of dependents.

Sec. 637. Funded student travel for foreign study under an education program approved by a United States school.
Sec. 638. Transportation or storage of privately owned vehicles on change of permanent station.

#### Subtitle D—Matters Relating to Retirement and Survivor Benefits

Sec. 651. Payment of retired pay and compensation to disabled military retirees.
Sec. 652. SBP eligibility of survivors of retirement-ineligible members of the uniformed services who die while on active duty.

#### Subtitle E—Other Matters

Sec. 661. Education savings plan for reenlistments and extensions of service in critical specialties.
Sec. 662. Commissary benefits for new members of the Ready Reserve.
Sec. 663. Authorization of transitional compensation and commissary and exchange benefits for dependents of commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are separated for dependent abuse.

#### Subtitle F—National Emergency Family Support

Sec. 681. Child care and youth assistance.
Sec. 682. Family education and support services.

### TITLE VII—HEALTH CARE

#### Subtitle A—TRICARE Benefits Modernization

Sec. 701. Requirement for integration of benefits.
Sec. 702. Domiciliary and custodial care.
Sec. 703. Long term care.
Sec. 704. Extended benefits for disabled beneficiaries.
Sec. 705. Conforming repeals.
Sec. 706. Prosthetics and hearing aids.
Sec. 707. Durable medical equipment.
Sec. 708. Rehabilitative therapy.
Sec. 709. Mental health benefits.
Sec. 710. Effective date.

#### Subtitle B—Other Matters

Sec. 711. Repeal of requirement for periodic screenings and examinations and related care for members of Army Reserve units scheduled for early deployment.
Sec. 712. Clarification of eligibility for reimbursement of travel expenses of adult accompanying patient in travel for specialty care.
Sec. 713. TRICARE program limitations on payment rates for institutional health care providers and on balance billing by institutional and noninstitutional health care providers.
Sec. 714. Two-year extension of health care management demonstration program.
Sec. 715. Study of health care coverage of members of the Selected Reserve.
Sec. 716. Study of adequacy and quality of health care provided to women under the defense health program.
Sec. 717. Pilot program for Department of Veterans Affairs support for Department of Defense in the performance of separation physical examinations.
Sec. 718. Modification of prohibition on requirement of nonavailability statement or preauthorization.
Sec. 719. Transitional health care to members separated from active duty.

### TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

#### Subtitle A—Procurement Management and Administration

Sec. 801. Management of procurements of services.
Sec. 802. Savings goals for procurements of services.
Sec. 803. Competition requirement for purchases pursuant to multiple award contracts.
Sec. 804. Risk reduction at initiation of major defense acquisition program.
Sec. 805. Follow-on production contracts for products developed pursuant to prototype projects.

#### Subtitle B—Defense Acquisition and Support Workforce

Sec. 811. Report on implementation of recommendations of the Acquisition 2005 Task Force.
Sec. 812. Moratorium on reduction of the defense acquisition and support workforce.
Sec. 813. Revision of acquisition workforce qualification requirements.

#### Subtitle C—Use of Preferred Sources

Sec. 821. Applicability of competition requirements to purchases from a required source.
Sec. 822. Consolidation of contract requirements.
Sec. 823. Codification and continuation of Mentor-Protege Program as permanent program.
Sec. 824. Hubzone small business concerns.

#### Subtitle D—Amendments to General Contracting Authorities, Procedures, and Related Matters

Sec. 831. Amendments to conform with administrative changes in acquisition phase and milestone terminology and to make related adjustments in certain requirements applicable at milestone transition points.
Sec. 832. Inapplicability of limitation to small purchases of miniature or instrument ball or roller bearings under certain circumstances.
Sec. 833. Insensitive munitions program.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

#### Subtitle A—Organization and Management

Sec. 901. Deputy Under Secretary of Defense for Personnel and Readiness.
Sec. 902. Responsibility of Under Secretary of the Air Force for acquisition of space launch vehicles and services.
Sec. 903. Sense of Congress regarding the selection of officers for assignment as the Commander in Chief, United States Transportation Command.
Sec. 904. Organizational realignment for Navy Director for Expeditionary Warfare.
Sec. 905. Revised requirements for content of annual report on joint warfighting experimentation.
Sec. 906. Suspension of reorganization of engineering and technical authority policy within the Naval Sea Systems Command.
Sec. 907. Conforming amendments relating to change of name of Air Mobility Command.

#### Subtitle B—Organization and Management of Space Activities

Sec. 911. Establishment of position of Under Secretary of Defense for Space, Intelligence, and Information.
Sec. 912. Responsibility for space programs.
Sec. 913. Major force program category for space programs.
Sec. 914. Assessment of implementation of recommendations of Commission To Assess United States National Security Space Management and Organization.
Sec. 915. Grade of commander of Air Force Space Command.
Sec. 916. Sense of Congress regarding grade of officer assigned as Commander of United States Space Command.

### TITLE X—GENERAL PROVISIONS

#### Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Reduction in authorizations of appropriations for Department of Defense for management efficiencies.
Sec. 1003. Authorization of supplemental appropriations for fiscal year 2001.
Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2002.
Sec. 1005. Clarification of applicability of interest penalties for late payment of interim payments due under contracts for services.
Sec. 1006. Reliability of Department of Defense financial statements.
Sec. 1007. Financial Management Modernization Executive Committee and financial feeder systems compliance process.
Sec. 1008. Combating Terrorism Readiness Initiatives Fund for combatant commands.
Sec. 1009. Authorization of additional funds.
Sec. 1010. Authorization of 2001 Emergency Supplemental Appropriations Act for recovery from and response to terrorist attacks on the United States.

#### Subtitle B—Strategic Forces

Sec. 1011. Repeal of limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1012. Bomber force structure.
Sec. 1013. Additional element for revised nuclear posture review.

#### Subtitle C—Reporting Requirements

Sec. 1021. Information and recommendations on congressional reporting requirements applicable to the Department of Defense.
Sec. 1022. Report on combating terrorism.
Sec. 1023. Revised requirement for Chairman of the Joint Chiefs of Staff to advise Secretary of Defense on the assignment of roles and missions to the Armed Forces.
Sec. 1024. Revision of deadline for annual report on commercial and industrial activities.
Sec. 1025. Production and acquisition of vaccines for defense against biological warfare agents.
Sec. 1026. Extension of times for Commission on the Future of the United States Aerospace Industry to report and to terminate.

Sec. 1027. Comptroller General study and report on interconnectivity of National Guard Distributive Training Technology Project networks and related public and private networks.

### Subtitle D—Armed Forces Retirement Home

Sec. 1041. Amendment of Armed Forces Retirement Home Act of 1991.
Sec. 1042. Definitions.
Sec. 1043. Revision of authority establishing the Armed Forces Retirement Home.
Sec. 1044. Chief Operating Officer.
Sec. 1045. Residents of Retirement Home.
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Sec. 1047. Directors, Deputy Directors, and staff of facilities.
Sec. 1048. Disposition of effects of deceased persons and unclaimed property.
Sec. 1049. Transitional provisions.
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### Subtitle E—Other Matters

Sec. 1061. Requirement to conduct certain previously authorized educational programs for children and youth.
Sec. 1062. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.
Sec. 1063. Conveyances of equipment and related materials loaned to State and local governments as assistance for emergency response to a use or threatened use of a weapon of mass destruction.
Sec. 1064. Authority to pay gratuity to members of the Armed Forces and civilian employees of the United States for slave labor performed for Japan during World War II.
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Sec. 1072. Plan to ensure embarkation of civilian guests does not interfere with operational readiness and safe operation of Navy vessels.
Sec. 1073. Modernizing and enhancing missile wing helicopter support—study and plan.
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### TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

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Sec. 1102. Continued applicability of certain civil service protections for employees integrated into the National Imagery and Mapping Agency from the Defense Mapping Agency.

### Subtitle B—Matters Relating to Retirement

Sec. 1111. Federal employment retirement credit for nonappropriated fund instrumentality service.
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### Subtitle C—Other Matters

Sec. 1121. Housing allowance for the chaplain for the Corps of Cadets at the United States Military Academy.
Sec. 1122. Study of adequacy of compensation provided for teachers in the Department of Defense overseas dependents' schools.
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Sec. 1124. Participation of personnel in technical standards development activities.
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### TITLE XII—MATTERS RELATING TO OTHER NATIONS

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Sec. 1201. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1202. Funding allocations.
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Sec. 1205. Additional matter in annual report on activities and assistance under Cooperative Threat Reduction programs.

### Subtitle B—Other Matters

Sec. 1211. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
Sec. 1212. Cooperative research and development projects with NATO and other countries.
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Sec. 1214. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
Sec. 1215. Participation of government contractors in chemical weapons inspections at United States Government facilities under the Chemical Weapons Convention.
Sec. 1216. Authority to transfer naval vessels to certain foreign countries.
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### TITLE XIII—CONTINGENT AUTHORIZATION OF APPROPRIATIONS

Sec. 1301. Authorization of appropriations contingent on increased allocation of new budget authority.
Sec. 1302. Reductions.
Sec. 1303. Reference to Concurrent Resolution on the Budget for Fiscal Year 2002.

### DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

### TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

### TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
Sec. 2206. Modification of authority to carry out fiscal year 2000 project.

### TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
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### TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
Sec. 2405. Cancellation of authority to carry out additional fiscal year 2001 project.

Sec. 2406. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2407. Modification of authority to carry out certain fiscal year 1999 project.
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### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
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### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

### TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
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### TITLE XXVIII—GENERAL PROVISIONS

#### Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
Sec. 2802. Unforeseen environmental hazard remediation as basis for authorized cost variations for military construction and family housing construction projects.
Sec. 2803. Repeal of requirement for annual reports to Congress on military construction and military family housing activities.
Sec. 2804. Authority available for lease of property and facilities under alternative authority for acquisition and improvement of military housing.
Sec. 2805. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
Sec. 2806. Amendment of Federal Acquisition Regulation to treat financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

#### Subtitle B—Real Property and Facilities Administration

Sec. 2811. Availability of proceeds of sales of Department of Defense property from closed military installations.
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#### Subtitle C—Land Conveyances

Sec. 2821. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2822. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
Sec. 2823. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
Sec. 2824. Conveyance of segment of Loring Petroleum Pipeline, Maine, and related easements.
Sec. 2825. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.
Sec. 2826. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
Sec. 2827. Modification of land conveyance, Mukilteo Tank Farm, Everett, Washington.
Sec. 2828. Land conveyances, Charleston Air Force Base, South Carolina.
Sec. 2829. Land conveyance, Fort Des Moines, Iowa.
Sec. 2830. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
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Sec. 2833. Treatment of amounts received.

#### Subtitle D—Other Matters

Sec. 2841. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
Sec. 2842. Repeal of limitation on cost of renovation of Pentagon Reservation.
Sec. 2843. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.
Sec. 2844. Construction of parking garage at Fort DeRussy, Hawaii.
Sec. 2845. Acceptance of contributions to repair or establishment memorial at Pentagon Reservation.

### TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

#### Subtitle A—Modifications of 1990 Base Closure Law

Sec. 2901. Authority to carry out base closure round in 2003.
Sec. 2902. Base Closure Account 2003.
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#### Subtitle B—Modification of 1988 Base Closure Law

Sec. 2911. Payment for certain services provided by redevelopment authorities for property leased back by the United States.

## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

### TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
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#### Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on minor construction projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfer of defense environmental management funds.
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#### Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Limitation on availability of funds for weapons activities for facilities and infrastructure.
Sec. 3132. Limitation on availability of funds for other defense activities for national security programs administrative support.
Sec. 3133. Nuclear Cities Initiative.
Sec. 3134. Construction of Department of Energy operations office complex.

#### Subtitle D—Matters Relating to Management of National Nuclear Security Administration

Sec. 3141. Establishment of position of Deputy Administrator for Nuclear Security.
Sec. 3142. Responsibility for national security laboratories and weapons production facilities of Deputy Administrator of National Nuclear Security Administration for Defense Programs.
Sec. 3143. Clarification of status within the Department of Energy of administration and contractor personnel of the National Nuclear Security Administration.
Sec. 3144. Modification of authority of Administrator for Nuclear Security to establish scientific, engineering, and technical positions.

#### Subtitle E—Other Matters

Sec. 3151. Improvements to Energy Employees Occupational Illness Compensation Program.
Sec. 3152. Department of Energy counterintelligence polygraph program.
Sec. 3153. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3154. Additional objective for Department of Energy defense nuclear facility work force restructuring plan.
Sec. 3155. Modification of date of report of Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile.
Sec. 3156. Reports on achievement of milestones for National Ignition Facility.
Sec. 3157. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
Sec. 3158. Improvements to Corral Hollow Road, Livermore, California.
Sec. 3159. Annual assessment and report on vulnerability of Department of Energy facilities to terrorist attack.

#### Subtitle F—Rocky Flats National Wildlife Refuge

Sec. 3171. Short title.

Sec. 3172. Findings and purposes.
Sec. 3173. Definitions.
Sec. 3174. Future ownership and management.
Sec. 3175. Transfer of management responsibilities and jurisdiction over Rocky Flats.
Sec. 3176. Continuation of environmental cleanup and closure.
Sec. 3177. Rocky Flats National Wildlife Refuge.
Sec. 3178. Comprehensive conservation plan.
Sec. 3179. Property rights.
Sec. 3180. Rocky Flats Museum.
Sec. 3181. Report on funding.

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

## TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authority to dispose of certain materials in the National Defense Stockpile.
Sec. 3302. Revision of limitations on required disposals of cobalt in the National Defense Stockpile.
Sec. 3303. Acceleration of required disposal of cobalt in the National Defense Stockpile.
Sec. 3304. Revision of restriction on disposal of manganese ferro.

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

### SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

### SEC. 4. APPLICABILITY OF REPORT OF COMMITTEE ON ARMED SERVICES OF THE SENATE.

Senate Report 107-62, the report of the Committee on Armed Services of the Senate to accompany the bill S. 1416, 107th Congress, 1st session, shall apply to this Act with the exception of the portions of the report that relate to sections 221 through 224.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

## TITLE I—PROCUREMENT

### Subtitle A—Authorization of Appropriations

### SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:

(1) For aircraft, $2,123,391,000.

(2) For missiles, $1,807,384,000.

(3) For weapons and tracked combat vehicles, $2,276,746,000.

(4) For ammunition, $1,187,565,000.

(5) For other procurement, $4,024,486,000.

### SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

(1) For aircraft, $8,169,043,000.

(2) For weapons, including missiles and torpedoes, $1,503,475,000.

(3) For shipbuilding and conversion, $9,522,121,000.

(4) For other procurement, $4,293,476,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of $981,724,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of $476,099,000.

### SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

(1) For aircraft, $10,892,957,000.

(2) For ammunition, $885,344,000.

(3) For missiles, $3,286,136,000.

(4) For other procurement, $8,081,721,000.

### SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of $1,594,325,000.

### SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of $2,800,000.

### SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for the Office of the Secretary of Defense for fiscal year 2002 the amount of $1,153,557,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

### SEC. 107. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $267,915,000.

### Subtitle B—Army Programs

(RESERVED)

### Subtitle C—Navy Programs

### SEC. 121. VIRGINIA CLASS SUBMARINE PROGRAM.

Section 123(b)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-25) is amended—

(1) by striking "five Virginia class submarines" and inserting "seven Virginia class submarines"; and

(2) by striking "through 2006" and inserting "2007".

### SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-18E/F AIRCRAFT ENGINES.

Beginning with the 2002 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of engines for F/A-18E/F aircraft.

### SEC. 123. V-22 OSPREY AIRCRAFT PROGRAM.

The production rate for V-22 Osprey aircraft may not be increased above the minimum sustaining production rate for which funds are authorized to be appropriated by this Act until the Secretary of Defense certifies to Congress that successful operational testing of the aircraft demonstrates that—

(1) the solutions to the problems regarding the reliability of hydraulic system components and flight control software that were identified by the panel appointed by the Secretary of Defense on January 5, 2001, to review the V-22 aircraft program are adequate to achieve low risk for crews and passengers aboard V-22 aircraft that are operating under operational conditions;

(2) the V-22 aircraft can achieve reliability and maintainability levels that are sufficient for the aircraft to achieve operational availability at the level required for fleet aircraft;

(3) the V-22 aircraft will be operationally effective—

(A) when employed in operations with other V-22 aircraft; and

(B) when employed in operations with other types of aircraft; and

(4) the V-22 aircraft can be operated effectively, taking into consideration the downwash effects inherent in the operation of the aircraft, when the aircraft—

(A) is operated in remote areas with unimproved terrain and facilities;

(B) is deploying and recovering personnel—

(i) while hovering within the zone of ground effect; and

(ii) while hovering outside the zone of ground effect; and

(C) is operated with external loads.

### SEC. 124. ADDITIONAL MATTER RELATING TO V-22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V-22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V-22 Osprey aircraft, including a justification of each such waiver.

### Subtitle D—Air Force Programs

### SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C-17 AIRCRAFT.

Beginning with the 2002 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the procurement of up to 60 C-17 aircraft.

### Subtitle E—Other Matters

### SEC. 141. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 4543 note) is amended by striking "through 2001" and inserting "through 2002".

### SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A—Authorization of Appropriations

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $6,899,170,000.

(2) For the Navy, $11,134,806,000.

(3) For the Air Force, $14,459,457,000.

(4) For Defense-wide activities, $14,099,702,000, of which $221,355,000 is authorized for the Director of Operational Test and Evaluation.

(5) For the Defense Health Program, $65,304,000.

### SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2002.—Of the amounts authorized to be appropriated by section 201, $5,093,605,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

### SEC. 203. AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—The amount authorized to be appropriated in section 201(1) is increased by $2,500,000 in PE62303A214 for Enhanced Scramjet Mixing.

(b) OFFSET.—The amount authorized to be appropriated by section 301(5) is reduced by $2,500,000.

### SEC. 204. FUNDING FOR SPECIAL OPERATIONS FORCES COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, AND INTELLIGENCE SYSTEMS THREAT WARNING AND SITUATIONAL AWARENESS PROGRAM.

(a) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $2,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), $2,800,000 may be available for the Special Operations Forces Command, Control, Communications, Computers, and Intelligence Systems Threat Warning and Situational Awareness (PRIVATEER) program (PE1160405BB).

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,800,000.

## Subtitle B—Program Requirements, Restrictions, and Limitations

### SEC. 211. F-22 AIRCRAFT PROGRAM.

(a) REPEAL OF LIMITATIONS ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The following provisions of law are repealed:

(1) Section 217(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660).

(2) Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 702).

(3) Section 219(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-38).

(b) CONFORMING AMENDMENTS.—(1) Section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) is amended—

(A) in subsection (c)—

(i) by striking "limitations set forth in subsections (a) and (b)" and inserting "limitation set forth in subsection (b)"; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking subparagraphs (D) and (E).

(2) Section 131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 536) is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) That the production phase for that program can be executed within the limitation on total cost applicable to that program under section 217(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660)."; and

(B) in subsection (b)(3), by striking "for the remainder of the engineering and manufacturing development phase and".

### SEC. 212. C-5 AIRCRAFT RELIABILITY ENHANCEMENT AND REENGINING.

The Secretary of the Air Force shall ensure that engineering manufacturing and development under the C-5 aircraft reliability enhancement and reengining program includes kit development for an equal number of C-5A and C-5B aircraft.

### SEC. 213. REVIEW OF ALTERNATIVES TO THE V-22 OSPREY AIRCRAFT.

(a) REQUIREMENT FOR REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a review of the requirements of the Marine Corps and the Special Operations Command that the V-22 Osprey aircraft is intended to meet in order to identify the potential alternative means for meeting those requirements if the V-22 Osprey aircraft program were to be terminated.

(b) MATTERS TO BE INCLUDED.—The requirements reviewed shall include the following:

(1) The requirements to be met by an aircraft replacing the CH-46 medium lift helicopter.

(2) The requirements to be met by an aircraft replacing the MH-53 helicopter.

(c) FUNDING.—Of the amount authorized to be appropriated by section 201(2), $5,000,000 shall be available for carrying out the review required by this section.

### SEC. 214. JOINT BIOLOGICAL DEFENSE PROGRAM.

Section 217(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-36) is amended by striking "funds authorized to be appropriated by this Act may not" and inserting "no funds authorized to be appropriated to the Department of Defense for fiscal year 2002 may".

### SEC. 215. REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V-22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V-22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

### SEC. 216. BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $6,500,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $5,000,000 may be available for the Big Crow program; and

(2) $1,500,000 may be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $6,500,000.

## Subtitle C—Other Matters

### SEC. 231. TECHNOLOGY TRANSITION INITIATIVE.

(a) ESTABLISHMENT AND CONDUCT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2354 the following new section 2355:

**"§ 2355. Technology Transition Initiative**

"(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a Technology Transition Initiative to facilitate the rapid transition of new technologies from science and technology programs of the Department of Defense into acquisition programs for the production of the technologies.

"(b) OBJECTIVES.—The objectives of the Initiative are as follows:

"(1) To successfully demonstrate new technologies in relevant environments.

"(2) To ensure that new technologies are sufficiently mature for production.

"(c) MANAGEMENT.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to manage the Initiative.

"(2) In administering the Initiative, the Initiative Manager shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(3) The Initiative Manager shall—

"(A) in consultation with the Commander of the Joint Forces Command, identify promising technologies that have been demonstrated in science and technology programs of the Department of Defense;

"(B) identify potential sponsors in the Department of Defense to undertake the transition of such technologies into production;

"(C) work with the science and technology community and the acquisition community to develop memoranda of agreement, joint funding agreements, and other cooperative arrangements to provide for the transition of the technologies into production; and

"(D) provide funding support for selected projects as provided under subsection (d).

"(d) JOINTLY FUNDED PROJECTS.—(1) The senior procurement executive of each military department shall select technology projects of the military department to recommend for funding support under the Initiative and shall submit a list of the recommended projects, ranked in order of priority, to the Initiative Manager. The projects shall be selected, in a competitive process, on the basis of the highest potential benefits in areas of interest identified by the Secretary of that military department.

"(2) The Initiative Manager, in consultation with the Commander of the Joint Forces Command, shall select projects for funding support from among the projects on the lists submitted under paragraph (1). The Initiative Manager shall provide funds, out of the Technology Transition Fund, for each selected project. The total amount provided for a project shall be an amount that equals or exceeds 50 percent of the total cost of the project.

"(3) The senior procurement executive of the military department shall manage each project selected under paragraph (2) that is undertaken by the military department. Memoranda of agreement, joint funding agreements, and other cooperative arrangements between the science and technology community and the acquisition community shall be used in carrying out the project if the senior procurement executive determines that it is appropriate to do so to achieve the objectives of the project.

"(e) TECHNOLOGY TRANSITION FUND.—(1) There is established in the Treasury of the United States a fund to be known as the 'Technology Transition Fund'.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Initiative Manager shall administer the Fund consistent with the provisions of this section.

"(3) Amounts appropriated for the Initiative shall be deposited in the Fund.

"(4) Amounts in the Fund shall be available, to the extent provided in appropriations Acts, for carrying out the Initiative.

"(5) The President shall specify in the budget submitted for a fiscal year pursuant to section 1105(a) of title 31 the amount provided in that budget for the Initiative.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Initiative' means the Technology Transition Initiative carried out under this section.

"(2) The term 'Initiative Manager' means the official designated to manage the Initiative under subsection (c).

"(3) The term 'Fund' means the Technology Transition Fund established under subsection (e).

"(4) The term 'senior procurement executive', with respect to a military department, means the official designated as the senior procurement executive for that military department under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2354 the following new item:

"2355. Technology Transition Initiative.".

### SEC. 232. COMMUNICATION OF SAFETY CONCERNS BETWEEN OPERATIONAL TESTING AND EVALUATION OFFICIALS AND PROGRAM MANAGERS.

Section 139 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Director shall ensure that safety concerns developed during the operational test and evaluation of a weapon system under a major defense acquisition program are timely communicated to the program manager for consideration in the acquisition decisionmaking process.".

### SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking "$10,873,712,000" and inserting "$10,874,712,000".

## TITLE III—OPERATION AND MAINTENANCE

## Subtitle A—Authorization of Appropriations

### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $21,134,982,000.

(2) For the Navy, $26,927,931,000.

(3) For the Marine Corps, $2,911,339,000.

(4) For the Air Force, $25,993,582,000.

(5) For Defense-wide activities, $12,482,532,000.

(6) For the Army Reserve, $1,803,146,000.

(7) For the Naval Reserve, $1,000,369,000.

(8) For the Marine Corps Reserve, $142,956,000.

(9) For the Air Force Reserve, $2,029,866,000.

(10) For the Army National Guard, $3,697,659,000.

(11) For the Air National Guard, $4,037,161,000.

(12) For the Defense Inspector General, $149,221,000.

(13) For the United States Court of Appeals for the Armed Forces, $9,096,000.

(14) For Environmental Restoration, Army, $389,800,000.

(15) For Environmental Restoration, Navy, $257,517,000.

(16) For Environmental Restoration, Air Force, $385,437,000.

(17) For Environmental Restoration, Defense-wide, $23,492,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $190,255,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,700,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $860,381,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $60,000,000.

(22) For the Defense Health Program, $17,546,750,000.

(23) For Cooperative Threat Reduction programs, $403,000,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,844,226,000.

(25) For Support for International Sporting Competitions, Defense, $15,800,000.

### SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,917,186,000.

(2) For the National Defense Sealift Fund, $506,408,000.

### SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of $22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

### SEC. 304. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2002 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

### SEC. 305. AMOUNT FOR IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated under section 301(5), $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77).

### SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

### SEC. 307. ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES.

Of the funds authorized to be appropriated for section 301, $230,255,000 shall be available for Environmental Restoration, Formerly Used Defense Sites.

### SEC. 308. AUTHORIZATION OF ADDITIONAL FUNDS.

Of the amount authorized to be appropriated by section 301(5), $2,000,000 may be available for the replacement and refurbishment of air handlers and related control systems at Air Force medical centers.

### SEC. 309. FUNDS FOR RENOVATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES ADJACENT TO NAVAL TRAINING CENTER, GREAT LAKES, ILLINOIS.

(a) Availability of Funds for Renovation.—Subject to subsection (b), of the amount authorized to be appropriated by section 301(2) for operations and maintenance for the Navy, the Secretary of the Navy may make available to the Secretary of Veterans Affairs up to $2,000,000 for relocation of Department of Veterans Affairs activities and associated renovation of existing facilities at the North Chicago Department of Veterans Affairs Medical Center.

(b) Limitation.—The Secretary of the Navy may make funds available under subsection (a) only after the Secretary of the Navy and the Secretary of Veterans Affairs enter into an appropriate agreement for the use by the Secretary of the Navy of approximately 48 acres of real property at the North Chicago Department of Veterans Affairs property referred to in subsection (a) for expansion of the Naval Training Center, Great Lakes, Illinois.

## Subtitle B—Environmental Provisions

### SEC. 311. ESTABLISHMENT IN ENVIRONMENTAL RESTORATION ACCOUNTS OF SUB-ACCOUNTS FOR UNEXPLODED ORDNANCE AND RELATED CONSTITUENTS.

Section 2703 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Sub-Accounts for Unexploded Ordnance and Related Constituents.—There is hereby established within each environmental restoration account established under subsection (a) a sub-account to be known as the 'Environmental Restoration Sub-Account, Unexploded Ordnance and Related Constituents', for the account concerned.".

### SEC. 312. ASSESSMENT OF ENVIRONMENTAL REMEDIATION OF UNEXPLODED ORDNANCE AND RELATED CONSTITUENTS.

(a) Report Required.—The report submitted to Congress under section 2706(a) of title 10, United States Code, in 2002 shall include, in addition to the matters required by such section, a comprehensive assessment of the extent of unexploded ordnance and related constituents at current and former facilities of the Department of Defense.

(b) Elements.—The assessment included under subsection (a) in the report referred to in that subsection shall include, at a minimum—

(1) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all active facilities of the Department;

(2) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all installations that are being, or have been, closed or realigned under the base closure laws as of the date of the report under subsection (a);

(3) an estimate of the aggregate projected costs of the remediation of unexploded ordnance and related constituents at all formerly used defense sites;

(4) a comprehensive plan for addressing the unexploded ordinance and related constituents referred to in paragraphs (1) through (3), including an assessment of the funding required and the period of time over which such funding will be provided; and

(5) an assessment of the technology available for the remediation of unexploded ordnance and related constituents, an assessment of the impact of improved technology on the cost of remediation of such ordnance and constituents, and a plan for the development and utilization of such improved technology.

(c) Requirements for Estimates.—(1) The estimates of aggregate projected costs under each of paragraphs (1), (2), and (3) of subsection (b) shall—

(A) be stated as a range of aggregate projected costs, including a low estimate and a high estimate;

(B) set forth the differing assumptions underlying each such low estimate and high estimate, including—

(i) any public uses for the facilities, installations, or sites concerned that will be available after the remediation has been completed;

(ii) the extent of the cleanup required to make the facilities, installations, or sites concerned available for such uses; and

(iii) the technologies to be applied to utilized this purpose; and

(C) include, and identify separately, an estimate of the aggregate projected costs of the remediation of any ground water contamination that may be caused by unexploded ordnance and related constituents at the facilities, installations, or sites concerned.

(2) The high estimate of the aggregate projected costs for facilities and installations under paragraph (1)(A) shall be based on the assumption that all unexploded ordnance and related constituents at such facilities and installations will be addressed, regardless of whether there are any current plans to close such facilities or installations or discontinue training at such facilities or installations.

(3) The estimate of the aggregate projected costs of remediation of ground water contamination under paragraph (1)(C) shall be based on a comprehensive assessment of the risk of such contamination and of the actions required to protect the ground water supplies concerned.

### SEC. 313. DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAM.

(a) In General.—The Secretary of Defense shall carry out a program to significantly improve the energy efficiency of Department of Defense facilities through 2010.

(b) Responsible Officials.—The Secretary shall designate a senior official of the Department of Defense to be responsible for managing the program for the Department and a senior official of each military department to be responsible for managing the program for such department.

(c) Energy Efficiency Goals.—The goal of the program shall be to achieve reductions in energy consumption by Department facilities as follows:

(1) In the case of industrial and laboratory facilities, reductions in the average energy consumption per square foot of such facilities, per unit of production or other applicable unit, relative to energy consumption in 1990—

(A) by 20 percent by 2005; and

(B) by 25 percent by 2010.

(2) In the case of other facilities, reductions in average energy consumption per gross square foot of such facilities, relative to energy consumption per gross square foot in 1985—

(A) by 30 percent by 2005; and

(B) by 35 percent by 2010.

(d) Strategies for Improving Energy Efficiency.—In order to achieve the goals set forth in subsection (c), the Secretary shall, to the maximum extent practicable—

(1) purchase energy-efficient products, as so designated by the Environmental Protection Agency and the Department of Energy, and other energy-efficient products;

(2) utilize energy savings performance contracts, utility energy-efficiency service contracts, and other contracts designed to achieve energy conservation;

(3) use life-cycle cost analysis, including assessment of life-cycle energy costs, in making decisions about investments in products, services, construction, and other projects;

(4) conduct energy efficiency audits for approximately 10 percent of all Department of Defense facilities each year;,

(5) explore opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching; and

(6) retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs.

(e) Reports.— Not later than January 1, 2002, and annually thereafter through 2010, the Secretary shall submit to the congressional defense committees a report on progress made toward achieving the goals set forth in subsection (c). Each report shall include, at a minimum—

(1) the percentage reduction in energy consumption accomplished as of the date of such report by the Department, and by each of the military departments, in facilities covered by the goals set forth in subsection (c)(1);

(2) the percentage reduction in energy consumption accomplished as of the date of such report by the Department, and by each of the military departments, in facilities covered by the goals set forth in subsection (c)(2); and

(3) the steps taken by the Department, and by each of the military departments, to implement the energy efficiency strategies required by subsection (d) in the preceding calendar year.

### SEC. 314. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

Section 351(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2701 note) is amended by striking "September 30, 2001" and inserting "September 30, 2003".

### SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN RESPONSE COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

(a) Authority To Reimburse.—Using amounts specified in subsection (c), the Secretary of the Navy may pay $1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for the response costs incurred by the Environmental Protection Agency for actions taken between May 12, 1992, and July 31, 2000, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, in accordance with the Interagency Agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

(b) Treatment of Reimbursement.—Payment of the amount authorized by subsection (a) shall be in full satisfaction of amounts due from the Department of the

Navy to the Environmental Protection Agency for the response costs described in that subsection.

(c) Source of Funds.—Payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301(15) to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of title 10, United States Code.

### SEC. 316. CONFORMITY OF SURETY AUTHORITY UNDER ENVIRONMENTAL RESTORATION PROGRAM WITH SURETY AUTHORITY UNDER SUPERFUND.

Section 2701(j)(1) of title 10, United States Code, is amended by striking "or after December 31, 1999".

### SEC. 317. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID ELECTRIC LIGHT DUTY TRUCKS.

(a) Defense Fleets Not Covered by Requirement in Energy Policy Act of 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that only hybrid electric vehicles are procured by the Administrator for the Department of Defense fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) The Secretary, in consultation with the Administrator, may waive the policy regarding the procurement of hybrid electric vehicles in paragraph (1) to the extent that the Secretary determines necessary—

(A) in the case of trucks that are exempt from the requirements of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for national security reasons under subsection (b)(3)(E) of such section, to meet specific requirements of the Department of Defense for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government; or

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid electric vehicles.

(3) This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) Requirement To Exceed Requirement in Energy Policy Act of 1992.—(1) The Secretary of Defense shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured in fiscal years after fiscal year 2004 for the fleets of light duty vehicles of the Department of Defense to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies—

(A) five percent of the total number of such trucks that are procured in each of fiscal years 2005 and 2006 are alternative fueled vehicles or hybrid electric vehicles; and

(B) ten percent of the total number of such trucks that are procured in each fiscal year after fiscal year 2006 are alternative fueled vehicles or hybrid electric vehicles.

(2) Light duty trucks acquired for the Department of Defense that are counted to comply with section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for a fiscal year shall be counted to determine the total number of light duty trucks procured for the Department of Defense for that fiscal year for the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) Report on Plans for Implementation.—At the same time that the President submits the budget for fiscal year 2003 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (a) and (b).

(d) Definitions.—In this section:

(1) The term "hybrid electric vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system.

(2) The term "alternative fueled vehicle" has the meaning given that term in section 301 of the Energy Policy Act of 1992 (43 U.S.C. 13211).

## Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

### SEC. 321. REBATE AGREEMENTS WITH PRODUCERS OF FOODS PROVIDED UNDER THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(b) of title 10, United States Code, is amended—

(1) by striking "(b) Funding Mechanism.—" and inserting "(b) Funding.—(1); and

(2) by adding at the end the following new paragraph:

"(2)(A) In the administration of the program under this section, the Secretary of Defense may enter into a contract with a producer of a particular brand of food that provides for—

"(i) the Secretary of Defense to procure that particular brand of food, exclusive of other brands of the same or similar food, for the purpose of providing the food in commissary stores of the Department of Defense as a supplemental food under the program; and

"(ii) the producer to rebate to the Department of Defense amounts equal to agreed portions of the amounts paid by the department for the procurement of that particular brand of food for the program.

"(B) The Secretary shall use competitive procedures under chapter 137 of this title for entering into contracts under this paragraph.

"(C) The period covered by a contract entered into under this paragraph may not exceed one year. No such contract may be extended by a modification of the contract, by exercise of an option, or by any other means. Nothing in this subparagraph prohibits a contractor under a contract entered into under this paragraph for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this paragraph for a successive year.

"(D) Amounts rebated under a contract entered into under subparagraph (A) shall be credited to the appropriation available for carrying out the program under this section in the fiscal year in which rebated, shall be merged with the other sums in that appropriation, and shall be available for the program for the same period as the other sums in the appropriation.".

### SEC. 322. REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS FOR PURPOSES OTHER THAN COMMISSARY SALES.

(a) Requirement.—Chapter 147 of title 10, United States Code, is amended by inserting after section 2482a the following new section:

**"§ 2483. Commissary stores: reimbursement for use of commissary facilities by military departments**

"(a) Payment Required.—The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under subsection (b) for any use of a commissary facility by the military department for a purpose other than commissary sales or operations in support of commissary sales.

"(b) Amount.—The amount payable under subsection (a) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

"(c) Covered Facilities.—This section applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of an adjustment or surcharge applied under section 2486(c) of this title.

"(d) Crediting of Payments.—The Director of the Defense Commissary Agency shall credit amounts paid under this section for use of a facility to an appropriate account to which proceeds of an adjustment or surcharge referred to in subsection (c) are credited.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2482a the following new item:

"2483. Commissary stores: reimbursement for use of commissary facilities by military departments.".

### SEC. 323. PUBLIC RELEASES OF COMMERCIALLY VALUABLE INFORMATION OF COMMISSARY STORES.

(a) Limitations and Authority.—Section 2487 of title 10, United States Code, is amended to read as follows:

**"§ 2487. Commissary stores: release of certain commercially valuable information to the public**

"(a) Authority To Limit Release.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

"(2) Paragraph (1) applies to the following:

"(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

"(i) Data relating to sales of goods or services.

"(ii) Demographic information on customers.

"(iii) Any other information pertaining to commissary transactions and operations.

"(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

"(b) Release Authority.—(1) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in subsection (a)(2).

"(2) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to—

"(A) the manufacturer or producer of that item; or

"(B) the manufacturer or producer's agent when necessary to accommodate electronic ordering of the item by commissary stores.

"(3) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in subsection (a)(2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

"(4) Each contract entered into under this subsection shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

"(c) FORM OF RELEASE.—Information described in subsection (a)(2) may not be released, under subsection (b) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

"(d) RECEIPTS.—Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.

"(e) DEFINITIONS.—In this section, the term 'commissary surcharge' means any adjustment or surcharge applied under section 2486(c) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2487. Commissary stores: release of certain commercially valuable information to the public.".

## Subtitle D—Other Matters

### SEC. 331. CODIFICATION OF AUTHORITY FOR DEPARTMENT OF DEFENSE SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

(a) AUTHORITY.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 383. Additional support for counterdrug activities of other agencies**

"(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counterdrug activities of any other department or agency of the Federal Government or of any State, local, or foreign law enforcement agency for any of the purposes set forth in subsection (b) if such support is requested—

"(1) by the official who has responsibility for the counterdrug activities of the department or agency of the Federal Government, in the case of support for the department or agency;

"(2) by the appropriate official of a State or local government, in the case of support for the State or local law enforcement agency; or

"(3) by an appropriate official of a department or agency of the Federal Government that has counterdrug responsibilities, in the case of support for a foreign law enforcement agency.

"(b) TYPES OF SUPPORT.—The purposes for which the Secretary may provide support under subsection (a) are the following:

"(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of—

"(A) preserving the potential future utility of such equipment for the Department of Defense; and

"(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

"(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in subparagraph (A) for the purpose of—

"(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

"(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

"(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities within or outside the United States.

"(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities of the Department of Defense or any Federal, State, or local law enforcement agency within or outside the United States or counterdrug activities of a foreign law enforcement agency outside the United States.

"(5) Counterdrug related training of law enforcement personnel of the Federal Government, of State and local governments, and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

"(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

"(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

"(9) The provision of linguist and intelligence analysis services.

"(10) Aerial and ground reconnaissance.

"(c) LIMITATION ON COUNTERDRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

"(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

"(e) LIMITED WAIVER OF PROHIBITION—Notwithstanding section 376 of this title, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

"(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564; 10 U.S.C. 124 note)) for the purpose of aiding civilian law enforcement agencies.

"(g) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counterdrug activities by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the requirements of any other provision of this chapter.

"(2) Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

"(h) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—(1) When a decision is made to carry out a military construction project described in paragraph (2), the Secretary of Defense shall submit to the committees of Congress named in paragraph (3) a written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by the committees.

"(2) Paragraph (1) applies to an unspecified minor military construction project that—

"(A) is intended for the modification or repair of a Department of Defense facility for the purpose set forth in subsection (b)(4); and

"(B) has an estimated cost of more than $500,000.

"(3) The committees referred to in paragraph (1) are as follows:

"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"383. Additional support for counterdrug activities of other agencies.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is repealed.

(c) SAVINGS PROVISION.—The repeal of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b) shall not affect any support provided under that section that is ongoing as of the date of the enactment of this Act. The support may be continued in accordance with section 383 of title 10, United States Code, as added by subsection (a).

### SEC. 332. EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) AMOUNTS EXCLUDED.—Amounts expended out of funds described in subsection (b) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence designated pursuant to section 2474(a) of title 10, United States Code, shall not be counted for purposes of section 2466(a) of such title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under section 2474(b) of such title.

(b) FUNDS FOR FISCAL YEARS 2002 THROUGH 2004.—The funds referred to in subsection (a) are funds available to the military departments for depot-level maintenance and repair workloads for fiscal years 2002, 2003, and 2004.

### SEC. 333. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COQUETTE, FRANCE.

(a) AUTHORITY TO MAKE GRANT.—The Secretary of the Air Force may, using amounts specified in subsection (d), make a grant to the Lafayette Escadrille Memorial Foundation, Inc., for purposes of the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coquette, France.

(b) GRANT AMOUNT.—The amount of the grant under subsection (a) may not exceed $2,000,000.

(c) USE OF GRANT.—Amounts from the grant under this section shall be used solely for the purposes described in subsection (a). None of such amounts may be used for remuneration of any entity or individual associated with fundraising for any project for such purposes.

(d) FUNDS FOR GRANT.—Funds for the grant under this section shall be derived from amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force for fiscal year 2002.

### SEC. 334. IMPLEMENTATION OF THE NAVY-MARINE CORPS INTRANET CONTRACT.

(a) ADDITIONAL PHASE-IN AUTHORITY.—Subsection (b) of section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–215) is amended by adding at the end the following new paragraphs:

"(5)(A) The Secretary of the Navy may, before the submittal of the joint certification referred to in paragraph (3)(D), contract for one or more additional increments of work stations under the Navy-Marine Corps Intranet contract, with the number of work stations to be ordered in each additional increment to be determined by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) Upon determining the number of work stations in an additional increment for purposes of subparagraph (A), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report, current as of the date of such determination, on the following:

"(i) The number of work stations operating on the Navy-Marine Corps Intranet.

"(ii) The status of testing and implementation of the Navy-Marine Corps Intranet program.

"(iii) The number of work stations to be contracted for in the additional increment.

"(C) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination to order any number of work stations to be contracted for under subparagraph (A) in excess of the number permitted under paragraph (2) until—

"(i) the completion of a three-phase contractor test and user evaluation, observed by the Department of Defense, of the work stations operating on the Navy-Marine Corps Intranet at the first three sites under the Navy-Marine Corps Intranet program; and

"(ii) the Chief Information Officer of the Navy has certified to the Secretary of the Navy and the Chief Information Officer of the Department of Defense that the results of the test and evaluation referred to in clause (i) are acceptable.

"(D) The Under Secretary of Defense for Acquisition, Technology, and Logistics may not make a determination to order any number of work stations to be contracted for under subparagraph (A) in excess of the number provided for under subparagraph (C) until—

"(i) there has been a full transition of not less than 20,000 work stations to the Navy-Marine Corps Intranet;

"(ii) the work stations referred to in clause (i) have met service-level agreements specified in the Navy-Marine Corps Intranet contract for not less than 30 days, as determined by contractor performance measurement under oversight by the Department of the Navy; and

"(iii) the Chief Information Officer of the Department of Defense and the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence jointly certify to the congressional defense committees that the results of testing of the work stations referred to in clause (i) are acceptable.".

(b) DEFINITIONS.—Subsection (f) of that section is amended to read as follows:

"(f) DEFINITIONS.—In this section:

"(1) The term 'Navy-Marine Corps Intranet contract' means a contract providing for a long-term arrangement of the Department of the Navy with the commercial sector that imposes on the contractor a responsibility for, and transfers to the contractor the risk of, providing and managing the significant majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

"(2) The term 'provide', in the case of a work station under the Navy-Marine Corps Intranet contract, means transfer of the legacy information infrastructure and systems of the user of the work station to Navy-Marine Corps Intranet infrastructure and systems of the work station under the Navy-Marine Corps Intranet contract and performance thereof consistent with the service-level agreements specified in the Navy-Marine Corps Intranet contract.".

### SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) IN GENERAL.—Section 2466(c) of title 10, United States Code, is amended to read as follows:

"(c) WAIVER OF LIMITATION.—(1) The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

"(A) the Secretary of Defense determines that the waiver is necessary for reasons of national security; and

"(B) the Secretary of Defense submits to Congress a notification of the waiver together with the reasons for the waiver; and

"(2) The Secretary of Defense may not delegate the authority to exercise the waiver authority under paragraph (1).".

(b) REPORT.—The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary's strategy regarding the operations of the public depots.

### SEC. 336. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking "September 30, 1999" and inserting "September 30, 2003".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "January 1, 2000" and inserting "January 1, 2003"; and

(2) in paragraph (2), by striking "March 1, 2000" and inserting "March 1, 2003".

### SEC. 337. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

### SEC. 338. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER EXPANDED ARABIC LANGUAGE PROGRAM.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

### SEC. 339. CONSEQUENCE MANAGEMENT TRAINING.

Of the amount authorized to be appropriated by section 301(5), $5,000,000 may be available for the training of members of the Armed Forces (including reserve component personnel) in the management of the consequences of an incident involving the use or threat of use of a weapon of mass destruction.

### SEC. 340. CRITICAL INFRASTRUCTURE PROTECTION INITIATIVE OF THE NAVY.

Of the amount authorized to be appropriated by section 301(2), $6,000,000 shall be available for the critical infrastructure protection initiative of the Navy.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## Subtitle A—Active Forces

### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

(1) The Army, 480,000.
(2) The Navy, 376,000.
(3) The Marine Corps, 172,600.
(4) The Air Force, 358,800.

### SEC. 402. AUTHORIZED DAILY AVERAGE ACTIVE DUTY STRENGTH FOR NAVY ENLISTED MEMBERS IN PAY GRADE E-8.

(a) IN GENERAL.—Section 517(a) of title 10, United States Code, is amended by inserting "or the Navy" after "in the case of the Army".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to fiscal years beginning on or after that date.

## Subtitle B—Reserve Forces

### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 87,000.
(4) The Marine Corps Reserve, 39,558.
(5) The Air National Guard of the United States, 108,400.
(6) The Air Force Reserve, 74,700.
(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of

the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,698.

(2) The Army Reserve, 13,406.

(3) The Naval Reserve, 14,811.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 11,591.

(6) The Air Force Reserve, 1,437.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,249.

(2) For the Army National Guard of the United States, 23,615.

(3) For the Air Force Reserve, 9,818.

(4) For the Air National Guard of the United States, 22,422.

**SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.**

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

(1) For the Army Reserve, 1,095.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

**SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.**

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

"(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

| "Total number of members of a reserve component serving on full-time reserve component duty: | Number of officers of that reserve component who may be serving in the grade of: | | |
|---|---|---|---|
| | Major | Lieutenant Colonel | Colonel |
| Army Reserve: | | | |
| 10,000 | 1,390 | 740 | 230 |
| 11,000 | 1,529 | 803 | 242 |
| 12,000 | 1,668 | 864 | 252 |
| 13,000 | 1,804 | 924 | 262 |
| 14,000 | 1,940 | 984 | 272 |
| 15,000 | 2,075 | 1,044 | 282 |
| 16,000 | 2,210 | 1,104 | 291 |
| 17,000 | 2,345 | 1,164 | 300 |
| 18,000 | 2,479 | 1,223 | 309 |
| 19,000 | 2,613 | 1,282 | 318 |
| 20,000 | 2,747 | 1,341 | 327 |
| 21,000 | 2,877 | 1,400 | 336 |
| Army National Guard: | | | |
| 20,000 | 1,500 | 850 | 325 |
| 22,000 | 1,650 | 930 | 350 |
| 24,000 | 1,790 | 1,010 | 370 |
| 26,000 | 1,930 | 1,085 | 385 |
| 28,000 | 2,070 | 1,160 | 400 |
| 30,000 | 2,200 | 1,235 | 405 |
| 32,000 | 2,330 | 1,305 | 408 |
| 34,000 | 2,450 | 1,375 | 411 |
| 36,000 | 2,570 | 1,445 | 411 |
| 38,000 | 2,670 | 1,515 | 411 |
| 40,000 | 2,770 | 1,580 | 411 |
| 42,000 | 2,837 | 1,644 | 411 |
| Marine Corps Reserve: | | | |
| 1,100 | 106 | 56 | 20 |
| 1,200 | 110 | 60 | 21 |
| 1,300 | 114 | 63 | 22 |
| 1,400 | 118 | 66 | 23 |
| 1,500 | 121 | 69 | 24 |
| 1,600 | 124 | 72 | 25 |
| 1,700 | 127 | 75 | 26 |
| 1,800 | 130 | 78 | 27 |
| 1,900 | 133 | 81 | 28 |
| 2,000 | 136 | 84 | 29 |
| 2,100 | 139 | 87 | 30 |
| 2,200 | 141 | 90 | 31 |
| 2,300 | 143 | 92 | 32 |
| 2,400 | 145 | 94 | 33 |
| 2,500 | 147 | 96 | 34 |
| 2,600 | 149 | 98 | 35 |
| Air Force Reserve: | | | |
| 500 | 83 | 85 | 50 |
| 1,000 | 155 | 165 | 95 |
| 1,500 | 220 | 240 | 135 |
| 2,000 | 285 | 310 | 170 |
| 2,500 | 350 | 369 | 203 |
| 3,000 | 413 | 420 | 220 |
| 3,500 | 473 | 464 | 230 |
| 4,000 | 530 | 500 | 240 |
| 4,500 | 585 | 529 | 247 |
| 5,000 | 638 | 550 | 254 |
| 5,500 | 688 | 565 | 261 |

| “Total number of members of a reserve component serving on full-time reserve component duty: | Number of officers of that reserve component who may be serving in the grade of: | | |
|---|---|---|---|
| | Major | Lieutenant Colonel | Colonel |
| 6,000 | 735 | 575 | 268 |
| 7,000 | 770 | 595 | 280 |
| 8,000 | 805 | 615 | 290 |
| 10,000 | 835 | 635 | 300 |
| Air National Guard: | | | |
| 5,000 | 333 | 335 | 251 |
| 6,000 | 403 | 394 | 260 |
| 7,000 | 472 | 453 | 269 |
| 8,000 | 539 | 512 | 278 |
| 9,000 | 606 | 571 | 287 |
| 10,000 | 673 | 630 | 296 |
| 11,000 | 740 | 688 | 305 |
| 12,000 | 807 | 742 | 314 |
| 13,000 | 873 | 795 | 323 |
| 14,000 | 939 | 848 | 332 |
| 15,000 | 1,005 | 898 | 341 |
| 16,000 | 1,067 | 948 | 350 |
| 17,000 | 1,126 | 998 | 359 |
| 18,000 | 1,185 | 1,048 | 368 |
| 19,000 | 1,235 | 1,098 | 377 |
| 20,000 | 1,283 | 1,148 | 380. |

“(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

| “Total number of members of Naval Reserve serving on full-time reserve component duty: | Number of officers who may be serving in the grade of: | | |
|---|---|---|---|
| | Lieutenant commander | Commander | Captain |
| 10,000 | 807 | 447 | 141 |
| 11,000 | 867 | 467 | 153 |
| 12,000 | 924 | 485 | 163 |
| 13,000 | 980 | 503 | 173 |
| 14,000 | 1,035 | 521 | 183 |
| 15,000 | 1,088 | 538 | 193 |
| 16,000 | 1,142 | 555 | 203 |
| 17,000 | 1,195 | 565 | 213 |
| 18,000 | 1,246 | 575 | 223 |
| 19,000 | 1,291 | 585 | 233 |
| 20,000 | 1,334 | 595 | 242 |
| 21,000 | 1,364 | 603 | 250 |
| 22,000 | 1,384 | 610 | 258 |
| 23,000 | 1,400 | 615 | 265 |
| 24,000 | 1,410 | 620 | 270. |

“(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

“(d) SECRETARIAL WAIVER.—Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

“(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term ‘full-time reserve component duty’ means the following duty:

“(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

“(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

“(3) Active duty described in section 708 of title 32.”.

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

“(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E-8 and E-9 who may be serving on active duty under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

| “Total number of members of a reserve component serving on full-time reserve component duty: | Number of members of that reserve component who may be serving in the grade of: | |
|---|---|---|
| | E-8 | E-9 |
| Army Reserve: | | |
| 10,000 | 1,052 | 154 |
| 11,000 | 1,126 | 168 |
| 12,000 | 1,195 | 180 |
| 13,000 | 1,261 | 191 |
| 14,000 | 1,327 | 202 |
| 15,000 | 1,391 | 213 |
| 16,000 | 1,455 | 224 |
| 17,000 | 1,519 | 235 |
| 18,000 | 1,583 | 246 |
| 19,000 | 1,647 | 257 |
| 20,000 | 1,711 | 268 |
| 21,000 | 1,775 | 278 |
| Army National Guard: | | |
| 20,000 | 1,650 | 550 |
| 22,000 | 1,775 | 615 |
| 24,000 | 1,900 | 645 |
| 26,000 | 1,945 | 675 |

| "Total number of members of a reserve component serving on full-time reserve component duty: | Number of members of that reserve component who may be serving in the grade of: | |
|---|---|---|
| | E-8 | E-9 |
| 28,000 ......... | 1,945 | 705 |
| 30,000 ......... | 1,945 | 725 |
| 32,000 ......... | 1,945 | 730 |
| 34,000 ......... | 1,945 | 735 |
| 36,000 ......... | 1,945 | 738 |
| 38,000 ......... | 1,945 | 741 |
| 40,000 ......... | 1,945 | 743 |
| 42,000 ......... | 1,945 | 743 |
| Naval Reserve: | | |
| 10,000 ......... | 340 | 143 |
| 11,000 ......... | 364 | 156 |
| 12,000 ......... | 386 | 169 |
| 13,000 ......... | 407 | 182 |
| 14,000 ......... | 423 | 195 |
| 15,000 ......... | 435 | 208 |
| 16,000 ......... | 447 | 221 |
| 17,000 ......... | 459 | 234 |
| 18,000 ......... | 471 | 247 |
| 19,000 ......... | 483 | 260 |
| 20,000 ......... | 495 | 273 |
| 21,000 ......... | 507 | 286 |
| 22,000 ......... | 519 | 299 |
| 23,000 ......... | 531 | 312 |
| 24,000 ......... | 540 | 325 |
| Marine Corps Reserve: | | |
| 1,100 .......... | 50 | 11 |
| 1,200 .......... | 55 | 12 |
| 1,300 .......... | 60 | 13 |
| 1,400 .......... | 65 | 14 |
| 1,500 .......... | 70 | 15 |
| 1,600 .......... | 75 | 16 |
| 1,700 .......... | 80 | 17 |
| 1,800 .......... | 85 | 18 |
| 1,900 .......... | 89 | 19 |
| 2,000 .......... | 93 | 20 |
| 2,100 .......... | 96 | 21 |
| 2,200 .......... | 99 | 22 |
| 2,300 .......... | 101 | 23 |
| 2,400 .......... | 103 | 24 |
| 2,500 .......... | 105 | 25 |
| 2,600 .......... | 107 | 26 |
| Air Force Reserve: | | |
| 500 ............. | 75 | 40 |
| 1,000 .......... | 145 | 75 |
| 1,500 .......... | 208 | 105 |
| 2,000 .......... | 270 | 130 |
| 2,500 .......... | 325 | 150 |
| 3,000 .......... | 375 | 170 |
| 3,500 .......... | 420 | 190 |
| 4,000 .......... | 460 | 210 |
| 4,500 .......... | 495 | 230 |
| 5,000 .......... | 530 | 250 |
| 5,500 .......... | 565 | 270 |
| 6,000 .......... | 600 | 290 |
| 7,000 .......... | 670 | 330 |
| 8,000 .......... | 740 | 370 |
| 10,000 ......... | 800 | 400 |
| Air National Guard | | |
| 5,000 .......... | 1,020 | 405 |
| 6,000 .......... | 1,070 | 435 |
| 7,000 .......... | 1,120 | 465 |
| 8,000 .......... | 1,170 | 490 |
| 9,000 .......... | 1,220 | 510 |
| 10,000 ......... | 1,270 | 530 |
| 11,000 ......... | 1,320 | 550 |
| 12,000 ......... | 1,370 | 570 |
| 13,000 ......... | 1,420 | 589 |
| 14,000 ......... | 1,470 | 608 |
| 15,000 ......... | 1,520 | 626 |
| 16,000 ......... | 1,570 | 644 |
| 17,000 ......... | 1,620 | 661 |
| 18,000 ......... | 1,670 | 678 |
| 19,000 ......... | 1,720 | 695 |
| 20,000 ......... | 1,770 | 712. |

"(b) Determinations by Interpolation.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

"(c) Reallocations to Lower Grade.—Whenever the number of officers serving in pay grade E–9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E–8.

"(d) Secretarial Waiver.—Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

"(e) Full-Time Reserve Component Duty Defined.—In this section, the term 'full-time reserve component duty' has the meaning given the term in section 12011(e) of this title.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.

### SEC. 416. STRENGTH AND GRADE LIMITATION ACCOUNTING FOR RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) Active Duty Strength Accounting.—Section 115(c)(1) of title 10, United States Code, is amended to read as follows:

"(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by—

"(A) a number equal to not more than 1 percent of that end strength; and

"(B) the number (if any) of the members of the reserve components that, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.".

(b) Limitation on Authorized Daily Average for Members in Pay Grades E–8 and E–9 on Active Duty.—Section 517 of such title is amended by adding at the end the following new paragraph:

"(d) The Secretary of Defense may increase the authorized daily average number of enlisted members on active duty in an armed force in pay grade E–8 or E–9 in a fiscal year, as determined under subsection (a), by the number (if any) of enlisted members of a reserve component of that armed force in that pay grade who, as determined by the Secretary, are on active duty under section 12301(d) of this title in support of a contingency operation.".

(c) Limitation on Authorized Strengths for Commissioned Officers in Pay Grades O–4, O–5, and O–6 on Active Duty.—Section 523(b) of such title is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking "Except as provided in subsection (c)" and inserting "Except as provided in subsections (c) and (e)"; and

(2) by adding at the end the following new subsection:

"(e) The Secretary of Defense may increase the limitation on the total number of commissioned officers of an armed force authorized to be serving on active duty at the end of any fiscal year in the grade of O–4, O–5, or O–6, determined under subsection (a), by the number (if any) of commissioned officers of a reserve component of that armed force in that grade who, as determined by the Secretary, are serving on active duty under section 12301(d) of this title in support of a contingency operation.".

(d) Limitation on Authorized Strengths for General and Flag Officers on Active Duty.—Section 526(a) of such title is amended—

(1) by striking "Limitations.—The" and inserting "Limitations.—(1) Except as provided in paragraph (2), the";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary of Defense may increase the limitation on the number of general and flag officers on active duty, determined under paragraph (1), by the number (if any) of reserve component general and flag officers who, as determined by the Secretary, are serving on active duty under section 12301(d) of this title in support of a contingency operation.".

## Subtitle C—Authorization of Appropriations

### SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of $82,396,900,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

## TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Officer Personnel Policy

### SEC. 501. GENERAL OFFICER POSITIONS.

(a) Increased Grade for Vice Chief of National Guard Bureau.—Section 10505(c) of title 10, United States Code, is amended by striking "major general" and inserting "lieutenant general".

(b) Increased Grade for Heads of Nurse Corps of the Armed Forces.—(1) Section 3069(b) of title 10, United States Code, is amended by striking "brigadier general" in the second sentence and inserting "major general".

(2) The first sentence of section 5150(c) of such title is amended—

(A) by inserting "rear admiral (upper half) in the case of an officer in the Nurse Corps or" after "for promotion to the grade of"; and

(B) by inserting "in the case of an officer in the Medical Service Corps" after "rear admiral (lower half)".

(3) Section 8069(b) of such title is amended by striking "brigadier general" in the second sentence and inserting "major general".

(c) Appointment and Grade of Chief of Army Veterinary Corps.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3070 the following new section 3071:

**"§ 3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade**

"(a) Composition.—The Veterinary Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) Chief.—The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

"(c) Assistant Chief.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3070 the following new item:

"3071. Veterinary Corps: composition; Chief and assistant chief; appointment; grade.".

(d) Exclusions From Limitation of Active Duty Officers in Grades Above Major General.—Section 525(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(B), by striking "16.2 percent" and inserting "17.5 percent";

(2) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B) An officer while serving as the Senior Military Assistant to the Secretary of Defense, if serving in the grade of general or lieutenant general, or admiral or vice admiral, is in addition to the number that would otherwise be permitted for his armed force for that grade under paragraph (1) or (2)."; and

(3) by striking paragraph (6) and inserting the following:

"(6)(A) An officer while serving in a position named in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general under paragraph (1).

"(B) Subparagraph (A) applies with respect to the following positions:

"(i) Chief of the National Guard Bureau.

"(ii) Vice Chief of the National Guard Bureau.".

(e) Repeal of Limitation on Number of Officers on Active Duty in the Grades of General or Admiral.—(1) Section 528 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

**SEC. 502. REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION OF FIRST LIEUTENANTS AND LIEUTENANTS (JUNIOR GRADE).**

Paragraph (1) of section 619(a) of title 10, United States Code, is amended by striking "the following period of service" and all that follows through the end of the paragraph and inserting "eighteen months of service in the grade in which he holds a permanent appointment.".

**SEC. 503. PROMOTION OF OFFICERS TO THE GRADE OF CAPTAIN IN THE ARMY, AIR FORCE, OR MARINE CORPS OR TO THE GRADE OF LIEUTENANT IN THE NAVY WITHOUT SELECTION BOARD ACTION.**

(a) Active-Duty List Promotions.—(1) Section 611(a) of title 10, United States Code, is amended by striking "Under" and inserting "Except in the case of promotions recommended under section 624(a)(3) of this title, under".

(2) Section 624(a) of such title is amended by adding at the end the following new paragraph (3):

"(3) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of the Regular Army, Regular Air Force, or Regular Marine Corps) or lieutenant (for officers of the Regular Navy) all fully qualified officers on the active-duty list in the permanent or temporary grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next higher grade to accomplish mission objectives. Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.".

(3) Section 631 of such title is amended by adding at the end the following new subsection (d):

"(d) For the purposes of this chapter—

"(1) a recommendation made by the Secretary of the military department concerned under section 624(a)(3) of this title that is approved by the President shall be treated in the same manner as a report of a promotion selection board convened under section 611(a) of this title that is approved by the President; and

"(2) an officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of first lieutenant, and an officer of the Regular Navy who holds the regular grade of lieutenant (junior grade), shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 611(a) of this title but is not fully qualified for promotion when recommending for promotion under section 624(a)(3) of this title all fully qualified officers of the officer's armed force in such grade who would be eligible for such consideration.".

(b) Reserve Active-Status List Promotions.—(1) Section 14101(a) of such title is amended by striking "Whenever" and inserting "Except in the case of promotions recommended under section 14308(b)(4) of this title, whenever".

(2) Section 14308(b) of such title is amended by adding at the end the following new paragraph (4):

"(4) The President may, upon a recommendation of the Secretary of the military department concerned approved by the President, promote to the grade of captain (for officers of a reserve component of the Army, Air Force, or Marine Corps) or lieutenant (for officers of the Naval Reserve) all fully qualified officers on the reserve active-status list in the permanent grade of first lieutenant or lieutenant (junior grade), respectively, who would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title. The Secretary of a military department may make such a recommendation whenever the Secretary determines that all such officers are needed in the next higher grade to accomplish mission objectives. Promotions under this paragraph shall be effectuated under regulations prescribed by the Secretary of the military department concerned.".

(3) Section 14504 of such title is amended by adding at the end the following new subsection (c):

"(c) For the purposes of this chapter—

"(1) a recommendation made by the Secretary of the military department concerned under section 14308(b)(4) of this title that is approved by the President shall be treated the same as a report of a promotion selection board convened under section 14101(a) of this title that is approved by the President; and

"(2) an officer on a reserve active-status list who holds the grade of first lieutenant (in the case of an officer in a reserve component of the Army, Air Force, or Marine Corps) or the grade of lieutenant (junior grade) (in the case of an officer of the Naval Reserve) shall be treated as having failed of selection for promotion if the Secretary of the military department concerned determines that the officer would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title but is not fully qualified for promotion when recommending for promotion under section 14308(b)(4) of this title all fully qualified officers of that officer's reserve component in such grade who would be eligible for such consideration.".

**SEC. 504. AUTHORITY TO ADJUST DATE OF RANK.**

(a) Active Duty Officers.—Subsection 741(d) of title 10, United States Code, is amended, by adding at the end the following new paragraph (4):

"(4)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under section 624(a) of this title if the appointment is to a grade below O-7 and is delayed by reason of unusual circumstances that cause an unintended delay in the processing or approval of—

"(i) a report of a selection board recommending the appointment of the officer to that grade; or

"(ii) the promotion list established on the basis of that report.

"(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent with compliance with the applicable authorized strengths for officers in that grade and competitive category.

"(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer's pay and allowances for the grade and for the officer's position on the active-duty list.

"(D) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer to a higher grade under subparagraph (A) to a date that is prior to the date of the advice and consent of the Senate on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment.".

(b) Reserve Officers.—Section 14308(c) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) The Secretary concerned may adjust the date of rank of an officer appointed to a higher grade under this section if the appointment is to a grade below O–7 and is delayed by reason of unusual circumstances that cause an unintended delay in the processing or approval of—

"(i) a report of a selection board recommending the appointment of the officer to that grade; or

"(ii) the promotion list established on the basis of that report.

"(B) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be consistent with the officer's position on the promotion list for that grade and competitive category when additional officers in that grade and competitive category were needed and shall also be consistent with compliance with the applicable authorized strengths for officers in that grade and competitive category.

"(C) The adjusted date of rank applicable to the grade of an officer under subparagraph (A) shall be the effective date for the officer's pay and allowances for the grade and for the officer's position on the active-duty list.

"(D) In the case of an officer whose appointment to a higher grade under this section is made by and with the advice and consent of the Senate, the Secretary concerned shall transmit to the Committee on Armed Services of the Senate a notification of any adjustment of a date of rank for the appointment of an officer to a higher grade under subparagraph (A) to a date that is prior to the date of the advice and consent of the Senate on the appointment. The notification shall include the name of the officer and a discussion of the reasons for the adjustment."; and

(3) in paragraph (3), as redesignated by paragraph (1), by inserting "provided in paragraph (2) or as otherwise" after "Except as".

### SEC. 505. EXTENSION OF DEFERMENTS OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.

Section 640 of title 10, United States Code, is amended—

(1) by inserting "(a) Deferment.—" before "The Secretary"; and

(b) by adding at the end the following new subsection:

"(b) Authority To Extend.—In the case of an officer whose retirement or separation under any of sections 632 through 638, or section 1251, of this title is deferred under subsection (a), the Secretary of the military department concerned may extend the deferment by an additional period of not more than 30 days following the completion of the evaluation of the officer's physical condition if the Secretary determines that continuation of the officer would facilitate the officer's transition to civilian life.".

### SEC. 506. EXEMPTION FROM ADMINISTRATIVE LIMITATIONS OF RETIRED MEMBERS ORDERED TO ACTIVE DUTY AS DEFENSE AND SERVICE ATTACHES.

(a) Limitation of Period of Recalled Service.—Section 688(e)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph (D):

"(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.".

(b) Limitation on Number of Recalled Officers on Active Duty.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph (E):

"(E) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.".

(c) Applicability.—The amendments made by subsections (a) and (b) shall apply with respect to officers serving on active duty as a defense attaché or service attaché on or after the date of the enactment of this Act.

### SEC. 507. CERTIFICATIONS OF SATISFACTORY PERFORMANCE FOR RETIREMENTS OF OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

Section 1370(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary of Defense may delegate authority to make a certification for an officer under paragraph (1) to the Under Secretary of Defense for Personnel and Readiness or the Deputy Under Secretary of Defense for Personnel and Readiness. The certification authority may not be delegated to any other official.

"(B) If an official to whom authority is delegated under subparagraph (A) determines in the case of an officer that there is potentially adverse information on the officer and that the information has not previously been reported to the Senate in connection with the action of the Senate on a previous appointment of that officer under section 601 of this title, the official may not exercise the authority in that case, but shall refer the case to the Secretary of Defense. The Secretary of Defense shall personally issue or withhold a certification for an officer under paragraph (1) in any case referred to the Secretary under the preceding sentence.".

### SEC. 508. EFFECTIVE DATE OF MANDATORY SEPARATION OR RETIREMENT OF REGULAR OFFICER DELAYED BY A SUSPENSION OF CERTAIN LAWS UNDER EMERGENCY AUTHORITY OF THE PRESIDENT.

Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

"(c) In the case of an officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps whose mandatory separation or retirement under section 632, 633, 634, 635, 636, 637, or 1251 of this title is delayed by reason of a suspension under this section, the separation or retirement of the officer upon termination of the suspension shall take effect on the date elected by the officer, but not later than 90 days after the date of the termination of the suspension.".

### SEC. 509. DETAIL AND GRADE OF OFFICER IN CHARGE OF THE UNITED STATES NAVY BAND.

Section 6221 of title 10, United States Code, is amended—

(1) by inserting "(a) Establishment.—"; and

(2) by adding at the end the following new subsection:

"(b) Officer in Charge.—(1) An officer serving in a grade above lieutenant may be detailed as Officer in Charge of the United States Navy Band.

"(2) While serving as Officer in Charge of the United States Navy Band, an officer holds the grade of captain if appointed to that grade by the President, by and with the advice and consent of the Senate, notwithstanding the limitation in section 5596(d) of this title.".

## Subtitle B—Reserve Component Personnel Policy

### SEC. 511. REAUTHORIZATION AND EXPANSION OF TEMPORARY WAIVER OF THE REQUIREMENT FOR A BACCALAUREATE DEGREE FOR PROMOTION OF CERTAIN RESERVE OFFICERS OF THE ARMY.

(a) Reauthorization.—Subsection (b) of section 516 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2008; 10 U.S.C. 12205 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(b) Expansion of Eligibility.—Subsection (a) of such section is amended by striking "before the date of the enactment of this Act".

### SEC. 512. STATUS LIST OF RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

(a) Clarification.—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

"(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), under a call or order to active duty specifying a period of three years or less and continuation (pursuant to regulations prescribed by the Secretary concerned) on the reserve active-status list;".

(b) Retroactive Adjustments.—(1) The Secretary of the military department concerned—

(A) may place on the active-duty list of the armed force concerned any officer under the jurisdiction of the Secretary who was placed on the reserve active-status list under subparagraph (D) of section 641(1) of title 10, United States Code, as added by section 521(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–108); and

(B) for the purposes of chapter 36 of such title (other than section 640 of such title and, in the case of a warrant officer, section 628 of such title), shall treat an officer placed on the active-duty list under subparagraph (A) as having been on the active-duty list continuously from the date on which the officer was placed on the reserve active-status list as described in that subparagraph.

(2) The Secretary of the military department concerned may place on the reserve active-status list of the armed force concerned, effective as of the date of the enactment of this Act, any officer who was placed on the active-duty list before that date and after October 29, 1997, while on active duty under

section 12301(d) of title 10, United States Code, other than as described under section 641(1)(C) of such title, under a call or order to active duty specifying a period of three years or less.

### SEC. 513. EQUAL TREATMENT OF RESERVES AND FULL-TIME ACTIVE DUTY MEMBERS FOR PURPOSES OF MANAGING DEPLOYMENTS OF PERSONNEL.

(a) Residence of Reserves at Home Station.—Section 991(b)(2) of title 10, United States Code, is amended to read as follows:

"(2) In the case of a member of a reserve component who is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member's residence) that the member usually occupies for use during off-duty time when on garrison duty at the member's permanent duty station or homeport, as the case may be.".

(b) Effective Date.—This section and the amendment made by this section shall take effect on October 1, 2001, and shall apply with respect to duty performed on or after that date.

### SEC. 514. MODIFICATION OF PHYSICAL EXAMINATION REQUIREMENTS FOR MEMBERS OF THE INDIVIDUAL READY RESERVE.

Section 10206 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "his" and inserting "the member's"; and

(B) in the second sentence, by striking "Each Reserve" and inserting the following: "(c) Each Reserve";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) A member of the Individual Ready Reserve or inactive National Guard shall be examined for physical fitness as necessary to determine the member's physical fitness for military duty or for promotion, attendance at a school of the armed forces, or other action related to career progression.".

### SEC. 515. MEMBERS OF RESERVE COMPONENTS AFFLICTED WHILE REMAINING OVERNIGHT AT DUTY STATION WITHIN COMMUTING DISTANCE OF HOME.

(a) Medical and Dental Care for Members.—Section 1074a(a)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(b) Medical and Dental Care for Dependents.—Section 1076(a)(2)(C) of title 10, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(c) Eligibility for Disability Retirement or Separation.—(1) Section 1204(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(2) Section 1206(2)(A)(iii) of title 10, United States Code, is amended by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(d) Recovery, Care, and Disposition of Remains.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(e) Entitlement to Basic Pay.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)(D), by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations"; and

(2) in subsection (h)(1)(D), by inserting before the semicolon the following: "or if the member remained overnight for another reason authorized under applicable regulations".

(f) Compensation for Inactive-Duty Training.—Section 206(a)(3)(C) of title 37, United States Code, is amended by inserting before the period at the end the following: "or if the member remained overnight for another reason authorized under applicable regulations".

### SEC. 516. RETIREMENT OF RESERVE PERSONNEL WITHOUT REQUEST.

(a) Retired Reserve.—Section 10154(2) of title 10, United States Code, is amended by striking "upon their request".

(b) Retirement for Failure of Selection of Promotion.—(1) Paragraph (2) of section 14513 of such title is amended by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve".

(2)(A) The heading for such section is amended to read as follows:

**"§14513. Transfer, retirement, or discharge for failure of selection of promotion".**

(B) The item relating to such section in the table of sections at the beginning of chapter 1407 of title 10, United States Code, is amended to read as follows:

"14513. Transfer, retirement, or discharge for failure of selection for promotion.".

(c) Retirement for Years of Service or After Selection for Early Removal.—Section 14514 of such title is amended—

(1) in paragraph (1), by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve"; and

(2) by striking paragraph (2) and inserting the following:

"(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(d) Retirement for Age.—Section 14515 of such title is amended—

(1) in paragraph (1), by striking ", if the officer is qualified and applies for such transfer" and inserting "if the officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve"; and

(2) by striking paragraph (2) and inserting the following:

"(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(e) Discharge or Retirement of Warrant Officers for Years of Service or Age.—(1) Chapter 1207 of such title is amended by adding at the end the following new section:

**"§12244. Warrant officers: discharge or retirement for years of service or for age**

"Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

"(1) be transferred to the Retired Reserve if the warrant officer is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

"(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12244. Warrant officers: discharge or retirement for years of service or for age.".

(f) Discharge or Retirement of Enlisted Members for Years of Service or Age.—(1) Chapter 1203 of title 10, United States Code, is amended by adding at the end the following new section:

**"§12108. Enlisted members: discharge or retirement for years of service or for age**

"Each reserve enlisted member of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

"(1) be transferred to the Retired Reserve if the member is qualified for the transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

"(2) be discharged if the member is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12108. Enlisted members: discharge or retirement for years of service or for age.".

(g) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first month that is more than 180 days after the date of the enactment of this Act.

### SEC. 517. SPACE-REQUIRED TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) Correction of Impairment to Authorized Travel With Allowances.—Section 18505(a) of title 10, United States Code, is amended by striking "annual training duty or" each place it appears.

(b) Conforming Amendments.—(1) The heading for such section is amended to read as follows:

**"§18505. Reserves traveling for inactive-duty training: space-required travel on military aircraft".**

(2) The item relating to such section in the table of contents at the beginning of chapter 1805 of title 10, United States Code, is amended to read as follows:

“18505. Reserves traveling for inactive-duty training: space-required travel on military aircraft.”.

## Subtitle C—Education and Training

### SEC. 531. IMPROVED BENEFITS UNDER THE ARMY COLLEGE FIRST PROGRAM.

(a) Increased Maximum Period of Delayed Entry.—Section 573 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 623; 10 U.S.C. 513 note) is amended—

(1) in subsection (b)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

“(b) Delayed Entry With Allowance for Higher Education.—Under the pilot program, the Secretary may—

“(1) exercise the authority under section 513 of title 10, United States Code—”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning those subparagraphs four ems from the left margin;

(C) in subparagraph (A), as so redesignated, by inserting “and” after the semicolon; and

(D) in subparagraph (B), as so redesignated, by striking “two years after the date of such enlistment as a Reserve under paragraph (1)” and inserting “the maximum period of delay determined for the person under subsection (c)”; and

(2) in subsection (c)—

(A) by striking “paragraph (2)” and inserting “paragraph (1)(B)”;

(B) by striking “two-year period” and inserting “30-month period”; and

(C) by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(b) Allowance Eligibility and Amount.—(1) Such section is further amended—

(A) in subsection (b), by striking paragraph (3) and inserting the following:

“(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of such subsection, pay an allowance to the person for each month of that period during which the member is enrolled in and pursuing such a program”; and

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (4);

(ii) by striking paragraph (1) and inserting the following new paragraphs:

“(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps under section 209(a) of title 37, United States Code.

“(2) An allowance may not be paid to a person under this section for more than 24 months.

“(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 502(a) of title 32, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary.”

(2) The heading for such subsection is amended by striking “Amount of”.

(c) Ineligibility for Loan Repayments.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) Ineligibility for Loan Repayments.—A person who has received an allowance under this section is not eligible for any benefits under chapter 109 of title 10, United States Code.

(d) Recoupment of Allowance.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

“(f) Recoupment of Allowance.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

“(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.”.

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to persons who, on or after that date, are enlisted as described in subsection (a) of section 513 of title 10, United States Code, with delayed entry authorized under that section.

### SEC. 532. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS.

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

### SEC. 533. ACCEPTANCE OF FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS FOR LEGAL EDUCATION OF OFFICERS PARTICIPATING IN THE FUNDED LEGAL EDUCATION PROGRAM.

(a) FLEP Detail.—Section 2004 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) Acceptance of a fellowship, scholarship, or grant as financial assistance for training described in subsection (a) in accordance with section 2603(a) of this title does not disqualify the officer accepting it from also being detailed at a law school for that training under this section. Service obligations incurred under subsection (b)(2)(C) and section 2603(b) of this title with respect to the same training shall be served consecutively.”.

(b) Fellowships, Scholarships, or Grants.—Section 2603 of such title is amended by adding at the end the following new subsection:

“(c) A detail of an officer for training at a law school under section 2004 of this title does not disqualify the officer from also accepting a fellowship, scholarship, or grant under this section as financial assistance for that training. Service obligations incurred under subsection (b) and section 2004(b)(2)(C) of this title with respect to the same training shall be served consecutively.”.

### SEC. 534. GRANT OF DEGREE BY DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) Authority.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2167. Defense Language Institute: associate of arts**

“Under regulations prescribed by the Secretary of Defense, the Commandant of the Foreign Language Center of the Defense Language Institute may confer an associate of arts degree in foreign language upon graduates of the Institute who fulfill the requirements for the degree, as certified by the Provost of the Institute.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2167. Defense Language Institute: associate of arts.”.

### SEC. 535. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) Authority.—(1) Subsection (a) of section 7102 of title 10, United States Code, is amended to read as follows:

“(a) Authority.—Upon the recommendation of the Director and faculty of a college of the Marine Corps University, the President of the Marine Corps University may confer a degree upon graduates of the college who fulfill the requirements for the degree, as follows:

“(1) For the Marine Corps War College, the degree of master of strategic studies.

“(2) For the Command and Staff College, the degree of master of military studies.”.

(2)(A) The heading for such section is amended to read as follows:

**“§ 7102. Marine Corps University: masters degrees”.**

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of title 10, United States Code, is amended to read as follows:

“7102. Marine Corps University: masters degrees.”.

(b) Condition for Initial Exercise of Authority.—(1) The President of the Marine Corps University may exercise the authority provided under section 7102(a)(1) of title 10, United States Code, only after the Secretary of Education has notified the Secretary of the Navy of a determination made under paragraph (2) that the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States.

(2) The Secretary of Education shall review the requirements established by the Marine Corps War College of the Marine Corps University for the degree of master of strategic studies, determine whether the requirements are in accordance with the requirements typically imposed for awards of the degree of master of arts by institutions of higher education in the United States, and notify the Secretary of the Navy of the determination.

### SEC. 536. FOREIGN PERSONS ATTENDING THE SERVICE ACADEMIES.

(a) United States Military Academy.—(1) Subsection (a)(1) of section 4344 of title 10, United States Code, is amended by striking “not more than 40 persons” and inserting “not more than 60 persons”.

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(b) United States Naval Academy.—(1) Subsection (a)(1) of section 6957 of such title is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a midshipman under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(c) United States Air Force Academy.—(1) Subsection (a)(1) of section 9344 of such title is amended by striking "not more than 40 persons" and inserting "not more than 60 persons".

(2) Subsection (b) of such section is amended—

(A) in paragraph (2), by striking "unless a written waiver of reimbursement is granted by the Secretary of Defense" in the first sentence; and

(B) by striking paragraph (3) and inserting the following:

"(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.".

(d) Applicability.—The amendments made by this section shall apply with respect to academic years that begin after October 1, 2001.

### SEC. 537. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE STUDENTS IN PROGRAMS OF EDUCATION LEADING TO INITIAL DEGREE IN MEDICINE OR DENTISTRY.

(a) Medical and Dental Student Stipend.—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Programs Leading to Initial Medical or Dental Degree.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) is eligible to be appointed as an officer in a reserve component of the armed forces; and

"(B) is enrolled or has been accepted for enrollment in an accredited medical or dental school in a program of education and training that results in an initial degree in medicine or dentistry.

"(2) Under the agreement—

"(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period that the student is satisfactorily progressing toward an initial degree in medicine or dentistry in a program of an accredited medical or dental school;

"(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree—

"(i) to complete the program of education and training in which enrolled or accepted for enrollment as described in paragraph (1)(B);

"(ii) to accept an appointment or designation in the participant's reserve component, if tendered, based upon the participant's health profession, following satisfactory completion of the educational and internship components of the program of education and training;

"(iii) if required by regulations prescribed by the Secretary of Defense, to apply for (if eligible) and accept (if offered) residency training in a health profession skill that has been designated by the Secretary of Defense as a skill critically needed by the armed forces in wartime; and

"(iv) to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (3).

"(3)(A) Except as provided in subparagraph (B), the minimum period for which a participant shall serve in the Selected Reserve under the agreement pursuant to paragraph (2)(D)(iv) shall be one year in the Selected Reserve for each six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

"(B) If a participant referred to in subparagraph (A) enters into an agreement under subsection (b) and, after completing a program of education and training for which a stipend was provided under this subsection, successfully completes residency training in the specialty covered by the agreement, the minimum period for which the participant shall serve in the Selected Reserve under that agreement and the agreement under this subsection shall be one year for each year, or part thereof, for which a stipend was provided under this chapter.".

(b) Amount of Stipend.—Subsection (f) of such section, as redesignated by subsection (a), is amended by striking "or (c)" and inserting ", (c), or (e)".

(c) Eligibility for Assistance for Graduate Medical or Dental Training.—Subsection (b) of such section is amended—

(1) by striking "Specialties.—" and inserting "Wartime Specialties.—"; and

(2) in paragraph (1)(B), by inserting ", or has been appointed," after "assignment".

(d) Service Obligation for Stipend for Other Professional Programs.—(1) Subsection (b)(2)(D) of such section by striking "agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year," and inserting "agree (subject to subsection (e)(3)(B)) to serve, upon successful completion of the program, one year in the Ready Reserve for each six months,".

(2) Subsection (c)(2)(D) of such section is amended by striking "two years in the Ready Reserve for each year," and inserting "one year in the Ready Reserve for each six months,".

(e) Conforming Amendments.—(1) Subsection (a) of such section is amended—

(A) in the first sentence—

(i) by inserting "in health professions and" after "qualified"; and

(ii) by striking "training in such" and inserting "education and training in such professions and"; and

(B) in the second sentence, by striking "training in certain" and inserting "education and training in certain health professions and".

(2) Subsections (b)(2)(A) and (c)(2)(A) of such section are amended by striking "subsection (e)" and inserting "subsection (f)".

### SEC. 538. PILOT PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT FOR GRADUATE MEDICAL EDUCATION AND TRAINING OF MEDICAL PERSONNEL OF THE ARMED FORCES.

(a) Requirement for Program.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program of graduate medical education and training for medical personnel of the Armed Forces.

(b) Department of Veterans Affairs Medical Centers.—Under any pilot program carried out under this section, the Secretary of Defense and the Secretary of Veterans Affairs shall provide for medical personnel of the Armed Forces to pursue one or more programs of graduate medical education and training in one or more medical centers of the Department of Veterans Affairs.

(c) Agreement.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement for carrying out any pilot program under this section. The agreement shall provide a means for the Secretary of Defense to defray the costs incurred by the Secretary of Veterans Affairs in providing the graduate medical education and training in, or the use of, the facility or facilities of the Department of Veterans Affairs participating in the pilot program.

(d) Use of Existing Authorities.—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs shall exercise authorities provided to the Secretaries, respectively, under other laws relating to the furnishing or support of medical education and the cooperative use of facilities.

(e) Period of Program.—Any pilot program carried out under this section shall begin not later than August 1, 2002, and shall terminate on July 31, 2007.

(f) Annual Report.—(1) Not later than January 31, 2003, and January 31 of each year thereafter, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the conduct of any pilot program carried out under this section. The report shall cover the preceding year and shall include the Secretaries' assessment of the efficacy of providing for medical personnel of the Armed Forces to pursue programs of graduate medical education and training in medical centers of the Department of Veterans Affairs.

(2) The reporting requirement under this subsection shall terminate upon the submittal of the report due on January 31, 2008.

### SEC. 539. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) Authority To Transfer to Family Members.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

**“§3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills**

“(a) In General.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer, in whole or in part, up to 18 months of such individual's entitlement to such assistance to the dependents specified in subsection (c).

“(b) Eligible Individuals.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

“(1) has completed six years of service in the Armed Forces;

“(2) either—

“(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

“(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

“(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

“(c) Eligible Dependents.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

“(1) To the individual's spouse.

“(2) To one or more of the individual's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) Limitation on Months of Transfer.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

“(e) Designation of Transferee.—An individual transferring an entitlement to basic educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

“(2) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) Time for Transfer; Revocation and Modification.—(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

“(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(g) Commencement of Use.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until the following:

“(1) In the case of entitlement transferred to a spouse, the completion by the individual making the transfer of 6 years of service in the Armed Forces.

“(2) In the case of entitlement transferred to a child, both—

“(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) Additional Administrative Matters.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

“(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the individual to whom the entitlement is transferred.

“(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

“(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(i) Overpayment.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

“(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

“(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

“(A) by reason of the death of the individual; or

“(B) for a reason referred to in section 3011(a)(1)(A)(ii)(I) of this title.

“(j) Approvals of Transfer Subject to Availability of Appropriations.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in the fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in the fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in the fiscal year.

“(k) Regulations.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2), and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

“(l) Annual Reports.—(1) Not later than January 31, 2003, and each year thereafter, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by such Secretary during the preceding year.

“(2) Each report shall set forth—

“(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding year; or

“(B) if no transfers of entitlement under this section were approved by such Secretary during that year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that year.

“(m) Secretary Concerned Defined.—Notwithstanding section 101(25) of this title, in this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of the Army with respect to matters concerning the Army;

“(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

“(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

“(4) the Secretary of the Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

“3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills.”.

(b) Treatment Under Department of Defense Education Benefits Fund.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following:

“(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.”.

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of title 10, United States Code (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

### SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting "the regular component or" after "enlist in".

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: ", except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

## Subtitle D—Decorations, Awards, and Commendations

### SEC. 551. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE FOR VALOR DURING THE VIETNAM WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to Humbert R. Versace for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner of war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

### SEC. 552. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran described in subsection (b) to determine whether or not that veteran should be awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross.

(2) Any other Jewish American war veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded to a Jewish American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, Air Force Cross, or any other decoration has been awarded.

(g) JEWISH AMERICAN WAR VETERAN DEFINED.—In this section, the term "Jewish American war veteran" means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

### SEC. 553. ISSUANCE OF DUPLICATE AND REPLACEMENT MEDALS OF HONOR.

(a) ARMY.—(1)(A) Chapter 357 of title 10, United States Code, is amended by inserting after section 3747 the following new section:

**"§ 3747a. Medal of honor: issuance of duplicate**

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Army may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under of this section may not be considered an award of more than one medal of honor prohibited by section 3744(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3747 the following:

"3747a. Medal of honor: issuance of duplicate.".

(2) Section 3747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

(b) NAVY AND MARINE CORPS.—(1)(A) Chapter 567 of such title is amended by inserting after section 6253 the following new section:

**"§ 6253a. Medal of honor: issuance of duplicate**

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Navy may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 6247 of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6253 the following:

"6253a. Medal of honor: issuance of duplicate.".

(2) Section 6253 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

(c) AIR FORCE.—(1)(A) Chapter 857 of such title is amended by inserting after section 8747 the following new section:

**"§ 8747a. Medal of honor: issuance of duplicate**

"(a) ISSUANCE.—Upon written application by a person to whom a medal of honor has been awarded under this chapter, the Secretary of the Air Force may issue to the person one duplicate medal of honor, with ribbons and appurtenances. No charge may be imposed for the issuance of the duplicate medal.

"(b) SPECIAL MARKING.—A duplicate medal of honor issued under this section shall be marked as a duplicate or for display purposes only. The Secretary shall prescribe the manner in which the duplicate medal is marked.

"(c) ISSUANCE NOT TO BE CONSIDERED ADDITIONAL AWARD.—The issuance of a duplicate medal of honor under this section may not be considered an award of more than one medal of honor prohibited by section 8744(a) of this title.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8747 the following:

"8747a. Medal of honor: issuance of duplicate.".

(2) Section 8747 of title 10, United States Code, is amended by striking "lost" and inserting "stolen, lost,".

### SEC. 554. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Wayne T. Alderson, of Glassport, Pennsylvania, for gallantry in action from March 15 to March 18, 1945, while serving as a member of the Army.

(c) Distinguished Flying Cross.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 30, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

### SEC. 555. SENSE OF SENATE ON ISSUANCE OF KOREA DEFENSE SERVICE MEDAL.

It is the sense of the Senate that the Secretary of Defense should consider authorizing the issuance of a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Armed Forces served in the Republic of Korea, or the waters adjacent thereto, during the period beginning on July 28, 1954, and ending on such date after that date as the Secretary considers appropriate.

### SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) Entitlement.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105–103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) Amount.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

## Subtitle E—Funeral Honors Duty

### SEC. 561. ACTIVE DUTY END STRENGTH EXCLUSION FOR RESERVES ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR FUNERAL HONORS DUTY.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) Members of reserve components on active duty or full-time National Guard duty to prepare for and to perform funeral honors functions under section 1491 of this title.".

### SEC. 562. PARTICIPATION OF RETIREES IN FUNERAL HONORS DETAILS.

(a) Authority.—(1) Subsection (b)(2) of section 1491 of title 10, United States Code, is amended by inserting ", members or former members of the armed forces in a retired status," in the second sentence after "members of the armed forces".

(2) Subsection (h) of such section is amended to read as follows:

"(h) Definitions.—In this section:

"(1) The term 'retired status', with respect to a member or former member of the armed forces, means that the member or former member—

"(A) is on a retired list of an armed force;

"(B) is entitled to receive retired or retainer pay; or

"(C) except for not having attained 60 years of age, would be entitled to receive retired pay upon application under chapter 1223 of this title.

"(2) The term 'veteran' means a decedent who—

"(A) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

"(B) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.".

(b) Funeral Honors Duty Allowance.—Section 435(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a) Allowance Authorized.—"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary concerned may authorize payment of an allowance to a member or former member of the armed forces in a retired status (as defined in section 1491(h) of title 10) for participating as a member of a funeral honors detail under section 1491 of title 10 for a period of at least two hours, including time for preparation.

"(B) An allowance paid to a member or former member under subparagraph (A) shall be in addition to any retired or retainer pay or other compensation to which the member or former member is entitled under this title or title 10 or 38.".

### SEC. 563. BENEFITS AND PROTECTIONS FOR MEMBERS IN A FUNERAL HONORS DUTY STATUS.

(a) Funeral Honors Duty Defined.—Section 101(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) The term 'funeral honors duty' means duty under section 12503 of this title or section 115 of title 32.".

(b) Applicability of Uniform Code of Military Justice.—Section 802 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "or engaged in funeral honors duty" after "on inactive-duty training"; and

(2) in subsection (d)(2)(B), by inserting "or engaged in funeral honors duty" after "on inactive-duty training".

(c) Commissary Stores Privileges for Dependents of a Deceased Reserve Component Member.—Section 1061(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking "or" the first place it appears; and

(B) by inserting ", or funeral honors duty" before the semicolon; and

(2) in paragraph (2)—

(A) by striking "or" the third place it appears; and

(B) by inserting ", or funeral honors duty" before the period.

(d) Payment of a Death Gratuity.—(1) Section 1475(a) of such title is amended—

(A) in paragraph (2), by inserting "or while engaged in funeral honors duty" after "Public Health Service)"; and

(B) in paragraph (3)—

(i) by striking "or inactive duty training" the first place it appears and inserting "inactive-duty training";

(ii) by inserting "or funeral honors duty," after "Public Health Service),"; and

(iii) by striking "or inactive duty training" the second place it appears and inserting ", inactive-duty training, or funeral honors duty".

(2) Section 1476(a) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or";

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) funeral honors duty."; and

(B) in paragraph (2)(A), by striking "or inactive-duty training" and inserting ", inactive-duty training, or funeral honors duty".

(e) Military Authority for Members of the Coast Guard Reserve.—(1) Section 704 of title 14, United States Code, is amended by striking "or inactive-duty training" in the second sentence and inserting ", inactive-duty training, or funeral honors duty".

(2) Section 705(a) of such title is amended by inserting "on funeral honors duty," after "on inactive-duty training,".

(f) Veterans Benefits.—Section 101(24) of title 38, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(ii) and inserting "; and"; and

(3) by adding at the end the following new subparagraph (D):

"(D) any period of funeral honors duty (as defined in section 101(d) of title 10) during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty.".

(g) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

### SEC. 564. MILITARY LEAVE FOR CIVILIAN EMPLOYEES SERVING AS MILITARY MEMBERS OF FUNERAL HONORS DETAIL.

Section 6323(a) of title 5, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "active duty, inactive duty training" and all that follows through "National Guard" and inserting "military duty or training described in paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(4) The entitlement under paragraph (1) applies to the performance of duty or training as a Reserve of the armed forces or member of the National Guard, as follows:

"(A) Active duty.

"(B) Inactive duty training (as defined in section 101 of title 37).

"(C) Field or coast defense training under sections 502 through 505 of title 32.

"(D) Funeral honors duty under section 12503 of title 10 or section 115 of title 32.".

## Subtitle F—Uniformed Services Overseas Voting

### SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

### SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following:

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

"(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

"(A) on the grounds that the ballot lacked a notarized witness signature, an address, other than on a Federal write-in absentee ballot (SF186) or a postmark: *Provided*, That there are other indicia that the vote was cast in a timely manner; or

"(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

"(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

### SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

### SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking "**FOR FEDERAL OFFICE**".

### SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and".

### SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

"(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.".

### SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

### SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

### SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term “recently separated uniformed services voter” means any individual who was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

### SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term “legislative recommendation” means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term “Presidential designee” means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

## Subtitle G—Other Matters

### SEC. 581. PERSONS AUTHORIZED TO BE INCLUDED IN SURVEYS OF MILITARY FAMILIES REGARDING FEDERAL PROGRAMS.

(a) ADDITION OF CERTAIN FAMILY MEMBERS AND SURVIVORS.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY.—The Secretary of Defense may conduct surveys of persons to determine the effectiveness of Federal programs relating to military families and the need for new programs, as follows:

“(1) Members of the armed forces on active duty or in an active status.

“(2) Retired members of the armed forces.

“(3) Members of the families of such members and retired members of the armed forces (including surviving members of the families of deceased members and deceased retired members).”.

(b) FEDERAL RECORDKEEPING REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

“(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to a survey authorized under subsection (a) that includes a person referred to in that subsection who is not an employee of the United States or is not considered an employee of the United States for the purposes of section 3502(3)(A)(i) of title 44, the person shall be considered as being an employee of the United States for the purposes of that section.”.

### SEC. 582. CORRECTION AND EXTENSION OF CERTAIN ARMY RECRUITING PILOT PROGRAM AUTHORITIES.

(a) CONTRACT RECRUITING INITIATIVES.—Subsection (d)(2) of section 561 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–130) is amended—

(1) in subparagraphs (A) and (D), by inserting “and Army Reserve” after “Regular Army”; and

(2) in subparagraph (B), by striking “and chain of command”.

(b) EXTENSION OF AUTHORITY.—Subsection (e) of such section is amended by striking “December 31, 2005” and inserting “September 30, 2007”.

(c) EXTENSION OF TIME FOR REPORTS.—Subsection (g) of such section is amended by striking “February 1, 2006” and inserting “February 1, 2008”.

### SEC. 583. OFFENSE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) LOWER STANDARD OF ALCOHOL CONCENTRATION.—Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by striking “0.10 grams” both places it appears in paragraph (2) and inserting “0.08 grams”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts described in paragraph (2) of section 911 of title 10, United States Code, that are committed on or after that date.

### SEC. 584. AUTHORITY OF CIVILIAN EMPLOYEES TO ACT AS NOTARIES.

(a) CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ELIGIBLE TO ACT AS NOTARIES.—Subsection (b) of section 1044a of title 10, United States Code, is amended by striking “legal assistance officers” in paragraph (2) and inserting “legal assistance attorneys”.

(b) OTHER CIVILIAN EMPLOYEES DESIGNATED TO ACT AS NOTARIES ABROAD.—Such subsection is further amended by adding at the end the following new paragraph:

“(5) For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the United States.”.

### SEC. 585. REVIEW OF ACTIONS OF SELECTION BOARDS.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding at the end the following:

**“§ 1558. Exclusive remedies in cases involving selection boards**

“(a) CORRECTION OF MILITARY RECORDS.—The Secretary concerned may correct a person's military records in accordance with a recommendation made by a special board. Any such correction shall be effective, retroactively, as of the effective date of the action taken on a report of a previous selection board that resulted in the action corrected in the person's military records.

“(b) RELIEF ASSOCIATED WITH CORRECTIONS OF CERTAIN ACTIONS.—(1) The Secretary concerned shall ensure that a person receives relief under paragraph (2) or (3), as the person may elect, if the person—

“(A) was separated or retired from an armed force, or transferred to the retired reserve or to inactive status in a reserve component, as a result of a recommendation of a selection board; and

“(B) becomes entitled to retention on or restoration to active duty or active status in a reserve component as a result of a correction of the person's military records under subsection (a).

“(2)(A) With the consent of a person referred to in paragraph (1), the person shall be retroactively and prospectively restored to the same status, rights, and entitlements (less appropriate offsets against back pay and allowances) in the person's armed force as the person would have had if the person had not been selected to be separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be, as a result of an action corrected under subsection (a). An action under this subparagraph is subject to subparagraph (B).

“(B) Nothing in subparagraph (A) shall be construed to permit a person to be on active duty or in an active status in a reserve component after the date on which the person would have been separated, retired, or transferred to the retired reserve or to inactive status in a reserve component if the person had not been selected to be separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be, in an action of a selection board that is corrected under subsection (a).

“(3) If the person does not consent to a restoration of status, rights, and entitlements under paragraph (2), the person shall receive back pay and allowances (less appropriate offsets) and service credit for the period beginning on the date of the person's separation, retirement, or transfer to the retired reserve or to inactive status in a reserve component, as the case may be, and ending on the earlier of—

“(A) the date on which the person would have been so restored under paragraph (2), as determined by the Secretary concerned; or

“(B) the date on which the person would otherwise have been separated, retired, or transferred to the retired reserve or to inactive status in a reserve component, as the case may be.

“(c) FINALITY OF UNFAVORABLE ACTION.—If a special board makes a recommendation not to correct the military records of a person regarding action taken in the case of that person on the basis of a previous report of a selection board, the action previously taken on that report shall be considered as final as of the date of the action taken on that report.

“(d) REGULATIONS.—(1) The Secretary concerned may prescribe regulations to carry out this section (other than subsection (e)) with respect to the armed force or armed forces under the jurisdiction of the Secretary.

“(2) The Secretary may prescribe in the regulations the circumstances under which consideration by a special board may be provided for under this section, including the following:

“(A) The circumstances under which consideration of a person's case by a special board is contingent upon application by or for that person.

“(B) Any time limits applicable to the filing of an application for consideration.

“(3) Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

“(e) JUDICIAL REVIEW.—(1) A person challenging for any reason the action or recommendation of a selection board, or the action taken by the Secretary concerned on the report of a selection board, is not entitled to relief in any judicial proceeding unless the person has first been considered by a special board under this section or the Secretary concerned has denied such consideration.

"(2) A court of the United States may review a determination by the Secretary concerned not to convene a special board in the case of any person. In any such case, a court may set aside the Secretary's determination only if the court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law. If a court sets aside a determination not to convene a special board, it shall remand the case to the Secretary concerned, who shall provide for consideration of the person by a special board.

"(3) A court of the United States may review a recommendation of a special board or an action of the Secretary concerned on the report of a special board convened for consideration of a person. In any such case, a court may set aside the recommendation or action, as the case may be, only if the court finds that the recommendation or action was contrary to law or involved a material error of fact or a material administrative error. If a court sets aside the recommendation of a special board, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the person by another special board. If a court sets aside the action of the Secretary concerned on the report of a special board, it shall remand the case to the Secretary concerned for a new action on the report of the special board.

"(4)(A) If, not later than six months after receiving a complete application for consideration by a special board in any case, the Secretary concerned has not convened a special board and has not denied consideration by a special board in that case, the Secretary shall be deemed to have denied the consideration of the case for the purposes of this subsection.

"(B) If, not later than one year after the convening of a special board in any case, the Secretary concerned has not taken final action on the report of the special board, the Secretary shall be deemed to have denied relief in such case for the purposes of this subsection.

"(C) Under regulations prescribed under subsection (d), the Secretary concerned may waive the applicability of subparagraph (A) or (B) in a case if the Secretary determines that a longer period for consideration of the case is warranted. The Secretary of a military department may not delegate authority to make a determination under this subparagraph.

"(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding any other provision of law, but subject to subsection (g), the remedies provided under this section are the only remedies available to a person for correcting an action or recommendation of a selection board regarding that person or an action taken on the report of a selection board regarding that person.

"(g) EXISTING JURISDICTION.—(1) Nothing in this section limits the jurisdiction of any court of the United States under any provision of law to determine the validity of any statute, regulation, or policy relating to selection boards, except that, in the event that any such statute, regulation, or policy is held invalid, the remedies prescribed in this section shall be the sole and exclusive remedies available to any person challenging the recommendation of a special board on the basis of the invalidity.

"(2) Nothing in this section limits authority to correct a military record under section 1552 of this title.

"(h) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy.

"(i) DEFINITIONS.—In this section:

"(1) The term 'special board'—

"(A) means a board that the Secretary concerned convenes under any authority to consider whether to recommend a person for appointment, enlistment, reenlistment, assignment, promotion, retention, separation, retirement, or transfer to inactive status in a reserve component instead of referring the records of that person for consideration by a previously convened selection board which considered or should have considered that person;

"(B) includes a board for the correction of military or naval records convened under section 1552 of this title, if designated as a special board by the Secretary concerned; and

"(C) does not include a promotion special selection board convened under section 628 or 14502 of this title.

"(2) The term 'selection board'—

"(A) means a selection board convened under section 573(c), 580, 580a, 581, 611(b), 637, 638, 638a, 14101(b), 14701, 14704, or 14705 of this title, and any other board convened by the Secretary concerned under any authority to recommend persons for appointment, enlistment, reenlistment, assignment, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status in a reserve component for the purpose of reducing the number of persons serving in the armed forces; and

"(B) does not include—

"(i) a promotion board convened under section 573(a), 611(a), or 14101(a) of this title;

"(ii) a special board;

"(iii) a special selection board convened under section 628 of this title; or

"(iv) a board for the correction of military records convened under section 1552 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1558. Exclusive remedies in cases involving selection boards .".

(b) SPECIAL SELECTION BOARDS.—Section 628 of such title is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following:

"(g) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1) or (b)(1) not to convene a special selection board in the case of an officer or former officer of the armed forces. If the court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) A court of the United States may review the action of a special selection board convened under this section upon the request of an officer or former officer of the armed forces and any action taken by the President on the report of the board. If the court finds that the action was contrary to law or involved a material error of fact or a material administrative error, it shall remand the case to the Secretary concerned, who shall provide for reconsideration of the officer or former officer by another special selection board.

"(3)(A) For the purposes of this subsection, the Secretary concerned shall be deemed to have determined not to convene a special selection board under subsection (a)(1) or (b)(1) in the case of an officer or former officer of the armed forces upon a failure of the Secretary to make a determination on the convening of a special selection board in that case within six months after receiving a properly completed request to convene a special selection board under that authority in that case.

"(B) Under regulations prescribed by the Secretary concerned, the Secretary may waive the applicability of subparagraph (A) in the case of a request for the convening of a special selection board if the Secretary determines that a longer period for consideration of the request is warranted. The Secretary concerned may not delegate authority to make a determination under this subparagraph.

"(h) LIMITATIONS OF OTHER JURISDICTION.—(1) No official or court of the United States may, with respect to a claim based to any extent on the failure of an officer or former officer of the armed forces to be selected for promotion by a promotion board—

"(A) consider the claim unless the officer or former officer has first been referred by the Secretary concerned to a special selection board convened under this section and acted upon by that board and the report of the board has been approved by the President; or

"(B) except as provided in subsection (g), grant any relief on the claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer for recommendation for promotion and the report of the board has been approved by the President.

"(i) EXISTING JURISDICTION.—(1) Nothing in this section limits the jurisdiction of any court of the United States under any provision of law to determine the validity of any statute, regulation, or policy relating to selection boards, except that, in the event that any such statute, regulation, or policy is held invalid, the remedies prescribed in this section shall be the sole and exclusive remedies available to any person challenging the recommendation of a selection board on the basis of the invalidity.

"(2) Nothing in this section limits authority to correct a military record under section 1552 of this title.".

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and, except as provided in paragraph (2), shall apply with respect to any proceeding pending on or after that date without regard to whether a challenge to an action of a selection board of any of the Armed Forces being considered in such proceeding was initiated before, on, or after that date.

(2) The amendments made by this section shall not apply with respect to any action commenced in a court of the United States before the date of the enactment of this Act.

**SEC. 586. ACCEPTANCE OF VOLUNTARY LEGAL ASSISTANCE FOR THE CIVIL AFFAIRS OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES AND THEIR DEPENDENTS.**

(a) AUTHORITY.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Legal services voluntarily provided as legal assistance under section 1044 of this title.".

(b) DEFENSE OF LEGAL MALPRACTICE.—Subsection (d)(1) of that section is amended by adding at the end the following new subparagraph:

"(E) Section 1054 of this title (relating to legal malpractice), for a person voluntarily providing legal services accepted under subsection (a)(5), as if the person were providing the services as an attorney of a legal staff within the Department of Defense.".

### SEC. 587. EXTENSION OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

Section 591(j) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 641, 10 U.S.C. 1562 note) is amended by striking "three years after the date of the enactment of this Act" and inserting "April 24, 2003".

### SEC. 588. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II**

"The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from those annual meetings sanctioned by the Department of Defense in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.".

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

### SEC. 589. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the total number of cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A statement of the processes and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide recruits and officer candidates with succinct information on the eligibility requirements (including information on when they become eligible) for health care benefits under the Defense health care program, and the nature and availability of the benefits under the program.

(5) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

### SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2002 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2002, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O-10[2] ... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| O-9 ...... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O-8 ...... | 7,180.20 | 7,415.40 | 7,571.10 | 7,614.90 | 7,809.30 |
| O-7 ...... | 5,966.40 | 6,371.70 | 6,371.70 | 6,418.20 | 6,657.90 |
| O-6 ...... | 4,422.00 | 4,857.90 | 5,176.80 | 5,176.80 | 5,196.60 |
| O-5 ...... | 3,537.00 | 4,152.60 | 4,440.30 | 4,494.30 | 4,673.10 |
| O-4 ...... | 3,023.70 | 3,681.90 | 3,927.60 | 3,982.50 | 4,210.50 |
| O-3[3] ..... | 2,796.60 | 3,170.40 | 3,421.80 | 3,698.70 | 3,875.70 |
| O-2[3] ..... | 2,416.20 | 2,751.90 | 3,169.50 | 3,276.30 | 3,344.10 |
| O-1[3] ..... | 2,097.60 | 2,183.10 | 2,638.50 | 2,638.50 | 2,638.50 |

| Pay Grade | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
|---|---|---|---|---|---|
| O-10[2] ... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| O-9 ...... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| O-8 ...... | 8,135.10 | 8,210.70 | 8,519.70 | 8,608.50 | 8,874.30 |
| O-7 ...... | 6,840.30 | 7,051.20 | 7,261.80 | 7,472.70 | 8,135.10 |
| O-6 ...... | 5,418.90 | 5,448.60 | 5,448.60 | 5,628.60 | 6,305.70 |
| O-5 ...... | 4,673.10 | 4,813.50 | 5,073.30 | 5,413.50 | 5,755.80 |
| O-4 ...... | 4,395.90 | 4,696.20 | 4,930.20 | 5,092.50 | 5,255.70 |
| O-3[3] ..... | 4,070.10 | 4,232.40 | 4,441.20 | 4,549.50 | 4,549.50 |
| O-2[3] ..... | 3,344.10 | 3,344.10 | 3,344.10 | 3,344.10 | 3,344.10 |
| O-1[3] ..... | 2,638.50 | 2,638.50 | 2,638.50 | 2,638.50 | 2,638.50 |

| Pay Grade | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
|---|---|---|---|---|---|
| O-10[2] ... | $0.00 | 11,601.90 | 11,659.20 | 11,901.30 | 12,324.00 |
| O-9 ...... | 0.00 | 10,147.50 | 10,293.60 | 10,504.80 | 10,873.80 |
| O-8 ...... | 9,259.50 | 9,614.70 | 9,852.00 | 9,852.00 | 9,852.00 |
| O-7 ...... | 8,694.90 | 8,694.90 | 8,694.90 | 8,694.90 | 8,738.70 |
| O-6 ...... | 6,627.00 | 6,948.30 | 7,131.00 | 7,316.10 | 7,675.20 |
| O-5 ...... | 5,919.00 | 6,079.80 | 6,262.80 | 6,262.80 | 6,262.80 |
| O-4 ...... | 5,310.60 | 5,310.60 | 5,310.60 | 5,310.60 | 5,310.60 |
| O-3[3] ..... | 4,549.50 | 4,549.50 | 4,549.50 | 4,549.50 | 4,549.50 |
| O-2[3] ..... | 3,344.10 | 3,344.10 | 3,344.10 | 3,344.10 | 3,344.10 |
| O-1[3] ..... | 2,638.50 | 2,638.50 | 2,638.50 | 2,638.50 | 2,638.50 |

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is $13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O-3E .... | $0.00 | $0.00 | $0.00 | 3,698.70 | 3,875.70 |
| O-2E .... | 0.00 | 0.00 | 0.00 | 3,276.30 | 3,344.10 |
| O-1E .... | 0.00 | 0.00 | 0.00 | 2,638.50 | 2,818.20 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| O-3E .... | 4,070.10 | 4,232.40 | 4,441.20 | 4,617.00 | 4,717.50 |
| O-2E .... | 3,450.30 | 3,630.00 | 3,768.90 | 3,872.40 | 3,872.40 |
| O-1E .... | 2,922.30 | 3,028.50 | 3,133.20 | 3,276.30 | 3,276.30 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O-3E .... | 4,855.20 | 4,855.20 | 4,855.20 | 4,855.20 | 4,855.20 |
| O-2E .... | 3,872.40 | 3,872.40 | 3,872.40 | 3,872.40 | 3,872.40 |
| O-1E .... | 3,276.30 | 3,276.30 | 3,276.30 | 3,276.30 | 3,276.30 |

WARRANT OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| W-5 ...... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| W-4 ...... | 2,889.60 | 3,108.60 | 3,198.00 | 3,285.90 | 3,437.10 |
| W-3 ...... | 2,638.80 | 2,862.00 | 2,862.00 | 2,898.90 | 3,017.40 |
| W-2 ...... | 2,321.40 | 2,454.00 | 2,569.80 | 2,654.10 | 2,726.40 |
| W-1 ...... | 2,049.90 | 2,217.60 | 2,330.10 | 2,402.70 | 2,511.90 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| W-5 ...... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| W-4 ...... | 3,586.50 | 3,737.70 | 3,885.30 | 4,038.00 | 4,184.40 |
| W-3 ...... | 3,152.40 | 3,330.90 | 3,439.50 | 3,558.30 | 3,693.90 |
| W-2 ...... | 2,875.20 | 2,984.40 | 3,093.90 | 3,200.40 | 3,318.00 |
| W-1 ...... | 2,624.70 | 2,737.80 | 2,850.00 | 2,963.70 | 3,077.10 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| W-5 ...... | $0.00 | 4,965.60 | 5,136.00 | 5,307.00 | 5,478.60 |
| W-4 ...... | 4,334.40 | 4,480.80 | 4,632.60 | 4,782.00 | 4,935.30 |
| W-3 ...... | 3,828.60 | 3,963.60 | 4,098.30 | 4,233.30 | 4,368.90 |
| W-2 ...... | 3,438.90 | 3,559.80 | 3,680.10 | 3,801.30 | 3,801.30 |
| W-1 ...... | 3,189.90 | 3,275.10 | 3,275.10 | 3,275.10 | 3,275.10 |

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| E-9[2] ..... | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| E-8 ...... | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| E-7 ...... | 1,986.90 | 2,169.00 | 2,251.50 | 2,332.50 | 2,417.40 |
| E-6 ...... | 1,701.00 | 1,870.80 | 1,953.60 | 2,033.70 | 2,117.40 |
| E-5 ...... | 1,561.50 | 1,665.30 | 1,745.70 | 1,828.50 | 1,912.80 |
| E-4 ...... | 1,443.60 | 1,517.70 | 1,599.60 | 1,680.30 | 1,752.30 |
| E-3 ...... | 1,303.50 | 1,385.40 | 1,468.50 | 1,468.50 | 1,468.50 |
| E-2 ...... | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 |
| E-1 ...... | [3] 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| E-9[2] ..... | $0.00 | $3,423.90 | 3,501.30 | 3,599.40 | 3,714.60 |
| E-8 ...... | 2,858.10 | 2,940.60 | 3,017.70 | 3,110.10 | 3,210.30 |
| E-7 ...... | 2,562.90 | 2,645.10 | 2,726.40 | 2,808.00 | 2,892.60 |
| E-6 ...... | 2,254.50 | 2,337.30 | 2,417.40 | 2,499.30 | 2,558.10 |
| E-5 ...... | 2,030.10 | 2,110.20 | 2,193.30 | 2,193.30 | 2,193.30 |
| E-4 ...... | 1,752.30 | 1,752.30 | 1,752.30 | 1,752.30 | 1,752.30 |
| E-3 ...... | 1,468.50 | 1,468.50 | 1,468.50 | 1,468.50 | 1,468.50 |
| E-2 ...... | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 |
| E-1 ...... | 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| E-9[2] ..... | $3,830.40 | 3,944.10 | 4,098.30 | 4,251.30 | 4,467.00 |
| E-8 ...... | 3,314.70 | 3,420.30 | 3,573.00 | 3,724.80 | 3,937.80 |
| E-7 ...... | 2,975.10 | 3,057.30 | 3,200.40 | 3,292.80 | 3,526.80 |
| E-6 ...... | 2,602.80 | 2,602.80 | 2,602.80 | 2,602.80 | 2,602.80 |
| E-5 ...... | 2,193.30 | 2,193.30 | 2,193.30 | 2,193.30 | 2,193.30 |
| E-4 ...... | 1,752.30 | 1,752.30 | 1,752.30 | 1,752.30 | 1,752.30 |
| E-3 ...... | 1,468.50 | 1,468.50 | 1,468.50 | 1,468.50 | 1,468.50 |
| E-2 ...... | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 | 1,239.30 |
| E-1 ...... | 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 | 1,105.50 |

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,022.70.

### SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.

(a) SERVICE CREDIT.—Section 203(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking "active service as a warrant officer or as a warrant officer and an enlisted member" and inserting "service described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Service to be taken into account for purposes of computing basic pay under paragraph (1) is as follows:

"(A) Active service as a warrant officer or as a warrant officer and an enlisted member, in the case of—

"(i) a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or

"(ii) a commissioned officer on active Guard and Reserve duty.

"(B) In the case of a commissioned officer (not referred to in subparagraph (A)(ii)) who is paid from funds appropriated for reserve personnel, service as a warrant officer, or as a warrant officer and enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

### SEC. 603. RESERVE COMPONENT COMPENSATION FOR DISTRIBUTED LEARNING ACTIVITIES PERFORMED AS INACTIVE-DUTY TRAINING.

(a) COMPENSATION AUTHORIZED.—Section 206(d) of title 37, United States Code, is amended to read as follows:

"(d)(1) Compensation is payable under this section to a member in a grade below E–7 for a period of instruction or duty in pursuit of the satisfaction of educational requirements imposed on members of the uniformed services by law or regulations if—

"(A) the particular activity in pursuit of the satisfaction of such requirements is an activity approved for that period of instruction or duty by the commander who prescribes the instruction or duty for the member for that period; and

"(B) the member attains the learning objectives required for the period of instruction or duty, as determined under regulations prescribed by the Secretary concerned.

"(2) Acceptable means of pursuit of the satisfaction of educational requirements for the purposes of compensation under this section include any means (which may include electronic, documentary, or distributed learning) that is authorized for the attainment of educational credit toward the satisfaction of those requirements in regulations prescribed by the Secretary concerned.".

(b) DEFINITION OF INACTIVE-DUTY TRAINING.—Section 101(22) of title 37, United States Code, is amended by striking "but does not include work or study in connection with a correspondence course of a uniformed service".

### SEC. 604. CLARIFICATIONS FOR TRANSITION TO REFORMED BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BASELINE AMOUNT FOR CALCULATING ALLOWANCE FOR ENLISTED MEMBERS.—For the purposes of section 402(b)(2) of title 37, United States Code, the monthly rate of basic allowance for subsistence that is in effect for an enlisted member for the year ending December 31, 2001, is $233.

(b) RATE FOR ENLISTED MEMBERS WHEN MESSING FACILITIES NOT AVAILABLE.—(1) Notwithstanding section 402 of title 37, United States Code, the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may prescribe a rate of basic allowance for subsistence to apply to enlisted members of the uniformed services when messing facilities of the United States are not available. The rate may be higher than the rate of basic allowance for subsistence that would otherwise be applicable to the members under that section, but may not be higher than the highest rate that was in effect for enlisted members of the uniformed services under those circumstances before the date of the enactment of this Act.

(2) Paragraph (1) shall cease to be effective on the first day of the first month for which the basic allowance for subsistence calculated for enlisted members of the uniformed services under section 402 of title 37, United States Code, exceeds the rate of the basic allowance for subsistence prescribed under that paragraph.

(c) DATE FOR EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–145) is amended by striking "October 1, 2001," and inserting "January 1, 2002,".

### SEC. 605. INCREASE IN BASIC ALLOWANCE FOR HOUSING IN THE UNITED STATES.

(a) ACCELERATION OF INCREASE.—Subsection 403(b)(1) of title 37, United States Code, is amended by adding at the end the following: "After September 30, 2002, the rate prescribed for a grade and dependency status for a military housing area in the United States may not be less than the median cost of adequate housing for members in that grade and dependency status in that area, as determined on the basis of the costs of adequate housing determined for the area under paragraph (2).".

(b) FISCAL YEAR 2002 RATES.—(1) Subject to subsection (b)(3) of section 403 of title 37, United States Code, in the administration of such section 403 for fiscal year 2002, the monthly amount of a basic allowance for housing for an area of the United States for a member of a uniformed service shall be equal to 92.5 percent of the monthly cost of adequate housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

(2) In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount to be paid during fiscal year 2002 for the basic allowance for housing for military housing areas inside the United States, $232,000,000 of the amount authorized to be appropriated by section 421 for military personnel may be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

### SEC. 606. CLARIFICATION OF ELIGIBILITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE.

Section 402a(b)(1) of title 37, United States Code, is amended by inserting "with dependents" after "a member of the armed forces".

### SEC. 607. CORRECTION OF LIMITATION ON ADDITIONAL UNIFORM ALLOWANCE FOR OFFICERS.

Section 416(b)(1) of title 37, United States Code, is amended by striking "$200" and inserting "$400".

### SEC. 608. PAYMENT FOR UNUSED LEAVE IN EXCESS OF 60 DAYS ACCRUED BY MEMBERS OF RESERVE COMPONENTS ON ACTIVE DUTY FOR ONE YEAR OR LESS.

(a) ELIGIBILITY.—Section 501(b)(5) of title 37, United States Code, is amended by—

(1) striking "or" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) adding at the end the following new subparagraph:

"(D) by a member of a reserve component while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to periods of active duty that begin on or after that date.

## Subtitle B—Bonuses and Special and Incentive Pays

### SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2002" and inserting "January 1, 2003".

### SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 2001" and inserting "December 31, 2002".

### SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

### SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2001," and inserting "December 31, 2002,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(c) BONUS FOR ENLISTMENT FOR TWO OR MORE YEARS.—Section 309(e) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL SKILLS.—Section 323(i) of such title is amended by striking "December 31, 2001" and inserting "December 31, 2002".

### SEC. 615. HAZARDOUS DUTY PAY FOR MEMBERS OF MARITIME VISIT, BOARD, SEARCH, AND SEIZURE TEAMS.

(a) ELIGIBILITY.—Section 301(a) of title 37, United States Code, is amended—

(1) by striking "or" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; or"; and

(3) by inserting at the end the following new paragraph:

"(12) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

### SEC. 616. SUBMARINE DUTY INCENTIVE PAY RATES.

(a) AUTHORITY.—Section 301c of title 37, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) The Secretary of the Navy shall prescribe the monthly rates of submarine duty incentive pay. The maximum monthly rate may not exceed $1,000.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) by striking "in the amount set forth in subsection (b)" in paragraphs (1) and (2); and

(B) in paragraph (4), by striking "that pay in the amount set forth in subsection (b)" and inserting "submarine duty incentive pay".

(2) Subsection (d) of such section is amended by striking "monthly incentive pay authorized by subsection (b)" and inserting "monthly submarine duty incentive pay authorized".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

### SEC. 617. CAREER SEA PAY.

(a) IN GENERAL.—Section 305a(d) of title 37, United States Code, is amended by adding at the end the following: "Under no circumstances shall a member of the uniformed services be excluded from this entitlement by virtue of his or her rank, no matter how junior, or subjected to a minimum time in service or underway in order to rate this entitlement.".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to pay periods beginning on or after that date.

### SEC. 618. MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL READY RESERVE BONUS FOR REENLISTMENT, ENLISTMENT, OR EXTENSION OF ENLISTMENT.

(a) ELIGIBILITY BASED ON QUALIFICATIONS IN CRITICALLY SHORT WARTIME SKILLS OR SPECIALTIES.—Section 308h(a) of title 37, United States Code, is amended to read as follows:

"(a)(1) The Secretary concerned may pay a bonus as provided in subsection (b) to an eligible person who reenlists, enlists, or voluntarily extends an enlistment in a reserve component of an armed force for assignment to an element (other than the Selected Reserve) of the Ready Reserve of that armed force if the reenlistment, enlistment, or extension is for a period of three years, or for a period of six years, beyond any other period the person is obligated to serve.

"(2) A person is eligible for a bonus under this section if the person—

"(A) is or has been a member of an armed force;

"(B) is qualified in a skill or specialty designated by the Secretary concerned as a critically short wartime skill or critically short wartime specialty, respectively; and

"(C) has not failed to complete satisfactorily any original term of enlistment in the armed forces.

"(3) For the purposes of this section, the Secretary concerned may designate a skill or specialty as a critically short wartime skill or critically short wartime specialty, respectively, for an armed force under the jurisdiction of the Secretary if the Secretary determines that—

"(A) the skill or specialty is critical to meet wartime requirements of the armed force; and

"(B) there is a critical shortage of personnel in that armed force who are qualified in that skill or specialty.".

(b) REGULATIONS.—The Secretaries of the military departments shall prescribe the regulations necessary for administering section 308h of title 37, United States Code, as amended by this section, not later than the effective date determined under subsection (c)(1).

(c) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to reserve component reenlistments, enlistments, and extensions of enlistments that are executed on or after the first day of that month.

### SEC. 619. ACCESSION BONUS FOR OFFICERS IN CRITICAL SKILLS.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 323 the following new section:

**"§ 324. Special pay: critical officer skills accession bonus**

"(a) ACCESSION BONUS AUTHORIZED.—A person who executes a written agreement to accept a commission as an officer of an armed force and serve on active duty in a designated critical officer skill for the period specified in the agreement may be paid an accession bonus upon acceptance of the written agreement by the Secretary concerned.

"(b) DESIGNATION OF CRITICAL OFFICER SKILLS.—(1) The Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall designate the critical officer skills for the purposes of this section. The Secretary of Defense may so designate a skill for any one or more of the armed forces.

"(2) A skill may be designated as a critical officer skill for an armed force for the purposes of this section if—

"(A) in order to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; and

"(B) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

"(c) AMOUNT OF BONUS.—The amount of a bonus paid with respect to a critical officer skill shall be determined under regulations jointly prescribed by the Secretary of Defense and the Secretary of Transportation, but may not exceed $20,000.

"(d) LIMITATION ON ELIGIBILITY FOR BONUS.—An individual may not be paid a bonus under subsection (a) if the individual has received, or is receiving, an accession bonus for the same period of service under section 302d, 302h, or 312b of this title.

"(e) PAYMENT METHOD.—Upon acceptance of a written agreement referred to in subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement under this section becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) A person who, after having received all or part of the bonus under this section pursuant to an agreement referred to in subsection (a), fails to accept an appointment as a commissioned officer or to commence or complete the total period of active duty service in a designated critical officer skill as provided in the agreement shall refund to the United States the amount that bears the same ratio to the total amount of the bonus authorized for such person as the unserved part of the period of agreed active duty service in a designated critical officer skill bears to the total period of the agreed active duty service, but not more than the amount that was paid to the person.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (1).

"(g) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to an agreement entered into after December 31, 2002.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 323 the following new item:

"324. Special pay: critical officer skills accession bonus.".

(b) EFFECTIVE DATE.—Section 324 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001.

### SEC. 620. MODIFICATION OF THE NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING CIVILIAN EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title"; and

(2) in subsection (b)(1), by striking "that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title" and inserting "and, in the case of a student so enrolled at a civilian institution that has a Senior Reserve Officers' Training Program established under section 2102 of this title, is not eligible to participate in the Senior Reserve Officers' Training Program".

### SEC. 621. ELIGIBILITY FOR CERTAIN CAREER CONTINUATION BONUSES FOR EARLY COMMITMENT TO REMAIN ON ACTIVE DUTY.

(a) AVIATION OFFICERS.—Section 301b(b)(4) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

(b) SURFACE WARFARE OFFICERS.—Section 319(a)(3) of title 37, United States Code, is amended by striking "has completed" and inserting "is within one year of the completion of".

### SEC. 622. HOSTILE FIRE OR IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 59, Subchapter IV of title 5, United States Code, is amended by adding at the end the following new section:

**"§ 5949 Hostile fire or imminent danger pay**

"(a) The head of an Executive agency may pay an employee special pay at the rate of $150 for any month in which the employee, while on duty in the United States—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was in an area of the Pentagon in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines;

"(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

"(4) was in an area of the Pentagon in which the employee was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which the employee is so hospitalized.

"(c) For the purpose of this section, "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

"(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments under this section may not be considered to be part of basic pay of an employee.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

"5949. Hostile fire or imminent danger pay.".

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied to any hostile action that took place on that date or thereafter.

## Subtitle C—Travel and Transportation Allowances

### SEC. 631. ELIGIBILITY FOR TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS BETWEEN PERMANENT DUTY STATIONS.

(a) PERSONNEL IN GRADES BELOW E-4.—Section 403(i) of title 37, United States Code, is amended by striking "who is in a pay grade E-4 (4 or more years of service) or above".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

### SEC. 632. ELIGIBILITY FOR PAYMENT OF SUBSISTENCE EXPENSES ASSOCIATED WITH OCCUPANCY OF TEMPORARY LODGING INCIDENT TO REPORTING TO FIRST PERMANENT DUTY STATION.

(a) OFFICER PERSONNEL.—Section 404a(a)(2)(C) of title 37, United States Code, is amended by striking "an enlisted member" and inserting "a member".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

### SEC. 633. ELIGIBILITY FOR DISLOCATION ALLOWANCE.

(a) MEMBERS WITH DEPENDENTS WHEN ORDERED TO FIRST DUTY STATION.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(F) A member whose dependents actually move from the member's place of residence in connection with the performance of orders for the member to report to the member's first permanent duty station if the move—

"(i) is to the permanent duty station or a designated location; and

"(ii) is an authorized move."; and

(2) in subsection (e), by inserting "(except as provided in subsection (a)(2)(F))" after "first duty station".

(b) MARRIED MEMBERS WITHOUT DEPENDENTS ASSIGNED TO GOVERNMENT FAMILY QUARTERS.—Subsection (a) of such section, as amended by subsection (a), is further amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

"(G) Each of two members married to each other who—

"(i) is without dependents;

"(ii) actually moves with the member's spouse to a new permanent duty station; and

"(iii) is assigned to family quarters of the United States at or in the vicinity of the new duty station."; and

(2) by adding at the end of the subsection the following new paragraph:

"(4) If a primary dislocation allowance is payable to two members described in subparagraph (G) of paragraph (2) who are married to each other, the amount of the allowance payable to such members shall be the amount otherwise payable under this subsection to the member in the higher pay grade, or to either member if both members are in the same pay grade. The allowance shall be paid jointly to both members.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

### SEC. 634. ALLOWANCE FOR DISLOCATION FOR THE CONVENIENCE OF THE GOVERNMENT AT HOME STATION.

(a) AUTHORITY.—(1) Chapter 7 of title 37, United States Code is amended by inserting after section 407 the following new section:

**"§ 407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station**

"(a) AUTHORITY.—Under regulations prescribed by the Secretary concerned, a member of the uniformed services may be paid a dislocation allowance under this section when ordered, for the convenience of the Government and not pursuant to a permanent change of station, to occupy or to vacate family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard.

"(b) AMOUNT.—(1) Subject to paragraph (2), the amount of a dislocation allowance paid under this section is $500.

"(2) Effective on the same date that the monthly rates of basic pay for members of the uniformed services are increased under section 1009 of this title or by a law increasing those rates by a percentage specified in the law, the amount of the dislocation allowance provided under this section shall be increased by the percentage by which the monthly rates of basic pay are so increased.

"(c) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 407 the following new item:

"407a. Travel and transportation: allowance for dislocation for the convenience of the Government at home station.".

(b) EFFECTIVE DATE.—Section 407a of title 37, United States Code, shall take effect on October 1, 2001.

### SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND THE BURIAL OF A DECEASED MEMBER OF THE UNIFORMED SERVICES.

(a) CONSOLIDATION OF AUTHORITIES.—Section 411f of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "ALLOWANCES AUTHORIZED.—(1)" after "(a)";

(B) by striking "the dependents of a member" and inserting "eligible members of the family of a member of the uniformed services";

(C) by striking "such dependents" and inserting "such persons"; and

(D) by inserting at the end the following new paragraph:

"(2) An attendant accompanying a person provided travel and transportation allowances under this section for travel to the burial ceremony for a deceased member may also be provided under the uniform regulations round trip travel and transportation allowances for travel to the burial ceremony if—

"(A) the accompanied person is unable to travel unattended because of age, physical condition, or other justifiable reason, as determined under the uniform regulations; and

"(B) there is no other eligible member of the family of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under this section and is qualified to serve as the attendant.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2)" and inserting "Limitations.—(1) Except as provided in paragraphs (2) and (3)"; and

(ii) by inserting before the period at the end the following: "and the time necessary for such travel";

(B) in paragraph (2), by striking "be extended to accommodate" and inserting "not exceed the rates for 2 days and"; and

(C) by adding at the end the following new paragraph:

"(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under this section may be provided to and from such cemetery and may not exceed the rates for 2 days and the time necessary for such travel."; and

(3) by striking subsection (c) and inserting the following:

"(c) Eligible Members of Family.—The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under this section:

"(1) The surviving spouse (including a remarried surviving spouse) of the deceased member.

"(2) The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.

"(3) If no person described in paragraphs (1) and (2) is provided travel and transportation allowances under this section, the parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

"(4) If no person described in paragraphs (1), (2), and (3) is provided travel and transportation allowances under this section, then—

"(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

"(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).

"(d) Definitions.—In this section:

"(1) The term 'burial ceremony' includes the following:

"(A) An interment of casketed or cremated remains.

"(B) A placement of cremated remains in a columbarium.

"(C) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

"(D) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

"(2) The term 'member of the family' includes a person described in section 1482(c)(4) of title 10 who, except for this paragraph, would not otherwise be considered a family member.".

(b) Repeal of Superseded Laws.—(1) Section 1482 of title 10, United States Code, is amended by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) The Funeral Transportation and Living Expense Benefits Act of 1974 (Public Law 93–257; 88 Stat. 53; 37 U.S.C. 406 note) is repealed.

(c) Applicability.—The amendments made by this Act shall apply with respect to deaths that occur on or after the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

### SEC. 636. FAMILY SEPARATION ALLOWANCE FOR MEMBERS ELECTING UNACCOMPANIED TOUR BY REASON OF HEALTH LIMITATIONS OF DEPENDENTS.

(a) Eligibility.—Section 427(c) of title 37, United States Code, is amended—

(1) in the first sentence, by striking "A member who elects" and inserting "(1) Except as provided in paragraph (2), a member who elects";

(2) in the second sentence, by striking "The Secretary concerned may waive the preceding sentence" and inserting the following:

"(3) The Secretary concerned may waive paragraph (1)"; and

(3) by inserting after paragraph (1) (as designated by the amendment made by paragraph (1) of this section) the following new paragraph:

"(2) The prohibition in the first sentence of paragraph (1) does not apply in the case of a member who elects to serve a tour of duty unaccompanied by his dependents at the member's permanent station because a dependent cannot accompany the member to or at that permanent station for medical reasons certified by a health care professional in accordance with regulations prescribed for the administration of this section.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

### SEC. 637. FUNDED STUDENT TRAVEL FOR FOREIGN STUDY UNDER AN EDUCATION PROGRAM APPROVED BY A UNITED STATES SCHOOL.

(a) Authority.—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by striking "attending" and inserting "enrolled in"; and

(B) by inserting before the comma at the end the following: "and is attending that school or is participating in a foreign study program approved by that school and, pursuant to that program, is attending a school outside the United States for a period of not more than one year"; and

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by striking "each unmarried dependent child," and all that follows through "the school being attended" and inserting "each unmarried dependent child (described in subsection (a)(3)) of one annual trip between the school being attended by that child"; and

(B) by adding at the end the following new paragraph:

"(3) The transportation allowance paid under paragraph (1) for an annual trip of a dependent child described in subsection (a)(3) who is attending a school outside the United States may not exceed the transportation allowance that would be paid under this section for the annual trip of that child between the child's school in the continental United States and the member's duty station outside the continental United States and return.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to travel that originates outside the continental United States (as defined in section 430(f) of title 37, United States Code), on or after that date.

### SEC. 638. TRANSPORTATION OR STORAGE OF PRIVATELY OWNED VEHICLES ON CHANGE OF PERMANENT STATION.

(a) Advance Payment of Storage Costs.—Section 2634(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Storage costs payable under this subsection may be paid in advance.".

(b) Shipment in Permanent Change of Station Within CONUS.—Subsection (h)(1) of such section is amended—

(1) by striking "includes" in the second sentence and all that follows and inserting "includes the following:"; and

(2) by adding at the end the following subparagraphs:

"(A) An authorized change in home port of a vessel.

"(B) A transfer or assignment between two permanent stations in the continental United States when—

"(i) the member cannot, because of injury or the conditions of the order, drive the motor vehicle between the permanent duty stations; or

"(ii) the Secretary concerned determines that it is advantageous and cost-effective to the Government for one motor vehicle of the member to be transported between the permanent duty stations.".

(c) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2001.

## Subtitle D—Matters Relating to Retirement and Survivor Benefits

### SEC. 651. PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) Restoration of Retired Pay Benefits.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation**

"(a) Payment of Both Retired Pay and Compensation.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) Special Rule for Chapter 61 Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) REPEAL OF SPECIAL COMPENSATION PROGRAM.—Section 1413 of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by striking the item relating to section 1413; and

(2) by adding at the end the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation.".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

### SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies while on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.".

(b) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "based upon his years of active service when he died." and inserting "based upon the following:"; and

(B) by adding at the end the following new clauses:

"(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

"(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

"(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died."; and

(2) in subparagraph (B)(i), by striking "if the member or former member" and all that follows and inserting "as described in subparagraph (A).".

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking "RETIREMENT-ELIGIBLE".

(2) Subsection (d)(3) of such section is amended by striking "1448(d)(1)(B) or 1448(d)(1)(C)" and inserting "clause (ii) or (iii) of section 1448(d)(1)(A)".

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking "$720,000,000" and inserting "$760,000,000"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) $770,000,000 by the end of fiscal year 2011.".

(e) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

## Subtitle E—Other Matters

### SEC. 661. EDUCATION SAVINGS PLAN FOR REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**"§ 324. Incentive bonus: savings plan for education expenses and other contingencies**

"(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

"(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

"(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

"(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

"(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

"(1) is not less than six years; and

"(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

"(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

"(1) in the case of an enlisted member, a reenlistment; and

"(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

"(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

"(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

"(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

"(1) the purchase price of the United States savings bonds; and

"(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

"(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

"(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

"(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

"(i) Regulations.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"324. Incentive bonus: savings plan for education and other contingencies.".

(b) Effective Date.—Section 324 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

(c) Funding For Fiscal Year 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $20,000,000 may be available in that fiscal year for the purchase of United States savings bonds under section 324 of title 37, United States Code (as added by subsection (a)).

### SEC. 662. COMMISSARY BENEFITS FOR NEW MEMBERS OF THE READY RESERVE.

(a) Eligibility.—Section 1063 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Eligibility of New Members.—(1) The Secretary concerned shall authorize a new member of the Ready Reserve to use commissary stores of the Department of Defense for a number of days accruing at the rate of two days for each month in which the member participates satisfactorily in training required under section 10147(a)(1) of this title or section 502(a) of title 32, as the case may be.

"(2) For the purposes of paragraph (1), a person shall be considered a new member of the Ready Reserve upon becoming a member and continuing without a break in the membership until the earlier of—

"(A) the date on which the member becomes eligible to use commissary stores under subsection (a); or

"(B) December 31 of the first calendar year in which the membership has been continuous for the entire year.

"(3) A new member may not be authorized under this subsection to use commissary stores for more than 24 days for any calendar year.".

(b) Required Documentation.—Subsection (d) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following: "The regulations shall specify the required documentation of satisfactory participation in training for the purposes of subsection (b).".

(c) Conforming Amendment.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking "Subsection (a)" and inserting "Subsections (a) and (b)".

(d) Clerical Amendments.—(1) The heading for such section is amended to read as follows:

**"§ 1063. Use of commissary stores: members of Ready Reserve".**

(2) Subsection (a) of such section is amended by striking "OF READY RESERVE" and inserting "WITH 50 OR MORE CREDITABLE POINTS".

(3) The item relating to such section in the table of sections at the beginning of chapter 54 of title 10, United States Code, is amended to read as follows:

"1063. Use of commissary stores: members of Ready Reserve.".

### SEC. 663. AUTHORIZATION OF TRANSITIONAL COMPENSATION AND COMMISSARY AND EXCHANGE BENEFITS FOR DEPENDENTS OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WHO ARE SEPARATED FOR DEPENDENT ABUSE.

(a) Commissioned Officers of the Public Health Service.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.".

(b) Commissioned Officers of the National Oceanic and Atmospheric Administration.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard' ", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following new paragraph:

"(17) Section 1059, Transitional compensation and commissary and exchange benefits for dependents of members separated for dependent abuse.".

## Subtitle F—National Emergency Family Support

### SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) Authority.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during fiscal year 2002, in order to ensure that the children of such families obtain needed child care and youth services.

(b) Appropriate Primary Objective.—The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

### SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

During fiscal year 2002, the Secretary of Defense is authorized to provide family education and support services to families of members of the Armed Services to the same extent that these services were provided during the Persian Gulf War.

# TITLE VII—HEALTH CARE

## Subtitle A—TRICARE Benefits Modernization

### SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) In General.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) Repeal of Separate Authority.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) Savings Provision.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) Consultation Requirement.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

### SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

"(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

"(B) no member of the patient's family is willing to provide the treatment or services.

"(9) The term 'custodial care'—

"(A) means treatment or services that—

"(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

"(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

"(B) includes any treatment or service described in subparagraph (A) without regard to—

"(i) the source of any recommendation to provide the treatment or service; and

"(ii) the setting in which the treatment or service is provided.".

### SEC. 703. LONG TERM CARE.

(a) Limitation.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

**"§ 1074j. Long term care benefits program**

"(a) Requirement for Program.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

"(b) Authorized Care.—The types of health care authorized to be provided under this section shall include the following:

"(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

"(2) Extended care services.

"(3) Post-hospital extended care services.

"(4) Comprehensive intermittent home health services.

"(c) Duration of Post-Hospital Extended Care Services.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

"(d) Regulations.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

"(e) Definitions.—In this section:

"(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

"(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

"(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

"1074j. Long term care benefits program.".

### SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

"(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

"(A) Moderate or severe mental retardation.

"(B) A serious physical disability.

"(C) Any extraordinary physical or psychological condition.

"(2) The extended benefits under paragraph (1) may include comprehensive health care, including services necessary to maintain function, or to minimize or prevent deterioration of function, of the patient, and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

"(A) Diagnosis.

"(B) Inpatient, outpatient, and comprehensive home health supplies and services.

"(C) Training and rehabilitation, including special education and assistive technology devices.

"(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

"(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

"(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

"(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

"(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

"(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

"(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

"(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

"(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

"(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

"(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

"(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

"(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

"(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

"(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

"(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.".

### SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

### SEC. 706. PROSTHETICS AND HEARING AIDS.

Section 1077 of title 10 United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(16) A hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.";

(2) in subsection (b)(2), by striking "Hearing aids, orthopedic footwear," and inserting "Orthopedic footwear"; and

(3) by adding at the end the following new subsection:

"(f)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

"(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

"(B) Services necessary to train the recipient of the device in the use of the device.

"(C) Repair of the device for normal wear and tear or damage.

"(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

"(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

"(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.".

### SEC. 707. DURABLE MEDICAL EQUIPMENT.

(a) Items Authorized.—Section 1077 of title 10, United States Code, as amended by section 706, is further amended—

(1) in subsection (a)(12), by striking "such as wheelchairs, iron lungs, and hospital beds," and inserting "which"; and

(2) by adding at the end the following new subsection:

"(g)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

"(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

"(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

"(C) Wheelchairs.

"(D) Iron lungs.

"(E) Hospital beds.

"(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

"(A) achieving therapeutic benefit for the patient;

"(B) making the equipment serviceable; or

"(C) otherwise assuring the proper functioning of the equipment.".

(b) Provision of Items on Rental Basis.—Paragraph (5) of section 1079(a) of such title is amended to read as follows:

"(5) Durable equipment provided under this section may be provided on a rental basis.".

### SEC. 708. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 706(1), is further amended by inserting after paragraph (16) the following new paragraph:

"(17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.''.

### SEC. 709. MENTAL HEALTH BENEFITS.

(a) Requirement for Study.—The Secretary of Defense shall carry out a study to determine the adequacy of the scope and availability of outpatient mental health benefits provided for members of the Armed Forces and covered beneficiaries under the TRICARE program.

(b) Report.—Not later than March 31, 2002, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study, including the conclusions and any recommendations for legislation that the Secretary considers appropriate.

### SEC. 710. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

## Subtitle B—Other Matters

### SEC. 711. REPEAL OF REQUIREMENT FOR PERIODIC SCREENINGS AND EXAMINATIONS AND RELATED CARE FOR MEMBERS OF ARMY RESERVE UNITS SCHEDULED FOR EARLY DEPLOYMENT.

Section 1074a of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

### SEC. 712. CLARIFICATION OF ELIGIBILITY FOR REIMBURSEMENT OF TRAVEL EXPENSES OF ADULT ACCOMPANYING PATIENT IN TRAVEL FOR SPECIALTY CARE.

Section 1074i of title 10, United States Code, is amended by inserting before the period at the end the following: ''and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age''.

### SEC. 713. TRICARE PROGRAM LIMITATIONS ON PAYMENT RATES FOR INSTITUTIONAL HEALTH CARE PROVIDERS AND ON BALANCE BILLING BY INSTITUTIONAL AND NONINSTITUTIONAL HEALTH CARE PROVIDERS.

(a) Institutional Providers.—Section 1079(j) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking ''(A)''; and

(B) by striking ''may be determined under joint regulations'' and inserting ''shall be determined under joint regulations'';

(2) by redesignating subparagraph (B) of paragraph (2) as paragraph (4), and, in such paragraph, as so redesignated, by striking ''subparagraph (A),'' and inserting ''this subsection,''; and

(3) by inserting before paragraph (4), as redesignated by paragraph (2), the following new paragraph (3):

''(3) A contract for a plan covered by this section shall include a clause that prohibits each provider of services under the plan from billing any person covered by the plan for any balance of charges for services in excess of the amount paid for those services under the joint regulations referred to in paragraph (2), except for any unpaid amounts of deductibles or copayments that are payable directly to the provider by the person.''.

(b) Noninstitutional Providers.—Section 1079(h)(4) of such title is amended—

(1) by inserting ''(A)'' after ''(4)''; and

(2) by adding at the end the following new subparagraph:

''(B) The regulations shall include a restriction that prohibits an individual health care professional (or other noninstitutional health care provider) from billing a beneficiary for services for more than the amount that is equal to—

''(i) the excess of the limiting charge (as defined in section 1848(g)(2) of the Social Security Act (42 U.S.C. 1395w–4(g)(2))) that would be applicable if the services had been provided by the professional (or other provider) as an individual health care professional (or other noninstitutional health care provider) on a nonassignment-related basis under part B of title XVIII of such Act over the amount that is payable by the United States for those services under this subsection, plus

''(ii) any unpaid amounts of deductibles or copayments that are payable directly to the professional (or other provider) by the beneficiary.''.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.

### SEC. 714. TWO-YEAR EXTENSION OF HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.

(a) Extension.—Subsection (d) of section 733 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–191) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2003''.

(b) Report.—Subsection (e) of that section is amended—

(1) by striking ''Reports.—'' and inserting ''Report.—''; and

(2) by striking ''March 15, 2002'' and inserting ''March 15, 2004''.

### SEC. 715. STUDY OF HEALTH CARE COVERAGE OF MEMBERS OF THE SELECTED RESERVE.

(a) Requirement for Study.—The Comptroller General shall carry out a study of the needs of members of the Selected Reserve of the Ready Reserve of the Armed Forces and their families for health care benefits.

(b) Report.—Not later than March 1, 2002, the Comptroller General shall submit to Congress a report on the study under subsection (a). The report shall include the following matters:

(1) An analysis of how members of the Selected Reserve currently obtain coverage for health care benefits when not on active duty, together with statistics on enrollments in health care benefits plans, including—

(A) the percentage of members of the Selected Reserve who are not covered by an employer health benefits plan;

(B) the percentage of members of the Selected Reserve who are not covered by an individual health benefits plan; and

(C) the percentage of members of the Selected Reserve who are not covered by any health insurance or other health benefits plan.

(2) An assessment of the disruptions in health benefits coverage that a mobilization of members of the Selected Reserve has caused for the members and their families.

(3) An assessment of the cost and effectiveness of various options for preventing or reducing disruptions described in paragraph (2), including—

(A) providing health care benefits to all members of the Selected Reserve and their families through TRICARE, the Federal Employees Health Benefits Program, or otherwise;

(B) revising and extending the program of transitional medical and dental care that is provided under section 1074b of title 10, United States Code, for members of the Armed Forces upon release from active duty served in support of a contingency operation;

(C) requiring the health benefits plans of members of the Selected Reserve, including individual health benefits plans and group health benefits plans, to permit members of the Selected Reserve to elect to resume coverage under such health benefits plans upon release from active duty in support of a contingency operation;

(D) providing financial assistance for paying premiums or other subscription charges for continuation of coverage by private sector health insurance or other health benefits plans; and

(E) any other options that the Comptroller General determines advisable to consider.

### SEC. 716. STUDY OF ADEQUACY AND QUALITY OF HEALTH CARE PROVIDED TO WOMEN UNDER THE DEFENSE HEALTH PROGRAM.

(a) Requirement for Study.—The Comptroller General shall carry out a study of the adequacy and quality of the health care provided to women under chapter 55 of title 10, United States Code.

(b) Specific Consideration.—The study shall include an intensive review of the availability and quality of reproductive health care services.

(c) Report.—The Comptroller General shall submit a report on the results of the study to Congress not later than April 1, 2002.

### SEC. 717. PILOT PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT FOR DEPARTMENT OF DEFENSE IN THE PERFORMANCE OF SEPARATION PHYSICAL EXAMINATIONS.

(a) Authority.—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program for the performance of the physical examinations required in connection with the separation of members of the uniformed services. The requirements of this section shall apply to a pilot program, if any, that is carried out under the authority of this subsection.

(b) Performance of Physical Examinations by Department of Veterans Affairs.—Under the pilot program, the Secretary of Veterans Affairs shall perform the physical examinations of members of the uniformed services separating from the uniformed services who are in one or more geographic areas designated for the pilot program by the Secretaries.

(c) Reimbursement.—The Secretary of Defense shall provide for reimbursing the Secretary of Veterans Affairs for the cost incurred by the Secretary of Veterans Affairs in performing, under the pilot program, the items of physical examination that are required by the Secretary concerned in connection with the separation of a member of a uniformed service. Reimbursements shall be paid out of funds available for the performance of separation physical examinations of members of that uniformed service in facilities of the uniformed services.

(d) Agreement.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement for carrying out a pilot program established under this section. The agreement shall specify the geographic area in which the pilot program is carried out and the means for making reimbursement payments.

(2) The other administering Secretaries shall also enter into the agreement to the extent that the Secretary of Defense determines necessary to apply the pilot program, including the requirement for reimbursement, to the uniformed services not under the jurisdiction of the Secretary of a military department.

(e) Consultation Requirement.—In developing and carrying out the pilot program, the Secretary of Defense shall consult with the other administering Secretaries.

(f) Period of Program.—Any pilot program established under this section shall begin not later than July 1, 2002, and terminate on December 31, 2005.

(g) Reports.—(1) Not later than January 31, 2004, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress an interim report on the conduct of the pilot program.

(2) Not later than March 1, 2005, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a final report on the conduct of the pilot program.

(3) Each report under this subsection shall include the Secretaries' assessment, as of the date of such report, of the efficacy of the performance of separation physical examinations as provided for under the pilot program.

(h) Definitions.—In this section:

(1) The term "administering Secretaries" has the meaning given the term in section 1072(3) of title 10, United States Code.

(2) The term "Secretary concerned" has the meaning given the term in section 101(5) of title 37, United States Code.

### SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) Clarification of Covered Beneficiaries.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106–398; 114 Stat. 1654A-184) is amended by striking "covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard," and inserting "covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code,".

(b) Repeal of Requirement for Notification Regarding Health Care Received From Another Source.—Subsection (b) of such section is repealed.

(c) Waiver Authority.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

"(b) Waiver Authority.—The Secretary may waive the prohibition in subsection (a) if—

"(1) the Secretary—

"(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

"(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

"(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

"(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

"(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

"(4) 60 days have elapsed since the date of the notification described in paragraph (3).".

(d) Delay of Effective Date.—Subsection (d) of such section is amended—

(1) by striking "take effect on October 1, 2001" and inserting "be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002"; and

(2) by redesignating the subsection as subsection (c).

(e) Report.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

### SEC. 719. TRANSITIONAL HEALTH CARE TO MEMBERS SEPARATED FROM ACTIVE DUTY.

(a) Permanent Authority for Involuntarily Separated Members and Mobilized Reserves.—Subsection (a) of section 1145 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2), a member" and all that follows through "of the member)," and inserting "paragraph (3), a member of the armed forces who is separated from active duty as described in paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) This subsection applies to the following members of the armed forces:

"(A) A member who is involuntarily separated from active duty.

"(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

"(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

"(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation."; and

(4) in paragraph (3), as redesignated by paragraph (2), is amended by striking "involuntary" each place it appears.

(b) Conforming Amendments.—Such section 1145 is further amended—

(1) in subsection (c)(1), by striking "during the period beginning on October 1, 1990, and ending on December 31, 2001"; and

(2) in subsection (e), by striking the first sentence.

(c) Repeal of Superseded Authority.—(1) Section 1074b of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1074b.

(d) Transition Provision.—Notwithstanding the repeal of section 1074b of title 10, United States Code, by subsection (c), the provisions of that section, as in effect before the date of the enactment of this Act, shall continue to apply to a member of the Armed Forces who is released from active duty in support of a contingency operation before that date.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### Subtitle A—Procurement Management and Administration

### SEC. 801. MANAGEMENT OF PROCUREMENTS OF SERVICES.

(a) Responsibility of Under Secretary of Defense for Acquisition, Technology, and Logistics.—Section 133(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) managing the procurements of services for the Department of Defense; and".

(b) Requirement for Management Structure.—(1) Chapter 137 of such title is amended by inserting after section 2328 the following new section:

**"§ 2330. Procurements of services: management structure**

"(a) Requirement for Management Structure.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a structure for the management of procurements of services for the Department of Defense.

"(b) Delegation of Authority.—(1) The management structure shall provide for a designated official in each Defense Agency, military department, and command to exercise the responsibility for the management of the procurements of services for the official's Defense Agency, military department, or command, respectively.

"(2) For the exercise of the responsibility under paragraph (1), a designated official shall report, and be accountable, to—

"(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

"(B) such other officials as the Under Secretary may prescribe for the management structure.

"(3) Paragraph (2) shall not affect the responsibility of a designated official for a military department who is not the Secretary of that military department to report, and be accountable, to the Secretary of the military department.

"(c) Contracting Responsibilities of Designated Officials.—The responsibilities of an official designated under subsection (b) shall include, with respect to the procurements of services for the Defense Agency, military department, or command of that official, the following:

"(1) Ensuring that the services are procured by means of contracts or task orders that are in the best interests of the Department of Defense and are entered into or issued and managed in compliance with the applicable statutes, regulations, directives, and other requirements, regardless of whether the services are procured through a contract of the Department of Defense or through a contract entered into by an official of the United States outside the Department of Defense.

"(2) Establishing within the Department of Defense appropriate contract vehicles for use in the procurement of services so as to ensure that officials of the Department of Defense are accountable for the procurement of the services in accordance with the requirements of paragraph (1).

"(3) Analyzing data collected under section 2330a of this title on contracts that are entered into for the procurement of services.

"(4) Approving, in advance, any procurement of services that is to be made through the use of—

"(A) a contract or task order that is not a performance-based contract or task order; or

"(B) a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense.

"(d) DEFINITION.—In this section, the term 'performance-based', with respect to a contract or a task order means that the contract or task- order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.".

(2) Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance for officials in the management structure established under section 2330 of title 10, United States Code (as added by paragraph (1)), regarding how to carry out their responsibilities under that section. The guidance shall include, at a minimum, the following:

(A) Specific dollar thresholds, approval levels, and criteria for advance approvals under subsection (c)(4) of such section 2330.

(B) A prohibition on the procurement of services through the use of a contract entered into, or a task order issued, by an official of the United States outside the Department of Defense that is not a performance-based contract or task order, unless an appropriate official in the management structure established under such section 2330 determines in writing that the use of that means for the procurement is justified on the basis of exceptional circumstances as being in the best interests of the Department of Defense.

(c) TRACKING OF PROCUREMENTS OF SERVICES.—Chapter 137 of title 10, United States Code, as amended by subsection (b), is further amended by inserting after section 2330 the following new section:

**"§ 2330a. Procurements of services: tracking**

"(a) DATA COLLECTION REQUIRED.—The Secretary of Defense shall establish a data collection system to provide management information with regard to each purchase of services by a military department or Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made in the form of a contract, task order, delivery order, military interdepartmental purchase request, or any other form of interagency agreement.

"(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) includes the following:

"(1) The services purchased.

"(2) The total dollar amount of the purchase.

"(3) The form of contracting action used to make the purchase.

"(4) Whether the purchase was made through—

"(A) a performance-based contract, performance-based task order, or other performance-based arrangement that contains firm fixed prices for the specific tasks to be performed;

"(B) any other performance-based contract, performance-based task order, or performance-based arrangement; or

"(C) any contract, task order, or other arrangement that is not performance based.

"(5) In the case of a purchase made through an agency other than the Department of Defense—

"(A) the agency through which the purchase is made; and

"(B) the reasons for making the purchase through that agency.

"(6) The extent of competition provided in making the purchase (including the number of offerors).

"(7) whether the purchase was made from—

"(A) a small business concern;

"(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

"(C) a small business concern owned and controlled by women.

"(c) COMPATIBILITY WITH DATA COLLECTION SYSTEM FOR INFORMATION TECHNOLOGY PURCHASES.—To the maximum extent practicable, a single data collection system shall be used to collect data under this section and information under section 2225 of this title.

"(d) DEFINITIONS.—In this section:

"(1) The term 'performance-based', with respect to a contract, task order, or arrangement, means that the contract, task order, or arrangement, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

"(2) The definitions set forth in section 2225(f) of this title for the terms 'simplified acquisition threshold', 'small business concern', 'small business concern owned and controlled by socially and economically disadvantaged individuals', and 'small business concern owned and controlled by women' shall apply.".

(d) REQUIREMENT FOR PROGRAM REVIEW STRUCTURE.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue and implement a policy that applies to the procurement of services by the Department of Defense a program review structure that is similar to the one developed for and applied to the procurement of systems by the Department of Defense.

(2) The program review structure for the procurement of services shall, at a minimum, include the following:

(A) Standards for determining which procurements should be subject to review by either the senior procurement executive of a military department or the senior procurement executive of the Department of Defense under such section, including criteria based on dollar thresholds, program criticality, or other appropriate measures.

(B) Appropriate milestones at which those reviews should take place.

(C) A description of the specific matters that should be reviewed.

(e) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary issues the policy required by subsection (d) and the Under Secretary of Defense for Acquisition, Technology, and Logistics issues the guidance required by subsection (b)(2), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the compliance with the requirements of this section and the amendments made by this section.

(f) DEFINITIONS.—In this section:

(1) The term "senior procurement executive" means the official designated as the senior procurement executive under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(2) The term "performance-based", with respect to a contract or a task order means that the contract or task order, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(g) CLERICAL AMENDMENTS.—(1) The heading for section 2331 of title 10, United States Code, is amended to read as follows:

**"§ 2331. Procurements of services: contracts for professional and technical services".**

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2331 and inserting the following new items:

"2330. Procurements of services: management structure.
"2330a. Procurements of services: tracking.
"2331. Procurements of services: contracts for professional and technical services.".

### SEC. 802. SAVINGS GOALS FOR PROCUREMENTS OF SERVICES.

(a) GOALS.—(1) It shall be an objective of the Department of Defense to achieve savings in expenditures for procurements of services through the use of—

(A) performance-based services contracting;

(B) competition for task orders under services contracts; and

(C) program review, spending analyses, and improved management of services contracts.

(2) In furtherance of that objective, the Department of Defense shall have goals to use improved management practices to achieve, over 10 fiscal years, reductions in the total amount that would otherwise be expended by the Department for the procurement of services (other than military construction) in a fiscal year by the amount equal to 10 percent of the total amount of the expenditures of the Department for fiscal year 2000 for procurement of services (other than military construction), as follows:

(A) By fiscal year 2002, a three percent reduction.

(B) By fiscal year 2003, a four percent reduction.

(C) By fiscal year 2004, a five percent reduction.

(D) By fiscal year 2011, a ten percent reduction.

(b) ANNUAL REPORT.—Not later than March 1, 2002, and annually thereafter through March 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made toward meeting the objective and goals established in subsection (a). Each report shall include, at a minimum, the following information:

(1) A summary of the steps taken or planned to be taken in the fiscal year of the report to improve the management of procurements of services.

(2) A summary of the steps planned to be taken in the following fiscal year to improve the management of procurements of services.

(3) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the fiscal year of the report.

(4) An estimate of the amount that will be expended by the Department of Defense for procurements of services in the following fiscal year.

(5) An estimate of the amount of savings that, as a result of improvement of the management practices used by the Department of Defense, will be achieved for the procurement of services by the Department in the fiscal year of the report and in the following fiscal year.

(c) REVIEW AND REPORT BY COMPTROLLER GENERAL.—The Comptroller General shall review each report submitted by the Secretary pursuant to subsection (b), and within 90 days after the date of the report, submit to Congress a report containing the Comptroller General's assessment of the extent to which the Department of Defense has taken steps necessary to achieve the objective and goals established by subsection (a). In each report the Comptroller General shall, at a minimum, address—

(1) the accuracy and reliability of the estimates included in the Secretary's report; and

(2) the effectiveness of the improvements in management practices that have been taken, and those that are planned to be taken, in the Department of Defense to achieve savings in procurements of services by the Department.

### SEC. 803. COMPETITION REQUIREMENT FOR PURCHASES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate in the Department of Defense Supplement to the Federal Acquisition Regulation regulations requiring competition in the purchase of products and services by the Department of Defense pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall provide, at a minimum, that each individual procurement of products and services in excess of $50,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the Department of Defense—

(1) waives the requirement on the basis of a determination that one of the circumstances described in paragraphs (1) through (4) of section 2304(c) of title 10, United States Code, applies to such individual procurement; and

(2) justifies the determination in writing.

(c) REPORTING REQUIREMENT.—The Secretary shall submit to the congressional defense committees each year a report on the use of the waiver authority provided in the regulations prescribed under subsection (b). The report for a year shall include, at a minimum, for each military department and each Defense Agency, the following:

(1) The number of the waivers granted.

(2) The dollar value of the procurements for which the waivers were granted.

(3) The bases on which the waivers were granted.

(d) DEFINITIONS.—In this section:

(1) The term "individual procurement" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

(3) The term "competitive basis", with respect to an individual procurement of products or services under a multiple award contract, means procedures that—

(A) require fair notice to be provided to all contractors offering such products or services under the multiple award contract of the intent to make that procurement; and

(B) afford all such contractors a fair opportunity to make an offer and have that offer fully and fairly considered by the official making the procurement.

(4) The term "Defense Agency" has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(e) APPLICABILITY.—The regulations promulgated by the Secretary pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual procurements that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

### SEC. 804. RISK REDUCTION AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) STANDARD FOR TECHNOLOGICAL MATURITY.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

**"§ 2431a. Risk reduction at program initiation**

"(a) REQUIREMENT FOR DEMONSTRATION OF CRITICAL TECHNOLOGIES.—Each critical technology that is to be used in production under a major defense acquisition program shall be successfully demonstrated in a relevant environment, as determined in writing by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(b) PROHIBITION.—Neither of the following actions may be taken in a major defense acquisition program before the requirement of subsection (a) has been satisfied for the program:

"(1) Milestone B approval.

"(2) Initiation of the program without a Milestone B approval.

"(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in subsection (b) with respect to a major defense acquisition program if the Milestone Decision Authority for the program certifies to the Under Secretary that exceptional circumstances justify proceeding with an action described in that subsection for the program before compliance with subsection (a).

"(d) ANNUAL REPORT ON WAIVERS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives each year the justification for any waiver granted with respect to a major defense acquisition program under subsection (c) during the fiscal year covered by the report.

"(2) The report for a fiscal year shall be submitted with the submission of the weapons development and procurement schedules under section 2431 of this title and shall cover the fiscal year preceding the fiscal year in which submitted.

"(e) DEFINITIONS.—In this section:

"(1) The term 'Milestone B approval' means approval to begin integrated system development and demonstration.

"(2) The term 'Milestone Decision Authority' means the official of the Department of Defense who is designated in accordance with criteria prescribed by the Secretary of Defense to approve entry of a major defense acquisition program into the next phase of the acquisition process.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2431 the following:

"2431a. Risk reduction at program initiation.".

(b) EFFECTIVE DATE AND APPLICABILITY.—(1) Section 2431a of title 10, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act and shall apply to—

(A) any major defense acquisition program that is initiated on or after that date without a Milestone B approval having been issued for the program; and

(B) any major defense acquisition program that is initiated more than 6 months after that date with a Milestone B approval having been issued for the program before the initiation of the program.

(2) In paragraph (1):

(A) The term "major defense acquisition program" has the meaning given the term in section 2430 of title 10, United States Code.

(B) The term "Milestone B approval" has the meaning given the term under section 2431a(d) of title 10, United States Code (as added by subsection (a)).

### SEC. 805. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) FOLLOW-ON PRODUCTION CONTRACTS.—(1) A transaction entered into under this section for a prototype project that satisfies the conditions set forth in subsection (d)(1)(B)(i) may provide for the award of a follow-on production contract to the participants in the transaction for a specific number of units at specific target prices. The number of units specified in the transaction shall be determined on the basis of a balancing of the level of the investment made in the project by the participants other than the Federal Government with the interest of the Federal Government in having competition among sources in the acquisition of the product or products prototyped under the project.

"(2) A follow-on production contract provided for in a transaction under paragraph (1) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of title 10, United States Code, if—

"(A) competitive procedures were used for the selection of parties for participation in the transaction;

"(B) the participants in the transaction successfully completed the prototype project provided for in the transaction;

"(C) the number of units provided for in the follow-on production contract does not exceed the number of units specified in the transaction for such a follow-on production contract; and

"(D) the prices established in the follow-on production contract do not exceed the target prices specified in the transaction for such a follow-on production contract.".

## Subtitle B—Defense Acquisition and Support Workforce

### SEC. 811. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE ACQUISITION 2005 TASK FORCE.

(a) REQUIREMENT FOR REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent of the implementation of the recommendations set forth in the final report of the Department of Defense Acquisition 2005 Task Force, entitled "Shaping the Civilian Acquisition Workforce of the Future".

(b) CONTENT OF REPORT.—The report shall include the following:

(1) For each recommendation in the final report that is being implemented or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of the recommendation.

(2) For each recommendation in the final report that the Secretary does not plan to implement—

(A) the reasons for the decision not to implement the recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General shall—

(1) review the report; and

(2) submit to the committees referred to in subsection (a) the Comptroller General's assessment of the extent to which the report—

(A) complies with the requirements of this section; and

(B) addresses the concerns raised in the final report about the size and structure of the acquisition workforce of the Department of Defense.

### SEC. 812. MORATORIUM ON REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2002, 2003, and 2004, below the level of that workforce as of September 30, 2001, determined on the basis of full-time equivalent positions.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (a) and reduce the level of the defense acquisition and support workforce upon submitting to Congress the Secretary's certification that the defense acquisition and support workforce, at the level to which reduced, will be able efficiently and effectively to perform the workloads that are required of that workforce consistent with the cost-effective management of the defense acquisition system to obtain best value equipment and with ensuring military readiness.

(c) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term "defense acquisition and support workforce" means Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that is—

(1) an acquisition organization specified in Department of Defense Instruction 5000.58, dated January 14, 1992; or

(2) an organization not so specified that has acquisition as its predominant mission, as determined by the Secretary of Defense.

### SEC. 813. REVISION OF ACQUISITION WORKFORCE QUALIFICATION REQUIREMENTS.

(a) SPECIAL REQUIREMENTS FOR MEMBERS OF A CONTINGENCY CONTRACTING FORCE.—(1) Subchapter II of chapter 87 of title 10, United States Code, is amended by inserting after section 1724 the following new section:

**"§ 1724a. Contingency contracting force: qualification requirements**

"(a) CONTINGENCY CONTRACTING FORCE.—The Secretary of Defense may identify as a contingency contracting force the acquisition positions described in subsections (a) and (b) of section 1724 of this title that involve duties requiring the personnel in those positions to deploy to perform contracting functions in support of a contingency operation or other Department of Defense operation.

"(b) QUALIFICATION REQUIREMENTS.—The Secretary of Defense shall prescribe the qualification requirements for a person appointed to a position in any contingency contracting force identified under subsection (a). The requirements shall include requirements that the person—

"(1) either—

"(A) have completed the credits of study as described in section 1724(a)(3)(B) of this title;

"(B) have passed an examination considered by the Secretary of Defense to demonstrate that the person has skills, knowledge, or abilities comparable to that of a person who has completed the credits of study described in such section; or

"(C) through a combination of having completed some of the credits of study described in such section and having passed an examination, have demonstrated that the person has skills, knowledge, or abilities comparable to that of a person who has completed all of the credits of study described in such section; and

"(2) have satisfied such additional requirements for education and experience as the Secretary may prescribe.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1724 the following new item:

"1724a. Contingency contracting force: qualification requirements.".

(b) EXCEPTIONS TO GENERALLY APPLICABLE QUALIFICATION REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) EXCEPTIONS.—(1) The requirements imposed under subsection (a) or (b) of this section shall not apply to a person for either of the following purposes:

"(A) In the case of an employee, to qualify to serve in the position in which the employee was serving on October 1, 1993, or in any other position in the same or lower grade and involving the same or lower level of responsibilities as the position in which the employee was serving on such date.

"(B) To qualify to serve in an acquisition position in any contingency contracting force identified under section 1724a of this title.

"(2) Subject to paragraph (3), the requirements imposed under subsection (a) or (b) shall not apply to a person who, before October 1, 2000, served—

"(A) as a contracting officer in an executive agency with authority to award or administer contracts in excess of the simplified acquisition threshold (referred to in section 2304(g) of this title); or

"(B) in a position in an executive agency either as an employee in the GS–1102 occupational series or as a member of the armed forces in a similar occupational specialty.

"(3) For the exception in subparagraph (A) or (B) of paragraph (2) to apply to an employee with respect to the requirements imposed under subsection (a) or (b), the employee must—

"(A) before October 1, 2000—

"(i) have received a baccalaureate degree as described in subparagraph (A) of subsection (a)(3);

"(ii) have completed credits of study as described in subparagraph (B) of subsection (a)(3);

"(iii) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of a person who has completed credits of study as described in subparagraph (B) of subsection (a)(3); or

"(iv) have been granted a waiver of the applicability of the requirements imposed under subsection (a) or (b), as the case may be; or

"(B) on October 1, 1991, had at least 10 years of experience in one or more acquisition positions in the Department of Defense, comparable positions in other government agencies or the private sector, or similar positions in which an individual obtains experience directly relevant to the field of contracting.".

(c) CLARIFICATION OF APPLICABILITY OF WAIVER AUTHORITY TO MEMBERS OF THE ARMED FORCES.—Subsection (d) of such section is amended by striking "employee or member of" in the first sentence and inserting "employee of, or a member of an armed force in,".

(d) OFFICE OF PERSONNEL MANAGEMENT APPROVAL OF GENERALLY APPLICABLE DISCRETIONARY REQUIREMENTS.—Section 1725 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "section 1723 or under section 1724(a)(4) of this title" in the first sentence and inserting "section 1723, 1724(a)(4), or 1724a(b)(2)"; and

(2) in subsection (b), by striking "subsection (a)(3) or (b) of section 1724 of this title" in the first sentence and inserting "subsection (a)(3), (b), or (c)(3)(A)(iii) of section 1724 of this title or under subparagraph (B) or (C) of section 1724a(b)(1) of this title".

(e) TECHNICAL CORRECTIONS.—Sections 1724(a)(3)(B) and 1732(c)(2) of such title are amended by striking "business finance" and inserting "business, finance".

## Subtitle C—Use of Preferred Sources

### SEC. 821. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE.

(a) CONDITIONS FOR COMPETITION.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

**"§ 2410n. Products of Federal Prison Industries: procedural requirements**

"(a) MARKET RESEARCH BEFORE PURCHASE.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, the Secretary of Defense shall conduct market research to determine whether the Federal Prison Industries product is comparable in price, quality, and time of delivery to products available from the private sector.

"(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary shall use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410n. Products of Federal Prison Industries: procedural requirements.".

(b) APPLICABILITY.—Section 2410n of title 10, United States Code (as added by subsection (a)), shall apply to purchases initiated on or after October 1, 2001.

### SEC. 822. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

### "§ 2382. Consolidation of contract requirements: policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements of the department, agency, or activity as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) any other benefit.

"(c) DEFINITIONS.—In this section:

"(1) The terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity under two or more separate contracts smaller in cost than the total cost of the contract for which the offers are solicited.

"(2) The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

"(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of this title or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

"(3) The term 'senior procurement executive concerned' means—

"(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department; or

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense.

"(4) The term 'small business concern' means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

"2382. Consolidation of contract requirements: policy and restrictions.".

(b) DATA REVIEW.—(1) The Secretary of Defense shall revise the data collection systems of the Department of Defense to ensure that such systems are capable of identifying each procurement that involves a consolidation of contract requirements within the department with a total value in excess of $5,000,000.

(2) The Secretary shall ensure that appropriate officials of the Department of Defense periodically review the information collected pursuant to paragraph (1) in cooperation with the Small Business Administration—

(A) to determine the extent of the consolidation of contract requirements in the Department of Defense; and

(B) to assess the impact of the consolidation of contract requirements on the availability of opportunities for small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

(3) In this subsection:

(A) The term "bundling of contract requirements" has the meaning given that term in section 3(o)(2) of the Small Business Act (15 U.S.C. 632(o)(2)).

(B) The term "consolidation of contract requirements" has the meaning given that term in section 2382(c)(1) of title 10, United States Code, as added by subsection (a).

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting ", and whether contract bundling played a role in the failure," after "agency goals"; and

(2) by adding at the end the following:

"(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.".

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

"(p) REPORTING REQUIREMENT.—

"(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

"(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

"(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.".

### SEC. 823. CODIFICATION AND CONTINUATION OF MENTOR-PROTEGE PROGRAM AS PERMANENT PROGRAM.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2402 the following new section:

### "§ 2403. Mentor-Protege Program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall carry out a program known as the 'Mentor-Protege Program'.

"(b) PURPOSE.—The purpose of the program is to provide incentives for major Department of Defense contractors to furnish eligible small business concerns (as defined in subsection (l)(2)) with assistance designed to enhance the capabilities of eligible small business concerns to perform as subcontractors and suppliers under Department of Defense contracts and other contracts and subcontracts in order to increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

"(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to eligible small business concerns upon making application to the Secretary of Defense and being approved for participation in the program by the Secretary. A business concern participating in the program pursuant to such an approval shall be known, for the purposes of the program, as a 'mentor firm'.

"(2) An eligible small business concern may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). An eligible small business concern may not be a party to more than one agreement to receive such assistance at any time. An eligible small business concern receiving such assistance shall be known, for the purposes of the program, as a 'protege firm'.

"(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a small business concern described in subsection (l)(2)(A). The Administrator of the Small Business Administration shall determine the status of such business concern as such a small business concern in the event of a protest regarding the status of the business concern. If at any time the business concern is determined by the Administrator not to be such a small business concern, assistance furnished to the business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

“(d) MENTOR FIRM ELIGIBILITY.—Subject to subsection (c)(1), a mentor firm eligible for award of Federal contracts may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if—

“(1) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

“(2) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

“(e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

“(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

“(A) factors to assess the protege firm's developmental progress under the program; and

“(B) the anticipated number and type of subcontracts to be awarded the protege firm.

“(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.

“(3) Procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

“(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following:

“(1) Assistance, by using mentor firm personnel, in—

“(A) general business management, including organizational management, financial management, and personnel management, marketing, business development, and overall business planning;

“(B) engineering and technical matters such as production, inventory control, and quality assurance; and

“(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

“(2) Award of subcontracts on a noncompetitive basis to the protege firm under the Department of Defense or other contracts.

“(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

“(4) Advance payments under such subcontracts.

“(5) Loans.

“(6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest.

“(7) Assistance obtained by the mentor firm for the protege firm from one or more of the following:

“(A) Small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

“(B) Entities providing procurement technical assistance pursuant to chapter 142 of this title.

“(C) A historically Black college or university or a minority institution of higher education.

“(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense may provide to a mentor firm reimbursement for the total amount of any progress payment or advance payment made under the program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

“(2)(A) The Secretary of Defense may provide to a mentor firm reimbursement for the costs of the assistance furnished to a protege firm pursuant to paragraphs (1) and (7) of subsection (f) as provided for in a line item in a Department of Defense contract under which the mentor firm is furnishing products or services to the Department, subject to a maximum amount of reimbursement specified in such contract. The preceding sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.

“(B) The determinations made in annual performance reviews of a mentor firm's mentor-protege agreement under subsection (j)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

“(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed $1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.

“(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract, under a contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another executive agency.

“(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

“(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(7);

“(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

“(iii) two times the total amount of any other such costs.

“(C) Under regulations prescribed pursuant to subsection (k), the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm's performance regarding the award of subcontracts to eligible small business concerns has declined without justifiable cause.

“(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

“(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

“(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

“(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

“(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine an eligible small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

“(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.

“(i) PARTICIPATION IN MENTOR-PROTEGE PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

“(j) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

“(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

“(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and "(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

"(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

"(k) Regulations and Policies.—(1) The Secretary of Defense shall prescribe regulations to carry out the Mentor-Protege Program. The regulations shall include the following:

"(A) The requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 673(d)).

"(B) Procedures by which mentor firms may terminate participation in the program.

"(2) The Department of Defense policy regarding the Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.

"(l) Definitions.—In this section:

"(1) The term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

"(2) The term 'eligible small business concern' is a small business concern that—

"(A) is either—

"(i) a disadvantaged small business concern; or

"(ii) a small business concern owned and controlled by women; and

"(B) is eligible for the award of Federal contracts.

"(3) The term 'disadvantaged small business concern' means—

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C));

"(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)); or

"(D) a qualified organization employing the severely disabled.

"(4) The term 'small business concern owned and controlled by women' has the meaning given such term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).

"(5) The term 'historically Black college and university' means any of the historically Black colleges and universities referred to in section 2323 of this title.

"(6) The term 'minority institution of higher education' means an institution of higher education with a student body that reflects the composition specified in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)), as in effect on September 30, 1992.

"(7) The term 'subcontracting participation goal', with respect to a Department of Defense contract, means a goal for the extent of the participation by eligible small business concerns in the subcontracts awarded under such contract, as established pursuant to section 2323 of this title and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(8) The term 'qualified organization employing the severely disabled' means a business entity operated on a for-profit or nonprofit basis that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(9) The term 'severely disabled individual' means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for Purchase From People Who Are Blind or Severely Disabled established by the first section of the Javits-Wagner-O'Day Act (41 U.S.C. 46), is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2402 the following new item:

"2403. Mentor-Protege Program.".

(b) Repeal of Superseded Law.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is repealed.

(c) Continuation of Temporary Reporting Requirement.—(1) Not later than six months after the end of each of fiscal years 2001 through 2004, the Secretary of Defense shall submit to Congress an annual report on the Mentor-Protege Program for that fiscal year.

(2) The annual report for a fiscal year shall include, at a minimum, the following:

(A) The number of mentor-protege agreements that were entered into during the fiscal year.

(B) The number of mentor-protege agreements that were in effect during the fiscal year.

(C) The total amount reimbursed during the fiscal year to mentor firms pursuant to section 2403(g) of title 10, United States Code (as added by subsection (a)), or section 831(g) of the National Defense Authorization Act for fiscal year 1991 (as in effect on the day before the date of the enactment of this Act).

(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with section 2403(e)(2) of title 10, United States Code (as added by subsection (a)), or section 831(e)(2) of the National Defense Authorization Act for Fiscal Year 1991 (as in effect on the day before the date of the enactment of this Act) to provide a program participation term in excess of three years, together with the justification for the approval.

(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) of section 2403 of title 10, United States Code (as added by subsection (a)), or subsection (g)(2)(C) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (as in effect on the day before the date of the enactment of this Act) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.

(d) Continuation of Requirement for GAO Study and Report.—Nothing in this section shall be construed as modifying the requirements of section 811(d)(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

(e) Savings Provisions.—(1) All orders, determinations, rules, regulations, contracts, privileges, and other administrative actions that—

(A) have been issued, made, granted, or allowed to become effective under the pilot Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day before the date of the enactment of this Act, including any such action taken by a court of competent jurisdiction, and

(B) are in effect at the end of such day, or were final before the date of the enactment of this Act and are to become effective on or after that date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense or a court of competent jurisdiction or by operation of law.

(2) This section and the amendments made by this section shall not affect any proceedings, including notices of proposed rulemaking, that are pending before the Department of Defense as of the date of the enactment of this Act, with respect to the administration of the pilot Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on the day before that date, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) The amendment made by subsection (a)(1), and the repeal of section 831 of the National Defense Authorization Act for Fiscal Year 1991 by subsection (b), shall not be construed as modifying or otherwise affecting the requirement in section 811(f)(2) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

### SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) Rule of construction relating to citizenship.—

"(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

"(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

"(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

"(ii) files reports with the Securities and Exchange Commission as a small business issuer.".

"(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

"(i) an individual that is not a United States citizen; and

"(ii) any other person that is not organized under the laws of any State or the United States.".

## Subtitle D—Amendments to General Contracting Authorities, Procedures, and Related Matters

### SEC. 831. AMENDMENTS TO CONFORM WITH ADMINISTRATIVE CHANGES IN ACQUISITION PHASE AND MILESTONE TERMINOLOGY AND TO MAKE RELATED ADJUSTMENTS IN CERTAIN REQUIREMENTS APPLICABLE AT MILESTONE TRANSITION POINTS.

(a) ACQUISITION PHASE TERMINOLOGY.—The following provisions of title 10, United States Code, are amended by striking "engineering and manufacturing development" each place it appears and inserting "system development and demonstration": sections 2366(c) and 2434(a), and subsections (b)(3)(A)(i), (c)(3)(A), and (h)(1) of section 2432.

(b) MILESTONE TRANSITION POINTS.—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–211), is amended by striking "Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system" and inserting "approval of a major automated information system at Milestone B or C or for full rate production, or an equivalent approval,".

(2) Department of Defense Directive 5000.1, as revised in accordance with subsection (b) of section 811 of such Act, shall be further revised as necessary to comply with subsection (c) of such section, as amended by paragraph (1), within 60 days after the date of the enactment of this Act.

(c) ADJUSTMENTS TO REQUIREMENT FOR DETERMINATION OF QUANTITY FOR LOW-RATE INITIAL PRODUCTION.—Section 2400(a) of title 10, United States Code, is amended—

(1) by striking "milestone II" each place it appears in paragraphs (1)(A), (2), (4) and (5) and inserting "milestone B"; and

(2) in paragraph (2), by striking "engineering and manufacturing development" and inserting "system development and demonstration".

(d) ADJUSTMENTS TO REQUIREMENTS FOR BASELINE DESCRIPTION AND THE RELATED LIMITATION.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (b), by striking "engineering and manufacturing development" and inserting "system development and demonstration"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "demonstration and validation" and inserting "system development and demonstration";

(B) in paragraph (2), by striking "engineering and manufacturing development" and inserting "production and deployment"; and

(C) in paragraph (3), by striking "production and deployment" and inserting "full rate production".

### SEC. 832. INAPPLICABILITY OF LIMITATION TO SMALL PURCHASES OF MINIATURE OR INSTRUMENT BALL OR ROLLER BEARINGS UNDER CERTAIN CIRCUMSTANCES.

Section 2534(g)(2) of title 10, United States Code, is amended—

(1) by striking "contracts" and inserting "a contract";

(2) by striking the period at the end and inserting "unless the head of the contracting activity determines that—"; and

(3) by adding at the end the following:

"(A) the amount of the purchase does not exceed $25,000;

"(B) the precision level of the ball or roller bearings to be procured under the contract is rated lower than the rating known as Annual Bearing Engineering Committee (ABEC) 5 or Roller Bearing Engineering Committee (RBEC) 5, or an equivalent of such rating;

"(C) at least two manufacturers in the national technology and industrial base that are capable of producing the ball or roller bearings have not responded to a request for quotation issued by the contracting activity for that contract; and

"(D) no bearing to be procured under the contract has a basic outside diameter (exclusive of flange diameters) in excess of 30 millimeters.".

### SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

**"§ 2405. Insensitive munitions program**

"(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

"(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

"(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

"(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

"(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

"2405. Insensitive munitions program.".

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

## Subtitle A—Organization and Management

### SEC. 901. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

**"§ 136a. Deputy Under Secretary of Defense for Personnel and Readiness**

"(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Personnel and Readiness shall assist the Under Secretary of Defense for Personnel and Readiness in the performance of the duties of that position. The Deputy Under Secretary of Defense for Personnel and Readiness shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Deputy Under Secretary of Defense for Personnel and Readiness.".

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after "Deputy Under Secretary of Defense for Policy." the following:

"Deputy Under Secretary of Defense for Personnel and Readiness.".

(c) REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—(1) Section 138(a) of title 10, United States Code, is amended by striking "nine" and inserting "eight".

(2) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Defense (9)." and inserting the following:

"Assistant Secretaries of Defense (8).".

### SEC. 902. RESPONSIBILITY OF UNDER SECRETARY OF THE AIR FORCE FOR ACQUISITION OF SPACE LAUNCH VEHICLES AND SERVICES.

Section 8015(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) The Under Secretary shall be responsible for planning and contracting for, and for managing, the acquisition of space launch vehicles and space launch services for the Department of Defense and the National Reconnaissance Office.".

### SEC. 903. SENSE OF CONGRESS REGARDING THE SELECTION OF OFFICERS FOR ASSIGNMENT AS THE COMMANDER IN CHIEF, UNITED STATES TRANSPORTATION COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 envisioned that an officer would be assigned to serve as the commander of a combatant command on the basis of being the best qualified officer for the assignment rather than the best qualified officer of the armed force that has historically supplied an officer to serve in that assignment.

(2) In order to provide for greater competition among the Armed Forces for selection of officers for assignment as the commanders of the combatant commands and assignment to certain other joint positions in the grade of general or admiral, Congress provided

temporary relief from the limitation on the number of officers serving on active duty in the grade of general or admiral in section 405 of the National Defense Authorization Act for Fiscal Year 1995 and thereafter extended that relief until September 30, 2003, but has also required that the Secretary of Defense be furnished the name of at least one officer from each of the Armed Forces for consideration for appointment to each such position.

(3) Most of the positions of commanders of the combatant commands have been filled successively by officers of more than one of the Armed Forces since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(4) However, general officers of the Air Force with only limited experience in the transportation services have usually filled the position of Commander in Chief of the United States Transportation Command.

(5) The United States Transportation Command and its component commands could benefit from the appointment of an officer selected from the two armed forces that are the primary users of their transportation resources, namely the Army and the Marine Corps.

(b) Sense of Congress.— In light of the findings set forth in subsection (a), it is the sense of Congress that the Secretary of Defense should, when considering officers for recommendation to the President for appointment as the Commander in Chief, United States Transportation Command, give careful consideration to recommending an officer of the Army or the Marine Corps.

### SEC. 904. ORGANIZATIONAL REALIGNMENT FOR NAVY DIRECTOR FOR EXPEDITIONARY WARFARE.

Section 5038(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments" and inserting "Office of the Deputy Chief of Naval Operations for Warfare Requirements and Programs".

### SEC. 905. REVISED REQUIREMENTS FOR CONTENT OF ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended—

(1) by inserting before the period at the end of paragraph (1) the following: ", together with a specific assessment of whether there is a need for a major force program for funding joint warfighting experimentation and for funding the development and acquisition of any technology the value of which has been empirically demonstrated through such experimentation"; and

(2) in paragraph (4)(E)—

(A) by inserting "(by lease or by purchase)" after "acquire"; and

(B) by inserting "(including any prototype)" after "or equipment".

### SEC. 906. SUSPENSION OF REORGANIZATION OF ENGINEERING AND TECHNICAL AUTHORITY POLICY WITHIN THE NAVAL SEA SYSTEMS COMMAND.

(a) Suspension.—During the period specified in subsection (b), the Secretary of the Navy may not commence or continue any change in engineering or technical authority policy for the Naval Sea Systems Command or its subsidiary activities.

(b) Duration.—Subsection (a) applies during the period beginning on the date of enactment of this Act and ending 60 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy's plans and justification for the reorganization of engineering and technical authority policy within the Naval Sea Systems Command.

### SEC. 907. CONFORMING AMENDMENTS RELATING TO CHANGE OF NAME OF AIR MOBILITY COMMAND.

(a) Title 10, United States Code.—Title 10, United States Code, is amended—

(1) by striking "Military Airlift Command" in sections 2554(d) and 2555(a) and inserting "Air Mobility Command"; and

(2) in section 8074, by striking subsection (c).

(b) Title 37, United States Code.—Sections 430(c) and 432(b) of title 37, United States Code, are amended by striking "Military Airlift Command" and inserting "Air Mobility Command".

## Subtitle B—Organization and Management of Space Activities

### SEC 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) Authority of Secretary of Defense To Establish Position.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) Deadline for Exercise of Authority.—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) Notice of Exercise of Authority.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) Nature of Position.—

(1) In general.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

#### "§ 137. Under Secretary of Defense for Space, Intelligence, and Information

"(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

"(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

"(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

"(3) The deployment and use of space assets.

"(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

"(5) The coordination of military intelligence activities within the Department.

"(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

"(7) The coordination of space activities of the Department with commercial and civilian space activities.

"(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

"(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.".

(2) Additional assistant secretary of defense.—Section 138(a) of that title is amended by striking "nine Assistant Secretaries of Defense" and inserting "ten Assistant Secretaries of Defense".

(3) Duties of assistant secretaries of defense for space, intelligence, and information.—Section 138(b) of that title is amended by adding at the end the following new paragraph:

"(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.".

(4) Conforming amendments.—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

"(6) The Under Secretary of Defense for Space, Intelligence, and Information.".

(5) Pay levels.—(A) Section 5314 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness" the following:

"Under Secretary of Defense for Space, Intelligence, and Information.".

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking "(9)" and inserting "(10)".

(6) Clerical amendments.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Space, Intelligence, and Information."; and

(B) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.".

(7) Effective date.—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) Report.—(1) Not later than 30 days before an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a)

on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

### SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

### "CHAPTER 135—SPACE PROGRAMS

"Sec.

"2271. Responsibility for space programs.

**"§ 2271. Responsibility for space programs**

"(a) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

"(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

"(2) Efficient execution of the programs, projects, and activities.

"(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

"(c) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

"(d) COORDINATION OF DUTIES OF UNDER SECRETARY OF AIR FORCE.—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

"(e) SPACE CAREER FIELD.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

"(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

"(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

"(B) management of the space career field under paragraph (1).

"(f) JOINT PROGRAM MANAGEMENT.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

"(1) To carry out the space development and acquisition programs of the Department of Defense; and

"(2) To the Office of the National Security Space Architect.".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

**"135. Space Programs .......................... 2271".**

### SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

### SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

(a) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

### SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 8584. Commander of Air Force Space Command**

"(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

"(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8584. Commander of Air Force Space Command.".

### SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

## TITLE X—GENERAL PROVISIONS

## Subtitle A—Financial Matters

### SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

### SEC. 1002. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF DEFENSE FOR MANAGEMENT EFFICIENCIES.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for the Department of Defense by divisions A and B of this Act is hereby reduced by $1,630,000,000, to reflect savings to be achieved through implementation of the provisions of title VIII and other management efficiencies and business process reforms.

### SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Supplemental Appropriations Act, 2001 (Public Law 107–20).

### SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2002.

(a) FISCAL YEAR 2002 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2002 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2001, of funds appropriated for fiscal years before fiscal year 2002 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $708,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $175,849,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

### SEC. 1005. CLARIFICATION OF APPLICABILITY OF INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS DUE UNDER CONTRACTS FOR SERVICES.

Section 1010(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–251) is amended by inserting before the period at the end of the first sentence the following: ", and shall apply with respect to interim payments that are due on or after such date under contracts entered into before, on, or after that date".

### SEC. 1006. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

(a) ANNUAL REPORT ON RELIABILITY.—(1) Not later than July 1 of each year, the Secretary of Defense shall submit to the recipients referred to in paragraph (3) a report on the reliability of the Department of Defense financial statements, including the financial statements of each component of the department that is required to prepare a financial statement under section 3515(c) of title 31, United States Code.

(2) The annual report shall contain the following:

(A) A conclusion regarding whether the policies and procedures of the Department of Defense, and the systems used within the Department of Defense, for the preparation of financial statements allow the achievement of reliability in the financial statements.

(B) For each of the financial statements prepared for the Department of Defense for the fiscal year in which the report is submitted, a conclusion regarding the expected reliability of the financial statement (evaluated on the basis of Office of Management and Budget guidance on financial statements), together with a discussion of the major deficiencies to be expected in the statement.

(C) A summary of the specific sections of the annual Financial Management Improvement Plan of the Department of Defense, current as of the date of the report, that—

(i) detail the priorities, milestones, and measures of success that apply to the preparation of the financial statements;

(ii) detail the planned improvements in the process for the preparation of financial statements that are to be implemented within 12 months after the date on which the plan is issued; and

(iii) provide an estimate of when each financial statement will convey reliable information.

(3) The annual report shall be submitted to the following:

(A) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

(C) The Director of the Office of Management and Budget.

(D) The Secretary of the Treasury.

(E) The Comptroller General of the United States.

(4) The Secretary of Defense shall make a copy of the annual report available to the Inspector General of the Department of Defense.

(b) MINIMIZATION OF USE OF RESOURCES FOR UNRELIABLE FINANCIAL STATEMENTS.—(1) With respect to each financial statement for a fiscal year that the Secretary of Defense assesses as being expected to be unreliable in the annual report under subsection (a), the Under Secretary of Defense (Comptroller) or the Assistant Secretary (Financial Management and Comptroller) of the military department concerned shall take appropriate actions to minimize the resources, including contractor support, that are used to develop, compile, and report the financial statement.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, the following information:

(i) An estimate of the resources that the Department of Defense is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the preparation of financial statements.

(ii) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the preparation of financial statements to the improvement of systems underlying financial management within the Department of Defense and to the improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(B) The Assistant Secretaries (Financial Management and Comptroller) of the Army, Navy, and Air Force shall provide the Under Secretary of Defense (Comptroller) with the information necessary for making the estimate required by subparagraph (A)(i).

(c) INFORMATION TO AUDITORS.—Not later than October 31 of each year, the Under Secretary of Defense (Comptroller) and the Assistant Secretaries (Financial Management and Comptroller) of the Army, Navy, and Air Force shall each provide to the auditors of the financial statement of that official's department for the fiscal year ending during the preceding month the official's preliminary management representation, in writing, regarding the expected reliability of the financial statement. The representation shall be consistent with guidance issued by the Director of the Office of Management and Budget and shall include the basis for the reliability assessment stated in the representation.

(d) LIMITATION ON INSPECTOR GENERAL AUDITS.—(1) On each financial statement that an official asserts is unreliable under subsection (b) or (c), the Inspector General of the Department of Defense shall only perform the audit procedures required by generally accepted government auditing standards consistent with any representation made by management.

(2)(A) With the annual budget justifications for the Department of Defense submitted to Congress each year, the Under Secretary of Defense (Comptroller) shall submit, with respect to the fiscal year in which submitted, the preceding fiscal year, and the following fiscal year, information which the Inspector General shall report to the Under Secretary, as follows:

(i) An estimate of the resources that the Inspector General is saving or expects to save as a result of actions taken and to be taken under paragraph (1) with respect to the auditing of financial statements.

(ii) A discussion of how the resources saved as estimated under clause (i) have been redirected or are to be redirected from the auditing of financial statements to the oversight and improvement of systems underlying financial management within the Department of Defense and to the oversight and improvement of financial management policies, procedures, and internal controls within the Department of Defense.

(e) PERIOD OF APPLICABILITY.—(1) Except as provided in paragraph (2), the requirements of this section shall apply with respect to financial statements for fiscal years after fiscal year 2000 and before fiscal year 2006 and to the auditing of those financial statements.

(2) If the Secretary of Defense certifies to the Inspector General of the Department of Defense that the financial statement for the Department of Defense, or a financial statement for a component of the Department of Defense, for a fiscal year is reliable, this section shall not apply with respect to that financial statement or to any successive financial statement for the department or that component, as the case may be, for any later fiscal year.

### SEC. 1007. FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE AND FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.

(a) ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish a Financial Management Modernization Executive Committee.

(2) The Committee shall be composed of the Under Secretary of Defense (Comptroller), the Under Secretary of Defense (Acquisition, Technology, and Logistics), the Under Secretary of Defense (Personnel and Readiness), the chief information officer of the Department of Defense, and other key managers of the Department of Defense (including key managers in Defense Agencies and military departments) who are designated by the Secretary.

(3) The Under Secretary of Defense (Comptroller) shall be the Chairman of the Committee.

(4) The Committee shall be accountable to the Senior Executive Council composed of

the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

(b) DUTIES.—The Financial Management Modernization Executive Committee shall have the following duties:

(1) To establish a financial and feeder systems compliance process that ensures that each critical accounting, financial management, and feeder system of the Department of Defense is compliant with applicable Federal financial management and reporting requirements.

(2) To develop a management plan for the implementation of the financial and feeder systems compliance process.

(3) To supervise and monitor the actions that are necessary to implement the management plan, as approved by the Secretary of Defense.

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

(c) MANAGEMENT PLAN FOR IMPLEMENTATION OF FINANCIAL FEEDER SYSTEMS COMPLIANCE PROCESS.—The management plan developed under subsection (b)(2) shall include among its principal elements at least the following elements:

(1) A requirement to establish and maintain a complete inventory of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.

(2) A phased process for improving systems that provides for mapping financial data flow from sources to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

"(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.".

(2)(A) The section heading of such section is amended to read as follows:

**"§2222. Annual financial management improvement plan"**.

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

"2222. Annual financial management improvement plan.".

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTER 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

### SEC. 1008. COMBATING TERRORISM READINESS INITIATIVES FUND FOR COMBATANT COMMANDS.

(a) FUNDING FOR INITIATIVES.—Chapter 6 of title 10, United States Code, is amended by inserting after section 166a the following new section:

**"§166b. Combatant commands: funding for combating terrorism readiness initiatives**

"(a) COMBATING TERRORISM READINESS INITIATIVES FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the 'Combating Terrorism Readiness Initiatives Fund', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for initiating any activity named in subsection (b) and for maintaining and sustaining the activity for the fiscal year in which initiated and one additional fiscal year.

"(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

"(1) Procurement and maintenance of physical security equipment.

"(2) Improvement of physical security sites.

"(3) Under extraordinary circumstances—

"(A) physical security management planning;

"(B) procurement and support of security forces and security technicians;

"(C) security reviews and investigations and vulnerability assessments; and

"(D) any other activity relating to physical security.

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combating Terrorism Readiness Initiatives Fund, should give priority consideration to emergency or emergent unforeseen high-priority requirements for combating terrorism.

"(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff for a fiscal year out of the Combating Terrorism Readiness Initiatives Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

"(e) LIMITATION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 166a the following new item:

"166b. Combatant commands: funding for combating terrorism readiness initiatives.".

### SEC. 1009. AUTHORIZATION OF ADDITIONAL FUNDS.

(a) Authorization.—$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

(1) research, development, test and evaluation for ballistic missile defense; and

(2) activities for combating terrorism.

### SEC. 1010. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) Authorization.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) Quarterly Report.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) Proposed Allocation and Plan.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

## Subtitle B—Strategic Forces

### SEC. 1011. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

### SEC. 1012. BOMBER FORCE STRUCTURE.

(a) Limitation.—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or facility to which assigned as of that date, until 30 days after the latest of the following:

(1) The date on which the President transmits to Congress the national security strategy report required in 2001 pursuant to section 108(a)(1) of the National Security Act of 1947 (50 U.S.C. 404a(a)(1)).

(2) The date on which the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, that is required to be submitted under that section not later than September 30, 2001.

(3) The date on which the Secretary of Defense submits to the committees referred to in paragraph (2) a report that sets forth—

(A) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992, 1995, and 1999 that warrant changes in the current configuration of the bomber fleet;

(B) the role of manned bomber aircraft appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(C) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements of the national security strategy referred to in paragraph (1);

(D) the results of a comparative analysis of the cost of basing, maintaining, operating, and upgrading the B–1B Lancer bomber fleet in the active force of the Air Force with the cost of basing, maintaining, operating, and upgrading the B–1B Lancer bomber fleet in a mix of active and reserve component forces of the Air Force; and

(E) the plans of the Department of Defense for assigning new missions to the National Guard units that currently fly B–1 aircraft and for the transition of those units and their facilities from the current B–1 mission to such new missions.

(4) The date on which the Secretary of Defense submits to Congress the report on the results of the Revised Nuclear Posture Review conducted under section 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–262), as amended by section 1013 of this Act.

(b) GAO Study and Report.—The Comptroller General of the United States shall conduct a study on the matters specified in subsection (a)(3). The Comptroller General shall submit to Congress a report containing the results of the study not later than January 31, 2002.

(c) Amount and Type of Bomber Force Structure Defined.—In this section, the term "amount and type of bomber force structure" means the required numbers of B–2 aircraft, B–52 aircraft, and B–1 aircraft consistent with the requirements of the national security strategy referred to in subsection (a)(1).

### SEC. 1013. ADDITIONAL ELEMENT FOR REVISED NUCLEAR POSTURE REVIEW.

Section 1041(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–262) is amended by adding at the end the following new paragraph:

"(7) The possibility of deactivating or dealerting nuclear warheads or delivery systems immediately, or immediately after a decision to retire any specific warhead, class of warheads, or delivery system or systems.".

## Subtitle C—Reporting Requirements

### SEC. 1021. INFORMATION AND RECOMMENDATIONS ON CONGRESSIONAL REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Compilation of Reporting Requirements.—The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act that require or request the President, with respect to the national defense functions of the Federal Government, or any officer or employee of the Department of Defense, to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a provision of law that requires or requests only one report, notification, or study.

(b) Submittal of Compilation.—(1) The Secretary shall submit the list compiled under subsection (a) to Congress not later than 60 days after the date of the enactment of this Act.

(2) In submitting the list, the Secretary shall specify for each provision of law compiled in the list—

(A) the date of the enactment of such provision of law and a current citation in law for such provision of law; and

(B) the Secretary's assessment of the continuing utility of any report, notification, or study arising under such provision of law, both for the executive branch and for Congress.

(3) The Secretary may also include with the list any recommendations that the Secretary considers appropriate for the consolidation of reports, notifications, and studies under the provisions of law described in subsection (a), together with a proposal for legislation to implement such recommendations.

### SEC. 1022. REPORT ON COMBATING TERRORISM.

(a) Requirement for Report.—The Secretary of Defense shall submit to Congress a report on the Department of Defense policies, plans, and procedures for combating terrorism.

(b) Content.—(1) The Secretary shall identify and explain in the report the Department of Defense structure, strategy, roles, relationships, and responsibilities for combating terrorism.

(2) The report shall also include a discussion of the following matters:

(A) The policies, plans, and procedures relating to how the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Joint Task Force–Civil Support of the Joint Forces Command are to perform, and coordinate the performance of, their functions for combating terrorism with—

(i) the various teams in the Department of Defense that have responsibilities to respond to acts or threats of terrorism, including—

(I) the weapons of mass destruction civil support teams when operating as the National Guard under the command of the Governor of a State, the Governor of Puerto Rico, or the Commanding General of the District of Columbia National Guard, as the case may be; and

(II) the weapons of mass destruction civil support teams when operating as the Army National Guard of the United States or the Air National Guard of the United States under the command of the President;

(ii) the Army's Director of Military Support;

(iii) the various teams in other departments and agencies of the Federal Government that have responsibilities to respond to acts or threats of terrorism;

(iv) the organizations outside the Federal Government, including any private sector entities, that are to function as first responders to acts or threats of terrorism; and

(v) the units and organizations of the reserve components of the Armed Forces that have missions relating to combating terrorism.

(B) Any preparedness plans to combat terrorism that are developed for installations of the Department of Defense by the commanders of the installations and the integration of those plans with the plans of the teams and other organizations described in subparagraph (A).

(C) The policies, plans, and procedures for using and coordinating the Joint Staff's integrated vulnerability assessment teams inside the United States and outside the United States.

(D) The missions of Fort Leonard Wood and other installations for training units, weapons of mass destruction civil support teams and other teams, and individuals in combating terrorism.

(3) The report shall also include the Secretary's views on the appropriate number and missions of the Department of Defense teams referred to in paragraph (2)(A)(i).

(c) TIME FOR SUBMITTAL.—The Secretary shall submit the report under this section not later than 180 days after the date of the enactment of this Act.

### SEC. 1023. REVISED REQUIREMENT FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO ADVISE SECRETARY OF DEFENSE ON THE ASSIGNMENT OF ROLES AND MISSIONS TO THE ARMED FORCES.

(a) ASSESSMENT DURING DEFENSE QUADRENNIAL REVIEW.—Subsection 118(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e) CJCS REVIEW.—"; and

(2) by adding at the end the following new paragraph:

"(2) The Chairman shall include in the assessment submitted under paragraph (1), the Chairman's assessment of the assignment of functions (or roles and missions) to the armed forces together with any recommendations for changes in assignment that the Chairman considers necessary to achieve the maximum efficiency of the armed forces. In making the assessment, the Chairman should consider (among other matters) the following:

"(A) Unnecessary duplication of effort among the armed forces.

"(B) Changes in technology that can be applied effectively to warfare.".

(b) REPEAL OF REQUIREMENT FOR TRIENNIAL REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—Section 153 of such title is amended by striking subsection (b).

(c) CONFORMING AMENDMENT.—Subsection (a) of such section 153 is amended by striking "(a) PLANNING; ADVICE; POLICY FORMULATION.—".

### SEC. 1024. REVISION OF DEADLINE FOR ANNUAL REPORT ON COMMERCIAL AND INDUSTRIAL ACTIVITIES.

Section 2461(g) of title 10, United States Code, is amended by striking "February 1" and inserting "June 30".

### SEC. 1025. PRODUCTION AND ACQUISITION OF VACCINES FOR DEFENSE AGAINST BIOLOGICAL WARFARE AGENTS.

(a) GOVERNMENT FACILITY.—(1) Subject to the availability of funds appropriated and authorized to be appropriated for such purposes, the Secretary of Defense may—

(A) design, construct, and operate on an installation of the Department of Defense a facility for the production of vaccines described in subsection (b)(1);

(B) qualify and validate the facility for the production of vaccines in accordance with the requirements of the Food and Drug Administration; and

(C) contract with a private sector source for the production of vaccines in that facility.

(2) The Secretary shall use competitive procedures under chapter 137 of title 10, United States Code, to enter into contracts to carry out subparagraphs (A) and (C) of paragraph (1).

(b) PLAN.—(1) The Secretary of Defense shall develop a long-range plan to provide for the production and acquisition of vaccines to meet the requirements of the Department of Defense to prevent or mitigate the physiological effects of exposure to biological warfare agents.

(2) The plan shall include the following:

(A) An evaluation of the need for one or more vaccine production facilities that are specifically dedicated to meeting the requirements of the Department of Defense and other national interests.

(B) An evaluation of the alternative options for the means of production of the vaccines, including—

(i) use of public facilities, private facilities, or a combination of public and private facilities; and

(ii) management and operation of the facilities by the Federal Government, one or more private persons, or a combination of the Federal Government and one or more private persons.

(C) The means for producing the vaccines that the Secretary determines most appropriate.

(3) The Secretary shall ensure that the plan is consistent with the requirement for safe and effective vaccines approved by the Food and Drug Administration.

(4) In preparing the plan, the Secretary shall—

(A) consider and, as the Secretary determines appropriate, include the information compiled and the analyses developed in meeting the reporting requirements set forth in sections 217 and 218 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-36 and 1654A-37); and

(B) consult with the heads of other appropriate departments and agencies of the Federal Government.

(c) REPORT.—Not later than February 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for the production of vaccines required by subsection (b). The report shall include, at a minimum, the plan and the following matters:

(1) A description of the policies and requirements of the Department of Defense regarding acquisition and use of the vaccines.

(2) The estimated schedule for the acquisition of the vaccines in accordance with the plan.

(3) A discussion of the options considered for production of the vaccines under subsection (b)(2)(B).

(4) The Secretary's recommendations for the most appropriate course of action to meet the requirements described in subsection (b)(1), together with the justification for the recommendations and the long-term cost of implementing the recommendations.

### SEC. 1026. EXTENSION OF TIMES FOR COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY TO REPORT AND TO TERMINATE.

(a) SUBMITTAL OF REPORT.—Subsection (d) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-302) is amended by striking "Not later than March 1, 2002," and inserting "Not later than one year after the date of its first meeting,".

(b) TERMINATION.—Subsection (g) of such section is amended by striking "30 days" and inserting "60 days".

### SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) PURPOSES.—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) PARTICULAR MATTERS.—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

## Subtitle D—Armed Forces Retirement Home

### SEC. 1041. AMENDMENT OF ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.).

### SEC. 1042. DEFINITIONS.

Section 1502 (24 U.S.C. 401) is amended—

(1) by striking paragraphs (1), (2), (3), (4), and (5), and inserting the following:

"(1) The term 'Retirement Home' includes the institutions established under section 1511, as follows:

"(A) The Armed Forces Retirement Home—Washington.

"(B) The Armed Forces Retirement Home—Gulfport.

"(2) The term 'Local Board' means a Local Board of Trustees established under section 1516.

"(3) The terms 'Armed Forces Retirement Home Trust Fund' and 'Fund' mean the Armed Forces Retirement Home Trust Fund established under section 1519(a).";

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6); and

(3) in paragraph (5), as so redesignated—

(A) in subparagraph (C), by striking ", Manpower and Personnel" and inserting "for Personnel"; and

(B) in subparagraph (D), by striking "with responsibility for personnel matters" and inserting "for Manpower and Reserve Affairs".

### SEC. 1043. REVISION OF AUTHORITY ESTABLISHING THE ARMED FORCES RETIREMENT HOME.

Section 1511 (24 U.S.C. 411) is amended to read as follows:

### "SEC. 1511. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME.

"(a) Independent Establishment.—The Armed Forces Retirement Home is an independent establishment in the executive branch.

"(b) Purpose.—The purpose of the Retirement Home is to provide, through the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

"(c) Facilities.—(1) Each facility of the Retirement Home referred to in paragraph (2) is a separate establishment of the Retirement Home.

"(2) The United States Soldiers' and Airmen's Home is hereby redesignated as the Armed Forces Retirement Home—Washington. The Naval Home is hereby redesignated as the Armed Forces Retirement Home—Gulfport.

"(d) Operation.—(1) The Chief Operating Officer of the Armed Forces Retirement Home is the head of the Retirement Home. The Chief Operating Officer is subject to the authority, direction, and control of the Secretary of Defense.

"(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes and shall be under the authority, direction, and control of the Director of that facility. The Director of each facility of the Retirement Home is subject to the authority, direction, and control of the Chief Operating Officer.

"(e) Property and Facilities.—(1) The Retirement Home shall include such property and facilities as may be acquired under paragraph (2) or accepted under section 1515(f) for inclusion in the Retirement Home.

"(2) The Secretary of Defense may acquire, for the benefit of the Retirement Home, property and facilities for inclusion in the Retirement Home.

"(3) The Secretary of Defense may dispose of any property of the Retirement Home, by sale, lease, or otherwise, that the Secretary determines is excess to the needs of the Retirement Home. The proceeds from such a disposal of property shall be deposited in the Armed Forces Retirement Home Trust Fund. No such disposal of real property shall be effective earlier than 120 days after the date on which the Secretary transmits a notification of the proposed disposal to the Committees on Armed Services of the Senate and the House of Representatives.

"(f) Department of Defense Support.—The Secretary of Defense may make available from the Department of Defense to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this title.

"(g) Accreditation.—The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

"(h) Annual Report.—The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year.".

### SEC. 1044. CHIEF OPERATING OFFICER.

(a) Establishment and Authority of Position.—Section 1515 (24 U.S.C. 415) is amended to read as follows:

### "SEC. 1515. CHIEF OPERATING OFFICER.

"(a) Appointment.—(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home. The Secretary of Defense may make the appointment without regard to the provisions of title 5, United States Code, governing appointments in the civil service.

"(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

"(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

"(b) Qualifications.—To qualify for appointment as the Chief Operating Officer, a person shall—

"(1) be a continuing care retirement community professional;

"(2) have appropriate leadership and management skills; and

"(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

"(c) Responsibilities.—(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

"(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, including the Local Boards of those facilities.

"(3) The Chief Operating Officer shall perform the following duties:

"(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

"(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

"(C) Periodically examine and audit the accounts of the Retirement Home.

"(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

"(d) Compensation.—(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer without regard to the provisions of title 5, United States Code, governing classification and pay, except that the basic pay, including locality pay, of the Chief Operating Officer may not exceed the limitations established in section 5307 of such title.

"(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

"(e) Administrative Staff.—(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the Chief Operating Officer's duties in the overall administration of the Retirement Home.

"(2) The Chief Operating Officer shall prescribe the rates of pay applicable to the members of the staff appointed under paragraph (1), without regard to the provisions of title 5, United States Code, regarding classification and pay, except that—

"(A) a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States may not receive additional pay by reason of service on the administrative staff; and

"(B) the limitations in section 5373 of title 5, United States Code, relating to pay set by administrative action, shall apply to the rates of pay prescribed under this paragraph.

"(f) Acceptance of Gifts.—(1) The Chief Operating Officer may accept gifts of money, property, and facilities on behalf of the Retirement Home.

"(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Armed Forces Retirement Home Trust Fund.".

(b) Transfer of Authorities.—(1) The following provisions are amended by striking "Retirement Home Board" each place it appears and inserting "Chief Operating Officer":

(A) Section 1512 (24 U.S.C. 412), relating to eligibility and acceptance for residence in the Armed Forces Retirement Home.

(B) Section 1513(a) (24 U.S.C. 412(a)), relating to services provided to residents of the Armed Forces Retirement Home.

(C) Section 1518(c) (24 U.S.C. 418(c)), relating to inspection of the Armed Forces Retirement Home.

(2) Section 1519(c) (24 U.S.C. 419(c)), relating to authority to invest funds in the Armed Forces Retirement Home Trust Fund, is amended by striking “Director” and inserting “Chief Operating Officer”.

(3) Section 1521(a) (24 U.S.C. 421(a)), relating to payment of residents for services, is amended by striking “Chairman of the Armed Forces Retirement Board” and inserting “Chief Operating Officer”.

(4) Section 1522 (24 U.S.C. 422), relating to authority to accept certain uncompensated services, is amended—

(A) in subsection (a)—

(i) by striking “Chairman of the Retirement Home Board or the Director of each establishment” and inserting “Chief Operating Officer or the Director of a facility”; and

(ii) by striking “unless” and all that follows through “Retirement Home Board”;

(B) in subsection (b)(1)—

(i) by striking “Chairman of the Retirement Home Board or the Director of the establishment” and inserting “Chief Operating Officer or the Director of a facility”; and

(ii) by inserting “offering the services” after “notify the person”;

(C) in subsection (b)(2), by striking “Chairman” and inserting “Chief Operating Officer”;

(D) in subsection (c), by striking “Chairman of the Retirement Home Board or the Director of an establishment” and inserting “Chief Operating Officer or the Director of a facility”; and

(E) in subsection (e)—

(i) by striking “Chairman of the Retirement Board or the Director of the establishment” in the first sentence and inserting “Chief Operating Officer or the Director of a facility”; and

(ii) by striking “Chairman” in the second sentence and inserting “Chief Operating Officer”.

(5) Section 1523(b) (24 U.S.C. 423(b)), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking “Chairman of the Retirement Home Board” and inserting “Chief Operating Officer”.

**SEC. 1045. RESIDENTS OF RETIREMENT HOME.**

(a) Repeal of Requirement of Resident To Reapply After Substantial Absence.—Subsection (e) of section 1512 (24 U.S.C. 412) is repealed.

(b) Fees Paid by Residents.—Section 1514 (24 U.S.C. 414) is amended to read as follows:

**“SEC. 1514. FEES PAID BY RESIDENTS.**

“(a) Monthly Fees.—The Director of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

“(b) Deposit of Fees.—The Directors shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

“(c) Fixing Fees.—(1) The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to such fees shall be based on the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives.

“(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by à resident. The fee shall be subject to a limitation on maximum monthly amount. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage or limitation on maximum amount that the Secretary determines appropriate.

“(d) Transitional Fee Structures.—(1) Until different fees are prescribed and take effect under subsection (c), the percentages and limitations on maximum monthly amount that are applicable to fees charged residents of the Retirement Home are (subject to any adjustment that the Secretary of Defense determines appropriate) as follows:

“(A) For months beginning before January 1, 2002—

“(i) for a permanent health care resident, 65 percent (without limitation on maximum monthly amount); and

“(ii) for a resident who is not a permanent health care resident, 40 percent (without limitation on maximum monthly amount).

“(B) For months beginning after December 31, 2001—

“(i) for an independent living resident, 35 percent, but not to exceed $1,000 each month;

“(ii) for an assisted living resident, 40 percent, but not to exceed $1,500 each month; and

“(iii) for a long-term care resident, 65 percent, but not to exceed $2,500 each month.

“(2) Notwithstanding the limitations on maximum monthly amount prescribed under subsection (c) or set forth in paragraph (1)(B), until an independent living resident or assisted living resident of the Armed Forces Retirement Home—Gulfport occupies a renovated room at that facility, as determined by the Secretary of Defense, the limitation on maximum monthly amount applicable to the resident for months beginning after December 31, 2001, shall be—

“(A) in the case of an independent living resident, $800; and

“(B) in the case of an assisted living resident, $1,300.

**SEC. 1046. LOCAL BOARDS OF TRUSTEES.**

Section 1516 (24 U.S.C. 416) is amended to read as follows:

**“SEC. 1516. LOCAL BOARDS OF TRUSTEES.**

“(a) Establishment.—Each facility of the Retirement Home shall have a Local Board of Trustees.

“(b) Duties.—The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

“(c) Composition.—(1) The Local Board for a facility shall consist of at least 11 members who (except as otherwise specifically provided) shall be appointed by the Secretary of Defense in consultation with each of the Secretaries of the military departments concerned. At least one member of the Local Board shall have a perspective that is oriented toward the Retirement Home overall. The Local Board for a facility shall consist of the following members:

“(A) One member who is a civilian expert in nursing home or retirement home administration and financing from the geographical area of the facility.

“(B) One member who is a civilian expert in gerontology from the geographical area of the facility.

“(C) One member who is a service expert in financial management.

“(D) One representative of the Department of Veterans Affairs regional office nearest in proximity to the facility, who shall be designated by the Secretary of Veterans Affairs.

“(E) One representative of the resident advisory committee or council of the facility, who shall be a nonvoting member.

“(F) One enlisted representative of the Services' Retiree Advisory Council.

“(G) The senior noncommissioned officer of one of the Armed Forces.

“(H) One senior representative of the military hospital nearest in proximity to the facility.

“(I) One senior judge advocate from one of the Armed Forces.

“(J) The Director of the facility, who shall be a nonvoting member.

“(K) One senior representative of one of the chief personnel officers of the Armed Forces.

“(L) Other members designated by the Secretary of Defense (if the Local Board is to have more than 11 members).

“(2) The Secretary of Defense shall designate one member of a Local Board to serve as the chairman of the Local Board at the pleasure of the Secretary of Defense.

“(d) Terms.—(1) Except as provided in subsections (e), (f), and (g), the term of office of a member of a Local Board shall be five years.

“(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Local Board after the expiration of the member's term until a successor is appointed or designated, as the case may be.

“(e) Early Expiration of Term.—A member of a Local Board who is a member of the Armed Forces or an employee of the United States serves as a member of the Local Board only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Local Board.

“(f) Vacancies.—(1) A vacancy in the membership of a Local Board shall be filled in the manner in which the original appointment or designation was made, as the case may be.

“(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term for which the predecessor was appointed.

“(3) A vacancy in a Local Board shall not affect its authority to perform its duties.

“(g) Early Termination.—The Secretary of Defense may terminate the appointment of a member of a Local Board before the expiration of the member's term for any reason that the Secretary determines appropriate.

“(h) Compensation.—(1) Except as provided in paragraph (2), a member of a Local Board shall—

“(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Local Board; and

“(B) while away from home or regular place of business in the performance of services for the Local Board, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

“(2) A member of a Local Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving a member of a Local Board.”.

**SEC. 1047. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.**

Section 1517 (24 U.S.C. 417) is amended to read as follows:

**“SEC. 1517. DIRECTORS, DEPUTY DIRECTORS, AND STAFF OF FACILITIES.**

“(a) Appointment.—The Secretary of Defense shall appoint a Director and a Deputy

Director for each facility of the Retirement Home.

“(b) Director.—The Director of a facility shall—

“(1) be a member of the Armed Forces serving on active duty in a grade above lieutenant colonel or commander;

“(2) have appropriate leadership and management skills; and

“(3) be required to pursue a course of study to receive certification as a retirement facilities director by an appropriate civilian certifying organization, if the Director is not so certified at the time of appointment.

“(c) Duties of Director.—(1) The Director of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

“(2) The Director of a facility shall keep accurate and complete records of the facility.

“(d) Deputy Director.—(1) The Deputy Director of a facility shall—

“(A) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander; and

“(B) have appropriate leadership and management skills.

“(2) The Deputy Director of a facility shall—

“(A) be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

“(B) serve at the pleasure of the Secretary of Defense, without regard to the provisions of title 5, United States Code.

“(e) Duties of Deputy Director.—The Deputy Director of a facility shall, under the authority, direction, and control of the Director of the facility, perform such duties as the Director may assign.

“(f) Staff.—(1) The Director of a facility may, subject to the approval of the Chief Operating Officer, appoint and prescribe the pay of such principal staff as the Director considers appropriate to assist the Director in operating the facility.

“(2) The principal staff of a facility shall include persons with experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

“(3) The Director of a facility may exercise the authority under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and pay, except that the limitations in section 5373 of such title (relating to pay set by administrative action) shall apply to the rates of pay prescribed under this paragraph.

“(g) Annual Evaluation of Directors.—(1) The Chief Operating Officer shall evaluate the performance of each of the Directors of the facilities of the Retirement Home each year.

“(2) The Chief Operating Officer shall submit to the Secretary of Defense any recommendations regarding a Director that the Chief Operating Officer determines appropriate taking into consideration the annual evaluation.”.

### SEC. 1048. DISPOSITION OF EFFECTS OF DECEASED PERSONS AND UNCLAIMED PROPERTY.

(a) Legal Representation for Retirement Home.—Subsection (b)(2)(A) of section 1520 (24 U.S.C. 420) is amended by inserting “who is a full-time officer or employee of the United States or a member of the Armed Forces on active duty” after “may designate an attorney”.

(b) Correction of Reference.—Subsection (b)(1)(B) of such section is amended by inserting “Armed Forces” before “Retirement Home Trust Fund”.

### SEC. 1049. TRANSITIONAL PROVISIONS.

Part B is amended by striking sections 1531, 1532, and 1533 and inserting the following:

### “SEC. 1531. TEMPORARY CONTINUATION OF ARMED FORCES RETIREMENT HOME BOARD.

“Until the Secretary of Defense appoints the first Chief Operating Officer after the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Armed Forces Retirement Home Board, as constituted on the day before the date of the enactment of that Act, shall continue to serve and shall perform the duties of the Chief Operating Officer.

### “SEC. 1532. TEMPORARY CONTINUATION OF DIRECTOR OF THE ARMED FORCES RETIREMENT HOME—WASHINGTON.

“The person serving as the Director of the Armed Forces Retirement Home—Washington on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve as the Director of that facility until April 2, 2002.

### “SEC. 1533. TEMPORARY CONTINUATION OF INCUMBENT DEPUTY DIRECTORS.

“A person serving as the Deputy Director of a facility of the Retirement Home on the day before the enactment of the National Defense Authorization Act for Fiscal Year 2002 may continue to serve, at the pleasure of the Secretary of Defense, as the Deputy Director until the date on which a Deputy Director is appointed for that facility under section 1517, except that the service in that position may not continue under this section after December 31, 2004.”.

### SEC. 1050. CONFORMING AND CLERICAL AMENDMENTS AND REPEALS OF OBSOLETE PROVISIONS.

(a) Conforming Amendments.—(1) Section 1513(b) (24 U.S.C. 413(b)), relating to services provided to residents of the Armed Forces Retirement Home, is amended by striking “maintained as a separate establishment” in the second sentence.

(2) The heading for section 1519 (24 U.S.C. 419) is amended to read as follows:

### “SEC. 1519. ARMED FORCES RETIREMENT HOME TRUST FUND.”.

(3) Section 1520 (24 U.S.C. 420), relating to disposition of effects of deceased persons and unclaimed property, is amended—

(A) in subsection (a), by striking “each facility that is maintained as a separate establishment” and inserting “a facility”;

(B) in subsection (b)(2)(A), by striking “maintained as a separate establishment”; and

(C) in subsection (e), by striking “Directors” and inserting “Director of the facility”.

(4)(A) Section 1523 (24 U.S.C. 423), relating to preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington, is amended by striking “United States Soldiers' and Airmen's Home” each place it appears and inserting “Armed Forces Retirement Home—Washington”.

(B) The heading for such section is amended to read as follows:

### “SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT THE ARMED FORCES RETIREMENT HOME—WASHINGTON.”.

(5) Section 1524 (24 U.S.C. 424), relating to conditional supervisory control of the Retirement Home Board, is repealed.

(b) Repeal of Obsolete Provisions.—The following provisions are repealed:

(1) Section 1512(f) (24 U.S.C. 412(f)), relating to the applicability of certain eligibility requirements.

(2) Section 1519(d) (24 U.S.C. 419(d)), relating to transitional accounts in the Armed Forces Retirement Home Trust Fund.

(3) Part C, relating to effective date and authorization of appropriations.

(c) Addition of Table of Contents.—Title XV of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1722) is amended by inserting after the heading for such title the following:

“Sec. 1501. Short title.
“Sec. 1502. Definitions.

“Part A—Establishment and Operation of Retirement Home

“Sec. 1511. Establishment of the Armed Forces Retirement Home.
“Sec. 1512. Residents of Retirement Home.
“Sec. 1513. Services provided residents.
“Sec. 1514. Fees paid by residents.
“Sec. 1515. Chief Operating Officer.
“Sec. 1516. Local Boards of Trustees.
“Sec. 1517. Directors, Deputy Directors, and staff of facilities.
“Sec. 1518. Inspection of Retirement Home.
“Sec. 1519. Armed Forces Retirement Home Trust Fund.
“Sec. 1520. Disposition of effects of deceased persons; unclaimed property.
“Sec. 1521. Payment of residents for services.
“Sec. 1522. Authority to accept certain uncompensated services.
“Sec. 1523. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.

“Part B—Transitional Provisions

“Sec. 1531. Temporary Continuation of Armed Forces Retirement Home Board.
“Sec. 1532. Temporary Continuation of Director of the Armed Forces Retirement Home—Washington.
“Sec. 1533. Temporary Continuation of Incumbent Deputy Directors.”.

### SEC. 1051. AMENDMENTS OF OTHER LAWS.

(a) Employee Performance Appraisals.—Section 4301(2) of title 5, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (G);

(2) by striking “and” at the end of subparagraph (H) and inserting “or”; and

(3) by inserting at the end the following new subparagraph:

“(I) the Chief Operating Officer and the Deputy Directors of the Armed Forces Retirement Home; and”.

(b) Exclusion of Certain Officers From Certain Limitations Applicable to General and Flag Officers on Active Duty.—(1) Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) An officer while serving as a Director of the Armed Forces Retirement Home, if serving in the grade of major general or rear admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for that grade under subsection (a).”.

(2)(A) Section 526 of such title is amended by adding at the end the following new subsection:

"(e) Exclusion of Directors of Armed Forces Retirement Home.—The limitations of this section do not apply to a general or flag officer while the officer is assigned as the Director of a facility of the Armed Forces Retirement Home.".

(B) Subsection (d) of such section is amended by inserting "Reserve Component" after "Exclusion of Certain".

(3) Section 688(e)(2) of such title is amended by adding at the end the following new subparagraph:

"(D) A general officer or flag officer assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered.".

(4) Section 690 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking the second sentence and inserting the following: "The following officers are not counted for the purposes of this subsection:"; and

(ii) by adding at the end the following:

"(1) A retired officer ordered to active duty for a period of 60 days or less.

"(2) A general or flag officer who is assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered."; and

(B) in subsection (b), by adding at the end of paragraph (2) the following new subparagraph:

"(E) A general officer or flag officer assigned as the Director of a facility of the Armed Forces Retirement Home for the period of active duty to which ordered.".

## Subtitle E—Other Matters

### SEC. 1061. REQUIREMENT TO CONDUCT CERTAIN PREVIOUSLY AUTHORIZED EDUCATIONAL PROGRAMS FOR CHILDREN AND YOUTH.

(a) National Guard Challenge Program.—Section 509(a) of title 32, United States Code, is amended by striking "The Secretary of Defense may" and inserting "The Secretary of Defense shall".

(b) STARBASE Program.—Section 2193b(a) of title 10, United States Code, is amended by striking "The Secretary of Defense may" and inserting "The Secretary of Defense shall".

### SEC. 1062. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.

(a) Prohibition.—It is unlawful for any person to possess significant military equipment formerly owned by the Department of Defense unless—

(1) the military equipment has been demilitarized in accordance with standards prescribed by the Secretary of Defense;

(2) the person is in possession of the military equipment for the purpose of demilitarizing the equipment pursuant to a Federal Government contract; or

(3) the person is specifically authorized by law or regulation to possess the military equipment.

(b) Referral to Attorney General.—The Secretary of Defense shall notify the Attorney General of any potential violation of subsection (a) of which the Secretary becomes aware.

(c) Authority To Require Demilitarization.—(1) The Attorney General may require any person who, in violation of subsection (a), is in possession of significant military equipment formerly owned by the Department of Defense—

(A) to demilitarize the equipment;

(B) to have the equipment demilitarized by a third party; or

(C) to return the equipment to the Federal Government for demilitarization.

(2) When the demilitarization of significant military equipment is carried out pursuant to subparagraph (A) or (B) of paragraph (1), an officer or employee of the United States designated by the Attorney General shall have the right to confirm, by inspection or other means authorized by the Attorney General, that the equipment has been demilitarized.

(3) If significant military equipment is not demilitarized or returned to the Federal Government for demilitarization as required under paragraph (1) within a reasonable period after the Attorney General notifies the person in possession of the equipment of the requirement to do so, the Attorney General may request that a court of the United States issue a warrant authorizing the seizure of the military equipment in the same manner as is provided for a search warrant. If the court determines that there is probable cause to believe that the person is in possession of significant military equipment in violation of subsection (a), the court shall issue a warrant authorizing the seizure of such equipment.

(d) Demilitarization of Equipment.—(1) The Attorney General shall transfer any military equipment returned to the Federal Government or seized pursuant to subsection (c) to the Department of Defense for demilitarization.

(2) If the person in possession of significant military equipment obtained the equipment in accordance with any other provision of law, the Secretary of Defense shall bear all costs of transportation and demilitarization of the equipment and shall either—

(A) return the equipment to the person upon completion of the demilitarization; or

(B) reimburse the person for the cost incurred by that person to acquire the equipment if the Secretary determines that the cost to demilitarize and return the property to the person would be prohibitive.

(e) Establishment of Demilitarization Standards.—(1) The Secretary of Defense shall prescribe regulations regarding the demilitarization of military equipment.

(2) The regulations shall be designed to ensure that—

(A) the equipment, after demilitarization, does not constitute a significant risk to public safety and does not have—

(i) a significant capability for use as a weapon; or

(ii) a uniquely military capability; and

(B) any person from whom private property is taken for public use under this section receives just compensation for the taking of the property.

(3) The regulations shall, at a minimum, define—

(A) the classes of significant military equipment requiring demilitarization before disposal; and

(B) what constitutes demilitarization for each class of significant military equipment.

(f) Definition of Significant Military Equipment.—In this section, the term "significant military equipment" means equipment that has a capability described in clause (i) or (ii) of subsection (e)(2) and—

(1) is a defense article listed on the United States Munitions List maintained under section 38 of the Arms Export Control Act (22 U.S.C. 2778) that is designated on that list as significant military equipment; or

(2) is designated by the Secretary of Defense under the regulations prescribed under subsection (e) as being equipment that it is necessary in the interest of public safety to demilitarize before disposal by the United States.

### SEC. 1063. CONVEYANCES OF EQUIPMENT AND RELATED MATERIALS LOANED TO STATE AND LOCAL GOVERNMENTS AS ASSISTANCE FOR EMERGENCY RESPONSE TO A USE OR THREATENED USE OF A WEAPON OF MASS DESTRUCTION.

Section 1412(e) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2718; 50 U.S.C. 2312(e)) is amended by adding at the end the following new paragraph:

"(5) A conveyance of ownership of United States property to a State or local government, without cost and without regard to subsection (f) and title II of the Federal Property and Administrative Services Act of 1949 (or any other provision of law relating to the disposal of property of the United States), if the property is equipment, or equipment and related materials, that is in the possession of the State or local government on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 pursuant to a loan of the property as assistance under this section.".

### SEC. 1064. AUTHORITY TO PAY GRATUITY TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES FOR SLAVE LABOR PERFORMED FOR JAPAN DURING WORLD WAR II.

(a) Payment of Gratuity Authorized.—The Secretary of Veterans Affairs may pay a gratuity to a covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of $20,000.

(b) Covered Veteran or Civilian Internee Defined.—In this section, the term "covered veteran or civilian internee" means any individual who—

(1) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(2) served in or with United States combat forces during World War II;

(3) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(4) was required by the Imperial Government of Japan, or one or more Japanese corporations, to perform slave labor during World War II.

(c) Relationship to Other Payments.—Any amount paid a person under this section for activity described in subsection (b) is in addition to any other amount paid such person for such activity under any other provision of law.

### SEC. 1065. RETENTION OF TRAVEL PROMOTIONAL ITEMS.

(a) In General.—To the extent provided in subsection (b), a Federal employee, member of the foreign service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual traveling at Government expense who receives a promotional item (including frequent flyer miles, upgrades, or access to carrier clubs or facilities) as a result of using travel or transportation services procured by the United States or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Government.

(b) Applicability to Executive Branch Only.—Subsection (a)—

(1) applies only to travel that is at the expense of the executive branch; and

(2) does not apply to travel by any officer, employee, or other official of the Government outside the executive branch.

(c) CONFORMING AMENDMENT.—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 5 U.S.C. 5702 note) is amended by adding at the end the following new subsection:

“(d) INAPPLICABILITY TO EXECUTIVE BRANCH.—The guidelines issued under subsection (a) and the requirement under subsection (b) shall not apply to any agency of the executive branch or to any Federal employee or other personnel in the executive branch.”.

(d) APPLICABILITY.—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act.

**SEC. 1066. RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.**

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(e) APPROPRIATION.—

“(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

“(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

“(A) in fiscal year 2002, $172,000,000;

“(B) in fiscal year 2003, $143,000,000;

“(C) in fiscal year 2004, $107,000,000;

“(D) in fiscal year 2005, $65,000,000;

“(E) in fiscal year 2006, $47,000,000;

“(F) in fiscal year 2007, $29,000,000;

“(G) in fiscal year 2008, $29,000,000;

“(H) in fiscal year 2009, $23,000,000;

“(I) in fiscal year 2010, $23,000,000; and

“(J) in fiscal year 2011, $17,000,000.”.

**SEC. 1067. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.**

Subsection (g) of section 2667 of title 10, United States Code (section 1061, National Defense Authorization Act, 1998, P.L. 105–85) is amended by adding a new paragraph at the end as follows:

“(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

“(A) use of the ship is restricted to federally supported research programs and non-Federal uses under specific conditions with approval by the Secretary of the Navy;

“(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

“(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.”.

**SEC. 1068. SMALL BUSINESS PROCUREMENT COMPETITION.**

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after “bundled contract” the following: “, the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more”;

(2) by striking “In the” and inserting the following:

“(A) IN GENERAL.—In the”; and

(3) by adding at the end the following:

“(B) CONTRACTING GOALS.—

“(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

“(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.”.

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

“(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(II) no other concern will perform a greater proportion of the work on that contract; and

“(III) no other concern that is not a small business concern will perform work on the contract.”.

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking “and” at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

“(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and”.

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

“(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(ii) no other concern will perform a greater proportion of the work on that contract; and

“(iii) no other concern that is not a small business concern will perform work on the contract.”.

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Small Business Administration;

(B) the term “Federal agency” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term “Program” means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term “small business-only joint ventures” means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the “Small Business Procurement Competition Program”.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

### SEC. 1069. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

### SEC. 1070. AUTHORIZATION OF THE SALE OF GOODS AND SERVICES BY THE NAVAL MAGAZINE, INDIAN ISLAND.

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source: *Provided*, That a sale pursuant to this section shall conform to the requirements of section 2563 (c) and (d) of title 10, United States Code: *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

### SEC. 1071. ASSISTANCE FOR FIREFIGHTERS.

Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) $600,000,000 for fiscal year 2002.

"(3) $800,000,000 for fiscal year 2003.

"(4) $1,000,000,000 for fiscal year 2004.".

### SEC. 1072. PLAN TO ENSURE EMBARKATION OF CIVILIAN GUESTS DOES NOT INTERFERE WITH OPERATIONAL READINESS AND SAFE OPERATION OF NAVY VESSELS.

(a) Plan.—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum—

(1) procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate nonofficial civilian guests,

(2) guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels,

(3) guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels,

(4) guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians,

(5) any other guidelines or procedures the Secretary shall consider necessary or appropriate.

(b) Definition.—For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

### SEC. 1073. MODERNIZING AND ENHANCING MISSILE WING HELICOPTER SUPPORT—STUDY AND PLAN.

(a) Report and Recommendations.—With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options.—Options to be reviewed include—

(1) the Air Force's current plan for replacement or modernization of UH–1N helicopters currently flown by the Air Force at the missile wings;

(2) replacement of the UH–1N helicopters currently flown by the Air Force with UH–60 Black Hawk helicopters, the UH–1Y, or another platform;

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in a November 2000 Air Force Space Command/Army National Guard plan, "ARNG Helicopter Support to Air Force Space Command";

(4) replacement of UH–1N helicopters with UH–60 helicopters or another platform, and establishment of composite units combining active duty Air Force and Army National Guard personnel; and

(5) other options as the Secretary deems appropriate.

(c) Factors.—Factors to be considered in this analysis include—

(1) any implications of transferring the helicopter support missions on the command and control of and responsibility for missile field force protection;

(2) current and future operational requirements, and the capabilities of the UH–1N, the UH–60 or other aircraft to meet them;

(3) cost, with particular attention to opportunities to realize efficiencies over the long run;

(4) implications for personnel training and retention; and

(5) evaluation of the assumptions used in the plan specified in subsection (b)(3).

(d) Consideration.—The Secretary shall consider carefully the views of the Secretary of the Army, Secretary of the Air Force, Commander in Chief of the United States Strategic Command, and the Chief of the National Guard Bureau.

### SEC. 1074. SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY SHOULD IMMEDIATELY ISSUE SAVINGS BONDS, TO BE DESIGNATED AS "UNITY BONDS", IN RESPONSE TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) Findings.—The Senate finds that—

(1) a national tragedy occurred on September 11, 2001, whereby enemies of freedom and democracy attacked the United States of America and injured or killed thousands of innocent victims;

(2) the perpetrators of these reprehensible attacks destroyed brick and mortar buildings, but the American spirit and the American people have become stronger as they have united in defense of their country;

(3) the American people have responded with incredible acts of heroism, kindness, and generosity;

(4) the outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts;

(5) the American people stand together to resist all attempts to steal their freedom; and

(6) united, Americans will be victorious over their enemies, whether known or unknown.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Secretary of the Treasury should—

(A) immediately issue savings bonds, to be designated as "Unity Bonds"; and

(B) report quarterly to Congress on the revenue raised from the sale of Unity Bonds; and

(2) the proceeds from the sale of Unity Bonds should be directed to the purposes of rebuilding America and fighting the war on terrorism.

### SEC. 1075. PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN LAW ENFORCEMENT AND SECURITY FORCE.

Section 2674(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" before the text in the first paragraph of that subsection;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2) For positions whose permanent duty station is the Pentagon Reservation, the Secretary, in his sole and exclusive discretion, may without regard to the pay provisions of title 5, fix the rates of basic pay for such positions occupied by civilian law enforcement and security personnel appointed under the authority of this section so as to place such personnel on a comparable basis with other similar Federal law enforcement and security organizations within the vicinity of the Pentagon Reservation, not to exceed basic pay for personnel performing similar duties in the Uniformed Division of the Secret Service or the Park Police.

### SEC. 1076. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) Waiver for a Route in State of Maine During Periods of National Emergency.—

"(1) In general.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

## TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

### Subtitle A—Intelligence Personnel

### SEC. 1101. AUTHORITY TO INCREASE MAXIMUM NUMBER OF POSITIONS IN THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking "517." and inserting the following: "517, except that the Secretary may increase such maximum number by one position for each Senior Intelligence Service position in the Central Intelligence Agency that is permanently eliminated by the Director of Central Intelligence after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002. In no event may the number of positions in the Defense Intelligence Senior Executive Service exceed 544.".

### SEC. 1102. CONTINUED APPLICABILITY OF CERTAIN CIVIL SERVICE PROTECTIONS FOR EMPLOYEES INTEGRATED INTO THE NATIONAL IMAGERY AND MAPPING AGENCY FROM THE DEFENSE MAPPING AGENCY.

Section 1612(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) If not otherwise applicable to an employee described in subparagraph (B), subchapters II and IV of chapter 75 of title 5 shall continue to apply to the employee for as long as the employee serves on and after October 1, 1996, without a break in service, as an employee of the Department of Defense in any position, or successively in two or more positions, in the National Imagery and Mapping Agency.

"(B) This paragraph applies to a person who—

"(i) on September 30, 1996, was employed as an employee of the Department of Defense in a position in the Defense Mapping Agency to whom subchapters II and IV of title 5 applied; and

"(ii) on October 1, 1996, became an employee of the National Imagery and Mapping Agency under paragraph 1601(a) of this title.".

### Subtitle B—Matters Relating to Retirement

### SEC. 1111. FEDERAL EMPLOYMENT RETIREMENT CREDIT FOR NONAPPROPRIATED FUND INSTRUMENTALITY SERVICE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Section 8332(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (15);

(B) by striking the period at the end of paragraph (16) and inserting "; and";

(C) by inserting after paragraph (16) the following new paragraph:

"(17) service performed by any individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title that is not covered by paragraph (16), if the individual elects (in accordance with regulations prescribed by the Office) at the time of separation from service to have such service credited under this paragraph.";

(D) in the last sentence, by inserting "or (17)" after "service of the type described in paragraph (16)"; and

(E) by inserting after the last sentence the following: "Service credited under paragraph (17) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.".

(2) Section 8334 of such title is amended by adding at the end the following new subsection:

"(o) Notwithstanding subsection (c), no deposit may be made with respect to service credited under section 8332(b)(17) of this title.".

(3) Section 8339 of such title is amended by adding at the end the following new subsection:

"(u) The annuity of an employee retiring under this subchapter with service credited under section 8332(b)(17) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed on the basis of service that does not include service credited under section 8332(b)(17) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8411 of such title is amended—

(A) in subsection (b)—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by inserting after paragraph (5) the following new paragraph:

"(6) service performed by any individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title, if the individual elects (in accordance with regulations prescribed by the Office) at the time of separation from service to have such service credited under this paragraph."; and

(B) by adding at the end the following new subsection:

"(k)(1) The Office of Personnel Management shall accept, for the purposes if this chapter, the certification of the head of a nonappropriated fund instrumentality of the United States concerning service of the type described in subsection (b)(6) that was performed for such nonappropriated fund instrumentality.

"(2) Service credited under subsection (b)(6) may not also be credited under any other retirement system provided for employees of a nonappropriated fund instrumentality.".

(2)(A) Section 8422 of such title is amended by adding at the end the following new subsection:

"(g) No deposit may be made with respect to service credited under section 8411(b)(6) of this title.".

(B) The heading for such section is amended to read as follows:

**"§ 8422. Deductions from pay; contributions for other service".**

(C) The item relating to such section in the table of contents at the beginning of chapter 84 of title 5, United States Code, is amended to read as follows:

"8422. Deductions from pay; contributions for other service.".

(3) Section 8415 of such title is amended by adding at the end the following new subsection:

"(j) The annuity of an employee retiring under this chapter with service credited under section 8411(b)(6) of this title shall be reduced to the maximum amount necessary to ensure that the present value of the annuity payable to the employee under this subchapter is actuarially equivalent to the present value of the annuity that would be payable to the employee under this subchapter if it were computed on the basis of service that does not include service credited under section 8411(b)(6) of this title. The amount of the reduction shall be computed under regulations prescribed by the Office of Personnel Management for the administration of this subsection.".

(c) APPLICABILITY.—The amendments made by this section shall apply only to separations from service as an employee of the United States on or after the date of the enactment of this Act.

### SEC. 1112. IMPROVED PORTABILITY OF RETIREMENT COVERAGE FOR EMPLOYEES MOVING BETWEEN CIVIL SERVICE EMPLOYMENT AND EMPLOYMENT BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term" and all that follows through "such system".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2)(B)—

(A) by striking "vested"; and

(B) by striking ", as the term" and all that follows through "such system".

### SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1), by striking "Subject to paragraph (2), the" and inserting "The";

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

### Subtitle C—Other Matters

### SEC. 1121. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS AT THE UNITED STATES MILITARY ACADEMY.

Section 4337 of title 10, United States Code, is amended by striking the second sentence and inserting the following: "The chaplain is entitled to a housing allowance equal to the basic allowance for housing that is applicable for an officer in pay grade O–5 at the Academy under section 403 of title 37, and to fuel and light for quarters in kind.".

### SEC. 1122. STUDY OF ADEQUACY OF COMPENSATION PROVIDED FOR TEACHERS IN THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the adequacy of the pay and other elements of the compensation provided for teachers in the defense dependents' education system established under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

(b) SPECIFIC CONSIDERATIONS.—In carrying out the study, the Comptroller General shall consider the following issues:

(1) Whether the compensation is adequate for recruiting and retaining high quality teachers.

(2) Whether any revision of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq) or the regulations under that Act is advisable to address any problems identified with respect to the recruitment and retention of high quality teachers or for other purposes.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress not later than March 1, 2002. The report shall include the following:

(1) The Comptroller General's conclusions on the issues considered.

(2) Any recommendations for actions that the Comptroller General considers appropriate.

### SEC. 1123. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES INCURRED BY EMPLOYERS OF PERSONS INVOLUNTARILY SEPARATED FROM EMPLOYMENT BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—The Secretary of Defense may carry out a pilot program in accordance with this section to facilitate the reemployment of employees of the Department of Defense who are being separated as described in subsection (b) by providing employers outside the Federal Government with retraining incentive payments to encourage those employers to hire, train, and retain such employees.

(b) COVERED EMPLOYEES.—A retraining incentive payment may be made under subsection (c) with respect to a person who—

(1) has been involuntarily separated from employment by the United States due to—

(A) a reduction in force (within the meaning of chapter 35 of title 5, United States Code); or

(B) a relocation resulting from a transfer of function (within the meaning of section 3503 of title 5, United States Code), realignment, or change of duty station; and

(2) when separated—

(A) was employed without time limitation in a position in the Department of Defense;

(B) had been employed in such position or any combination of positions in the Department of Defense for a continuous period of at least one year;

(C) was not a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Federal Government;

(D) was not eligible for an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or subchapter II of chapter 84 of such title; and

(E) was not eligible for disability retirement under any of the retirement systems referred to in subparagraph (C).

(c) RETRAINING INCENTIVE.—(1) Under the pilot program, the Secretary may pay a retraining incentive to any person outside the Federal Government that, pursuant to an agreement entered into under subsection (d), employs a former employee of the United States referred to in subsection (b).

(2) For employment of a former employee that is continuous for one year, the amount of any retraining incentive paid to the employer under paragraph (1) shall be the lesser of—

(A) the amount equal to the total cost incurred by the employer for any necessary training provided to the former employee in connection with the employment by that employer, as determined by the Secretary taking into consideration a certification by the employer under subsection (d); or

(B) $10,000.

(3) For employment of a former employee that terminates within one year after the employment begins, the amount of any retraining incentive paid to the employer under paragraph (1) shall be equal to the amount that bears the same ratio to the amount computed under paragraph (2) as the period of continuous employment of the employee by that employer bears to one year.

(4) The cost of the training of a former employee of the United States for which a retraining incentive is paid to an employer under this subsection may include any cost incurred by the employer for training that commenced for the former employee after the former employee, while still employed by the Department of Defense, received a notice of the separation from employment by the United States.

(5) Not more than one retraining incentive may be paid with respect to a former employee under this subsection.

(d) EMPLOYER AGREEMENT.—Under the pilot program, the Secretary shall enter into an agreement with an employer outside the Federal Government that provides for the employer—

(1) to employ a person described in subsection (b) for at least one year for a salary or rate of pay that is mutually agreeable to the employer and such person; and

(2) to certify to the Secretary the cost incurred by the employer for any necessary training provided to such person in connection with the employment of the person by that employer.

(e) NECESSARY TRAINING.—For the purposes of this section, the necessity of training provided a former employee of the Department of Defense shall be determined under regulations prescribed by the Secretary of Defense for the administration of this section.

(f) TERMINATION OF PILOT PROGRAM.—No retraining incentive may be paid under this section for training commenced after September 30, 2005.

### SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.".

### SEC. 1125. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination**

"(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

"(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

"(1) Physician.

"(2) Dentist.

"(3) Podiatrist.

"(4) Optometrist.

"(5) Pharmacist.

"(6) Nurse.

"(7) Physician assistant.

"(8) Audiologist.

"(9) Expanded-function dental auxiliary.

"(10) Dental hygienist.

"(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.".

### SEC. 1126. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

**"§ 5758. Expenses for credentials**

"(a) An agency may use appropriated or other available funds to pay for—

"(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

"(2) examinations to obtain such credentials.

"(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5758. Expenses for credentials.".

## TITLE XII—MATTERS RELATING TO OTHER NATIONS

## Subtitle A—Cooperative Threat Reduction With States of the Former Soviet Union

### SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2002 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative

Threat Reduction programs shall be available for obligation for three fiscal years.

### SEC. 1202. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $133,405,000.

(2) For strategic nuclear arms elimination in Ukraine, $51,500,000.

(3) For weapons of mass destruction infrastructure elimination in Ukraine, $6,024,000.

(4) For weapons of mass destruction infrastructure elimination in Kazakhstan, $6,000,000.

(5) For weapons transportation security in Russia, $9,500,000.

(6) For weapons storage security in Russia, $56,000,000.

(7) For implementation of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $41,700,000.

(8) For biological weapons proliferation prevention activities in the former Soviet Union, $17,000,000.

(9) For chemical weapons destruction in Russia, $50,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $13,221,000.

(11) For defense and military contacts, $18,650,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in paragraph (7), (10) or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

### SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting “(a) Limitation.—” before “No fiscal year”;

(2) in subsection (a), as so designated, by inserting before the period at the end the following: “until the Secretary of Defense submits to Congress a certification that there has been—

“(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

“(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

“(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

“(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

“(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

“(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.”; and

(3) by adding at the end the following new subsection:

“(b) Omission of Certain Information.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.”.

### SEC. 1204. MANAGEMENT OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Authority Over Management.—The Secretary of Defense shall have authority, direction, and control over the management of Cooperative Threat Reduction programs and the funds for such programs.

(b) Implementing Agent.—The Defense Threat Reduction Agency shall be the implementing agent of the Department of Defense for the functions of the Department relating to Cooperative Threat Reduction programs.

(c) Specification of Funds in Department of Defense Budget.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall include amounts, if any, requested for such fiscal year for Cooperative Threat Reduction programs.

### SEC. 1205. ADDITIONAL MATTER IN ANNUAL REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (at enacted by Public Law 106–398; 114 Stat. 1654A–341) is amended by adding at the end of the following new paragraph:

“(6) A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.”.

## Subtitle B—Other Matters

### SEC. 1211. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) Limitation on Amount of Assistance in Fiscal Year 2002—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) Extension of Authority To Provide Assistance.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “2001” and inserting “2002”.

### SEC. 1212. COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH NATO AND OTHER COUNTRIES.

(a) Eligibility of Friendly Foreign Countries.—Section 2350a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a) Authority To Engage in Cooperative R&D Projects.—”;

(B) by striking “major allies of the United States or NATO organizations” and inserting “countries or organizations referred to in paragraph (2)”; and

(C) by adding at the end the following new paragraph:

“(2) The countries and organizations with which the Secretary may enter into a memorandum of agreement (or other formal agreement) under paragraph (1) are as follows:

“(A) The North Atlantic Treaty Organization.

“(B) A NATO organization.

“(C) A member nation of the North Atlantic Treaty Organization.

“(D) A major non-NATO ally.

“(E) Any other friendly foreign country.”;

(2) in subsection (b), by striking “its major non-NATO allies” and inserting “a country or organization referred to in subsection (a)(2)”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “the major allies of the United States” and inserting “countries and organizations referred to in subsection (a)(2)”; and

(B) in paragraph (2)—

(i) by striking “major ally of the United States” and inserting “country or organization referred to in subsection (a)(2)”; and

(ii) by striking “ally's” and inserting “country's or organization's”;

(4) in subsection (e)(2)—

(A) in subparagraph (A), by striking “one or more of the major allies of the United States” and inserting “any country or organization referred to in subsection (a)(2)”;

(B) in subparagraph (B), by striking “major allies of the United States or NATO organizations” and inserting “countries and organizations referred to in subsection (a)(2)”;

(C) in subparagraph (C), by striking “major allies of the United States” and inserting “countries and organizations referred to in subsection (a)(2)”; and

(D) in subparagraph (D), by striking “major allies of the United States” and inserting “countries and organizations referred to in subsection (a)(2)”;

(5) paragraphs (1)(A) and (4)(A) of subsection (g), by striking “major allies of the United States and other friendly foreign

countries" and inserting "countries referred to in subsection (a)(2)"; and

(6) in subsection (i)—

(A) in paragraph (1), by striking "major allies of the United States or NATO organizations" and inserting "countries and organizations referred to in subsection (a)(2)";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (4) as paragraph (2), and by transferring that paragraph, as so redesignated, within that subsection and inserting the paragraph after paragraph (1).

(b) Delegation of Authority To Determine Eligibility of Projects.—Subsection (b)(2) of such section is amended by striking "or the Under Secretary of Defense for Acquisition and Technology" and inserting "and to one other official of the Department of Defense".

(c) Revision of Requirement for Annual Report on Eligible Countries.—Subsection (f)(2) of such section is amended to read as follows:

"(2) Not later than January 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and on Foreign Relations of the Senate and to the Committees on Armed Services and on International Relations of the House of Representatives a report specifying—

"(A) the countries that are eligible to participate in a cooperative project agreement under this section; and

"(B) the criteria used to determine the eligibility of such countries.".

(d) Conforming Amendments.—(1) The heading of such section is amended to read as follows:

**"§ 2350a. Cooperative research and development agreements: NATO and foreign countries".**

(2) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended to read as follows:

"2350a. Cooperative research and development agreements: NATO and foreign countries.".

### SEC. 1213. INTERNATIONAL COOPERATIVE AGREEMENTS ON USE OF RANGES AND OTHER FACILITIES FOR TESTING OF DEFENSE EQUIPMENT.

(a) Authority.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2350l. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations**

"(a) Authority.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide reciprocal access by the United States and such country or organization to each other's ranges and other facilities for testing of defense equipment.

"(b) Payment of Costs.—A memorandum or other agreement entered into under subsection (a) shall include provisions for charging a user of a range or other facility for test and evaluation services furnished by the officers, employees, or governmental agencies of the supplying country or international organization under the memorandum or other agreement. The provisions for charging a user shall conform to the following pricing principles:

"(1) The user shall be charged the amount equal to the direct costs incurred by the country or international organization to supply the services.

"(2) The user may also be charged indirect costs of the use of the range or other facility, but only to the extent specified in the memorandum or other agreement.

"(c) Retention of Funds Collected by the United States.—Amounts collected from the user of a range or other facility of the United States under a memorandum of understanding or other formal agreement entered into under subsection (a) shall be credited to the appropriation from which the costs incurred by the United States in providing support for the use of the range or other facility by that user were paid.

"(d) Delegation of Authority.—The Secretary of Defense may delegate only to the Deputy Secretary of Defense and to one other official of the Department of Defense authority to determine the appropriateness of the amount of indirect costs charged the United States under a memorandum or other agreement entered into under subsection (a).

"(e) Definitions.—In this section:

"(1) The term 'direct cost', with respect to testing and evaluation under a memorandum or other agreement entered into under subsection (a)—

"(A) means any item of cost that—

"(i) is easily and readily identified to a specific unit of work or output within the range or other facility where the testing and evaluation occurred under the memorandum or other agreement; and

"(ii) would not have been incurred if the testing and evaluation had not taken place; and

"(B) may include costs of labor, materials, facilities, utilities, equipment, supplies, and any other resources of the range or other facility that are consumed or damaged in connection with—

"(i) the conduct of the test and evaluation; or

"(ii) the maintenance of the range or other facility for the use of the country or international organization under the memorandum or other agreement.

"(2) The term 'indirect cost', with respect to testing and evaluation under a memorandum or other agreement entered into under subsection (a)—

"(A) means any item of cost that cannot readily be identified directly to a specific unit of work or output; and

"(B) may include general and administrative expenses for such activities as supporting base operations, manufacturing, supervision, procurement of office supplies, and utilities that are accumulated costs allocated among several users.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2350l. Cooperative use of ranges and other facilities for testing of defense equipment: agreements with foreign countries and international organizations.".

### SEC. 1214. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) Redesignation of Existing Authority.—(1) Section 2555 of title 10, United States Code, as added by section 1203 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-324), is redesignated as section 2565 of that title.

(2) The table of sections at the beginning of chapter 152 of that title is amended by striking the item relating to section 2555, as so added, and inserting the following new item:

"2565. Nuclear test monitoring equipment: furnishing to foreign governments.".

(b) Clarification of Authority.—Section 2565 of that title, as so redesignated by subsection (a), is further amended—

(1) in subsection (a)—

(A) by striking "Convey or" in the subsection heading and inserting "Transfer Title to or Otherwise";

(B) in paragraph (1)—

(i) by striking "convey" and inserting "transfer title"; and

(ii) by striking "and" at the end;

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) inspect, test, maintain, repair, or replace any such equipment."; and

(2) in subsection (b)—

(A) by striking "conveyed or otherwise provided" and inserting "provided to a foreign government";

(B) by inserting "and" at the end of paragraph (1);

(C) by striking "; and" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

### SEC. 1215. PARTICIPATION OF GOVERNMENT CONTRACTORS IN CHEMICAL WEAPONS INSPECTIONS AT UNITED STATES GOVERNMENT FACILITIES UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) Authority.—Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2)) is amended by inserting after "designation of employees of the Federal Government" the following: "(and, in the case of an inspection of a United States Government facility, the designation of contractor personnel who shall be led by an employee of the Federal Government)".

(b) Credentials.—Section 304(c) of such Act (22 U.S.C. 6724(c)) is amended by striking "Federal government" and inserting "Federal Government (and, in the case of an inspection of a United States Government facility, any accompanying contractor personnel)".

### SEC. 1216. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) Transfers by Grant.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) Poland.—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) Turkey.—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) Transfers by Sale.—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) Taiwan.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(2) Turkey.—To the Government of Turkey, the OLIVER HAZARD PERRY class

guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(c) Additional Congressional Notification Not Required.—Except as provided in subsection (d), the following provisions do not apply with respect to transfers authorized by this section:

(1) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

(2) Section 524 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2001 (as enacted by Public Law 106-429; 114 Stat. 1900A-30) and any similar successor provision.

(d) Grants Not Counted in Annual Total of Transferred Excess Defense Articles.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(e) Costs of Transfers on Grant Basis.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(f) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) Expiration of Authority.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

### SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

"(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

"(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.".

### SEC. 1218. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

"(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.".

### SEC. 1219. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that—

(1) the efforts of the President to increase defense burdendsharing by allied and friendly nations deserve strong support;

(2) host nations support agreements with those nations in which United States military personnel are assigned to permanent duty ashore should be negotiated consistent with section 1221(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105-85) which sets forth a goal of obtaining financial contributions from host nations that amount to 75 percent of the nonpersonnel costs incurred by the United States Government for stationing military personnel in those nations.

### SEC. 1220. RELEASE OF RESTRICTION ON USE OF CERTAIN VESSELS PREVIOUSLY AUTHORIZED TO BE SOLD.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2273) is amended by striking "for full use as an oiler".

## TITLE XIII—CONTINGENT AUTHORIZATION OF APPROPRIATIONS

### SEC. 1301. AUTHORIZATION OF APPROPRIATIONS CONTINGENT ON INCREASED ALLOCATION OF NEW BUDGET AUTHORITY.

(a) In General.—Notwithstanding any other provision of this Act, the total amounts authorized to be appropriated under subtitle A of title I, sections 201, 301, and 302, and division B are authorized to be appropriated in accordance with those provisions without reduction under section 1302 only if—

(1) the Chairman of the Committee on the Budget of the Senate—

(A) determines, for the purposes of section 217(b) of the Concurrent Resolution on the Budget for Fiscal Year 2002, that the appropriation of all of the amounts specified in section 1302 would not, when taken together with all other previously enacted legislation (except for legislation enacted pursuant to section 211 of such concurrent resolution) reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by the concurrent resolution; and

(B) increases the allocation of new budget authority for defense spending in accordance with section 217(a) of the Concurrent Resolution on the Budget for Fiscal Year 2002; or

(2) the Senate—

(A) by a vote of at least three-fifths of the Members of the Senate duly chosen and sworn, waives the point of order under section 302(f) of the Congressional Budget and Impoundment Control Act of 1974 with respect to an appropriation bill or resolution that provides new budget authority for the National Defense major functional category (050) in excess of the amount specified for the defense category in section 203(c)(1)(A) of the Concurrent Resolution on the Budget for Fiscal Year 2002; and

(B) approves the appropriation bill or resolution.

(b) Full or Partial Authorization.—(1) If the total amount of the new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in subsection (a) by at least $18,448,601,000 over the amount of the new budget authority allocated for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, the reductions under section 1302 shall not be made.

(2) If the total amount of new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in subsection (a) by less than $18,448,601,000 over the amount of the new budget authority allocated for that category for fiscal year 2002 by the Concurrent Resolution on the Budget for Fiscal Year 2002, each of the total amounts referred to in section 1302 shall be reduced by a proportionate amount of the difference between $18,448,601,000 and the amount of the increase in the allocated new budget authority.

### SEC. 1302. REDUCTIONS.

Until such time as the amount of the new budget authority allocated or available for the National Defense major functional category (050) for fiscal year 2002 is increased as described in section 1301(a), the total amounts authorized to be appropriated by provisions of this Act are reduced as follows:

(1) For the total amount authorized to be appropriated for procurement by subtitle A of title I, the reduction is $2,100,854,000.

(2) For the total amount authorized to be appropriated for research, development, test and evaluation by section 201, the reduction is $3,033,434,000.

(3) For the total amount authorized to be appropriated for operation and maintenance by section 301, the reduction is $8,737,773,000.

(4) For the total amount authorized to be appropriated for working capital and revolving funds by section 302, the reduction is $1,018,394,000.

(5) For the total amount authorized to be appropriated by division B, the reduction is $348,065,000.

### SEC. 1303. REFERENCE TO CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

For the purposes of this title, a reference to the Concurrent Resolution on the Budget for Fiscal Year 2002 is a reference to House Concurrent Resolution 83 (107th Congress, 1st session).

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

### SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2002".

## TITLE XXI—ARMY

### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Anniston Army Depot | $5,150,000 |
| | Fort Rucker | $11,400,000 |

**Army: Inside the United States—Continued**

| State | Installation or location | Amount |
|---|---|---|
| | Redstone Arsenal | $7,200,000 |
| Alaska | Fort Richardson | $115,000,000 |
| | Fort Wainwright | $27,200,000 |
| Arizona | Fort Huachuca | $6,100,000 |
| Colorado | Fort Carson | $66,000,000 |
| District of Columbia | Fort McNair | $11,600,000 |
| Georgia | Fort Benning | $23,900,000 |
| | Fort Gillem | $34,600,000 |
| | Fort Gordon | $34,000,000 |
| | Fort Stewart/Hunter Army Air Field | $39,800,000 |
| Hawaii | Navy Public Works Center, Pearl Harbor | $11,800,000 |
| | Pohakuloa Training Facility | $6,600,000 |
| | Wheeler Army Air Field | $50,000,000 |
| Illinois | Rock Island Arsenal | $3,500,000 |
| Kansas | Fort Riley | $10,900,000 |
| Kentucky | Fort Campbell | $88,900,000 |
| | Fort Knox | $11,600,000 |
| Louisiana | Fort Polk | $21,200,000 |
| Maryland | Aberdeen Proving Ground | $58,300,000 |
| | Fort Meade | $5,800,000 |
| Missouri | Fort Leonard Wood | $7,850,000 |
| New Jersey | Fort Monmouth | $20,000,000 |
| New Mexico | White Sands Missile Range | $7,600,000 |
| New York | Fort Drum | $37,850,000 |
| North Carolina | Fort Bragg | $21,300,000 |
| | Sunny Point Military Ocean Terminal | $11,400,000 |
| Oklahoma | Fort Sill | $40,100,000 |
| South Carolina | Fort Jackson | $62,000,000 |
| Texas | Fort Hood | $86,200,000 |
| | Fort Sam Houston | $2,250,000 |
| Virginia | Fort Belvoir | $35,950,000 |
| | Fort Eustis | $34,650,000 |
| | Fort Lee | $23,900,000 |
| Washington | Fort Lewis | $238,200,000 |
| | Total: | $1,279,500,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Area Support Group, Bamberg | $36,000,000 |
| | Area Support Group, Darmstadt | $13,500,000 |
| | Baumholder | $9,000,000 |
| | Hanau | $7,200,000 |
| | Heidelberg | $15,300,000 |
| | Mannheim | $16,000,000 |
| | Wiesbaden Air Base | $26,300,000 |
| Korea | Camp Carroll | $16,593,000 |
| | Camp Casey | $8,500,000 |
| | Camp Hovey | $35,750,000 |
| | Camp Humphreys | $14,500,000 |
| | Camp Jackson | $6,100,000 |
| | Camp Stanley | $28,000,000 |
| Kwajalein | Kwajalein Atoll | $11,000,000 |
| | Total: | $243,743,000 |

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Army: Unspecified Worldwide**

| Location | Installation | Amount |
|---|---|---|
| Unspecified Worldwide | Classified Location | $4,000,000 |

### SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

| State or county | Installation or location | Purpose | Amount |
|---|---|---|---|
| Alaska | Fort Wainwright | 32 Units | $12,000,000 |
| Arizona | Fort Huachuca | 72 Units | $10,800,000 |
| Kansas | Fort Leavenworth | 40 Units | $20,000,000 |
| Texas | Fort Bliss | 76 Units | $13,600,000 |
| | Fort Sam Houston | 80 Units | $11,200,000 |
| Korea | Camp Humphreys | 54 Units | $12,800,000 |

**Army: Family Housing—Continued**

| State or county | Installation or location | Purpose | Amount |
|---|---|---|---|
| | Total: | | $80,400,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $12,702,000.

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $220,750,000.

### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,068,303,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,027,300,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $243,743,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $142,198,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $313,852,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,108,991,000.

(7) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $10,119,000, to remain available until expended.

(8) For the construction of the Cadet Development Center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $37,900,000.

(9) For the construction of a Barracks Complex—Tagaytay Street Phase 2C, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 824), $17,500,000.

(10) For the construction of a Barracks Complex—Wilson Street, Phase 1C, Schofield Barracks, Hawaii, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 824), $23,000,000.

(11) For construction of a Basic Combat Training Complex Phase 2, Fort Leonard Wood, Missouri, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–389), $27,000,000.

(12) For the construction of the Battle Simulation Center Phase 2, Fort Drum, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $9,000,000.

(13) For the construction of a Barracks Complex—Bunter Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $49,000,000.

(14) For the construction of a Barracks Complex—Longstreet Road Phase 2, Fort Bragg, North Carolina, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $27,000,000.

(15) For the construction of a Multipurpose Digital Training Range, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–389), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $52,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex D Street Phase at Fort Richardson, Alaska);

(3) $41,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—Nelson Boulevard (Phase I) at Fort Carson, Colorado);

(4) $36,000,000 (the balance of the amount authorized under section 2101(a) for Basic Combat Training Complex (Phase I) at Fort Jackson, South Carolina);

(5) $102,000,000 (the balance of the amount authorized under section 2101(a) for Barracks Complex—17th & B Street (Phase I) at Fort Lewis, Washington); and

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking "$65,400,000" in the amount column and inserting "$69,800,000";

(2) in the item relating to Fort Drum, New York, by striking "$18,000,000" in the amount column and inserting "$21,000,000";

(3) in the item relating to Fort Hood, Texas, by striking "$36,492,000" in the amount column and inserting "$39,492,000"; and

(4) by striking the amount identified as the total in the amount column and inserting "$626,374,000".

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "$1,925,344,000" and inserting "$1,935,744,000"; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "$22,600,000" and inserting "$27,000,000";

(B) in paragraph (3), by striking "$10,000,000" and inserting "$13,000,000"; and

(C) in paragraph (6), by striking "$6,000,000" and inserting "$9,000,000".

## TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Arizona | Marine Corps Air Station, Yuma | $22,570,000 |
| California | Marine Air-Ground Task Force Training Center, Twentynine Palms | $75,125,000 |
| | Marine Corps Air Station, Camp Pendleton | $4,470,000 |
| | Marine Corps Base, Camp Pendleton | $96,490,000 |
| | Naval Air Facility, El Centro | $23,520,000 |
| | Naval Air Station, Lemoore | $10,010,000 |
| | Naval Air Warfare Center, Point Mugu, San Nicholas Island | $13,730,000 |
| | Naval Amphibious Base, Coronado | $8,610,000 |

Navy: Inside the United States—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Naval Construction Battalion Center, Port Hueneme | $12,400,000 |
| | Naval Construction Training Center, Port Hueneme | $3,780,000 |
| | Naval Station, San Diego | $47,240,000 |
| District of Columbia | Naval Air Facility, Washington | $9,810,000 |
| Florida | Naval Air Station, Key West | $11,400,000 |
| | Naval Air Station, Pensacola | $3,700,000 |
| | Naval Air Station, Whiting Field, Milton | $2,140,000 |
| | Naval Station, Mayport | $16,420,000 |
| Hawaii | Marine Corps Base, Kaneohe | $24,920,000 |
| | Naval Magazine, Lualualei | $6,000,000 |
| | Naval Shipyard, Pearl Harbor | $20,000,000 |
| | Naval Station, Pearl Harbor | $54,700,000 |
| | Navy Public Works Center, Pearl Harbor | $16,900,000 |
| Illinois | Naval Training Center, Great Lakes | $82,260,000 |
| Indiana | Naval Surface Warfare Center, Crane | $5,820,000 |
| Maine | Naval Air Station, Brunswick | $67,395,000 |
| | Naval Shipyard, Kittery-Portsmouth | $14,620,000 |
| Maryland | Naval Air Warfare Center, Patuxent River | $2,260,000 |
| | Naval Explosive Ordinance Disposal Technology Center, Indian Head | $1,250,000 |
| Mississippi | Naval Construction Battalion Center, Gulfport | $21,660,000 |
| | Naval Air Station, Meridian | $3,370,000 |
| | Naval Station, Pascagoula | $4,680,000 |
| Missouri | Marine Corp Support Activity, Kansas City | $9,010,000 |
| Nevada | Naval Air Station, Fallon | $6,150,000 |
| New Jersey | Naval Weapons Station, Earle | $4,370,000 |
| North Carolina | Marine Corps Air Station, New River | $4,050,000 |
| | Marine Corps Base, Camp LeJeune | $67,070,000 |
| Rhode Island | Naval Station, Newport | $15,290,000 |
| | Naval Undersea Warfare Center, Newport | $9,370,000 |
| South Carolina | Marine Corps Air Station, Beaufort | $8,020,000 |
| | Marine Corps Recruit Depot, Parris Island | $5,430,000 |
| Tennessee | Naval Support Activity, Millington | $3,900,000 |
| Texas | Naval Air Station, Kingsville | $6,160,000 |
| Virginia | Marine Corps Air Facility, Quantico | $3,790,000 |
| | Marine Corps Combat Development Command, Quantico | $9,390,000 |
| | Naval Station, Norfolk | $139,270,000 |
| Washington | Naval Air Station, Whidbey Island | $7,370,000 |
| | Naval Station, Everett | $6,820,000 |
| | Strategic Weapons Facility, Bangor | $3,900,000 |
| | Total: | $996,610,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

| Country | Installation or location | Amount |
|---|---|---|
| Greece | Naval Support Activity Joint Headquarters Command, Larissa | $12,240,000 |
| | Naval Support Activity, Souda Bay | $3,210,000 |
| Guam | Naval Station, Guam | $9,300,000 |
| | Navy Public Works Center, Guam | $14,800,000 |
| Iceland | Naval Air Station, Keflavik | $2,820,000 |
| Italy | Naval Air Station, Sigonella | $3,060,000 |
| Spain | Naval Station, Rota | $2,240,000 |
| | Total: | $47,670,000 |

## SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

| State or country | Installation or location | Purpose | Amount |
|---|---|---|---|
| Arizona | Marine Corps Air Station, Yuma | 51 Units | $9,017,000 |
| California | Marine Air-Ground Task Force Training Center, Twentynine Palms | 74 Units | $16,250,000 |
| Hawaii | Marine Corps Base, Kaneohe | 172 Units | $55,187,000 |
| | Naval Station, Pearl Harbor | 70 Units | $16,827,000 |
| Mississippi | Naval Construction Battalion Center, Gulfport | 160 Units | $23,354,000 |
| Italy | Naval Air Station, Sigonella | 10 Units | $2,403,000 |
| | | Total: | $123,038,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,499,000.

## SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $183,054,000.

## SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,377,634,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $963,370,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,752,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $312,591,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $918,095,000.

(6) For replacement of a pier at Naval Station, San Diego, California, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 1654A-395), $17,500,000.

(7) For replacement of Pier Delta at Naval Station, Bremerton, Washington, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001, $24,460,000.

(8) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp Smith, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828), $37,580,000.

(9) For construction of an Advanced Systems Integration Facility, phase 6, at Naval Air Warfare Center, Patuxent River, Maryland, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2590), $10,770,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $33,240,000 (the balance of the amount authorized under section 2201(a) for Pier Replacement (Increment I), Naval Station, Norfolk, Virginia).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-395) is amended—

(1) in the item relating to Naval Shipyard, Bremerton, Puget Sound, Washington, by striking "$100,740,000" in the amount column and inserting "$98,740,000";

(2) in the item relating to Naval Station, Bremerton, Washington, by striking "$11,930,000" in the amount column and inserting "$1,930,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$799,497,000".

### SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2000 PROJECT.

(a) Modification.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828) is amended—

(1) in the item relating to Camp Smith, Hawaii, by striking "$86,050,000" in the amount column and inserting "$89,050,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$820,230,000".

(b) Conforming Amendment.—Section 2204(b)(3) of that Act (113 Stat. 831) is amended by striking "$70,180,000" and inserting "$73,180,000".

## TITLE XXIII—AIR FORCE

### SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Maxwell Air Force Base | $34,400,000 |
| Alaska | Eareckson Air Force Base | $4,600,000 |
| | Elmendorf Air Force Base | $32,200,000 |
| Arizona | Davis-Monthan Air Force Base | $17,300,000 |
| Arkansas | Little Rock Air Force Base | $18,100,000 |
| California | Edwards Air Force Base | $16,300,000 |
| | Los Angeles Air Force Base | $23,000,000 |
| | Travis Air Force Base | $16,400,000 |
| | Vandenberg Air Force Base | $11,800,000 |
| Colorado | Buckley Air Force Base | $23,200,000 |
| | Schriever Air Force Base | $19,000,000 |
| | United States Air Force Academy | $25,500,000 |
| Delaware | Dover Air Force Base | $7,300,000 |
| District of Columbia | Bolling Air Force Base | $2,900,000 |
| Florida | Cape Canaveral Air Force Station | $7,800,000 |
| | Eglin Air Force Base | $11,400,000 |
| | Hurlburt Field | $10,400,000 |
| | MacDill Air Force Base | $10,000,000 |
| | Tyndall Air Force Base | $15,050,000 |
| Georgia | Moody Air Force Base | $8,600,000 |
| | Robins Air Force Base | $14,650,000 |
| Idaho | Mountain Home Air Force Base | $14,600,000 |
| Louisiana | Barksdale Air Force Base | $5,000,000 |
| Maryland | Andrews Air Force Base | $19,420,000 |
| Massachusetts | Hanscom Air Force Base | $9,400,000 |
| Mississippi | Columbus Air Force Base | $5,000,000 |
| | Keesler Air Force Base | $28,600,000 |
| Montana | Malmstrom Air Force Base | $4,650,000 |
| Nebraska | Offet Air Force Base | $10,400,000 |
| Nevada | Nellis Air Force Base | $31,600,000 |
| New Jersey | McGuire Air Force Base | $36,550,000 |
| New Mexico | Cannon Air Force Base | $9,400,000 |
| | Kirtland Air Force Base | $15,500,000 |
| North Carolina | Pope Air Force Base | $17,800,000 |
| North Dakota | Grand Forks Air Force Base | $7,800,000 |
| Ohio | Wright-Patterson Air Force Base | $24,850,000 |
| Oklahoma | Altus Air Force Base | $20,200,000 |
| | Tinker Air Force Base | $21,400,000 |
| | Vance Air Force Base | $4,800,000 |
| South Carolina | Shaw Air Force Base | $5,800,000 |
| South Dakota | Ellsworth Air Force Base | $12,000,000 |
| Tennessee | Arnold Air Force Base | $24,400,000 |
| Texas | Lackland Air Force Base | $12,800,000 |
| | Laughlin Air Force Base | $12,000,000 |
| | Sheppard Air Force Base | $37,000,000 |

**Air Force: Inside the United States—Continued**

| State | Installation or location | Amount |
|---|---|---|
| Utah | Hill Air Force Base | $14,000,000 |
| Virginia | Langley Air Force Base | $47,300,000 |
| Washington | Fairchild Air Force Base | $2,800,000 |
| | McChord Air Force Base | $20,700,000 |
| Wyoming | F.E. Warren Air Force Base | $10,200,000 |
| | Total: | $811,370,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Ramstein Air Force Base | $42,900,000 |
| | Spangdahlem Air Base | $8,700,000 |
| Guam | Andersen Air Force Base | $10,150,000 |
| Italy | Aviano Air Base | $11,800,000 |
| Korea | Kunsan Air Base | $12,000,000 |
| | Osan Air Base | $101,142,000 |
| Oman | Masirah Island | $8,000,000 |
| Turkey | Eskisehir | $4,000,000 |
| United Kingdom | Royal Air Force, Lakenheath | $11,300,000 |
| | Royal Air Force, Mildenhall | $22,400,000 |
| Wake Island | Wake Island | $25,000,000 |
| | Total: | $257,392,000 |

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amount, set forth in the following table:

**Air Force: Unspecified Worldwide**

| Location | Installation | Amount |
|---|---|---|
| Unspecified Worldwide | Classified Location | $4,458,000 |

### SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

| State or country | Installation or location | Purpose | Amount |
|---|---|---|---|
| Arizona | Luke Air Force Base | 120 Units | $15,712,000 |
| California | Travis Air Force Base | 118 Units | $18,150,000 |
| Colorado | Buckley Air Force Base | 55 Units | $11,400,000 |
| Delaware | Dover Air Force Base | 120 Units | $18,145,000 |
| District of Columbia | Bolling Air Force Base | 136 Units | $16,926,000 |
| Hawaii | Hickam Air Force Base | 102 Units | $25,037,000 |
| Louisiana | Barksdale Air Force Base | 56 Units | $7,300,000 |
| South Dakota | Ellsworth Air Force Base | 78 Units | $13,700,000 |
| Virginia | Langley Air Force Base | 4 Units | $1,200,000 |
| Portugal | Lajes Field, Azores | 64 Units | $13,230,000 |
| | | Total: | $140,800,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,558,000.

### SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $375,379,000.

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,587,791,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $816,070,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $257,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,419,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $542,381,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $869,121,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $3,300,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–400) is amended in the item relating to Mountain Home Air Force Base, Idaho, by striking "119 Units" in the purpose column and inserting "46 Units".

## TITLE XXIV—DEFENSE AGENCIES

### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Education Activity | Laurel Bay, South Carolina | $12,850,000 |
| | Marine Corps Base, Camp Leleune, North Carolina | $8,857,000 |
| Defense Logistics Agency | Defense Distribution Depot Tracy, California | $30,000,000 |
| | Defense Distribution Depot, Susquehanna, New Cumberland, Pennsylvania | $19,900,000 |
| | Eielson Air Force Base, Alaska | $8,800,000 |
| | Fort Belvoir, Virginia | $900,000 |
| | Grand Forks Air Force Base, North Dakota | $9,110,000 |
| | Hickam Air Force Base, Hawaii | $29,200,000 |
| | McGuire Air Force Base, New Jersey | $4,400,000 |
| | Minot Air Force Base, North Dakota | $14,000,000 |
| | Philadelphia, Pennsylvania | $2,429,000 |
| | Pope Air Force Base, North Carolina | $3,400,000 |
| Special Operations Command | Aberdeen Proving Ground, Maryland | $3,200,000 |
| | Fort Benning, Georgia | $5,100,000 |
| | Fort Bragg, North Carolina | $33,562,000 |
| | Fort Lewis, Washington | $6,900,000 |
| | Hurlburt Field, Florida | $13,400,000 |
| | MacDill Air Force Base, Florida | $12,000,000 |
| | Naval Station, San Diego, California | $13,650,000 |
| | CONUS Classified | $2,400,000 |
| TRICARE Management Activity | Andrews Air Force Base, Maryland | $10,250,000 |
| | Dyess Air Force Base, Texas | $3,300,000 |
| | F.E. Warren Air Force Base, Wyoming | $2,700,000 |
| | Fort Hood, Texas | $12,200,000 |
| | Fort Stewart/Hunter Army Air Field, Georgia | $11,000,000 |
| | Holloman Air Force Base, New Mexico | $5,700,000 |
| | Hurlburt Field, Florida | $8,800,000 |
| | Marine Corps Base, Camp Pendleton, California | $15,300,000 |
| | Marine Corps Logistics Base, Albany, Georgia | $5,800,000 |
| | Naval Air Station, Whidbey Island, Washington | $6,600,000 |
| | Naval Hospital, Twentynine Palms, California | $1,600,000 |
| | Naval Station, Mayport, Florida | $24,000,000 |
| | Naval Station, Norfolk, Virginia | $21,000,000 |
| | Schriever Air Force Base, Colorado | $4,000,000 |
| Washington Headquarters Services | Pentagon Reservation, Virginia | $25,000,000 |
| | Total: | $391,308,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Education Activity | Aviano Air Base, Italy | $3,647,000 |
| | Geilenkirchen, Germany | $1,733,000 |
| | Heidelberg, Germany | $3,312,000 |
| | Kaiserslautern, Germany | $1,439,000 |
| | Kitzingen, Germany | $1,394,000 |
| | Landstuhl, Germany | $1,444,000 |
| | Ramstein Air Base, Germany | $2,814,000 |
| | Royal Air Force, Feltwell, United Kingdom | $22,132,000 |
| | Vogelweh Annex, Germany | $1,558,000 |
| | Wiesbaden Air Base, Germany | $1,378,000 |
| | Wuerzburg, Germany | $2,684,000 |
| Defense Logistics Agency | Andersen Air Force Base, Guam | $20,000,000 |
| | Camp Casey, Korea | $5,500,000 |
| | Naval Station, Rota, Spain | $3,000,000 |
| | Yokota Air Base, Japan | $13,000,000 |
| Office of Secretary of Defense | Comalapa Air Base, El Salvador | $12,577,000 |
| TRICARE Management Activity | Heidelberg, Germany | $28,000,000 |
| | Lajes Field, Azores, Portugal | $3,750,000 |
| | Thule, Greenland | $10,800,000 |
| | Total: | $140,162,000 |

### SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $35,600,000.

### SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,492,956,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $391,308,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,382,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $35,600,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $592,200,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $43,762,000 of which not more than $37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,000,000.

(9) For construction of the Ammunition Demilitarization Facility Phase 6, Pine Bluff Arsenal, Arkansas, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 538), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), and section 2408 of this Act, $26,000,000.

(10) For construction of the Ammunition Demilitarization Facility Phase 3, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), $11,000,000.

(11) For construction of the Ammunition Demilitarization Facility Phase 4, Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), $66,000,000.

(12) For construction of the Ammunition Demilitarization Facility phase 4, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), as amended by section 2407 of this Act, $66,500,000.

(13) For construction of the Ammunition Demilitarization Facility Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2406 of this Act, $3,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (8) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $1,700,000, which represents savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### SEC. 2404. CANCELLATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) CANCELLATION OF PROJECTS AT CAMP PENDLETON, CALIFORNIA.—(1) The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 1654A-402) is amended—

(A) by striking the item relating to Marine Corps Base, Camp Pendleton, California, under the heading TRICARE Management Activity; and

(B) by striking the amount identified as the total in the amount column and inserting "$242,756,000".

(2) Of the amount authorized to be appropriated by section 2403(a) of that Act (114 Stat. 1654A-404), and paragraph (1) of that section, $14,150,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189). Such amount is the amount authorized to be appropriated by section 2403(a) of the Military Construction Authorization Act for Fiscal Year 2001 for purposes authorized in section 2401(a) of that Act relating to Marine Corps Base, Camp Pendleton, California.

(b) CONFORMING AMENDMENTS.—Section 2403(a) of that Act is amended—

(1) in the matter preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(2) in paragraph (3), by striking "$85,095,000" and inserting "$30,095,000".

### SEC. 2405. CANCELLATION OF AUTHORITY TO CARRY OUT ADDITIONAL FISCAL YEAR 2001 PROJECT.

(a) CANCELLATION OF AUTHORITY.—Section 2401(c) the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398); 114 Stat. 1654A-404) is amended by striking "$451,135,000" and inserting "$30,095,000".

(b) CONFORMING AMENDMENTS.—Section 2403 of that Act is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$1,883,902,000" and inserting "$1,828,902,000"; and

(B) in paragraph (3), by striking "$85,095,000" and inserting "$30,095,000"; and

(2) in subsection (b), by striking "may not exceed—" and all that follows through the end of the subsection and inserting "may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).".

### SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835) is amended—

(1) in the item under the heading Chemical Demilitarization relating to Blue Grass Army Depot, Kentucky, by striking "$206,800,000" and inserting "$254,030,000";

(2) under the heading relating to TRICARE Management Agency—

(A) in the item relating to Fort Wainwright, Alaska, by striking "$133,000,000" and inserting "$215,000,000"; and

(B) by striking the item relating to Naval Air Station, Whidbey Island, Washington; and

(3) by striking the amount identified as the total in the amount column and inserting "$711,950,000".

(b) CONFORMING AMENDMENTS.—Section 2405(b) of that Act (113 Stat. 839) is amended—

(1) in paragraph (2), by striking "$115,000,000" and inserting "$197,000,000"; and

(2) in paragraph (3), by striking "$184,000,000" and inserting "$231,230,000".

(c) TREATMENT OF AUTHORIZATION OF APPROPRIATIONS FOR CANCELED PROJECT.—Of the amount authorized to be appropriated by section 2405(a) of that Act (113 Stat. 837), and paragraph (1) of that section, $4,700,000 shall be available for purposes relating to construction of the Portsmouth Naval Hospital, Virginia, as authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189). Such amount is the amount authorized to be appropriated by section 2405(a) of the Military Construction Authorization Act for Fiscal Year 2000 for purposes authorized in section 2401(a) of that Act relating to Naval Air Station, Whidbey Island, Washington.

### SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193) is amended—

(1) in the item under the agency heading Chemical Demilitarization relating to Aberdeen Proving Ground, Maryland, by striking "$186,350,000" in the amount column and inserting "$223,950,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$727,616,000".

(b) CONFORMING AMENDMENT.—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking "$158,000,000" and inserting "$195,600,000".

### SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), is further amended under the agency heading relating to Chemical Weapons and Munitions Destruction in the item relating to Pine Bluff Arsenal, Arkansas, by striking "$154,400,000" in the amount column and inserting "$177,400,000".

## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $162,600,000.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $365,240,000; and

(B) for the Army Reserve, $111,404,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $33,641,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $227,232,000; and

(B) for the Air Force Reserve, $53,732,000.

## TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

### SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2004; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

### SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Air Force: Extension of 1999 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Delaware | Dover Air Force Base | Replace Family Housing (55 units). | $8,998,000 |
| Florida | Patrick Air Force Base | Replace Family Housing (46 units). | $9,692,000 |
| New Mexico | Kirtland Air Force Base | Replace Family Housing (37 units). | $6,400,000 |
| Ohio | Wright-Patterson Air Force Base | Replace Family Housing (40 units). | $5,600,000 |

**Army National Guard: Extension of 1999 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Massachusetts | Westfield | Army Aviation Support Facility. | $9,274,000 |
| South Carolina | Spartanburg | Readiness Center | $5,260,000 |

### SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding secton 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–408)), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1998 Project Authorization**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Maryland | Fort Meade | Family Housing Construction (56 units). | $7,900,000 |

**Navy: Extension of 1998 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| California | Naval Complex, San Diego | Replacement Family Housing Construction (94 units). | $13,500,000 |
| California | Marine Corps Air Station, Miramar | Family Housing Construction (166 units). | $28,881,000 |
| Louisiana | Naval Complex, New Orleans | Replacement Family Housing Construction (100 units). | $11,930,000 |
| Texas | Naval Air Station, Corpus Christi | Family Housing Construction (212 units). | $22,250,000 |

Air Force: Extension of 1998 Project Authorization

| State | Installation or location | Project | Amount |
|---|---|---|---|
| New Mexico | Kirtland Air Force Base | Replace Family Housing (180 units). | $20,900,000 |

#### SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2001; or

(2) the date of the enactment of this Act.

## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

#### SEC. 2801. INCREASE IN THRESHOLDS FOR CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) PROJECTS REQUIRING ADVANCE APPROVAL OF SECRETARY CONCERNED.—Subsection (b)(1) of section 2805 of title 10, United States Code, amended by striking “$500,000” and inserting “$750,000”.

(b) PROJECTS USING AMOUNTS FOR OPERATION AND MAINTENANCE.—Subsection (c)(1) of that section is amended—

(1) in subparagraph (A), by striking “$1,000,000” and inserting “$1,500,000”; and

(2) in subparagraph (B), by striking “$500,000” and inserting “$750,000”.

#### SEC. 2802. UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION AS BASIS FOR AUTHORIZED COST VARIATIONS FOR MILITARY CONSTRUCTION AND FAMILY HOUSING CONSTRUCTION PROJECTS.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

“(d) The limitation on cost increases in subsection (a) does not apply to the following:

“(1) The settlement of a contractor claim under a contract.

“(2) The cost of any environmental hazard remediation required by law, including asbestos removal, radon abatement, and lead-based paint removal or abatement, if such remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.”.

#### SEC. 2803. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS TO CONGRESS ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) REPEAL.—Section 2861 of title 10, United States Code is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

#### SEC. 2804. AUTHORITY AVAILABLE FOR LEASE OF PROPERTY AND FACILITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) LEASE AUTHORITIES AVAILABLE.—Section 2878 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) LEASE AUTHORITIES AVAILABLE.—(1) The Secretary concerned may use any authority or combination of authorities available under section 2667 of this title in leasing property or facilities under this section to the extent such property or facilities, as the case may be, are described by subsection (a)(1) of such section 2667.

“(2) The limitation in subsection (b)(1) of section 2667 of this title shall not apply with respect to a lease of property or facilities under this section.”.

(b) CONFORMING AMENDMENT.—Subsection (e) of that section, as redesignated by subsection (a) of this section, is further amended—

(1) by striking paragraph (1); and

(2) by redesignated paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) TECHNICAL AMENDMENT.—Paragraph (3) of subsection (e) of that section, as redesignated by this section, is further amended by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act”.

#### SEC. 2805. FUNDS FOR HOUSING ALLOWANCES OF MEMBERS ASSIGNED TO MILITARY FAMILY HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2883 the following new section:

**“§ 2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units**

“To the extent provided in advance in appropriations Acts, the Secretary of Defense may, during the fiscal year in which a contract is awarded for the acquisition or construction of military family housing units under this subchapter that are not to be owned by the United States, transfer from appropriations available for support of military housing for the armed force concerned for that fiscal year to appropriations available for pay and allowances of military personnel of that armed force for that fiscal year amounts equal to any additional amounts payable during that fiscal year to members of that armed force assigned to such housing units as basic allowance for housing under section 403 of title 37 that would not otherwise have been payable to such members if not for assignment to such housing units.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by inserting after the item relating to section 2883 the following new item:

“2883a. Funds for housing allowances of members of the armed forces assigned to certain military family housing units.”.

#### SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

### Subtitle B—Real Property and Facilities Administration

#### SEC. 2811. AVAILABILITY OF PROCEEDS OF SALES OF DEPARTMENT OF DEFENSE PROPERTY FROM CLOSED MILITARY INSTALLATIONS.

Section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) In the case of property located at a military installation that is closed, such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before the closure of the military installation.

“(B) In the case of property located at any other military installation—

“(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where such property was located before it was disposed of or transferred; and

“(ii) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over such property before it was disposed of or transferred.”.

#### SEC. 2812. PILOT EFFICIENT FACILITIES INITIATIVE.

(a) INITIATIVE AUTHORIZED.—The Secretary of Defense may carry out a pilot program for purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations. The pilot program shall be known as the “Pilot Efficient Facilities Initiative” (in this section referred to as the “Initiative”).

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) The Secretary may designate up to two installations of each military department for participation in the Initiative.

(2) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of each installation proposed to be included in the Initiative not less than 30 days before taking any action to carry out the Initiative at such installation.

(3) The Secretary shall include in the notification regarding an installation designated for participation in the Initiative a management plan for the Initiative at the installation. Each management plan for an installation shall include the following:

(A) A description of—

(i) each proposed lease of real or personal property located at the installation;

(ii) each proposed disposal of real or personal property located at the installation;

(iii) each proposed leaseback of real or personal property leased or disposed of at the installation;

(iv) each proposed conversion of services at the installation from Federal Government performance to non-Federal Government performance, including performance by contract with a State or local government or private entity or performance as consideration for the lease or disposal of property at the installation; and

(v) each other action proposed to be taken to improve mission effectiveness and reduce the cost of providing quality installation support at the installation.

(B) With respect to each proposed action described under subparagraph (A)—

(i) an estimate of the savings expected to be achieved as a result of the action;

(ii) each regulation not required by statute that is proposed to be waived to implement the action; and

(iii) each statute or regulation required by statute that is proposed to be waived to implement the action, including—

(I) an explanation of the reasons for the proposed waiver; and

(II) a description of the action to be taken to protect the public interests served by the statute or regulation, as the case may be, proposed to be waived in the event of the waiver.

(C) A description of the steps taken by the Secretary to consult with employees at the facility, and communities in the vicinity of the facility, regarding the Initiative at the installation.

(D) Measurable criteria for the evaluation of the effects of the actions to be taken pursuant to the Initiative at the installation.

(c) Waiver of Statutory Requirements.—The Secretary of Defense may waive any statute or regulation required by statute for purposes of carrying out the Initiative only if specific authority for the waiver of such statute or regulation is provided in an Act that is enacted after the date of the enactment of this Act.

(d) Installation Efficiency Project Fund.—(1) There is established on the books of the Treasury a fund to be known as the "Installation Efficiency Project Fund" (in this subsection referred to as the "Fund").

(2) There shall be deposited in the Fund all cash rents, payments, reimbursements, proceeds and other amounts from leases, sales, or other conveyances or transfers, joint activities, and other actions taken under the Initiative.

(3) To the extent provided in advance in authorization Acts and appropriations Acts, amounts in the Fund shall be available to the Secretary concerned for purposes of managing capital assets and providing support services at installations participating in the Initiative. Amounts in the Fund may be used for such purposes in addition to, or in combination with, other amounts authorized to appropriated for such purposes. Amounts in the Fund shall be available for such purposes for five years.

(4) Subject to applicable financial management regulations, the Secretary of Defense shall structure the Fund, and provide administrative policies and procedures, in order provide proper control of deposits in and disbursements from the Fund.

(e) Termination.—The authority of the Secretary to carry out the Initiative shall terminate four years after the date of the enactment of this Act.

(f) Report.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the committees of Congress referred to in subsection (b)(2) a report on the Initiative. The report shall contain a description of the actions taken under the Initiative and include such other information, including recommendations, as the Secretary considers appropriate in light of the Initiative.

### SEC. 2813. DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

(a) Authority To Carry Out Program.—Subject to the provisions of this section, the Secretary of the Army may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects. The purpose of the demonstration program is to determine whether or not such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

(b) Contracts.—(1) The demonstration program shall cover contracts entered into on or after the date of the enactment of this Act.

(2) Not more than three contracts entered into in any year may contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(c) Effective Period of Requirements.—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program shall be any period elected by the Secretary not in excess of five years.

(d) Reports.—(1) Not later than January 31, 2003, and annually thereafter until the year following the cessation of effectiveness of any requirements referred to in subsection (a) in contracts under the demonstration program, the Secretary shall submit to the congressional defense committees a report on the demonstration program.

(2) Each report under paragraph (1) shall include, for the year covered by such report, the following:

(A) A description of the contracts entered into during the year that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

(B) The experience of the Secretary during the year with respect to any contracts containing requirements referred to in subsection (a) for the purpose of the demonstration program that were in force during the year.

(3) The final report under this subsection shall include, in addition to the matters required under paragraph (2), an evaluation of the demonstration program and any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration program, that the Secretary considers appropriate.

(e) Expiration.—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2006.

(f) Funding.—Amounts authorized to be appropriated for the Army for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.

## Subtitle C—Land Conveyances

### SEC. 2821. LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Commonwealth of Virginia (in this section referred to as the "Commonwealth") all right, title, and interest of United States in and to two parcels of real property, including any improvements thereon, located at the Engineer Proving Ground, Fort Belvoir, Virginia, as follows:

(1) The parcel, consisting of approximately 170 acres, that is to be used for a portion of the Fairfax County Parkway, including for construction of that portion of the parkway.

(2) The parcel, consisting of approximately 11.45 acres, that is subject to an easement previously granted to the Commonwealth as Army easement DACA 31–3–96–440 for the construction of a portion of Interstate Highway 95.

(b) Consideration.—As consideration for the conveyance under subsection (a), the Commonwealth shall—

(1) design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground;

(2) provide a conceptual design for eventual incorporation and construction by others of access into the Engineer Proving Ground at the Rolling Road Interchange from Fairfax County Parkway as specified in Virginia Department of Transportation Project #R000–029–249, C514;

(3) provide such easements or rights of way for utilities under or across the Fairfax County Parkway as the Secretary considers appropriate for the optimum development of the Engineer Proving Ground; and

(4) pay the United States an amount, jointly determined by the Secretary and the Commonwealth, appropriate to cover the costs of constructing a replacement building for building 5089 located on the Engineer Proving Ground.

(c) Responsibility for Environmental Cleanup.—The Secretary shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the property conveyed under subsection (a) as of the date of the conveyance under that subsection.

(d) Acceptance and Disposition of Funds.—(1) The Secretary of the Army may accept the funds paid by the Commonwealth as consideration under subsection (b)(4) and shall credit the accepted funds to the appropriation or appropriations that are appropriate for paying the costs of the replacement of Building 5089, located on the Engineer Proving Ground, Fort Belvoir, Virginia, consistent with paragraphs (2) and (3) of this subsection.

(2) Funds accepted under paragraph (1) shall be available, until expended, for the replacement of Building 5089.

(3) Funds appropriated pursuant to the authorization of appropriations in section 301(1), and funds appropriated pursuant to the authorization of appropriations in section 2104(a)(4), shall be available in accordance with section 2805 of title 10, United States Code, for the excess, if any, of the cost of the replacement of Building 5089 over the amount available for such project under paragraph (2).

(e) Description of Property.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (a)(2) are as set forth in Army easement DACA 31–3–96–440.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2822. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–430) is amended by inserting "any or" before "all right".

### SEC. 2823. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled "Acadia National Park Schoodic Point Area", numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) TRANSFER OF PERSONAL PROPERTY.—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Corea site).

(d) MAINTENANCE OF PROPERTY PENDING CONVEYANCE.—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101–47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

(2) The requirement in paragraph (1) shall not be construed as authority to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or property maintenance codes or to repair any damage to such improvements and infrastructure through an Act of God.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(3) Notwithstanding any other provision of law, the Secretary shall credit any amount received for a lease of real property under paragraph (1) to the appropriation or account providing funds for the operation and maintenance of such property or for the procurement of utility services for such property. Amounts so credited shall be merged with funds in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2824. CONVEYANCE OF SEGMENT OF LORING PETROLEUM PIPELINE, MAINE, AND RELATED EASEMENTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Loring Development Authority, Maine (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to the segment of the Loring Petroleum (POL) Pipeline, Maine, consisting of approximately 27 miles in length and running between the Searsport terminal and Bangor Air National Guard Base.

(b) RELATED EASEMENTS.—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority, without consideration, all right, title, and interest of the United States in and to any easements or rights-of-way necessary for the operation or maintenance of the segment of pipeline conveyed under that subsection.

(c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for a conveyance authorized by this section.

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the segment of pipeline conveyed under subsection (a), and of any easements or rights-of-way conveyed under subsection (b), shall be determined by surveys and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the preceding sentence shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2825. LAND CONVEYANCE, PETROLEUM TERMINAL SERVING FORMER LORING AIR FORCE BASE AND BANGOR AIR NATIONAL GUARD BASE, MAINE.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to the Maine Port Authority of the State of Maine (in this section referred to as the "Authority") all right, title, and interest of the United States in and to the Petroleum Terminal (POL) at Mack Point, Searsport, Maine, which served former Loring Air Force Base and Bangor Air National Guard Base, Maine.

(2) The conveyance under paragraph (1) may include the following:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 20 acres and comprising a portion of the Petroleum Terminal.

(B) Any additional fuel tanks, other improvements, and equipment located on the 43-acre parcel of property adjacent to the property described in subparagraph (A), and currently leased by the Secretary, which constitutes the remaining portion of the Petroleum Terminal.

(b) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance under subsection (a) unless the Authority agrees to utilize the property to be conveyed under that subsection solely for economic development purposes.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Authority shall lease to the Air Force approximately one acre of the real property conveyed under that subsection, together with any improvements thereon, that constitutes the Aerospace Fuels Laboratory (also known as Building 14).

(2) The real property leased under this subsection shall include the parking lot, outbuildings, and other improvements associated with the Aerospace Fuels Laboratory and such easements of ingress and egress to the real property, including easements for utilities, as are required for the operations of the Aerospace Fuels Laboratory.

(3) As part of the lease of real property under this subsection, the Authority shall

maintain around the real property for the term of the lease a zone, not less than 75 feet in depth, free of improvements or encumbrances.

(4) The lease under this subsection shall be without cost to the United States.

(5) The term of the lease under this subsection may not exceed 25 years. If operations at the Aerospace Fuels Laboratory cease before the expiration of the term of the lease otherwise provided for under this subsection, the lease shall be deemed to have expired upon the cessation of such operations.

(d) CONVEYANCE CONTINGENT ON EXPIRATION OF LEASE OF FUEL TANKS.—The Secretary may not make the conveyance under subsection (a) until the expiration of the lease referred to in paragraph (2)(B) of that subsection.

(e) ENVIRONMENTAL REMEDIATION.—The Secretary may not make the conveyance under subsection (a) until the completion of any environmental remediation required by law with respect to the property to be conveyed under that subsection.

(f) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a).

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease under subsection (c), as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2826. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the "Port Authority"), any or all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 29 acres and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be excess to the Navy.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease such real property, and any personal property described in subsection (a)(2), to the Port Authority in exchange for such security, fire protection, and maintenance services as the Secretary considers appropriate.

(c) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(1) accept the real and personal property concerned in their condition at the time of the conveyance or lease, as the case may be; and

(2) except as provided in subsection (d), use the real and personal property concerned, whether directly or through an agreement with a public or private entity, for economic development or such other public purposes as the Port Authority considers appropriate.

(d) SUBSEQUENT USE.—(1) The Port Authority may, following entry into a lease under subsection (b) for real property, personal property, or both, sublease such property for a purpose set forth in subsection (c)(2) if the Secretary approves the sublease of such property for that purpose.

(2) The Port Authority may, following the conveyance of real property under subsection (a), lease or reconvey such real property, and any personal property conveyed with such real property under that subsection, for a purpose set forth in subsection (c)(2).

(e) REIMBURSEMENT FOR COSTS OF CONVEYANCE AND LEASE.—(1) The Port Authority shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expense incurred by the Secretary, for the conveyance authorized by subsection (a) or any lease authorized by subsection (b).

(2) The amount of the reimbursement under paragraph (1) for an activity shall be determined by the Secretary, but may not exceed the cost of the activity.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal of the real property to be conveyed under subsection (a)(1), and an appropriate inventory or other description of the personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2827. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking "22 acres" and inserting "20.9 acres";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

"(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

"(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

"(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

"(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

"(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).".

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

**"SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.".**

### SEC. 2828. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the "City"), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2829. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the "Memorial Park"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2830. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES REQUIRED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the "Historical Society") all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated "November-33".

(B) The parcel consisting of the missile alert facility and launch control center designated "Oscar-O".

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORIC SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

### SEC. 2831. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

### SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services may convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

### SEC. 2833. TREATMENT OF AMOUNTS RECEIVED.

Any net proceeds received by the United States as payment under subsection (c) of section 2832 shall be deposited into the Land and Water Conservation Fund.

## Subtitle D—Other Matters

### SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

### SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806) is repealed.

### SEC. 2843. NAMING OF PATRICIA C. LAMAR ARMY NATIONAL GUARD READINESS CENTER, OXFORD, MISSISSIPPI.

(a) DESIGNATION.—The Oxford Army National Guard Readiness Center, Oxford, Mississippi, shall be known and designated as the "Patricia C. Lamar Army National Guard Readiness Center".

(b) Reference to Readiness Center.—Any reference to the Oxford Army National Guard Readiness Center, Oxford, Mississippi, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Patricia C. Lamar Army National Guard Readiness Center.

### SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.

(a) Authority To Enter Into Agreement for Construction.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the "Fund"), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) Form of Agreement.—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) Use of Parking Garage by Public.—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) Treatment of Revenues of Fund Parking Garages at Fort DeRussy.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center–Hawaii (Hale Koa Hotel).

### SEC. 2845. ACCEPTANCE OF CONTRIBUTIONS TO REPAIR OR ESTABLISHMENT MEMORIAL AT PENTAGON RESERVATION.

(a) Authority To Accept Contributions.—The Secretary of Defense may accept contributions made for the purpose of establishing a memorial or assisting in the repair of the damage caused to the Pentagon Reservation by the terrorist attack that occurred on September 11, 2001.

(b) Deposit of Contributions.—The Secretary shall deposit contributions accepted under subsection (a) in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code.

## TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

### Subtitle A—Modifications of 1990 Base Closure Law

### SEC. 2901. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND IN 2003.

(a) Commission Matters.—

(1) Appointment.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, or for 2003 in clause (iv) of that subparagraph".

(2) Meetings.—Section 2902(e) of that Act is amended by striking "and 1995" and inserting "1995, and 2003".

(3) Funding.—Section 2902(k) of that Act is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(4) Termination.—Section 2902(l) of that Act is amended by striking "December 31, 1995" and inserting "December 31, 2003".

(b) Procedures.—

(1) Force-structure plan.—Section 2903(a) of that Act is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2003, the Secretary shall include a force-structure plan for the Armed Forces based on the assessment of the Secretary in the quadrennial defense review under section 118 of title 10, United States Code, in 2001 of the probable threats to the national security during the twenty-year period beginning with fiscal year 2003.

"(B) The Secretary may revise the force-structure plan submitted under subparagraph (A). If the Secretary revises the force-structure plan, the Secretary shall submit the revised force-structure plan to Congress as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2004."; and

(C) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding subparagraph (A), by striking "Such plan" and inserting "Each force-structure plan under this subsection"; and

(ii) in subparagraph (A), by striking "referred to in paragraph (1)" and inserting "on which such force-structure plan is based".

(2) Selection criteria.—Section 2903(b) of that Act is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003," after "December 31, 1990."; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991".

(3) Department of Defense recommendations.—Section 2903(c)(1) of that Act is amended by striking "and March 1, 1995" and inserting "March 1, 1995, and March 14, 2003".

(4) Commission review and recommendations.—Section 2903(d) of that Act is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2003," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2003," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than May 1 in the case of such recommendations in 2003," after "such recommendations,".

(5) Review by President.—Section 2903(e) of that Act is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2003," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2003," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2003," after "under this part,".

(c) Relationship to Other Base Closure Authority.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2003,".

### SEC. 2902. BASE CLOSURE ACCOUNT 2003.

(a) Establishment.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

### "SEC. 2906A. BASE CLOSURE ACCOUNT 2003.

"(a) In General.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2003' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

"(2) There shall be deposited into the Account—

"(A) funds authorized for and appropriated to the Account;

"(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

"(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after September 30, 2003.

"(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

"(b) Use of Funds.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003.

"(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

"(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

"(B) The report for a fiscal year shall include the following:

"(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

"(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

"(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

"(I) any failure to carry out military construction projects that were so proposed; and

"(II) any expenditures for military construction projects that were not so proposed.

"(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2003, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

"(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

"(B) any amount remaining in the Account.

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after September 30, 2003, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

"(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).".

(b) CONFORMING AMENDMENTS.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting "the date of approval of closure or realignment of which is before September 30, 2003" after "under this part";

(2) in subsection (b)(1), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003," after "section 2905";

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting "with respect to military installations the date of approval of closure or realignment of which is before September 30, 2003," after "under this part"; and

(B) in subparagraph (A), by inserting "with respect to such installations" after "under this part";

(4) in subsection (d)(1), by inserting "the date of approval of closure or realignment of which is before September 30, 2003" after "under this part"; and

(5) in subsection (e), by striking "Except for" and inserting "Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906A and except for".

(c) CLERICAL AMENDMENT.—The section heading of section 2906 of that Act is amended to read as follows:

**"SEC. 2906. BASE CLOSURE ACCOUNT 1990.".**

### SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES.

(a) INCREASE IN MEMBERS OF COMMISSION.—Section 2902(c)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking "eight members" and inserting "nine members".

(b) SELECTION CRITERIA.—Section 2903(b) of that Act is amended by adding at the end the following new paragraphs:

"(3) The selection criteria shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part.

"(4) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall take into account the effect of the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.".

(c) DEPARTMENT OF DEFENSE RECOMMENDATIONS TO COMMISSION.—Section 2903(c) of that Act is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, by the following new paragraph (1):

"(1) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2002. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.";

(3) in paragraph (4), as so redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) In considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the anticipated continuing need for and availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall take into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations."; and

(C) in subparagraph (D), as so redesignated, by striking "subparagraph (B)" and inserting "subparagraph (C)";

(4) by inserting after paragraph (4), as so redesignated, the following new paragraph (5):

"(5)(A) In making recommendations to the Commission under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(5) in paragraph (8), as so redesignated—

(A) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (7)(B)"; and

(B) in the second sentence, by striking "24 hours" and inserting "48 hours".

(d) COMMISSION CHANGES IN RECOMMENDATIONS OF SECRETARY.—Section 2903(d)(2) of that Act is amended—

(1) in subparagraph (B), by striking "if" and inserting "only if";

(2) in subparagraph (C)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.";

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and

"(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.".

(e) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most-cost effective method of implementation of the recommendation;".

(f) IMPLEMENTATION.—

(1) PAYMENT FOR CERTAIN SERVICES FOR PROPERTY LEASED BACK BY THE UNITED STATES.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (iii), by striking "A lease" and inserting "Except as provided in clause (v), a lease"; and

(2) by adding at the end the following new clause (v):

"(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

"(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

"(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.".

(2) TRANSFERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is amended—

(A) in paragraph (1)(B), by adding at the end the following new sentence: "The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.";

(B) in paragraph (2)(A), by striking "to be paid by the recipient of the property or facilities" and inserting "otherwise to be paid by the Secretary with respect to the property or facilities";

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

(E) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

"(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

"(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.".

(3) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2905(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following: ", except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)".

### SEC. 2904. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2867 note) is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(b) OTHER CLARIFYING AMENDMENTS.—(1) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(A) Section 2905(b)(3).

(B) Section 2905(b)(5).

(C) Section 2905(b)(7)(B)(iv).

(D) Section 2905(b)(7)(N).

(E) Section 2910(10)(B).

(2) That Act is further amended by inserting "or realigned" after "closed" each place it appears in the following provisions:

(A) Section 2905(b)(3)(C)(ii).

(B) Section 2905(b)(3)(D).

(C) Section 2905(b)(3)(E).

(D) Section 2905(b)(4)(A).

(E) Section 2905(b)(5)(A).

(F) Section 2910(9).

(G) Section 2910(10).

(3) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

## Subtitle B—Modification of 1988 Base Closure Law

### SEC. 2911. PAYMENT FOR CERTAIN SERVICES PROVIDED BY REDEVELOPMENT AUTHORITIES FOR PROPERTY LEASED BACK BY THE UNITED STATES.

Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act of (Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph (J):

"(J)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) Except as provided in clause (v), a lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

"(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

"(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

"(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.".

# DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

## TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

## Subtitle A—National Security Programs Authorizations

### SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $7,351,721,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $5,481,795,000, to be allocated as follows:

(A) For stewardship operation and maintenance, $4,687,443,000, to be allocated as follows:

(i) For directed stockpile work, $1,016,922,000.

(ii) For campaigns, $2,137,300,000, to be allocated as follows:

(I) For operation and maintenance, $1,767,328,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $369,972,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, $5,400,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $22,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,070,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $5,377,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $81,125,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $245,000,000.

(iii) For readiness in technical base and facilities, $1,533,221,000, to be allocated as follows:

(I) For operation and maintenance, $1,356,107,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $177,114,000, to be allocated as follows:

Project 02–D–101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, $39,000,000.

Project 02–D–103, project engineering and design (PE&D), various locations, $31,130,000.

Project 02–D–107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, $3,507,000.

Project 01–D–103, preliminary project design and engineering, various locations, $16,379,000.

Project 01–D–124, highly enriched uranium (HEU) materials storage facility, Y–12 Plant, Oak Ridge, Tennessee, $0.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $7,700,000.

Project 01–D–800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $12,993,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $4,400,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $4,955,000.

Project 99–D–108, renovation of existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $300,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $22,200,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $3,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $13,700,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $6,850,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $3,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,900,000.

(B) For secure transportation asset, $77,571,000, to be allocated for operation and maintenance.

(C) For safeguards and security, $448,881,000, to be allocated as follows:

(i) For operation and maintenance, $439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,600,000, to be allocated as follows:

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrade project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,600,000.

(D) For facilities and infrastructure, $267,900,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $872,500,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $258,161,000, to be allocated as follows:

(i) For operation and maintenance, $222,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $35,806,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $35,806,000.

(B) For arms control, $138,000,000.

(C) For international materials protection, control, and accounting, $143,800,000.

(D) For highly enriched uranium transparency implementation, $13,950,000.

(E) For international nuclear safety, $19,500,000.

(F) For fissile materials control and disposition, $299,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, $233,089,000, to be allocated as follows:

(I) For operation and maintenance, $130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $103,000,000, to be allocated as follows:

Project 01–D–142, immobilization and associated processing facility, (Title I and II design), Savannah River Site, Aiken, South Carolina, $0.

Project 01–D–407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, $24,000,000.

Project 99–D–141, pit disassembly and conversion facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $16,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility (Title I and II design), Savannah River Site, Aiken, South Carolina, $63,000,000.

(ii) For Russian fissile materials disposition, $66,000,000.

(3) NAVAL REACTORS.—For naval reactors, $688,045,000, to be allocated as follows:

(A) For naval reactors development, $665,445,000, to be allocated as follows:

(i) For operation and maintenance, $652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,200,000, to be allocated as follows:

Project 01–D–200, major office replacement building, Schenectady, New York, $9,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,200,000.

(B) For program direction, $22,600,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, and for program direction for the National Nuclear Security Administration (other than for naval reactors), $380,366,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated by subsection (a) is hereby reduced by $70,985,000, as follows:

(1) The amount authorized to be appropriated by paragraph (1) of that subsection is hereby reduced by $28,985,000, which is to be derived from offsets and use of prior year balances.

(2) The amount authorized to be appropriated by paragraph (2) of that subsection is hereby reduced by $42,000,000, which is to be derived from use of prior year balances.

### SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of $6,047,617,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7277n), $1,080,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, $943,196,000, to be allocated as follows:

(A) For operation and maintenance, $919,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,166,000, to be allocated as follows:

Project 02–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $3,256,000.

Project 01–D–414, preliminary project engineering and design (PE&D), various locations, $6,254,000.

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $5,040,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratories, Idaho Falls, Idaho, $2,700,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,910,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $4,244,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $0.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, $3,245,201,000, to be allocated as follows:

(A) For operation and maintenance, $1,955,979,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,754,000, to be allocated as follows:

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $6,754,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, $862,468,000, to be allocated as follows:

(i) For operation and maintenance, $322,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $540,317,000, to be allocated as follows:

Project 01–D–416, waste treatment and immobilization plant, Richland, Washington, $500,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $33,473,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, $216,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, $1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, $205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, $355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (2) through (7) of that subsection, reduced by $42,161,000, to be derived from offsets and use of prior year balances.

### SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of $512,195,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, $40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, $46,389,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $247,565,000, to be allocated as follows:

(A) For nuclear safeguards and security, $121,188,000.

(B) For security investigations, $44,927,000.

(C) For program direction, $81,450,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $114,600,000, to be allocated as follows:

(A) For environment, safety, and health (defense), $91,307,000.

(B) For program direction, $23,293,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $20,000,000, to be allocated as follows:

(A) For worker and community transition, $18,000,000.

(B) For program direction, $2,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,893,000.

(8) NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.—For national security programs administrative support, $25,000,000.

(b) ADJUSTMENTS.—

(1) SECURITY AND EMERGENCY OPERATIONS, FOR PROGRAM DIRECTION.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $712,000 to reflect an offset provided by user organizations for security investigations.

(2) OTHER.—The total amount authorized to be appropriated pursuant to paragraphs (1), (2), (4), (5), (6), (7), and (8) of subsection (a) is hereby reduced by $10,000,000 to reflect use of prior year balances.

### SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $157,537,000, to be allocated as follows:

Project 02–PVT–1, Paducah disposal facility, Paducah, Kentucky, $13,329,000.

Project 02–PVT–2, Portsmouth disposal facility, Portsmouth, Ohio, $2,000,000.

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $49,332,000.

Project 98–PVT–5, environmental management/waste management disposal, Oak Ridge, Tennessee, $26,065,000.

Project 97–PVT–2, advanced mixed waste treatment project, Idaho Falls, Idaho, $56,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $10,826,000.

### SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(C) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $250,000,000.

## Subtitle B—Recurring General Provisions

### SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $2,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

### SEC. 3122. LIMITS ON MINOR CONSTRUCTION PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any minor construction project using operation and maintenance funds, or facilities and infrastructure funds, authorized by this title.

(b) ANNUAL REPORT.—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding year. Each report shall give a brief description of each minor construction project covered by such report.

(c) MINOR CONSTRUCTION PROJECT DEFINED.—In this section, the term "minor construction project" means any plant project not specifically authorized by law if the approved total estimated cost of the plant project does not exceed $5,000,000.

### SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there is excluded any

day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.—Subsection (a) does not apply to a construction project with a current estimated cost of less than $5,000,000.

### SEC. 3124. FUND TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) Limitations.—The authority provided by this subsection to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

### SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement of Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a minor construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for that design must be specifically authorized by law.

### SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, under sections 3101, 3102, 3103, and 3104 to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

### SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

### SEC. 3128. AVAILABILITY OF FUNDS.

(a) In General.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) Exception for Program Direction Funds.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2004.

### SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Not more than three transfers may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102(a).

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

### SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.

(a) Transfer Authority for Weapons Activities Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of the office to another such program or project.

(b) Limitations.—(1) Not more than three transfers may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed $5,000,000.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of weapons activities funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) Notification.—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) Definitions.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in 3101(1).

(B) A program or project not described in subparagraph (A) that is for weapons activities necessary for national security programs of the Department, that is being carried out by the office, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2001, and ending on September 30, 2002.

## Subtitle C—Program Authorizations, Restrictions, and Limitations

### SEC. 3131. LIMITATION ON AVAILABILITY OF FUNDS FOR WEAPONS ACTIVITIES FOR FACILITIES AND INFRASTRUCTURE.

Not more than 50 percent of the funds authorized to be appropriated by section 3101(a)(1)(D) for the National Nuclear Security Administration for weapons activities for facilities and infrastructure may be obligated or expended until the Administrator for Nuclear Security submits to the congressional defense committees a report setting forth the following:

(1) Criteria for the selection of projects to be carried out using such funds.

(2) Criteria for establishing priorities among projects so selected.

(3) A list of the projects so selected, including the priority assigned to each such project.

### SEC. 3132. LIMITATION ON AVAILABILITY OF FUNDS FOR OTHER DEFENSE ACTIVITIES FOR NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.

Not more than $5,000,000 of the funds authorized to be appropriated by section 3103(a)(8) for other defense activities for national security programs administrative support may be obligated or expended until the later of the following:

(1) The date on which the Secretary of Energy submits to Congress a report setting forth the purposes for which such funds will be obligated and expended.

(2) The date on which the Administrator for Nuclear Security submits to Congress the future-years nuclear security program for fiscal year 2002 required by section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–35; 50 U.S.C. 2453).

### SEC. 3133. NUCLEAR CITIES INITIATIVE.

(a) Limitations on Use of Funds.—No funds authorized to be appropriated for the Nuclear Cities Initiative after fiscal year 2001 may be obligated or expended with respect to more than three nuclear cities, or more than two serial production facilities in Russia, until 30 days after the Administrator for Nuclear Security submits to the appropriate congressional committees an agreement signed by the Russian Federation on access under the Nuclear Cities Initiative to the ten closed nuclear cities and four serial production facilities of the Nuclear Cities Initiative.

(b) Annual Report.—(1) Not later than the first Monday in February each year, the Administrator shall submit to the appropriate congressional committees a report on financial and programmatic activities with respect to the Nuclear Cities Initiative during the preceding fiscal year.

(2) Each report shall include, for the fiscal year covered by such report, the following:

(A) A list of each project that is or was completed, ongoing, or planned under the Nuclear Cities Initiative during such fiscal year.

(B) For each project listed under subparagraph (A), information, current as of the end of such fiscal year, on the following:

(i) The purpose of such project.

(ii) The budget for such project.

(iii) The life-cycle costs of such project.

(iv) Participants in such project.

(v) The commercial viability of such project.

(vi) The number of jobs in Russia created or to be created by or through such project.

(vii) Of the total amount of funds spent on such project, the percentage of such amount spent in the United States and the percentage of such amount spent overseas.

(C) A certification by the Administrator that each project listed under subparagraph (A) did contribute, is contributing, or will contribute, as the case may be, to the downsizing of the nuclear weapons complex in Russia, together with a description of the evidence utilized to make such certification.

(c) Definitions.—In this section:

(1) Appropriate congressional committees.—The term “appropriate congressional committees means” the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) Nuclear cities initiative.—The term “Nuclear Cities Initiative” means the initiative arising pursuant to the March 1998 discussion between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

(3) Nuclear city.—The term “nuclear city” means any of the nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas-16 and Avangard).

(B) Zarechnyy (Penza-19).

(C) Novoural'sk (Sverdlovsk-44).

(D) Lesnoy (Sverdlovsk-45).

(E) Ozersk (Chelyabinsk-65).

(F) Snezhinsk (Chelyabinsk-70).

(G) Trechgornyy (Zlatoust-36).

(H) Seversk (Tomsk-7).

(I) Zhelenznogorsk (Krasnoyarsk-26).

(J) Zelenogorsk (Krasnoyarsk-45).

### SEC. 3134. CONSTRUCTION OF DEPARTMENT OF ENERGY OPERATIONS OFFICE COMPLEX.

(a) Authority for Design and Construction.—Subject to subsection (b), the Secretary of Energy may provide for the design and construction of a new operations office complex for the Department of Energy in accordance with the feasibility study regarding such operations office complex conducted under the National Defense Authorization Act for Fiscal Year 2000.

(b) Limitation.—The Secretary may not exercise the authority in subsection (a) until the date on which the Secretary certifies to Congress that the feasibility study referred to in subsection (a) is consistent with the plan submitted under section 3153(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–465).

(c) Basis of Authority.—The design and construction of the operations office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts (ESPC) entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(d) Payment of Costs.—Amounts for payments of costs associated with the construction of the operations office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy operations office complex (as identified in the feasibility study referred to in subsection (a)) with the operations office complex authorized by subsection (a).

## Subtitle D—Matters Relating to Management of National Nuclear Security Administration

### SEC. 3141. ESTABLISHMENT OF POSITION OF DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) Establishment of Position.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended—

(1) by redesignating section 3213 as section 3219 and transferring such section, as so redesignated, to the end of the subtitle; and

(2) by inserting after section 3212 the following new section 3213:

### “SEC. 3213. DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

“(a) In General.—There is in the Administration a Deputy Administrator for Nuclear Security, who is appointed by the President, by and with the advice and consent of the Senate.

“(b) Duties.—(1) The Deputy Administrator shall be the principal assistant to the Administrator in carrying out the responsibilities of the Director under this title, and shall act for, and exercise the powers and duties of, the Administrator when the Administrator is disabled or there is no Administrator for Nuclear Security.

“(2) Subject to the authority, direction, and control of the Administrator, the Deputy Administrator shall perform such duties, and exercise such powers, relating to the functions of the Administration as the Administrator may prescribe.”.

(b) Pay Level.—Section 5314 of title 5, United States Code, is amended in the item relating to the Deputy Administrators of the National Nuclear Security Administration—

(1) by striking “(3)” and inserting “(4)”; and

(2) by striking “(2)” and inserting “(3)”.

### SEC. 3142. RESPONSIBILITY FOR NATIONAL SECURITY LABORATORIES AND WEAPONS PRODUCTION FACILITIES OF DEPUTY ADMINISTRATOR OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FOR DEFENSE PROGRAMS.

Section 3214 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 959; 50 U.S.C. 2404) is amended by striking subsection (c).

### SEC. 3143. CLARIFICATION OF STATUS WITHIN THE DEPARTMENT OF ENERGY OF ADMINISTRATION AND CONTRACTOR PERSONNEL OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3219 of the National Nuclear Security Administration Act, as redesignated and transferred by section 3141(a)(1) of this Act, is further amended—

(1) in subsection (a), by striking “Administration—” and inserting “Administration, in carrying out any function of the Administration—”; and

(2) in subsection (b), by striking “shall” and inserting “, in carrying out any function of the Administration, shall”.

### SEC. 3144. MODIFICATION OF AUTHORITY OF ADMINISTRATOR FOR NUCLEAR SECURITY TO ESTABLISH SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

(a) Increase in Authorized Number of Positions.—Section 3241 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 964; 50 U.S.C. 2441) is amended—

(1) by inserting "(a) In General—" before "The Administrator"; and

(2) in subsection (a), as so designated, by striking "300" and inserting "500".

(b) Designation of Existing Provisions on Treatment of Authority.—That section is further amended—

(1) by designating the second sentence as subsection (b);

(2) aligning the margin of that subsection, as so designated, so as to indent the text two ems; and

(3) in that subsection, as so designated, by striking "Subject to the limitations in the preceding sentence," and inserting "(b) Treatment of Authority.—Subject to the limitations in subsection (a),".

(c) Treatment of Positions.—That section is further amended by adding at the end the following new subsection:

"(c) Treatment of Positions.—A position established under subsection (a) may not be considered a Senior Executive Service position (as that term is defined in section 3132(a)(2) of title 5, United States Code), and shall not be subject to the provisions of subchapter II of chapter 31 of that title, relating to the Senior Executive Service.".

## Subtitle E—Other Matters

### SEC. 3151. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) Certain Leukemia as Specified Cancer.—Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 1654A–502), as amended by section 2403 of the Supplemental Appropriations Act, 2001 (Public Law 107–20), is further amended by adding at the end the following new subparagraph:

"(D) Leukemia (other than chronic lymphocytic leukemia), if initial occupation exposure occurred before 21 years of age and onset occurred more than two years after initial occupational exposure.".

(b) Additional Members of Special Exposure Cohort.—Section 3626(b) of that Act (114 Stat. 1654A–505) is amended in the matter preceding paragraph (1) by inserting after "Department of Energy facility" the following: ", or at an atomic weapons employer facility,".

(c) Establishment of Chronic Silicosis.—Section 3627(e)(2)(A) of that Act (114 Stat. 1654A–506) is amended by striking "category 1/1" and inserting "category 1/0".

(d) Survivors.—

(1) In general.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A–506) is amended to read as follows:

"(e) Survivors.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

"(A) If such living survivors of the covered employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

"(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(2) Uranium employees.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

"(e) Survivors.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

"(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

"(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

"(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

"(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

"(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

"(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

"(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.".

(3) Repeal of superseded provision.—Paragraph (18) of section 3621 of that Act (114 Stat. 1654A–502) is repealed.

(4) Effective date.—The amendments made by this subsection shall take effect on July 1, 2001.

(e) Dismissal of Pending Suits.—Section 3645(d) of that Act (114 Stat. 1654A–510) is amended by striking "the plaintiff shall not" and all that follows through the end and inserting "and was not dismissed as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the plaintiff shall be eligible for compensation or benefits under subtitle B only if the plaintiff dismisses such case not later than December 31, 2003.".

(f) Attorney Fees.—Section 3648 of that Act (114 Stat. 1654A–511) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph (3):

"(3) 10 percent of any compensation paid under the claim for assisting with or representing a claimant seeking such compensation by the provision of services other than, or in addition to, services in connection with the filing of an initial claim covered by paragraph (1).";

(2) by redesignating subsection (c) and subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) Inapplicability to Services Provided After Award of Compensation.—This section shall not apply with respect to any representation or assistance provided to an individual awarded compensation under subtitle B after the award of compensation.".

(g) Study of Residual Contamination of Facilities.—(1) The National Institute for Occupational Safety and Health shall, with the cooperation of the Department of Energy and the Department of Labor, conduct a study on the following:

(A) Whether or not significant contamination remained in any atomic weapons employer facility or facility of a beryllium vendor after such facility discontinued activities relating to the production of nuclear weapons.

(B) If so, whether or not such contamination could have caused or substantially contributed to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

(3) Amounts for the study under paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A–498).

(4) In this subsection:

(A) The terms "atomic weapons employer facility", "beryllium vendor", "covered employee with cancer", and "covered beryllium illness" have the meanings given those terms in section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (114 Stat. 1654A–498).

(B) The term "contamination" means the presence of any material exposure to which could cause or substantially contribute to the cancer of a covered employee with cancer or a covered beryllium illness, as the case may be.

### SEC. 3152. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) Interim Counterintelligence Polygraph Program.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, an interim counterintelligence polygraph program consisting of polygraph examinations of Department of Energy employees, or contractor employees, at Department facilities. The purpose of examinations under the interim program is to minimize the potential for release or disclosure of classified data, materials, or information until the program required under subsection (b) is in effect.

(2) The Secretary may exclude from examinations under the interim program any position or class of positions (as determined by the Secretary) for which the individual or individuals in such position or class of positions—

(A) either—

(i) operate in a controlled environment that does not afford an opportunity, through action solely by the individual or individuals, to inflict damage on or impose risks to national security; and

(ii) have duties, functions, or responsibilities which are compartmentalized or supervised such that the individual or individuals do not impose risks to national security; or

(B) do not have routine access to top secret Restricted Data.

(3) The plan shall ensure that individuals who undergo examinations under the interim program receive protections as provided under part 40 of title 49, Code of Federal Regulations.

(4) To ensure that administration of the interim program does not disrupt safe operations of a facility, the plan shall insure notification of the management of the facility at least 14 days in advance of any examination scheduled under the interim program for any employees of the facility.

(5) The plan shall include procedures under the interim program for—

(A) identifying and addressing so-called "false positive" results of polygraph examinations; and

(B) ensuring that adverse personnel actions not be taken against an individual solely by reason of the individual's physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternative means the veracity of the individual's response to the question.

(b) New Counterintelligence Polygraph Program.—(1) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall prescribe a proposed rule containing requirements for a counterintelligence polygraph program for the Department of Energy. The purpose of the program is to minimize the potential for release or disclosure of classified data, materials, or information.

(2) The Secretary shall prescribe the proposed rule under this subsection in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(3) In prescribing the proposed rule under this subsection, the Secretary may include in requirements under the proposed rule any requirement or exclusion provided for in paragraphs (2) through (5) of subsection (a).

(4) In prescribing the proposed rule under this subsection, the Secretary shall take into account the results of the Polygraph Review.

(c) Repeal of Existing Polygraph Program.—Section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h) is repealed.

(d) Report on Further Enhancement of Personnel Security Program.—(1) Not later than December 31, 2002, the Administrator for Nuclear Security shall submit to Congress a report setting forth the recommendations of the Administrator for any legislative action that the Administrator considers appropriate in order to enhance the personnel security program of the Department of Energy.

(2) Any recommendations under paragraph (1) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

(e) Definitions.—In this section:

(1) The term "Polygraph Review" means the review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

(2) The term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

### SEC. 3153. ONE-YEAR EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

Section 3161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 942; 5 U.S.C. 5597 note) is amended by striking "January 1, 2003" and inserting "January 1, 2004".

### SEC. 3154. ADDITIONAL OBJECTIVE FOR DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY WORK FORCE RESTRUCTURING PLAN.

Section 3161(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h(c)) is amended by adding at the end the following new paragraph:

"(7) The Department of Energy should provide assistance to promote the diversification of the economies of communities in the vicinity of any Department of Energy defense nuclear facility that may, as determined by the Secretary, be affected by a future restructuring of its work force under the plan.".

### SEC. 3155. MODIFICATION OF DATE OF REPORT OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

Section 3159(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 42 U.S.C. 2121 note) is amended by striking "of each year, beginning with 1999." and inserting "of 1999 and 2000, and not later than February 1, 2002.".

### SEC. 3156. REPORTS ON ACHIEVEMENT OF MILESTONES FOR NATIONAL IGNITION FACILITY.

(a) Notification of Achievement.—The Administrator for Nuclear Security shall notify the congressional defense committees when the National Ignition Facility (NIF), Lawrence Livermore National Laboratory, California, achieves each Level one milestone and Level two milestone for the National Ignition Facility.

(b) Report on Failure of Timely Achievement.—Not later than 10 days after the date on which the National Ignition Facility fails to achieve a Level one milestone or Level two milestone for the National Ignition Facility in a timely manner, the Administrator shall submit to the congressional defense committees a report on the failure. The report on a failure shall include—

(1) a statement of the failure of the National Ignition Facility to achieve the milestone concerned in a timely manner;

(2) an explanation for the failure; and

(3) either—

(A) an estimate when the milestone will be achieved; or

(B) if the milestone will not be achieved—

(i) a statement that the milestone will not be achieved;

(ii) an explanation why the milestone will not be achieved; and

(iii) the implications for the overall scope, schedule, and budget of the National Ignition Facility project of not achieving the milestone.

(c) Milestones.—For purposes of this section, the Level one milestones and Level two milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility baseline document.

### SEC. 3157. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) Support in Fiscal Year 2002.—From amounts authorized to be appropriated or otherwise made available to the Secretary of Energy by this title—

(1) $6,900,000 shall be available for payment by the Secretary for fiscal year 2002 to the Los Alamos National Laboratory Foundation, a not-for-profit educational foundation chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052); and

(2) $8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) Support Through Fiscal Year 2004.—Subject to the availability of appropriations for such purposes, the Secretary may—

(1) make a payment for each of fiscal years 2003 and 2004 similar in amount to the payment referred to in subsection (a)(1) for fiscal year 2002; and

(2) provide for a contract extension through fiscal year 2004 similar to the contract extension referred to in subsection (a)(2), including the use of an amount for that purpose in each of fiscal years 2003 and 2004 similar to the amount available for that purpose in fiscal year 2002 under that subsection.

(c) Use of Funds.—The Los Alamos National Laboratory Foundation shall—

(1) use funds provided the Foundation under this section as a contribution to the endowment fund of the Foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) Report.—Not later than March 1, 2003, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting for the following:

(1) An evaluation of the requirements for continued payments after fiscal year 2004

into the endowment fund of the Los Alamos Laboratory Foundation to enable the Foundation to meet the goals of the Department of Energy to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) Recommendations regarding the advisability of any further direct support after fiscal year 2004 for the Los Alamos Public Schools.

### SEC. 3158. IMPROVEMENTS TO CORRAL HOLLOW ROAD, LIVERMORE, CALIFORNIA.

Of the amounts authorized to be appropriated by section 3101, not more than $325,000 shall be available to the Secretary of Energy for safety improvements to Corral Hollow Road adjacent to Site 300 of Lawrence Livermore National Laboratory, California.

### SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.

(a) In General.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

"ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK

"Sec. 663. (a) The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

"(b) Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.".

(b) Clerical Amendment.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

"Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.".

## Subtitle F—Rocky Flats National Wildlife Refuge

### SEC. 3171. SHORT TITLE.

This subtitle may be cited as the "Rocky Flats National Wildlife Refuge Act of 2001".

### SEC. 3172. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species,. including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) Purposes.—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

### SEC. 3173. DEFINITIONS.

In this subtitle:

(1) Cleanup and closure.—The term "cleanup and closure" means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) Coalition.—The term "Coalition" means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) Hazardous substance.—The term "hazardous substance" means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) Pollutant or contaminant.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) Refuge.—The term "refuge" means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) Response action.—The term "response action" has the meaning given the term "response" in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term "RFCA" means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) Rocky flats.—

(A) In general.—The term "Rocky Flats" means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled "Rocky Flats Environmental Technology Site", dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) Exclusions.—The term "Rocky Flats" does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) Rocky flats trustees.—The term "Rocky Flats Trustees" means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) Secretary.—The term "Secretary" means the Secretary of Energy.

### SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) Federal Ownership.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) Lindsay Ranch.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) Prohibition on Annexation.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) Prohibition on Through Roads.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) Transportation Right-of-Way.—

(1) In general.—

(A) Availability of land.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) Boundaries.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) Easement or sale.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) Compliance with applicable law.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) Conditions.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

### SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) In General.—

(1) Memorandum of understanding.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) Required elements.—

(i) In general.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) No reduction in funds.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) Deadline.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) Exclusions.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) Condition.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) Cost; improvements.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) Property and Facilities Excluded From Transfers.—

(1) In general.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) Consultation.—

(A) Identification of property.—

(i) In general.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) Amendment to memorandum of understanding.—

(I) In general.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) Council on environmental quality.—In the event the Secretary and the Secretary of the Interior cannot agree on the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) Management of property.—

(i) In general.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) Conflict.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) Access.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) Administration.—

(1) In general.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) Conflict.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) Continuing actions.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) Liability.—

(1) In general.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) Response actions.—

(A) In general.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii)(I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) Recovery from third party.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

### SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) Ongoing Cleanup and Closure.—

(1) In general.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) No restriction on use of new technologies.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) Rules of Construction.—

(1) No relief from obligations under other law.—

(A) In general.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) No effect on RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) Required cleanup levels.—

(A) In general.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) No effect from establishment as national wildlife refuge.—

(i) In general.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) CLEANUP LEVELS.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

### SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) COMPOSITION.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

### SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) CONTENTS.—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

### SEC. 3179. PROPERTY RIGHTS.

(a) IN GENERAL.—Except as provided in subsection (c), nothing in this subtitle limits any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to—

(1) any mineral right;

(2) any water right or related easement; and

(3) any facility or right-of-way for a utility.

(b) ACCESS.—Except as provided in subsection (c), nothing in this subtitle affects any right of an owner of a property right described in subsection (a) to access the owner's property.

(c) REASONABLE CONDITIONS.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior may impose such reasonable conditions on access to property rights described in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) NO EFFECT ON APPLICABLE LAW.—Nothing in this subtitle affects any other applicable Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights described in subsection (a).

(3) NO EFFECT ON ACCESS RIGHTS.—Nothing in this subsection precludes the exercise of any access right, in existence on the date of enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) PURCHASE OF MINERAL RIGHTS.—

(1) IN GENERAL.—The Secretary shall seek to acquire any and all mineral rights at Rocky Flats through donation or through purchase or exchange from willing sellers for fair market value.

(2) FUNDING.—The Secretary and the Secretary of the Interior—

(A) may use for the purchase of mineral rights under paragraph (1) funds specifically provided by Congress; but

(B) shall not use for such purchase funds appropriated by Congress for the cleanup and closure of Rocky Flats.

(e) UTILITY EXTENSION.—

(1) IN GENERAL.—The Secretary or the Secretary of the Interior may allow not more than one extension from an existing utility right-of-way on Rocky Flats, if necessary.

(2) CONDITIONS.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

(f) EASEMENT SURVEYS.—

(1) IN GENERAL.—Subject to paragraph (2), until the date that is 180 days after the date of enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

(2) LIMITATION ON CONDITIONS.—An activity carried out under paragraph (1) shall be subject only to such conditions as are imposed—

(A) by the Secretary of Energy, before the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize interference with the cleanup and closure of Rocky Flats; and

(B) by the Secretary of the Interior, on or after the date on which the transfer of management responsibilities under section 3175(a)(3) is completed, to minimize adverse effects on the management of the refuge.

### SEC. 3180. ROCKY FLATS MUSEUM.

(a) MUSEUM.—In order to commemorate the contribution that Rocky Flats and its worker force provided to the winning of the Cold War and the impact that the contribution has had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) LOCATION.—The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) Consultation.—The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on—

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) Report.—Not later than three years after the date of enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to the Committee on Armed Services of the Senate and the appropriate committee of the House of Representatives a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

**SEC. 3181. REPORT ON FUNDING.**

At the time of submission of the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and annually thereafter, the Secretary and the Secretary of the Interior shall report to the Committee on Armed Services and the Committee on Appropriations of the Senate and the appropriate committees of the House of Representatives on—

(1) the costs incurred in implementing this subtitle during the preceding fiscal year; and

(2) the funds required to implement this subtitle during the current and subsequent fiscal years.

## TITLE XXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2002, $18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

## TITLE XXIII—NATIONAL DEFENSE STOCKPILE

**SEC. 3301. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.**

(a) Disposal Required.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c). The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

**Authorized Stockpile Disposals**

| Material for disposal | Quantity |
|---|---|
| Bauxite | 40,000 short tons |
| Chromium Metal | 3,512 short tons |
| Iridium | 25,140 troy ounces |
| Jewel Bearings | 30,273,221 pieces |
| Manganese Ferro HC | 209,074 short tons |
| Palladium | 11 troy ounces |
| Quartz Crystal | 216,648 pounds |
| Tantalum Metal Ingot | 120,228 pounds contained |
| Tantalum Metal Powder | 36,020 pounds contained |
| Thorium Nitrate | 600,000 pounds. |

(b) Minimization of Disruption and Loss.—The President may not dispose of materials under subsection (a), to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(c) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

**SEC. 3302. REVISION OF LIMITATIONS ON REQUIRED DISPOSALS OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.**

(a) Public Law 105–261.—Section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "the amount of—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2), by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts in the total amount specified in such subsection (a)(4)".

(b) Public Law 105–85.—Section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (111 Stat. 2057; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "amounts equal to—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2)—

(A) by striking "may not dispose of cobalt under this section" and inserting "may not, under this section, dispose of cobalt in the fiscal year referred to in subsection (a)(5)"; and

(B) by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts during that fiscal year in the total amount specified in such subsection (a)(5)".

(c) Public Law 104–201.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) in subsection (a), by striking "amounts equal to—" and inserting "total amounts not less than—"; and

(2) in subsection (b)(2)—

(A) by striking "may not dispose of materials under this section" and inserting "may not, under this section, dispose of materials during the 10-fiscal year period referred to in subsection (a)(2)"; and

(B) by striking "receipts in the amounts specified in subsection (a)" and inserting "receipts during that period in the total amount specified in such subsection (a)(2)".

**SEC. 3303. ACCELERATION OF REQUIRED DISPOSAL OF COBALT IN THE NATIONAL DEFENSE STOCKPILE.**

Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (111 Stat. 2057; 50 U.S.C. 98d note) is amended—

(1) in paragraph (1), by striking "2003" and inserting "2002";

(2) in paragraph (1), by striking "2004" and inserting "2003";

(3) in paragraph (1), by striking "2005" and inserting "2004";

(4) in paragraph (1), by striking "2006" and inserting "2005"; and

(5) in paragraph (1), by striking "2007" and inserting "2006".

**SEC. 3304. REVISION OF RESTRICTION ON DISPOSAL OF MANGANESE FERRO.**

Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is amended—

(1) in subsection (a)—

(A) by striking "(a) Disposal of Lower Grade Material First.—The President" and inserting "During fiscal year 2002, the President"; and

(B) in the first sentence, by striking ", until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification"; and

(2) by striking subsections (b) and (c).

## TITLE XXXIV—NAVAL PETROLEUM RESERVES

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to the Secretary of Energy $17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title).

(b) Availability.—The amount authorized to be appropriated by subsection (a) shall remain available until expended.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the executive session to consider Executive Calendar No. 432, the nomination of Robert W. Jordan to be Ambassador to Saudi Arabia; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the Record, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF STATE

Robert W. Jordan, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## MEASURE INDEFINITELY POSTPONED—S.J. RES. 16

Mr. REID. Madam President, I ask unanimous consent that the Calendar No. 108, S.J. Res. 16, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 768 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 768) to amend the Improving America's School Act of 1994 and make permanent favorable treatment of need-based educational aid under the antitrust laws.

There being no objection, the Senate proceeded to consider the bill.

### AMENDMENT NO. 1844

Mr. REID. Madam President, I understand that Senator KOHL has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KOHL, proposes an amendment numbered 1844.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

**SEC. 2. AMENDMENT.**

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

Mr. KOHL. Madam President, I rise today to offer a substitute amendment to H.R. 768. This legislation, as amended, will extend for seven years an existing antitrust exemption granted to colleges and universities that admit students on a need blind basis. The exemption provides protection for these schools to cooperatively develop a methodology for determining financial need in order to best assess a family's ability to pay the costs of attendance.

There is no doubt that higher education opens doors and creates opportunities. It is therefore imperative that we in Congress do what we can to keep higher education affordable for our nation's students and their families. Some of the best and most prestigious colleges and universities admit students without regard to their financial need, allowing talented students from disadvantaged backgrounds to achieve their full potential. This exemption allows those colleges and universities to generate a uniform methodology to determine a family's need. The colleges and universities that use the exemption believe it allows them to attract needy students and maintain a thriving financial aid program.

Discussions among colleges and universities using need-blind admissions policies began more than thirty years ago. However, in 1989, the Department of Justice filed suit against 23 colleges and universities alleging that their cooperation violated antitrust laws. A federal district court ruled that the schools were subject to the antitrust laws. In 1991, most of the colleges and universities settled with the Department of Justice with a promise to stop sharing information.

Faced with the prospect of eliminating their discussions as a result of the settlement, the colleges and universities sought a law allowing them to meet. In 1992, Congress passed the original two-year antitrust exemption for those schools that guaranteed that their aid was need-blind. The exemption was extended in 1994 and 1997. With the lawsuit and the court order so fresh in our collective memory, it seems prudent to extend the exemption for a reasonable length of time, but not indefinitely. The exemption has always been grated on the theory that cooperation among universities in determining financial aid need benefits prospective students and their families. But there is little if any objective data to support this proposition. So this amendment directs the General Accounting Office (GAO) to study the effects of the antitrust exemption on undergraduate grant aid. The study will require schools who participate in discussions under the antitrust exemption to maintain and submit records. While the study will be comparative, schools that do not participate in discussions permitted by the exemption will not be required to maintain or submit records.

As a general rule, I strongly oppose antitrust exemptions. Our antitrust laws guarantee competition, and competition means lower prices and higher quality for consumers—including students purchasing a college education. but the colleges and universities using the exemption believe that the market functions differently in this case. I am therefore willing to extend the exemption for another seven years but believe that any further activity in this area must be coupled with hard objective data providing that this exemption does indeed benefit students and their families. Too many families are struggling today to put their children through college. So we must act very carefully and with full information before we pass a permanent antitrust exemption.

I would like to thank Representatives LAMAR SMITH and BARNEY FRANK and their staffs for their work on this legislation in the House, and Senators DEWINE, LEAHY, and HATCH and their staffs for their assistance on this substitute amendment. We hope the House will agree to these changes and expeditiously send this legislation to the President for his signature.

Mr. LEAHY. Madam President, I appreciate the work that Senators KOHL and DEWINE have done on this bill. I want to point out that while this bill extends the antitrust exemption for participating institutions' methodologies and applications for need-based financial aid, that exemption is still limited to the institutions' dealings with potential students collectively. It has not, and does not, exempt those institutions from the prohibitions of the Sherman Act, 15 U.S.C. 1, with respect to awards to specific individual students. Independent of any antitrust concerns, the participating institutions also assure us that they do not discuss or compare awards for individual students, and we rely on their continuing that practice.

Mr. REID. Madam President, I ask unanimous consent that the substitute amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD, and that the title amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1844) was agreed to.

The bill (H. R. 768), as amended, was passed.

The title was amended so as to read:

An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.

## ORDERS FOR THURSDAY, OCTOBER 4, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, October 4; further, that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1447, the aviation security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Madam President, the Senate will convene tomorrow at 10 a.m. and resume consideration of the motion to proceed to the aviation security bill. There is every hope we can complete that bill in the immediate future.

## ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator GRAHAM of Florida and Senator TORRICELLI of New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

## PROUD TO BE AN AMERICAN

Mr. GRAHAM. Madam President, throughout America the events of September 11 have touched our people and have brought forth a level of thoughtful eloquence which has contributed to our ability to understand and to be able to deal with the extreme shock and pain of those agonizing images we all hold of the events of September 11.

On Sunday, I attended the services at my church, the Miami Lakes Congregational Church, where our pastor, Rev. Jeffrey Frantz, delivered an exceptional sermon. I would like his words and thoughts and message to be made available to a broader audience, and therefore I ask unanimous consent, Madam President, that Reverend Frantz' sermon, "Proud to be an American," be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

### "PROUD TO BE AN AMERICAN!"

*Living Out Our Faith in a Dangerous World*

(By Dr. Jeffrey E. Frantz, Miami Lakes Congregational Church, Miami Lakes, FL)

Isaiah 42:5–9, Matthew 5:1-16

I

In these past few weeks, now, since the *September 11th* nightmare, our lives have been jolted and challenged, stretched and turned upside down, like never before. It's like so many have commented: *everything has changed.*

1. First, the sweeping impact, on all levels, of the tragic event itself . . . the anger and rage, coupled with the mourning and grief. We were left numb with disbelief.
2. And then, later, the realization that we have to somehow get on with our lives. We have to put our lives back together. We can't let fear tell us who we are. We have to dig deeply into our self-understanding, our identity as a people, and affirm the best of our traditions.
3. We've been dealt a deathly blow; and its reaches have touched virtually every part of our lives: the economy, all levels of our government, the entertainment world, our psychological and spiritual life.

I was reading an issue of Time Magazine this past week that predated the *September 11th* disaster. And it was like virtually all of the news seemed suddenly irrelevant and inconsequential. Suddenly Michael Jordan's possible comeback to the NBA seemed trifling and insignificant. We weren't much interested in who Jennifer Lopez might be marrying and where, or in the latest rumor about Julia Roberts or Tom Cruise.

Suddenly all of the usual quibbling and whimpering that clutter our lives seem out of place and so, so harmless. Indeed, it's a new day. And a swelling patriotism is everywhere. I've never seen America so united. We're coming together as we never have in the past fifty years or more.

People, all over, are coming together. There are problems, to be sure, with some of the understandable, but inexcusable profiling that has been going on. And we must do all we can to curb any such intolerance or injustice. It is a difficult time to be an Arab-American.

Also, there's an eerie frenzy about the prospect of biological warfare and chemical or germ warfare—scary stuff. Still, people are coming together. Literally hundreds, if not thousands, of relief efforts are underway around the nation, even the world. The amount of money being raised in relief support is already staggering.

American flags have never been in such resplendent display. Patriotic hymns and expressions of one kind or another are on every radio station and on every street corner.

American pride is rising to a magnificent height, and it makes us proud.

I say this because, at our best, America is a wondrous land, a delightful rainbow people of God's creative hand. Our freedom is our heartbeat, our pulse. But our marvelous diversity is freedom's precious child.

Reports suggest that people from as many as sixty nations perished in the rubble of the World Trade Center. You see, friends, we are the world! That's not a pronouncement of arrogance; but rather it is a description of the incredible variety of human beings that fill the reaches of our land.

II

Perhaps some of you saw the televised memorial observance last Sunday afternoon from Yankee Stadium in New York City. With some initial words from James Earl Jones, and emceed by Oprah Winfrey, it was a moving and touching service throughout.

Along with tear-streaked cheeks and broken hearts, the diversity of America was everywhere. In the stands, to be sure, with family members, deeply saddened, holding pictures of missing loved ones. And up front around the podium: clerics and clergy, holy men and women—arrayed in their sacred garments, gathered to pray and read holy writings—a magnificent diversity.

There were Christian and Jew, Muslim and Buddhist, Hindu and Sikh, believer and nonbeliever—from every imaginable ethnic group and tribe. America is the world!

*O beautiful for spacious skies,*  
*For amber waves of grain,*  
*For purple mountain majesties,*  
*Above the fruited plain.*

I'm proud to be an American

*America, America!*  
*God shed God's grace on thee.*  
*And crown thy good with brotherhood*  
*From sea to shining sea.*

III

This is our vision; this is our dream. It's part of our inheritance, part of our history and tradition. Almost from our inception, we have been what Second Isaiah called Israel, *a light to the nations.*

This wasn't always Israel's self-understanding. She had been *God's chosen people,* yes. But her chosenness didn't necessarily extend beyond her borders. But, now, in exile . . . seemingly defeated, a new vision of Israel emerged:

*I will give you as a light to the nations,*  
  *said the prophet.*  
*That my salvation may reach to the ends of the earth.*

This universalizing of Israel's role and purpose marks a break-through for Israel's self-identity. Israel's *chosenness,* now, is to be shared . . . to the ends of the earth. *That my salvation may reach out to all people,* says the prophet.

Friends, America too, is such a light! Whether chosen or not, America has always felt that God's hand was on us in a special way. There is a tantalizingly thin line, that lingers: between the arrogance of presumption and the humility of endowment.

Still, no matter how we understand ourselves as Americans, we are a nation of vast resources, of tremendous power and wealth. We have so much to be grateful for. We have been so wondrously blessed.

Along with our power and wealth comes great responsibility. Whatever *salvation* God can work through us comes most abundantly and effectively through our humility. And no matter how we choose to construe our present national crisis, our responsibility—in the way we respond—is enormous. Clearly, all of the world is watching our every move, picking up cues from what we do.

1. I'm proud to be an American . . . in an America that indeed is a *light to the nations.* An America that stands tall, to be sure, but an America whose greatness is seen in its *humbleness of spirit.*

2. Such humbleness of spirit, grounded in the teachings and example of Christ, IS the key to our future, and indeed to the future of the world, as we work our way through the chaos and the complexity of these difficult times.

*Blessed are the poor in spirit,*  
  *for theirs is the kingdom of heaven.*  
*Blessed are the meek,*  
  *for they shall inherit the earth.*  
*Blessed are those who hunger for righteousness,*  
  *for they shall be satisfied.*  
*Blessed are the pure in heart,*  
  *for they shall see God,*  
*Blessed are the peacemakers,*  
  *for they shall be children of God.*

IV

There's been much talk, since *September 11th,* of our vulnerability. Our vulnerability is, however, nothing new. We've always been vulnerable. It's the human condition. These *blessed* conditions, *the beatitudes of Jesus,* are transparent reminders of this truth.

We cannot save ourselves. Understandably, we're frenzied in our rush to make our lives safe again, to get our life back. We see this abundantly exemplified, now, as we invest enormous dollars and effort to beef up our national security and intelligence on all fronts, as we clearly must do.

And yet, as people of faith, We've never lost our life. Our life is in God and in God's eternal love and saving grace that have no end.

Part of what is so vividly apparent in all of this is that we live in a world that is irreversibly interdependent and global; and we must increasingly see ourselves in this light.

In no way, therefore, can we isolate ourselves from the sufferings, deprivations and tribulations of any nation. We're too interconnected; our power and influence are too great.

I'm proud to be an American . . . in an America that indeed is a light to the nations. An America that rises to the challenge of the requirements of greatness. We are a great nation. And what are the requirements of our greatness.

1. *To be a good listener*. Humility and love demand this of us: to embrace the other life . . . the other tribe . . . the other religion with respect and honor.

2. *To think long-term* in whatever we do. We must be deliberate and wise in our consideration of what kind of a world—what kind of an Afghanistan, what kind of a Pakistan, or any other nation—do we want to see emerge on the other side of whatever action we take.

3. *To respond to evil run amok*. Evil of the proportions of the current global terrorism must be eradicated. Global terrorism must be stopped. Most likely, we cannot avoid some measure of violence and aggression. But how we proceed, and with what level of international support, is of the utmost importance.

### V

Violence and war must never—too easily, too quickly—become options. Sometimes, when evil and demonic forces are too out-of-control, we may well have no choice. But even then, it is only with great mercy and sorrow in our hearts that we act.

All of which is to suggest that violence, and resolution through violence, are never as easy as we think. It's never just a matter of *going in and taking care of business*. Ethnic and tribal hatreds endure, as we are seeing today, for decades and decades . . . even centuries.

We see that in Northern Ireland. We've seen it in Kosovo and what was Yugoslavia, where ethnic and tribal hatreds have been warning for centuries on end. We see it, now, in Afghanistan: tribal warlords at odds, killing one another and perpetuating the cycle of violence for generations to come. And we see it, too, in the endless hostilities that continue to cast a pall of gloom over Israel and Palestine.

Martin Luther King, Jr. spoke prophetically to us about the problem with violence: "*The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the hater, but you do not murder the hate. In fact, violence merely increases hate, returning violence for violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive hate out; only love can do that.*"

We're Christians, friends, children of God, before we are anything else. That does not mean that we should not take care of our own. It means that we understand that taking care of our own is rooted, first, in an impulse of love and respect, understanding and acceptance of all nations, all religions.

I'm proud to be an American in an America that understands that when the international community is strong and healthy—when freedom and hope are finding their way around the earth, when the dreams of people everywhere have hope of realization—then America is strong. And then America is safe.

### VI

*We're a light to the nations*. I believe that. And I believe it at the foot of the cross.

We must spread the light of God's blessings to all peoples. This is not easy. In fact, it is very complex and will require great sacrifice on our part, as it has in the past. It will take time, even decades and more.

Yet, to work our way thru the rubble of *September 11th*, we must make international coalitions and networks of understanding our number one priority.

We must improve our sense of geography—our awareness of other cultures and religions. We must lead from a strength that exudes love, charity, compassion and historical understanding. Because then, and only then, will we begin to bring a healing and peace that endure to our fragmented world.

*Blessed are the poor in spirit, for theirs is the kingdom of heaven . . . blessed are the meek, for they shall inherit the earth . . . blessed are the peacemakers, for they shall be called children of God . . .*

*You are the light of the world . . . let your light shine before all the world . . . that the world may see your faith and give glory to God in heaven . . .*

America, America!
God shed God's grace on thee,
And crown thy good with brotherhood.
from sea to shinning sea . . .

How beautiful, two continents,
and islands in the sea . . .
That dream of peace, non-violence,
all people living free.

America, America!
God grant that we may be . . .
A hemisphere, indeed one earth,
living in harmony.

I'm proud to be an American, O yes; and to be a child of the living God, the God of the heavens and the earth and all that is in it. Amen.

Mr. GRAHAM. Thank you, Madam President. And to my colleague, Senator TORRICELLI, I say thank you for your forbearance.

The PRESIDING OFFICER. The Senator from New Jersey.

## AIRPORT SECURITY

Mr. TORRICELLI. Madam President, I thank my colleague and friend from Florida. Indeed, it was a pleasure to hear his remarks.

In my service in the Congress through these years, I have rarely—indeed, I have never—witnessed the solidarity of the membership, the focus of purpose that has been evident since the tragedy of September 11. Partisan differences, differences of region and philosophy have been impossible to discern in the debates on the Senate floor.

Tomorrow the Senate resumes debate on legislation to deal with airline and airport security. There may be a slight fissure in this wall of solidarity. I rise to address it this evening.

It is not necessarily a difference of party affiliation or of philosophy, but it does have some regional implications where people of goodwill can differ because of different experiences. It needs to be put in perspective, but it is still important.

This body is right, indeed; the Senate has no choice but to deal with the issue of airport security. Our national economy has taken a terrible toll in the loss of employment and income. Lives have been lost. Families have been broken. Confidence in the freedom to travel in America has been shaken—all because of the acts of terrorists who hijacked planes and killed our citizens.

To the cynic, our legislation represents closing the barn door. The cynics may be right. But that does not mean the Senate has a choice. Whether it is providing armed marshals on aircraft or federalizing the check-in system, changing cockpit doors, it may be too late for thousands, but it is still not too late for our country. It is a responsibility we owe to the American people. It must be done, and it must be done quickly. We can lament that we did not forecast the problem, but we are left with the reality of dealing with it.

This, however, invites the question of whether the obligation of the Senate is simply to deal with the problem that is now before us, a problem made clear by the terrorists themselves in the means by which they hijacked these planes, their mode of operation, or whether our responsibility is to anticipate.

On September 11, it was the hijacking of aircraft. There was no reason to believe that would be the mode of operation in a future attack.

In some areas of the country, transportation is simply defined. It is either aircraft or it is driving automobiles. In our great metropolitan areas, it is far more complex. More people use trains every day, I suspect, in New York and Boston and Philadelphia and Chicago, perhaps in St. Louis or Miami or Los Angeles, perhaps in these places, but I can assure you certainly in the State of New Jersey more people ride on commuter rail, on Amtrak, than ride on every airliner combined. It is another spot of vulnerability. So are our reservoirs, our powerplants. All these are places of vulnerability that must be addressed.

If the Senate tomorrow is to address safety in transportation, that debate cannot be complete if we secure aircraft without dealing with railroads because they are equally vulnerable.

Indeed, every Metroliner that leaves New York for Boston or Washington potentially can hold up to 2,000 people. Every train represents three 747s with average loads. Under any time in a tunnel along the Northeast corridor where two trains pass, 3,000 or 4,000 people can be vulnerable at an instant.

Indeed, long before this tragedy occurred, the Senate was put on notice by Amtrak that its tunnels were aging and had safety difficulties. Indeed, the six tunnels leading to Penn Station in New York under the Hudson River were built between 1911 and 1920. The Senate has been told they do not have ventilation. They do not have standing firehoses, and they do not have escape routes.

The Senate would like to deal with transportation safety by securing airplanes. If only life were so easy. It is more complex because transportation in our country is more complex.

Imagine the scenes of people attempting to escape the World Trade Center. You can get a concept of what it would be like for people trying to get from under the Baltimore tunnels or the Hudson River tunnels, if there were a fire or other emergency. Five hundred or 1,000 people under Penn Station alone would have to climb up nine stories of spiral staircases, which is also the only route for firefighters to gain access.

It is not just the New York tunnels. The tunnels in Baltimore were built in 1877. The engineering was done by the Army Corps of Engineers during the Civil War. They still operate. High-speed railroads purchased by this Senate at the cost of billions of dollars, which operate at 150 miles per hour, slow to 30 miles per hour in these tunnels to navigate their Civil War engineering. One hundred sixty trains carrying thousands and thousands of passengers go through each of these tunnels every day in New York, Philadelphia, Boston, Baltimore, and, indeed, Washington, DC, itself.

The tunnels to Union Station in Washington that travel alongside the Supreme Court annex building were built in 1907 and service up to 60 trains every single day and have the same difficulties.

This is not a new problem. It has been coming for years. It is a problem in efficiency. It is an economic problem. But what looms most large today is it is an enormous safety problem. All of us must do everything possible to secure air safety, but if this Senate acts upon air safety without dealing with these Amtrak and commuter trains, we have not fully met our responsibility. Closing the barn door is not good enough when we can see open doors all around us that are other invitations for attack.

Amtrak has proposed a $3.2 billion program to enhance safety: One, a $471 million security plan to assure that there are police in proximity to trains, bomb-sniffing dogs, and bomb detection equipment for luggage—uncompromisable, logical, and essential—two, a command center and new communications equipment to ensure that the police are in contact with all trains, all police units at all times, including a hazmat detection and response system and fencing to assure that access to stations and trains can be controlled; third, $1 billion in safety and structural improvements for tunnels in New York, New Jersey, Baltimore, and Washington, as I have outlined, for fire and escape, and a billion dollars in capacity enhancement for rail, bridges, and switching stations along the Northeast corridor to deal with what has been a 40- to 50-percent increase in ridership since the September 11 attacks. This is necessitated by the need to have 608 additional seats from 18 Metroliners and Acela trains to deal with this demand, and to assure that the Nation has at least a duplicity of service for our major northeastern metropolitan regions, so if air travel is interrupted again, or lost, there is some means of commerce, travel, and communication.

But indeed, while it is much of the Northeast, it is not entirely the Northeast. Amtrak trains, in a national emergency, could be the only communication with the South, great Western cities, and, most obviously, in the Midwest. This is a danger that confronts all Americans. But, frankly, if it only concerns a single city in a single State in a great Union, when our citizens are in danger and the Nation has been attacked, and a program of security and safety is required, we should deal with those safety requirements that affect all States, as with our airliners. But even the least among us should be part of that program—to assure that their unique transportation needs are safe and secure.

This debate will be held tomorrow. I know some people would like to avoid it entirely. It is unpleasant to have any differences. We all want to agree on everything. In this instance, it may not be necessary. But some of us have raised this issue of expanded rail capacity and rail safety not for months but for years. Forgive me, but across my State there are 3,000 families who have lost a son, or a daughter, or a mother, or a father—not to injury but to death. This is not a theoretical problem: Terrorism has struck my State, as it struck Washington and New York—only it may have consumed even more of our lives. While it is every American's loss, you can understand we feel it most acutely. For me, responding to the attack will never be enough. Our responsibility is to forecast the next problem and assure that it never happens. We are grateful for resources for the victims, but our duty is to assure that there are no more victims. That is what Amtrak and rail safety is all about. This debate will be had tomorrow. It is one we dare not lose.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that notwithstanding the previous order entered, I be allowed to speak for up to 5 minutes, and then have the Senate adjourn at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REOPENING NATIONAL AIRPORT

Mr. HARKIN. Madam President, I had a longer speech I wanted to give with charts and graphs and items such as that, but I want to take the time this evening to just register my deepest concern about the reopening of National Airport. This goes back a long way with me. I remember when however many billions of dollars was put into modernizing National Airport, and I have been saying for many years that it is just an accident waiting to happen. Quite frankly, we were very lucky when the Air Florida flight crashed into the bridge, in that it didn't get any higher and crash into downtown Georgetown or the Lincoln Memorial or the Jefferson Memorial.

I remember that day as though it were yesterday, when that Air Florida flight took off and crashed into the 14th Street Bridge. I thought at that time—maybe if it had a little bit less ice on the wings, a little bit more power, and a few things were different—about where that plane might have come down. Whatever the reason for having National Airport located where it was in the past, I think those reasons have been shunted aside and overcome, right now at least, by what happened on September 11.

Notwithstanding the act of the terrorists, I still believe National Airport is still an accident waiting to happen. The approaches—I don't care what anybody says—are intricate and hard to fly in the best of conditions. You have an airport where, as one of our briefings told us—I think one of the people who briefed us about National Airport said that if you are in a landing configuration, the time from the airport to the Capitol is less than 30 seconds; from there to the White House is less than 20 seconds, and to the Pentagon it is less than 15 seconds. There is no way you can put a perimeter or fence around Washington, DC, if you have an airport such as National right downtown. You can't do it.

So, therefore, I have thought for a long time that National Airport ought to be moved someplace further out in Virginia. It is true that we need an airport, but it ought to be either down 95 or out west someplace, outside the city, so you can put a 20-mile or so perimeter around this city into which no aircraft is allowed. And then you might have a good perimeter defense of Washington, DC.

But I have the sneaking suspicion that National Airport is being opened because it is convenient—convenient to the higher-ups in Government. It is convenient to us. It is convenient to me; personally, it is convenient. I love National Airport. It is 10, 15 minutes from my house. Otherwise, I have to drive to BWI or Dulles. But I have to put aside my convenience for what I think is the greater interest of this country.

There has been a lot of talk about how much money we put into National in upgrading it. It is a beautiful facility. But what would it cost to replace this Capitol? You could never do it. Or the White House or the Lincoln Memorial or the Jefferson Memorial or everything else that is so precious and almost sacred to our Nation?

So I disagree that somehow, if we kept it closed, it means the terrorists have won. I disagree. I think National ought to be opened somewhere else. There is plenty of open territory outside of Washington, DC, to the south and to the west. There are a lot of big areas out in Virginia. It would still be an economic income to the State of Virginia and the upper Virginia area. It is needed, but it is not needed where it is. So I wanted to register my concern about the reopening of National Airport, and, quite frankly, I don't think it should have been there in the first place. If you could turn the clock back, it should have been put somewhere else. Certainly, the amount of money that was put into upgrading it in the last few years, while it is a magnificent facility, I think was unwise. I said so at the time and I say it again today. There are a lot of things that could be done with that facility there. Look at what they did with Inner Harbor at Baltimore. Just think what that would do for tourism with tourist attractions beside an airport.

I see it from two standpoints: First, the defense of Washington, DC, and having an adequate perimeter of defense; and, second, because of the type of approaches in and out of National, there is an inherent danger.

I wanted to register my concerns. I hope we will take another look at this issue and rebuild National Airport some other place farther outside the city.

Madam President, my time has expired. I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:50 p.m., adjourned until Thursday, October 4, 2001, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 3, 2001:

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JOHN P. ABIZAID, 6229

### DEPARTMENT OF STATE

SICHAN SIV, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

### PEACE CORPS

GADDI H. VASQUEZ, OF CALIFORNIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE MARK L. SCHNEIDER, RESIGNED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

*To be captain*

BRYON ING, 2379
MICHAEL D VALERIO, 2145
STEVEN D HARDY, 9771
STEVE M SAWYER, 5058
WILLIAM J UBERTI, 4551
NORRIS E MERKLE, 0992
BRIAN J FORD, 2147
DOUGLAS B LANE, 3143
BRUCE E VIEKMAN, 6077
STEPHEN L SIELBECK, 1337
RODRICK M ANSLEY, 8670
EDWIN H DANIELS, 1956
EVERETT F ROLLINS, 2150
STEPHEN J DANSCUK, 8012
PATRICK H STADT, 0867
SCOTT D GENOVESE, 3791
ROBERT E MOBLEY, 6303
DANNY ELLIS, 0102
GARY E DAHMEN, 4924
RONALD W BRANCH, 5715
RICHARD A MCCULLOUGH, 2709
DANIEL A CUTRER, 4783
WALTER J REGER, 7176
HAROLD W FINCH, 6369
ERIC J SHAW, 1416
MARY E LANDRY, 9402
KEVIN E DALE, 3050
PAUL D JEWELL, 1566
JACK V RUTZ, 4266
DENNIS M HOLLAND, 3444
MICHAEL A JETT, 4939
WILLIAM D BAUMGARTNER, 0737
LARRY R WHITE, 8405
STEPHEN E MEHLING, 5101
MICHAEL C GHIZZONI, 7466
WILLIAM R MARHOFFER, 1147
JAMES D MAES, 8127
MICHAEL A NEUSSL, 1794
GEORGE H HEINTZ, 1762
JOSEPH W BRUBAKER, 4325
MICHAEL D HUDSON, 2207
KEVIN J CAVANAUGH, 2157
GEORGE A ASSENG, 0460
CHRISTINE J QUEDENS, 8636
CHRISTOPHER D MILLS, 2810
TIMOTHY V SKUBY, 9946
HARRY E HAYNES, 2360
DAVID J REGAN, 8027
JEAN M BUTLER, 9453
GARY M SMIALEK, 2814
ROBERT E DAY, 3773
MICHAEL D INMAN, 3369
SHARON W FIJALKA, 1124
IAN GRUNTHER, 2921
STEPHEN D AUSTIN, 0590
DEREK H RIEKSTS, 8649
THOMAS D HOOPER, 9390
JAMES D BJOSTAD, 3340
THOMAS P OSTEBO, 9220
DANIEL J MCCLELLAN, 9813

*To be commander*

JAMES R DIRE, 9615
RICHARD W SANDERS, 4942
JOSEPH E VORBACH, 4634

## CONFIRMATION

Executive nomination confirmed by the Senate October 3, 2001:

### DEPARTMENT OF STATE

ROBERT W. JORDAN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 3, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 3, 2001.*

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

Dr. James A. Scudder, Quentin Road Bible Baptist Church, Lake Zurich, Illinois, offered the following prayer:

Dear heavenly Father, because You are the Almighty Creator, the everlasting, omnipotent one, the one who loves more than we could ever imagine, we come before You right now to humbly seek Your face. I beseech You to watch over this great Congress of the United States of America as they make important decisions and endeavor to accomplish that which is best for our great Nation. We pray for the ongoing investigation for the attack on America. Oh, Lord, how we grieve at the atrocities that were performed within our borders.

Each of these men and women are facing decisions more significant, more extensive, and more intense than any decision they could have imagined just 3 weeks ago.

We are a Nation indivisible, undivided. We thank You for our amazing heritage of freedom, and we acknowledge right now that all of our blessings come from You. We thank You for the great patriotism that is sweeping our land, and pray that we will continue to fight, acknowledging You as the source of all our strength.

I pray You will put Your umbrella of protection over each Member of Congress. Please give Your great assistance for the essential responsibilities that You have assigned to them. I pray for each person here, that they might know the peace that passeth all understanding. I ask You this in Your Son's name, Jesus Christ. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. CRANE) come forward and lead the House in the Pledge of Allegiance.

Mr. CRANE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that we will have 10 1-minutes on each side.

## WELCOMING DR. JAMES SCUDDER, SENIOR PASTOR OF QUENTIN ROAD BIBLE BAPTIST CHURCH IN LAKE ZURICH, ILLINOIS

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, today it is my honor to welcome Dr. James Scudder as our guest chaplain. Dr. Scudder is a senior pastor of my church, the Quentin Road Bible Baptist Church, in Lake Zurich, Illinois.

In 1972, Dr. Scudder founded the Chicago Bible Church in a storefront. He migrated up to Chicago area from Kentucky. Well, actually, I do not know whether he went by way of Indiana en route, as Lincoln did, but he finally got to Illinois and he founded the church there. Then he expanded that church by moving out to Lake Zurich, Illinois. He has gone from a storefront church to a church that is 70,000 square feet. It is one of the biggest, or the biggest, in our area there. In addition to that, it has one of the largest congregations, in the thousands.

Dr. Scudder is the president also of Dayspring Bible College. He founded a school, grammar school, high school, and a college there. He is the host of the weekly TV broadcast, the Quentin Road Bible Hour, which is seen here on WGN-TV. He is the host of a radio program called Victory and Grace. In addition, Dr. Scudder is the author of several books.

He simultaneously is married to one of the most remarkable talents, Linda Scudder. She is an expert pianist, but she also leads the choir, and they have one of the largest choirs in the entire State of Illinois, and do remarkable performances every Sunday.

To show his additional talents, he has a son, one son named Jim, Jim, Jr., who is now also a pastor in his father's footsteps. He does as stirring a job in the pulpit, almost, as his father does. He is challenging him already. So whenever Pastor Scudder is traveling on missionary work, and he does that around the world, his son, Pastor Jim, Jr., fills in for him.

There is someone else, Pastor Bob Vanden Bosch, that I would like to recognize, who also works in the Quentin Road Bible Baptist Church, but spends a lot of time down in our State Capitol of Springfield, Illinois, trying to convert the heathen in Springfield.

I would like to ask all of the Members to join me in welcoming my good friend and our pastor, Dr. Scudder, as our guest chaplain.

## HONORING KRISTI HOUSE FOR WORK WITH VICTIMS OF SEXUAL ABUSE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, since the catastrophic events of September 11, Americans are learning to work through the trauma of terror and victimization. We have become stronger and more united, but we will never forget the malicious acts that were committed against us.

However, others live in terror every day. For example, many young victims of sexual abuse have fear each and every day of their lives. They, too, may not know when or how the perpetrator may strike, but unlike the victims of September 11, these children's own stories are often locked away in a family's conspiracy to ignore, deny, avoid, and even to forget the sexual abuse.

Without appropriate intervention, child sexual abuse may lead to numerous behavioral and psychological disorders. In my south Florida district, Kristi House services these victims, and on Sunday, November 11, they will host a benefit dinner and auction at Norman's Restaurant.

Kristi House works with law enforcement, protective services, medical and legal agencies, to provide treatment unique to a family's situation. Each year, almost 2,000 children are victimized by sexual abuse. I congratulate

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Kristi House for their comprehensive and effective intervention which it provides each and every day.

## INTRODUCTION OF THE I LOVE NEW YORK TAX DEDUCTION ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I am thankful that 109 of my colleagues came to New York to view the devastation at Ground Zero. But the severe impact on New York City's economy is harder to see. Restaurants are empty, hotels are vacant, five Broadway shows have closed, and small businesses are suffering all over our State. Tourism is New York's second largest industry, and we need to bring people back to New York State.

Along with my bipartisan colleague, the gentleman from New York (Mr. REYNOLDS), and over 60 of my colleagues, including Senators SCHUMER and CLINTON, we have introduced the I Love New York Tax Relief Act. For the next year, it would allow individuals to deduct up to $500, and families up to $1,000, for spending money in New York City's restaurants, lodging, and entertainment outlets.

I urge my colleagues and the President to put our money where our heart is and give Americans another way to say, "I love New York."

## SALUTING SOUTH FLORIDA BLOOD BANK AND LOCAL CHAPTERS OF AMERICAN RED CROSS, AND URGING CONTINUING SUPPORT FOR THEIR EFFORTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I want to take a moment to salute several organizations in my community, one particularly, the South Florida Blood Bank, and the local chapters of the American Red Cross and United Way of Palm Beach County for their outstanding contributions during these difficult past 3 weeks.

Our communities came together to fight an evil, and we have won. In the case of the blood bank, a typical week yields about 500 pints. In the first week after the event, we were blessed with over 7,600 pints of life. United Way and Red Cross had record contributions to assist in the effort in Washington and New York. I applaud them. I thank them. Their generosity speaks volumes about the great patriots who live in our country, particularly those I am proud to call constituents in my communities.

But I also ask my communities to now rally around those same local charities as they endeavor to continue their efforts for local communities. We have been generous to New York and Washington. We cannot forget those struggling at home, those that need our help. These charities need to go forward, now more than ever, to assist our localities.

I thank them more than ever; I appreciate that they are there for us in the time of need. I salute them.

## CONGRESS SHOULD REVIEW OUR FOREIGN POLICY AND BORDER PROBLEMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is time to face the facts: we cannot secure our home with our doors unlocked. America's borders are wide open, wide open.

The truth is, America remains vulnerable to terrorism. Yet some in this Congress still expect policemen to defeat these terrorists. Beam me up. Police departments deal with domestic crime, not invasions. Terrorism will not stop until Congress secures our borders and Palestinians have a homeland.

All America understands that commonsense approach, and Congress should objectively review our foreign policy and our border problems.

## RECOGNIZING BRAVE HEROES IN THE THIRD CONGRESSIONAL DISTRICT OF TEXAS, MEMBERS OF THE COLLIN COUNTY COLLEGE FIRE ACADEMY, AND FIREFIGHTERS EVERYWHERE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I rise to recognize some brave heroes in the Third Congressional District of Texas. Last week, I visited the Collin County Fire Academy. There were about 100 firefighters there from all over the area: Plano, Richardson, Frisco, McKinney. Those guys are just great.

I went to visit them with the sole purpose of expressing my sincere appreciation for their dedication and efforts to protect the home front and for raising over $36,000 for the New York Fire Department September 11 Fund.

September 11 is going to forever live in the hearts and minds of not just Americans but every single person who values freedom, peace, and security. The firefighters and those in training in Collin County recognize that. They make our neighborhood safer and our lives better. I am just sorry we had to have this devastating tragedy to thrust this heroic, selfless occupation into the spotlight.

Again, to all firefighters, please know that we appreciate all they are preparing to do or have done. I thank them, and God bless them all. God bless America.

## URGING MEMBERS TO SUPPORT THE MILLER-MILLER AMENDMENT AND END AN OUTMODED, OUTDATED SUGAR PROGRAM

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. In the farm bill, the sugar program is outmoded, outdated. It is costing us jobs. It is monopolistic. It boils right down to being corporate greed or welfare.

I know that proponents will say, But it helps farmers. Yes, I believe in helping family farms, but here is a program where 1 percent or just 17 farms collect 58 percent of the subsidy. If this is not a monopoly, then I do not know what is.

This is one reason why I support the Miller-Miller amendment. It does not eliminate the sugar program; but it does save jobs, protects the environment, and helps to keep manufacturing business at home.

Let us stop playing sugar daddy to a few monopolistic plantations. Support the Miller-Miller amendment.

## AMERICA'S RESPONSE TO TERRORISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this great and powerful Nation of ours is about to respond. We will respond mightily. We will respond, not just against the terrorists themselves, but against those who harbor and protect them.

□ 1015

The Taliban of Afghanistan is at the very top of the list. As we prepare to deal with them, we have to remember the civilians of that country. We must be careful to minimize the impact on the innocent people of Afghanistan.

Mr. Speaker, I am a veteran. I know that sometimes innocent people die in war, but in the case of Afghanistan, perhaps more than any other, we will be at war with the terrorist organizations and with the government that aids and abets them, not with the people.

The people of Afghanistan are victims too. They have been brutalized by the Taliban, by the communists who were there before them. They have not known peace for decades. Millions have starved and become refugees. We will need to help those surrounding countries that will be impacted by the refugees. We need to communicate to the people of Afghanistan, reach out to them and let them know that we are their friends, and that once Osama bin Laden and the Taliban are gone, and they will be gone, we want to be a friend and ally to the people of Afghanistan.

## FARM SECURITY ACT OF 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 248

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Agriculture and International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of the report. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed before October 3, 2001, in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 248 is a modified open rule providing for the consideration of H.R. 2646, the Farm Security Act of 2001. The rule provides two hours of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The rule waives all points of order against consideration of the bill.

The rule further provides that in lieu of the amendments recommended by the chairman of the Committee on Agriculture and the Committee on International Relations now printed in the bill, it shall be in order to consider, as an original bill for the purpose of amendment under the 5-minute rule, an amendment in the nature of a substitute consisting of the printed text in part A of the Committee on Rules report accompanying the resolution, modified by the amendment printed in part B of the report. The rule waives all points of order against the amendment in the nature of a substitute and provides that it be shall be considered as read.

The rule further makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD before October 3, 2001, and provides that each such amendment may be offered only by the amendment who caused it to be printed or a designee and shall be considered as read. Finally, the rules provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2646 provides $73.5 billion over the next 10 years to overhaul the 1996 farm bill. It reauthorizes a Food for Progress Program, which finances food grants to developing countries that are committed to democracy and free market system at $100 million per year through 2001. I am especially pleased that this bill reauthorizes the Market Access program, which helps producers, including many tree fruit growers in Central Washington, in my district, promote exports abroad and increases that funding by $110 million per year to $200 million annually.

The MAP funds have proven to be an effective means of assisting producers not normally provided for the federal farm legislation. Cherries, apples, grapes, dry peas, hops and lentils are just a few of the commodities in my district that benefit from this important program.

Mr. Speaker, H.R. 2646 is a balanced bill providing support for American agricultural through commodity assistance, conservation programs, nutrition programs, enhanced international trade, rural development, forestry initiatives, and a host of other important provisions.

The bill was reported by the Committee on Agriculture by a voice vote and is broadly supported by members of that Committee and our colleagues in the whole House. In order to permit Members seeking to improve the bill to the fullest extent possible, an opportunity was given to offer amendments. The Committee on Rules is pleased to report the modified open rule requested by the chairman and ranking minority member of the Committee on Agriculture.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill, H.R. 2646.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

This is a modified open rule. It will allow for the consideration of a bill which funds farm price supports, conservation programs, domestic nutrition programs, and international food assistance over the next 10 years.

As my colleague from Washington has described, this rule provides 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

This allows germane amendments under the 5-minute rule. This is the normal amending process in the House. The rule requires that all amendments must be preprinted in the CONGRESSIONAL RECORD.

Mr. Speaker, there is no human need more basic than food. Ensuring that our citizens are fed is one of the most important duties of government. This bill establishes the basic framework of government support for farmers to maintain a stable, affordable source of good food for Americans. The bill also authorizes programs providing food for needy people in the United States and around the world.

I want to thank the Committee on Agriculture, the gentleman from Texas (Chairman COMBEST) and his staff for their diligent work in putting together this farm bill, as well as ranking minority member, the gentleman from Texas (Mr. STENHOLM). Members of the committee put a lot of energy and effort into this bill, including attending field hearings around the country. The result is a fair process and a bipartisan bill with support on both sides of the aisle.

The bill includes many compromises. The committee has done a good job in striking a balance between the different interests represented in this country and in this House.

I am glad that the bill includes necessary improvements to the Food Stamp Program and the Emergency Food Assistance Program, which is our Nation's first line of defense against hunger. These programs are especially important in times of increasing unemployment.

Additionally, the legislation includes the Bill Emerson-Mickey Leland Hunger Fellows Program, and this is a fitting tribute for our two late colleagues, and it honors their legacy by training leaders in the fight against hunger.

Thanks to the gentleman from Texas (Chairman COMBEST) and the Committee on International Relations, the gentleman from Illinois (Chairman HYDE), the bill authorizes the George McGovern-Robert Dole International Food for Education and Child Nutrition Program, sometimes called the Global Schools Lunch program, and this will be a vital weapon in our arsenal in the worldwide fight against ignorance and disease.

However, I am concerned about the potential gap in funding between the current Global School Lunch program and the authorized program created under this bill. Later, I am hoping to engage Chairman COMBEST in a colloquy on this matter.

I also plan to offer an uncontroversial amendment which will give more flexibility in the management of the Food for Peace program. This was requested by the U.S. AID and the World Food Programme.

Mr. Speaker, our world has changed since September 11, and it is necessary to look at major legislation such as this in light of our new security concerns, and among those concerns are the hunger and the poverty and the misery around the world that, if ignored, can become breeding grounds for violence and hatred.

I have seen the effect of our food aid in dozens of countries, but nowhere more clearly than in North Korea. Five years ago, people would run when they saw Americans. That was before bags of American grain began reaching schools and orphanages there, helping to alleviate the crushing famine.

Today, there are 15 million of those U.S. AID "handshake" bags being used over and over, delivering the message that the American people are not the enemies of the Korean people, and that message is getting through, and the evidence is the way ordinary North Koreans now break into smiles at the sight of Americans.

As my colleagues know, I think we should send a lot more food aid to the more than 800 million hungry people in our world, and we should do it because it saves their lives and gives them hope. We should do it because it helps our farmers and instills goodwill towards Americans, and we should do it because we should not let terrible conditions fester and become even bigger problems for our Nation.

The food assistance programs authorized by this bill give the President additional tools in showing our allies, new and old, that we are in a war with terrorists and not the downtrodden people of any Nation.

Mr. Speaker, I support the rule on the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding the time, and I just want to rise in support of this rule.

I want to thank the gentleman from Washington (Mr. HASTINGS), the gentleman from Ohio (Mr. HALL) and others on the Committee on Rules for a very open process there in granting this rule.

As mentioned, the rule does provide the opportunity for Members to offer a wide variety of amendments. Some of those, I am sure, will create some extended discussion. That is, however, part of the process.

It is a good rule, and I particularly would again like to thank the Committee on Rules for granting the rule that was requested by the gentleman from Texas (Mr. STENHOLM) and myself.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

As I mentioned, I am pleased that the Committee on Agriculture and the Committee on International Relations have included provisions in the bill that would establish what is commonly known as the Global School Lunch program. This exports some of the best we have to offer, American food and compassion to developing countries around the world. The global food for education initiative currently operated by the Agriculture Department has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

It was inspired by former Senators George McGovern and Bob Dole. It was announced at the G–8 summit last July, and it has broad bipartisan support. Authorization of the program is now part of the farm bill due to the exemplary work of the gentleman from Texas (Chairman COMBEST), the gentleman from Illinois (Chairman HYDE) and the ranking minority members, the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. LANTOS).

I am concerned, however, that there is a possible gap between the end of the existing funding and the beginning of the appropriated funding for this bill.

Mr. Speaker, I will yield to the gentleman from Texas (Mr. COMBEST) for the purpose of engaging in a colloquy about this concern. I have also a note that the gentleman from Illinois (Mr. HYDE) wanted to be here to discuss this matter but is chairing an important hearing on terrorism.

So, is it the hope and understanding of the gentleman from Texas (Mr. COMBEST) that the Secretary of Agriculture should continue to operate the Global Food for Education initiative until such time as the International Food for Education and Child Nutrition Program is established?

Mr. COMBEST. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding and want to assure him that I support the provisions of the McGovern-Dole International Food for Education Program contained in the bill in hopes that they and the rest of the bill will be enacted quickly.

□ 1030

I want to state that I agree that the current program should be continued so that there will not be a gap in the important work that is being done. The gentleman from Texas (Mr. STENHOLM) and I have requested that the General Accounting Office review the current Global Food for Education Initiative, and we expect that review to be completed in a few months. I will be happy to work with the gentleman to examine that GAO recommendation.

Mr. HALL of Ohio. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's assurances and hope we can work together to ensure that the recommendations to improve the program will be implemented.

Mr. COMBEST. If the gentleman will continue to yield, I would certainly agree and again look forward to receiving the report. While I am concerned that this and any other new program achieve the goal set out for it, I share the concern of my colleague from Ohio that the needs of hungry children should not go unmet, especially when the United States is able to produce food in such abundance. I appreciate his intent and look forward to working with him on this program in the future.

Mr. HALL of Ohio. Reclaiming my time once again, I want to thank the chairman, and I also want to thank my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentlewoman from Missouri (Mrs. EMERSON), who have worked tirelessly on this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time.

At the beginning of this Congress, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), said that he believed it important that on most of the issues we face we proceed under what he calls regular order, and that is exactly what we are doing here. We have basically an open amendment process. We call this a modified open rule because it offers just the slightest restriction, but under the structure that we have, every germane amendment will be able to be made in order.

I know there are some who have demonstrated some concern about that as we proceed with consideration of this farm bill. I believe that it is the most appropriate way for us to proceed. So I hope that my colleagues, Mr. Speaker, will join in strong support of this rule and allow us to move ahead with consideration of a wide range of issues.

I know there are some issues that they would like to have brought up under this structure that we have, but that would have required a waiver. We chose not to provide that waiver, and there are other mechanisms that exist in the institution where they will be able to address those concerns.

So I would simply like to say that I urge my colleagues to support this rule, and I thank the gentleman from Washington (Mr. HASTINGS) and the gentleman from Ohio (Mr. HALL) for their management of this effort. We are going to proceed in a bipartisan way with what will be a free and rigorous and interesting open debate on consideration of the farm bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM), who is the ranking member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I rise to support the rule. As we have heard, it is essentially a fair rule; and I am grateful to my chairman, the gentleman from Texas (Mr. COMBEST), for requesting such a fair rule. I hope the entire House appreciates the fairness of the action of the request of the House Committee on Agriculture.

This rule restores a tradition of full and fair debate that always used to take place when farm bills came to the floor. While I feel the committee bill is a reasonable consensus product, I know that many of my colleagues believe it can be improved, and I very much look forward to the discussion before us. As a participant in its development, I believe that our debate will provide an excellent opportunity for all of our colleagues and for the American people to see the wisdom of the committee's work.

The open rule has become too rare in the debates we have had in the House in recent years. In the Committee on Agriculture we never considered having this bill considered on the floor in a restrictive way. Anticipating an open rule, we knew that every decision we made, every effort designed to set budgetary priorities would be subject to the full scrutiny of every Member of the House.

I fully believe that anticipation of an open floor debate helped us to build a better bill in committee. As a result, it has the support of a broad diversity of interests. And while the support of the agricultural community for our bill is gratifying, the validation of others is particularly rewarding.

Mr. Speaker, I very much look forward to our debate in the days ahead and I hope my colleagues will observe the benefits from this open and fair process.

Mr. Speaker, the bill reforms our foreign programs in a way that will prevent any future need for the billions of dollars of emergency spending that have been required in recent years. It greatly expands USDA's conservation programs. And I reemphasize that: an 80 percent increase in the conservation title in this bill. It reauthorizes and improves the food stamp program, and I am gratified for the support of the hunger community on this bill and in recognizing the significance of those things that we did in the nutrition component. It renews our emphasis on the importance of rural economic development, particularly water and agricultural research.

Mr. Speaker, this bill has been scored by the Congressional Budget Office, and its 10-year score is within the limit of the funds that were included within the budget resolution. Congress anticipated the need for farm policy reform; and its passage, I believe, is the fiscally responsible thing to do.

Though I strongly support this rule, Mr. Speaker, I wish to make moment of the state of affairs that has become apparent since budgetary reestimates were released in August. Although it is the case that the budget anticipated farm bill spending, the availability of the funds was made on a contingent basis. For fiscal years 2003 through 2011, funds are made available to provide for a bill from the Committee on Agriculture if the chairman of the Committee on the Budget makes an allocation subject to the condition.

Mr. Speaker, as my colleagues are well aware, and as my friend from South Carolina has clearly shown to all Members, only in the most technical sense can it be regarded that the conditions of the money in this bill has been met. Our budget is busted. The budget resolution is irrelevant. There is no on budget surplus. We are into Social Security and Medicare spending and we are on our way to a unified budget deficit, all as a result of the economy and of September 11.

Mr. Speaker, as we debate this rule and the farm bill, we must be thinking clearly about our budget responsibilities. Passage of this bill was anticipated in the budget and is crucial to forestall the need for Congress to continually provide emergency spending. However, we cannot avoid the fact that its passage and all other spending bills we have recently considered and that will remain to be considered take us deeper and deeper into Social Security revenue.

Mr. Speaker, I take this opportunity to appeal to my colleagues in a bipartisan way and to the administration to now develop a new budget. We need to unite on our budget now so that we do not make those mistakes today, with all good intentions, that will not be in the best interest of our country 10 years from today.

I believe the bill that we bring before the House today from the agriculture perspective meets all of that criteria; and therefore, I urge the support of the rule and of the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the chairman for producing this bill. I think the bill contains many good things. It reauthorizes the food stamp program, does a very good job on that; it provides a great deal of authorization for appropriate research in agriculture; and does many good things for the agricultural community across the country.

However, there is one glaring problem with the underlying bill and the rule that governs it. The underlying bill makes inadequate provision for the dairy industry. Specifically, the inadequate provision is the failure of the bill to recognize the need for dairy compacts, particularly in the East and Southeastern parts of the United States where the dairy industry is in great peril. This rule does not provide the opportunity for a debate on that issue, and that is a major defect in the rule.

Over and over again the leadership of this House has promised that there would be an opportunity to debate the issue of dairy compacts and that there would be an opportunity to have a vote one way or the other and allow the House to express its will on the issue of dairy compacts. This bill fails to do that and the rule fails to make in order such an amendment. This is a glaring deficiency.

Why are we concerned about that? We are concerned about it because the dairy industry is an important part of the agricultural industry in this country. Without the opportunity for dairy compacts, a major portion of that dairy industry, that which exists principally in the eastern part of the country, both north and south, is in grave danger of perishing. If we lose the dairy industry, we lose an important part of our communities all across New England and the middle Atlantic States.

So the rule should be corrected. A debate on the dairy compacts ought to be authorized. We ought to have an opportunity to discuss this very critical issue. Without that, the rule is grossly deficient.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, while I do not have much problem with the rule, and I actually compliment the committee, I am concerned that this bill continues to provide protection for some of our antiquated, outmoded, and unneeded subsidies, especially in the sugar program, where 1 percent of 17 farms will receive 58 percent of the subsidy. That is one reason why I am asking people and urging support for the Miller-Miller amendment when it comes to the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 248 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2646.

□ 1041

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. COMBEST. Mr. Chairman, I want to begin by thanking my colleague, the gentleman from Texas (Mr. STENHOLM), for his great efforts in arriving at a very bipartisan, very well-thought-out bill.

I also want to thank the 51 members of the House Committee on Agriculture for the dedication and the time that they have put in to see us arrive today at the product that we bring before the House. This has been long in coming. And I would be remiss if I did not thank the staff, minority and majority staff, for the tireless, long, long nights, weeks, and months, that they have put into this process. We could not have done it without them.

Mr. Chairman, it is with great pride that I rise today to bring before the House H.R. 2646, the Farm Security Act of 2001. This bill represents comprehensive agricultural legislation, making important changes to all segments of our food and agricultural industries; and I look forward to today's debate. Most importantly, this bill provides a proactive market-oriented solution to the critical economic crisis that has been eroding the financial footing of our Nation's farmers and rural communities for the past 4 years. Just as important, this bill will prevent the need for further ad hoc assistance for farmers in the future.

Mr. Chairman, our committee has taken a very deliberate approach to crafting this farm bill. Over the past 2 years, the House Committee on Agriculture held some 47 hearings. We have traveled to all regions of the country to listen to the needs and the concerns of hardworking people from the farming and agri-business community. We have asked all farm and interest groups to provide very specific ideas on how they would improve current agricultural policy, which we received from them. And, most importantly, we have worked in a very open and bipartisan way to craft this bill, which enjoys an unprecedented level of support among the agricultural sector.

□ 1045

Mr. Chairman, the key factor of this bill's success in committee, and its outcome today, is balance. In addition to addressing just about every issue under the jurisdiction of the Committee on Agriculture, H.R. 2646 represents a bipartisan balance between several important issues, including: a safety net for America's farmers; unmet soil and water conservation needs; foreign trade and promotion program requirements; agricultural credit programs for America's farmers, ranchers and rural areas; important agricultural research initiatives; rural development programs that affect thousands of rural communities across the country; and the list goes on and on.

I mention this in order to make the point that there is not a single program or issue addressed by this farm bill that could not be further improved with additional resources.

However, as I stated, the bill represents balance and it represents a bipartisan balance that the Committee on Agriculture crafted based on the input that we received from America's farmers and ranchers, soil and water conservationists, agribusiness, private food aid organizations, and many others.

The economic crisis that farmers have been facing since 1998 is not of their own making. Rather, it is a result of large macroeconomic factors like increased supply resulting from favorable world-wide weather trends, tightening demand resulting from slow economic growth rates, and a strong U.S. dollar pushing our products out of competition and driving prices down on the world market. What is more, in the last 2 years farmers have been further squeezed by high energy prices which have dramatically increased their input costs.

All of these are just reasons why Congress has acted to provide relief in the last 4 years; but more importantly, these are reasons why we need to act today and establish a more stable farmer policy for the future.

H.R. 2646 establishes the critical safety net that our farmers and the entire agricultural sector need to help this important sector of our economy grow and prosper and create wealth for the future.

H.R. 2646 also represents a fiscally responsible approach to providing the assistance farmers need. The $73.5 billion in additional spending in H.R. 2646 was fully contemplated by the budget resolution. The average $12 billion per year that would be spent on commodity supports in this bill pales in comparison to the average $23.3 billion that has been spent over the last 4 years.

H.R. 2646 will provide our Nation's farmers with the footing they need to compete in the world marketplace. It is fully consistent with our obligations under the Uruguay Round Agreement on Agriculture as enforced by the WTO. In fact, there is a specific provision in this bill which authorizes the Secretary of Agriculture to make adjustments in expenditure levels in order to ensure compliance with our trade treaty obligations. Therefore, it is not only consistent, but complementary, to a proactive trade policy that will seek to level the international playing field and open new markets to our products for the future.

H.R. 2646 also has an unprecedented level of support among the agricultural community. The bill is supported by virtually all farm groups, agribusiness and industry groups, many conservation groups, rural advocates, towns and communities.

H.R. 2646 is a bipartisan and balanced way to address the needs of America's agriculture sector. I look forward to completing action on this very important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this bill, and I want to begin by expressing my appreciation to the gentleman from Texas (Mr. COMBEST) for his leadership in bringing us to this point today, and to our colleagues on both sides of the aisle who have participated in the many hours, weeks, months, yes, years in the development of this recommendation that we bring to the full House today.

The policies contained in the bill represent a truly balanced consensus approach that reflects well on the process by which it was designed. While there remain amendments to be considered, the product before us represents a true bipartisan consensus, and I believe it has broad support.

Mr. Chairman, the process for developing this bill and the one in which the 1996 farm bill was enacted are as different as night and day. The 1996 farm bill was a philosophical document written by the House leadership. There were no public hearings, no process for the Committee on Agriculture to build a consensus, and little optimism for its success. Many of us who voted for it did so because we had no other choice.

Mr. Chairman, I will not be the first to say that the 1996 farm bill is an utter failure. It has failed our farmers. This failure was so obvious to everyone involved that Congress and the White House have repeatedly in this and each of the previous 3 years poured out billions of unbudgeted additional dollars in the form of direct payments to farmers.

Mr. Chairman, much has been said about how difficult times have been for producers in those years. This point cannot be overstated, but it was the taxpayers of America who were most widely disserved as the emergency payments were spent without any repair being made to the underlying program. These payments were clear evidence that the 1996 farm bill was not working. Today's farm bill gives the House an opportunity to meet its responsibility to farmers, ranchers, and to the American taxpayers.

Congress included sufficient funds in this year's budget to ensure the Committee on Agriculture had the tools to develop a farm policy that helps farmers when crop revenues are low, while providing the predictability for government expenditures that taxpayers deserve, and the predictability that our bankers are demanding.

With all of its strength, Mr. Chairman, this bill is being considered under fiscal conditions that all of us had hoped to avoid. If there were any consensus in the Congress about budgetary matters as this year began, it was that we wanted to leave behind the era of deficit spending. To further that effort, many of us asked to be included in the process of developing our government's budget for fiscal year 2002 and beyond. The rhetoric that prevailed led us to believe that the budget was going to be developed in an inclusive, bipartisan manner.

The Blue Dogs, in particular, were prepared to bring to the table a plan that would have allowed for a tax cut, for an increase in defense spending, for solutions for Social Security and Medicare problems, and for increases in programs for agriculture, education, veterans, and health care.

At the same time, our proposal would have led to reduction in the Government's debt, and it provided a cushion sufficient to guard against unforeseen circumstances pushing us back into deficit spending.

Mr. Chairman, our expectations for bipartisanship were not met; and whatever its other flaws, the Congressional budget clearly failed to prepare for the circumstances we now face. As a result, we are moving forward today with essentially no budget. Once again we will be adding to our Nation's debt.

Mr. Chairman, for all practical purposes, we have no budget. We are approaching major spending decisions without a plan. In the confusion, however, there is an opportunity to develop this unity budget; and if my colleagues need a model for the development of a new budget, they need to look no further than the process used for developing the bill which we present today.

The American people are asking us to be unified, and now more than ever we have a clear obligation to the taxpayers of this Nation to make the best of our resources. In that spirit, I urge our leadership and the administration to begin the process of developing a new budget so that discipline and some kind of rationale can guide our fiscal decision-making.

Mr. Chairman, H.R. 2646 is a good bill. It is good for America's farmers while providing predictability for our taxpayers. It would fit within the budget I have just described. It greatly expands USDA's conservation programs while extending and improving the food stamp program. In addition, it renews our emphasis on the importance of rural development and agricultural research.

In closing, I would like to once again thank the gentleman from Texas (Mr. COMBEST) for his leadership and skill in developing a consensus product. I urge all of my colleagues to vote for passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield 7 minutes to the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Subcommittee on Conservation, Credit, Rural Development and Research.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise to urge my colleagues to support H.R. 2646 and its conservation title, what might accurately be described by some as the greenest ever.

American farmers and ranchers are the original conservationists of this country. We are the people the farm bill is intended to help. The farm bill's purpose is to assist in providing us with the tools to competitively produce food and fiber in the domestic and world markets.

Furthermore, Congress encourages producers to do so in an environmentally friendly manner, while continuing to provide the American consumer with the cheapest, safest and most reliable food supply in the history of the world.

After listening to 23 organizations and coalitions testify at three subcommittee hearings, and in an effort to accommodate the American producer and the environment, I laid out a plan in my own conservation bill to help producers and the American public by providing sound assistance to U.S. producers.

It is critical to remember that not just one time but many times numerous groups asked us to place more money than we were able to place in every single existing program, and in most new programs.

On the committee, both Republican and Democrat members worked to find a balanced bill so we would not have to come back to Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager's amendment to H.R. 2646.

The centerpiece of the conservation title is the Environmental Quality Incentives Program, EQIP. Farmers and ranchers have to deal with a number of State and Federal environmental rules, regulations and laws; and many just want to be even better stewards of the land.

The current program is only $200 million per year. The livestock coalition testified before us this year and asked for $2.5 billion per year. H.R. 2646 provides producers with $1.285 billion per year. Fifty percent of the money goes to crop producers and 50 percent goes to livestock producers. This is the exact requirement under current laws. This is the most important working-lands provision in the conservation title. Crop and fruit and vegetable producers are counting on this program to help them with all types of conservation efforts.

The problem with EQIP was that there were priority areas that determined how and where the money was to be spent. If a producer was in an area that fell outside of these priority areas, chances were slim to none that they could receive Federal help. By reforming priority areas and allowing each contract to be considered on its own merit, I believe that we provided more money in the program that will help Congress assist all producers fairly and not penalize someone simply because their county is outside a designated priority area.

The bill provides a maximum of $50,000 per year or $200,000 total over 10 years for all EQIP contracts. Some people want to ignore large animal feeding operations and contract growers. It would be hard for Congress to reach a desired environmental result if we ignore the needs of some producers. The payment limitation will ensure that the money is spread out fairly between small, medium, and large operations. As a matter of fact, the bill even changes EQIP contracts so that smaller producers can sign up for 1- to 10-year contracts. Plus, they can be paid in the same year in which they sign the contract. Both of these provisions were taken from my bill to help small producers.

The Conservation Reserve Program is another important program. Many groups wanted to leave the program at its current level, while others wanted CRP to increase to as high as 45 million acres. H.R. 2646 reaches a balance by allowing nearly 40 million acres, or 39.2 million acres, to be exact, into the CRP.

The new Grasslands Reserve Program is another important program based on my idea that allows 10- and 15- and 20-year contracts. To build consensus, the full committee added 30-year contracts and permanent easements. The committee supports permanent easements in GRP because it is a true working-lands program, not a land-idling program.

The Committee on Agriculture followed the subcommittee's recommendation by including 150,000 acres per year of Wetland Reserve Program acreage, a million and a half over the life of the bill. And yes, it comes with a price tag of $1.84 billion. This is the largest increase of all of the major programs.

H.R. 2646 provides $500 million worth of funding for the Farmland Protection Program. Since States must match 50 percent of its funding, it is hard to gauge whether all of this money will be used or simply go to the wealthiest States.

□ 1100

Finally, H.R. 2646 provides $25 million per year, ramping up to $50 million per year for the wildlife habitat incentives program.

My goal as the Conservation Subcommittee chairman was to secure a large sum of money for the conservation title in the new farm bill. I am thrilled to stand here today and say that we have an increase of over 75 percent in funding. The current programs spend $2.1 billion per year. H.R. 2646 will spend nearly $3.7 billion per year. Yes, $37 billion on conservation over the life of this farm bill.

I heard concerns regarding some of the changes the committee made in its draft. I worked diligently to address the problems presented to me by various groups and am happy to say that we found compromise on issues such as swampbuster regulation and many wildlife concerns. Furthermore, I worked with the National Association of Conservation Districts and the committee to reach an agreement on technical assistance funding.

In closing, I would simply say that this is a zero sum game. If we need more money in one area of the farm bill, it must come out of one of the other areas or programs or our own conservation funding.

Simply, Mr. Chairman, support America's producers and the environment. Support H.R. 2646.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I want to thank the ranking member and the chairman of this committee for the wonderful work that they have done in crafting a bill that is the best that we could do given the resources at our disposal. I think they did an outstanding job, along with the staff of the Committee on Agriculture on both sides of the aisle. I want to compliment them for the great work that they have done.

Mr. Chairman, the United States of America has the safest, most abundant, and the most reasonably priced food and fiber supply of any nation in the world by more than half. We do twice as well in that respect as any other nation. It is something that we can be very proud of and very thankful for.

The Farm Security Act of 2001 ensures our ability to continue to produce our own supply of affordable food and fiber. Without this assistance to our farmers, production will move offshore, forcing the U.S. to depend on other nations for our food. This is, in fact, a national security issue.

I believe, I have not read it, but I am told that there is a story in a national newspaper today criticizing and ridiculing that idea. If we did not have the ability to feed ourselves and produce that food right here in this country, our national security would indeed be threatened.

Nearly every farm organization in the country has endorsed this bill. They support the 80 percent increase in conservation spending to help make this the greenest farm bill ever and to make sure that we continue the effort to improve our water quality, to improve the protection of our soil, and the air quality in this country.

This will benefit not only rural, but urban communities. It helps support the rural economy by helping farmers break even. I have heard many stories in the last few months, and particularly in the last couple of weeks, and especially just yesterday about this bill just goes to subsidize farmers and inefficient producers and so-called fat cat producers.

Mr. Chairman, today no one is getting into farming. If this is such a lucrative idea and a lucrative piece of legislation, we would have people lined up trying to get in this business instead of lined up trying to get out of it. If we do not pass this farm bill this week, or before this Congress goes out of session, I can tell you that it is a threat to our ability to continue to feed and clothe this country in an efficient manner.

I want to be on record as being supportive of this bill, the way it came out of committee with almost no amendments. There will be an amendment offered that will attempt to totally reorganize food policy in this country, and I think we should oppose it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), one of the most active members of our committee.

Mr. OSBORNE. Mr. Chairman, I rise to support H.R. 2646, and really for several reasons.

One is I have been very impressed by the process that the committee has gone through. This bill has been in development for 2 years. We have had hearings all across the country. We have had roughly 50 different agriculture, environmental, conservation groups appear before the committee. They have been asked to write the bill as they see it ought to be. So everyone has had input. It has not been done in a closet. I think that the chairman has been very fair in the way he has approached it.

This is the only comprehensive farm bill in existence in this Congress or in the Senate as well. It deals with commodities; it increases conservation expenditures by 80 percent; it deals with rural development; research increased by 20 percent; and trade.

There are some questions that have been raised already, and I am sure they will come up later today. Why do we have payments to wealthy farmers? In Nebraska, there are 54,000 farms. We have roughly nine entities that receive payments of $500,000 or more. These are multiple entities where you have aunts and uncles and brothers and sisters, so they are not single farmers that are receiving this amount of money.

This is one out of every 6,000 farms that receives a large payment. The return on equity is roughly 4 percent. If you take the government subsidies out of farming, you go to a zero balance, or below zero. Three-fourths of our farms in the United States currently rely on off-the-farm income for survival, so we have both the farmer and the farm wife often working off farm and most of the time the farm wife, too.

Some have said this is too expensive. Over the last 4 years, we have averaged $22 billion a year on agriculture. Much of that has been in emergency payments. In this bill, we will average $17 billion a year which is $5 billion less, and obviously we have to get away from emergency payments.

Some have also said why do we provide a safety net for agriculture? In Europe, the average subsidy is $300 to $500 per acre because they have experienced what hunger is like at one point or another. In South America land is $300. The idea is that in the United States our subsidies are very reasonable, very cheap.

I certainly urge the passage of this bill.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in giving me some time to speak on this issue.

One might ask why a city boy is on the floor dealing with the agriculture bill. Well, in my State, agriculture is the third largest industry. In my district, agriculture has a prominent role. I deeply care about food and water supply and its price. And, most important, we are all influenced by agriculture, whether we live in cities, suburban or rural areas, particularly as it impacts the environment, as it deals with water, land use and the environment for us all.

This is an opportunity for us to enter into a new era for agriculture. The United States launched an unprecedented effort during the Depression to rescue our agricultural system, and it was a dramatic success. It has developed the most productive agricultural system in the world. There is no disputing that. But the problem is that today, two-thirds of a century later, the system drives decisions to the detriment of many farmers, consumers, our trade position and the environment.

The 1996 Freedom to Farm Act was a bad solution to this admitted problem. We can, in fact, do better. I have met with the agricultural producers and the people on the board of agriculture in my State. This summer they were unanimous in saying that the system misses the mark for them. They do not benefit; the wrong people, by and large, do; they do not need what we have now, but they do need assistance. I agree with the Bush administration that this current bill does not hit the mark.

I look forward to a series of amendments that we are going to be discussing in the course of the day, particularly the Boehlert-Kind-Dingell-Gilchrest bill that will help us make a modest shift towards giving what Americans and the agricultural community really need. It is an opportunity to provide benefit for all farmers, not a chosen few. It is an opportunity for us to do a far better job of protecting the environment.

It is true, the underlying bill has an 80 percent improvement or whatever. But that speaks to the point that we are not adequately funding the provisions that we have now. We run out of money. There are people that are standing in line to use it.

I commend the leadership of the committee for the consensus effort that they have attempted, reaching out. There are some things in this bill that I appreciate. I urge my colleagues, however, to not settle for this incremental step. We can take another important step to create a new direction for agriculture for this new century.

Mr. COMBEST. Mr. Chairman, I yield 3½ minutes to the gentleman from Alabama (Mr. EVERETT), chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs.

Mr. EVERETT. Mr. Chairman, I thank the chairman and the ranking member for the outstanding work they have done to produce this bill that had to compete with a lot of interests.

The U.S. farm economy is experiencing one of the worst cycles of depressed prices since the Great Depression, while the costs for major inputs such as fuel and fertilizer are up 25 percent over the last 4 years. This has resulted in a growing crisis in much of rural America. Without the disaster assistance funds Congress has provided to farmers over the last 4 years, thousands of U.S. farmers and ranchers would have no doubt been put out of business and seen their livelihoods disappear.

Our producers are some of the most efficient in the world, but they cannot possibly be expected to compete with their counterparts in other countries when those countries subsidize their producers at levels much higher than our own and the tariffs on agricultural products in other countries are five times higher than those in the U.S.

These represent only a few of the obstacles faced by the Committee on Agriculture when trying to develop farm bill legislation that would ensure America's producers are given a proper safety net to allow them to remain viable, while providing us with the safest, most affordable food and fiber supply in the entire world. The food and fiber supply constitutes a major component of our national defense, our national security, and I do not really care who says otherwise. If you cannot feed your people, then you cannot defend your people. It is that simple.

This bill, H.R. 2646, the Farm Security Act of 2001, is the product of almost 2 years of work by the Committee on Agriculture which held dozens of hearings throughout the country and here in Washington with most major farm and commodity groups represented. Over 300 witnesses presented testimony before the committee.

In the subcommittee I chair on specialty crops and foreign agriculture programs, we saw the necessity to reform the peanut program to ensure the survival of the peanut industry in this country and restore profitability for our peanut producers. We heard from peanut producers, shellers and manufacturers alike, and critics of the program, and they all realized it was time for a new program that moved away from the two-tiered pricing system, which would be impossible to maintain in the future.

The need for change was real, with tariffs on Mexican peanuts decreasing each year until they completely disappear in 2008. Also, Argentina is seeking NAFTA-like access to our market for their peanuts. Without a change to the current program, increasing imports would continue to put pressure on domestic production to the point where the Secretary would be required to lower quotas, which would decrease the safety net for producers.

We looked to make the peanut program much like other program crops, combining proven and successful components like the marketing loan and fixed-decoupled payments with the new counter-cyclical component, while also providing a quota compensation payment to quota holders. This new program will provide producers with a safety net that gives some price protection while also helping to regain our market share that has been lost to imports. It will also save the industry in this country.

The bill not only contains a strong program for peanut producers, but strong and balanced programs for all producers of all commodities, in addition to an improved conservation title, which does indeed receive an 80 percent increase in funding. The bill also contains strong and improved trade, nutrition, credit, research, rural development, and forestry titles.

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The Committee on Agriculture had a lot of hard decisions to make among many competing interests. What we have developed is a very balanced bill which works to address the needs that are facing rural America today.

Again, I say I appreciate the strong leadership that we received from our full committee chairman and from our ranking member.

Mr. STENHOLM. Mr. Chairman, I yield 6 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Texas for yielding me time.

Mr. Chairman, I was reminded when we called our farm bill the Farm Security Act of 2001, which I think is appropriate, I remember Chairman Kika de la Garza, when I first came to Congress, gave this analogy of what it meant to secure the Nation by making this analogous story about going into the bowels of a submarine and how the submarine had secured the safety of our country. They wanted to know what was the magic of the submarine being able to sustain so long. They said, as long as the food lasted. I am reminded that a Nation that cannot feed itself, indeed, cannot secure its food, cannot secure its population.

In his book The Third Freedom, former Senator and the 1972 nominee for President candidate was George McGovern. He reflects on the shame he felt watching a 1968 CBS documentary, Hunger in the USA.

Senator McGovern remembers a young hungry boy silently watching as his classmate ate his lunch. When the reporter asked the boy what he was thinking as he stood and watched his classmate eat, the boy replied, "I am ashamed." He said, "I am ashamed, because I ain't got no money."

Senator McGovern writes that he was ashamed. He, the powerful Senator who was in authority to do much, he was ashamed. He said, "I felt ashamed, because I had not known more about hunger in my own land. I was ashamed that a Federal program, that I was supposed to know about and allowed, permitted youngsters to go hungry; and as they watched their paying classmate eat before their eyes they felt ashamed that they had no money."

Well, I rise today to tell my colleagues that while the problem of hunger, both in the United States and abroad, continues to plague us, this bill takes significant steps to alleviate and to mitigate the suffering of millions, millions, of people. I hope no one feels ashamed that they have voted for this, but feel empowered as human beings that they have allowed people to eat.

I want to thank the Chair and the ranking member of the committee for working to ensure that this farm bill, like past farm bills, includes a nutritional title. Once again we can see the powerful connection between American agricultural producers and working families who struggle to put food on the table.

We also can see the connection between a large segment of this Congress, who have no farmers in their area, in fact, the vast majority of our Members have no farmers in their area, but they do have hungry people in their area, and this farm bill makes the connection between those who are struggling to put food on their table and the producers who produce the food for them to eat.

H.R. 2646 makes several significant changes to the food stamp program. In fact, this bill provides one of the most significant and sensible investments in the program in recent years. The improvements are bipartisan and they are supported by nutritional groups throughout the Nation, as well as State administrators alike. As in the past, we can see today that hungry people transcend partisan divide. There is not a Republican nor a Democratic view on this.

I am especially happy to know that this bill provides transitional benefits to families leaving welfare for work, thus supporting the aims of welfare reform and ensuring that we support those families who make a good faith effort even to enter the workplace. The bill updates the standard and the deduction and simplifies the operation of the program, much to the delight of those who administer the program.

All in all, while the nutrition title does not by any means include everything that some of us, including myself, would have wanted, it is a good compromise, a sensible compromise, a bipartisan compromise, and, most importantly, a compromise that will benefit millions of Americans who live under the spector of hunger day in and day out.

I would like to also briefly note that this bill includes another important authorization in combination with the Committee on International Relations, the Global Food for Education Initiative, also known as the McGovern-Dole International School Lunch Program. This important program exports to developing countries what we have already learned here, that good nutrition is a foundation of learning. This provides millions and millions of young children in developing countries, whether it is India, Africa, or China, to have the opportunity of having nutrition be a part of their learning experience. I look forward to continued work to see the implementation of this important program.

Once again, I would like to thank the chairman and ranking member for their effort, and the committee. They have been fair and they have worked hard with me to ensure that the farm bill does not leave behind millions of Americans and also have offered the opportunity that both our commodities and our compassion will be seen in foreign countries.

I urge my colleagues, those who support hungry and working families, to also support the Farm Security Act of 2001.

Mr. COMBEST. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the chairman of the Subcommittee on General Farm Commodities and Risk Management.

Mr. CHAMBLISS. Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001.

The Farm Security Act is the result of the undying passion of the gentleman from Texas (Chairman COMBEST) for the betterment of American agriculture. The comprehensive bipartisan process that was participated in by my good friend the gentleman from Texas (Mr. STENHOLM) gave us Committee on Agriculture members the opportunity to listen to producers all across the country. The open door process gave us the ability to craft a balanced bill that is good for all.

The Farm Security Act is a culmination of 2 years work. The House Committee on Agriculture has held 47 field hearings and one forum between March of 2000 and July of 2001 in preparation for this farm bill.

In the full committee, field hearings held across the committee this year, and the hearings held by the Subcommittee on General Farm Commodities and Risk Management this year, producers expressed to us their desires to continue planting flexibility and also to establish a safety net. The commodity title of H.R. 2646 does just that. It preserves the planting flexibility from the current law; it provides a safety net for commodity prices; it significantly reforms the peanut program and puts it on par with traditional commodity programs.

The safety net provided in the bill is a more responsible way of providing assistance to producers. Rather than sending off-budget, ad hoc assistance to farm country, which we have done over the last several years because it has been absolutely needed, a countercyclical mechanism will provide economic assistance when triggered.

The commodity title is a plan that is ideal, not only for Texas, not only for Georgia, but good for the whole country. And in the words of Dean Gale Buchanan of the College of Agriculture at the University of Georgia, "It is important to realize that while farmers are directly impacted, the magnitude and importance of agriculture ultimately touches every single American." Over 80 national and regional producer, processor, banking, and environmental groups have voiced their support for the Farm Security Act.

Some groups which are unfamiliar with agriculture and farming, will try to make you believe that big farms are bad farms; that these big farms are corporate farms rather than family farms. Well, I want to give you an actual example of what is sometimes referred to by the opponents of agriculture of a corporate farm that is actually a family farm.

This is a farm that exists in the State of Alabama. I have titled it the Walker Farm. There are three brothers who are the primary farmers in this operation. This operation this year tills 7,000 acres, and it is comprised of these three brothers and their children, a total of seven individuals who are actually engaged in farming under the FSA regulations. Each one of those thus is responsible basically for a 1,000-acre operation, but this in and of itself is looked to as a corporate farm.

What we have here is we have Mike Walker, who is the primary operator of the farm. His wife, Michelle, is actively engaged in the operation because she keeps all the books, and she has for years. His brother, Jack, is part of the farming operation, is actually one of the guys who drives a tractor on a regular basis; and, again, his wife Jill participates in the bookkeeping and management operations of the farm. They have another brother, Paul, who is an active participant. Then each of them have children and wives of those children that are actively engaged in farming.

This particular operation this year had 7,000 tillable acres, and they grew peanuts, cotton, hay, and corn. These individuals participated in the crop insurance program, which was of benefit to the local community, provided funds in the local economy through the insurance industry. They participate in all types of conservation practices, like no till farming, like terracing their land. They are good stewards of the land.

They, in addition, participate in the Boll Weevil Eradication Program, which is a program that is creative and innovative that the government put in place several years ago, that has allowed cotton farmers all across the country to eradicate the boll weevil, which has been a significant problem for years.

At the same time, these farmers have challenges. They have challenges that the ordinary businessman does not have, challenges like drought. For the last several years in our part of the country, we have had significant drought, and that has been one of the reasons why we had to come forward with disaster programs in this town to send out to ag country.

In addition to drought, on the opposite end of that, at the end of the year we have been subject to having hurricanes. Once we had the drought, then it came time to harvest the crop, and hurricanes blew in from the Gulf of Mexico and did not allow the farmers to get into the field to harvest what crops they did make. These are the everyday challenges that farmers all across America have to face.

Land acquisition is another problem. Land that our folks have rented in past years is now being developed. They simply are having to pay too high a price for land when they buy it, and they are having to pay too high a price when they rent it, because it is now being developed from a commercial standpoint because farmers cannot make a living.

The other issue that is critically important in agriculture today is low commodity prices. Commodity prices are currently at the lowest point they have been in the last 30 years.

I asked some of these Walker folks about some particular issues they deal with. I asked Mr. Walker about cotton prices, for example, which today are the lowest they have been in the last 16 years. He said, "Most farmers are going to have to make extraordinary yields this year on cotton production just to break even."

I said, "Well, what about the size of your operation? Why are you a 7,000-acre operation?"

He said to us, "Staying in business required getting bigger. Our margins per acre are so small that in order for our family to make a living, we had to keep growing."

I asked him about surviving. What about survival of the family farm?

He said, "We don't indulge in extravagancies. When it is possible, we reinvest in the business. We are still here today because we work together, we have continued to adapt to change, and we have reinvested in our business."

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Now, I come from a State where agriculture is the number one industry. My home county is the most diversified agriculture county east of the Mississippi, and I know firsthand what the problems are. The problems are real. This bill addresses the problems that farmers all across America have by providing a safety net; and, Mr. Chairman, I urge its passage.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I am a proud member of the Committee on Agriculture, and I am a representative from the State of Wisconsin. In Wisconsin, the dairy industry is still the number one industry in the entire State. The district I represent, the Third Congressional District of western Wisconsin, has approximately 10,500 family farms still existing, still operating, today, all of which are producing some commodity crops. Therefore, I have had a strong interest, and all of the members of the committee have had a strong interest, in putting together a farm bill that is going to provide the assistance that our family farmers need across the country and not just in one particular region.

In Wisconsin, over the last couple of years, we have been losing between four and five family farms a day, because of the low prices, because of the low milk prices, because of low commodity prices. So obviously, the farm bill that we have been operating under over the last 5 years has not inured to the benefit of most family farmers across the country. That is why I feel that it is time for a new approach with farm policy.

I certainly appreciate the hard work of the chairman, the gentleman from Texas (Mr. COMBEST); and the ranking member, the gentleman from Texas (Mr. STENHOLM); and all the members on the committee throughout the course of the last couple of years in putting together a comprehensive farm bill approach for the next 10 years. It has got to be one of the most difficult jobs in this place to do, to deal with all of the competing interests and all of the competing ideas and the policy proposals, and how do we weave that into a workable document to reach consensus. I commend them for their work, and I commend them for agreeing to an open rule, so that we can have an honest discussion and policy debate on some points of difference that some of us might have in regards to the direction that the base bill would take us in over the next 10 years.

That is why I am going to be offering an amendment, along with the gentleman from New York (Mr. BOEHLERT) and the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Michigan (Mr. DINGELL) that would take a little bit of the money that would go to an increase in the commodity subsidies to the largest producers in this country and move those resources into the voluntary and incentive-based land and water conservation programs. We do that to help more family farmers in all regions of the country, especially those regions and farmers who are currently excluded under the current farm bill and would continue to be excluded under the direction of this new farm bill. We think that is the fair thing to do. We think the equitable thing to do is to include more regions and more farmers in supporting them in their time of need.

Why is this important? Well, we can provide economic assistance to more farmers, including large commodity producers, through these conservation programs. They would still qualify under these programs, but we would also derive a certain societal benefit through better watershed management, quality drinking supplies, the protection of wildlife and fish habitat and, ultimately, the protection of valuable cropland itself through the farmland protection program that would receive more resources under our amendment. We are hoping that the next crop that is planted on these family farms is not a shopping mall, because we see the unbridled sprawl and the loss of productive farmland occurring throughout the country today.

So I would encourage my colleagues to listen to the debate on this amendment and I ask for their support; and I again commend the leadership, given the work that they have put in thus far on the farm bill.

Mr. COMBEST. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. NUSSLE), who has a tremendous interest in agriculture, as well as being the chairman of the House Committee on the Budget.

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this legislation, the Farm Security Act of 2001. This is important to meet the needs of our changing national agricultural community, and it is within the framework of the budget resolution that we passed earlier this year.

The fiscal year 2002 budget provided for this important bill $7.3 billion in fiscal year 2002, and $40 billion over the first 5 years and $73 billion over 10 years. This is on top of the $5 billion it provided for agriculture emergencies in 2001. The budget resolution accommodated these amounts by establishing a 302(a) allocation for the Committee on Agriculture for fiscal year 2002 that could be used at the committee's discretion for emergency relief and could also be used to authorize this farm bill.

This is the context in which we find ourselves here today. The Committee on Agriculture, under the leadership of Chairman COMBEST and Ranking Member STENHOLM, have done yeoman work over the last 10 months and beyond to bring us to this particular point.

For those people, including the administration, who wandered up here to Capitol Hill today and said, why are we doing a farm bill: they have not been paying attention. I was shocked moments ago to get a statement of administration policy that makes it sound like they do not know why we are doing this.

When the Agriculture Secretary came before my Committee on the Budget earlier this year, we put her on notice that we were going to write the farm bill this year; we were going to budget for it this year; that farmers were tired of ad hoc emergencies on top of ad hoc emergencies; that we were tired of administrations in the past who got new farm bill legislation and then did not implement it; we are tired of the fact that we are writing farm bills during a time of contracting markets overseas and thinking that a farm bill, in and of itself, will solve the problem, because we are not expanding our trade, the farm bill does not work. When we do not implement the farm bill, how can we expect farmers to survive under this kind of a situation?

I know that there are people around the country that are waking up today finding out for the first time, maybe in quite a few years, that their 401(k) has collapsed. This is not news that the economy is in trouble in farm country. It has been that way for over 4 years. So for the administration or anybody else to wander to this floor today and express disbelief and wonderment, why are you writing a farm bill, because it is time to react to a very serious situation in farm country.

Now, I will tell my colleagues that there is no farm bill that these two gentlemen and their committee could have created that would solve all of the problems. First of all, one size does not fit all. We all know that. Every farm is different, every ranch is different, every producer is different. They have different needs. There is not one farm bill we could create, particularly by a committee or by a Congress that could address it, but they have tried. They have addressed the trouble from the last few years. The countercyclical nature of agriculture, they have addressed it in this bill. Is it perfect? Of course not. Of course it is not perfect.

But for people to say after 10 months of work to all of a sudden wake up today and say, oh, my gosh, you mean to tell me they are writing a farm bill up there on Capitol Hill? You mean to tell me that we are actually budgeting for these things instead of just shelling out money on an emergency basis? For people to wake up and assume that is a mistake, and it is a pattern that troubles me that this administration may be, in fact, falling into a similar trap of previous administrations.

If this administration fails to implement, fails to expand these markets, and fails to react to the changing economics in farm country, we will not be able to compete in the global markets.

Pass this bill. It fits within the budget. It deserves our careful attention during this economic situation across the country.

### INTRODUCTION

Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001. This important legislation meets the needs of our Nation's agricultural community within the framework established by the budget resolution.

I take special interest in this bill, not only as a representative of an agricultural district, but also as the chairman of a committee that worked very hard to establish a fiscal framework under which this bill could be considered.

### ASSUMPTIONS IN THE BUDGET RESOLUTION ON FARM BILL

This fiscal year 2002 budget provided for this important bill $7.3 billion in fiscal year 2002, $40.2 over five years, and $73.5 billion over ten years. This is on top of the $5.5 billion it provided for agricultural emergencies in fiscal year 2001.

The budget resolution accommodated these amounts by establishing a 302(a) allocation for the Committee on Agriculture for fiscal years 2002 that could be used at the committee's discretion for emergency relief or reauthorization of the farm bill. It set aside the rest in a reserve fund that can only used for a reauthorization of the farm bill.

In providing the necessary funds for this bill, the Budget Committee's interest was both in meeting the immediate needs of our Nation's farmers for the fiscal year just concluded and in facilitating efforts to overhaul or Nation's agricultural support system.

While the budget resolution left the details of the farm bill to the Agriculture Committee, it was carefully crafted to encourage efforts to address the underlying weaknesses in existing farm programs instead of resorting to the ad hoc emergency assistance of recent years.

### POLICY ISSUES

As you know, the Committee on Agriculture already availed itself of $5.5 billion of the resources provided in the budget resolution when it reported legislation providing additional farm income support payments in fiscal year 2001, which was enacted in August of this year.

The committee now brings before the House a bill that addresses some of the longer term problems confronted by the agricultural community.

It does so by combining fixed crop payments with counter cyclical assistance. This affords our Nation's farmers a more stable source of income, given the wide market fluctuations we've seen in the past few years. I believe that this approach provides both the planting flexibility of the Freedom To Farm Act and the income stability of traditional agricultural programs.

At the same time, the bill addresses some of the broader needs of rural America by reauthorizing key conservation programs.

Obviously everyone can find something to disagree with in a bill as comprehensive as this. I for one will encourage any future conferees on this bill to fine tune some of its policies. Nevertheless, this bill represents huge progress over the ad hoc emergency assistance of the last four years.

### BUDGET IMPLICATIONS

As the Chairman of the Budget Committee, I am especially pleased that Chairman COMBEST, Ranking Member STENHOLM and the entire Agriculture Committee have succeeded in developing these reforms within the appropriate levels established by the budget resolution.

As modified by the manager's amendment, the bill would increase new budget authority by $3 billion in fiscal year 2002, $35.8 billion through fiscal year 2006 and $73.1 billion through fiscal year 2011.

As permitted under sections 213 and 221 of the budget resolution (H. Con. Res. 83), I am exercising my authority to increase the Agriculture Committee's 302(a) allocation to the levels necessary to permit the consideration of this bill. The letter making the adjustment has already been submitted for printing in the CONGRESSIONAL RECORD.

### COMPLIANCE WITH BUDGET RESOLUTION

According to estimates provided by the Congressional Budget Office, this bill comes in under the Agriculture Committee's adjusted allocation by fully $4.3 billion in fiscal year 2002 and $4.4 billion over five years.

Accordingly, the bill fully complies with section 302(f) of the Congressional Budget Act, which prohibits the consideration of measures that exceed the reporting committee's 302(a) allocation.

Although bills such as this are only required to meet the first and five-year limits imposed by the budget resolution in the House, I would observe that over 10 years the bill comes in almost $367 million under the levels assumed in the resolution. Clearly the Agriculture Committee went to considerable pains to comply with both the letter and spirit of the budget resolution.

While I would observe that this bill exceeds the budget resolution's $66 billion threshold cited in section 313 for the cost of the farm bill over the period of fiscal years 2003 and 2011 by around $3 billion. This overage is more than offset in fiscal year 2002, when the bill uses up only $3 billion of a $7 billion allocation.

### CONCLUSION

Once again, the Farm Security Act is a unique measure that manages to address many of the needs of our Nation's farm community within the fiscally responsible framework of the fiscal year 2002 budget resolution. I strongly urge all my colleagues to support this important legislation.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

Mr. ACEVEDO-VILA. Mr. Chairman, I would like to thank the chairman and the ranking member for their commitment to bring about a complete farm bill with all titles. This bill is the fruit of dedication and commitment that committee members have for the people that this House represents. I applaud the committee's work to increase funds to titles such as conservation, rural development and trade, all of which are extremely important areas for the Nation and for the people of Puerto Rico that I represent, especially our farmers and growers.

I would like to emphasize the importance the nutrition title contained in this bill has for the 430,000 Puerto Rican families that depend on nutrition assistance to keep their children fed and healthy. Title IV reauthorizes the Nutritional Assistance Program, better known in Puerto Rico as PAN, for the next 10 years, with increases in funding for each year. The Puerto Rican nutritional assistance program serves the same purpose in Puerto Rico as the food stamps program serves in the States: to reduce hunger, to improve the health of our children, and ensure our Nation a brighter future. We cannot afford hungry children in our school rooms. Nutrition assistance is an essential foundation for building a better future for all of us. Especially in today's changing world, ensuring that every family has food on their table no matter what financial circumstances beset them is of utmost importance.

Mr. Chairman, I urge all Members of this House to vote in favor of this bill, and especially support the efforts to guarantee a decent meal to every family in Puerto Rico and across the Nation. I am very thankful that this farm bill assures this for every American.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE), a very active member of the committee.

Mr. THUNE. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just say what has already been said and that is that America's farmers need a new farm bill. I appreciate the work that the chairman and the ranking member on this committee have done in a bipartisan fashion to put together a bill that is written by producers and for producers. I appreciate the fact that there have been hours upon hours and pages upon pages of testimony from producers all across this country; and I want to thank the chairman and ranking member for coming to Sioux Falls, South Dakota, to my home State, to hear from my constituents. They have listened to producers.

I would also like to thank the chairman and the ranking member for many of the good provisions that are in this bill. We increase substantially our commitment to conservation, which is something that I had wanted made a priority in this bill. Other increases in the area of value-added agriculture, which is something that people in my State are very interested in, what can we do to revitalize rural economies. And value-added agriculture is an important component part of that, and this bill addresses that. Another concern that my producers had is a countercyclical payment program and that is also a part of this piece of legislation. My farmers have expressed support for planting flexibility, something that is retained in this bill.

Now, granted, there are issues that were not addressed in this bill, things that farmers have expressed concerns about in my State: updating yield bases, addressing the issue of competition in the marketplace, a farmable wetlands pilot program that was not made a permanent part of the CRP program. These are all issues that I hope to address in the form of amendments as this bill moves forward.

The chairman has kept this committee on a very strict time line and the farmers of South Dakota thank him for his diligence.

This is a small step in what will be a very long process, we know that. While this is not a perfect bill, someone around here once said that we should not let the perfect become the enemy of the good in a place where we are lucky if the adequate even survives. This is a good start. The farmers across this country need a predictable and stable farm policy. It is important that we help them secure America's food security as we move into the future. So it is important that we move this process along.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today I rise in strong support of the Farm Security Act, farm policy that is balanced, bipartisan, and in the best interests of our Nation with its rural and urban families.

The Farm Security Act assures that communities, farmers, and families across America's heartland that farm policy, which encourages conservation, supports our farmers, and feeds every family, must remain a domestic priority, even under the international threats we face today. Heartland security and homeland defense walk hand in hand. This partnership will remain intact when the House passes H.R. 2646.

Our strength and power is due in a large part to having the most abundant and the most affordable food supply in the world. America's farm families have been doing this for years.

The Farm Security Act makes substantial increases to conservation programs. The well-crafted conservation title increases the number of acres eligible for the CRP from 35.4 million to 39.2 million acres. H.R. 2646 increases eligible WRP acreage by 133 percent, or 1.5 million acres. Under the conservation title of the farm bill, sufficient funds are available to expand the Wildlife Habitat Incentives Program and finally end the program backlog.

The Farm Security Act supports America's forests as well as its croplands. H.R. 2646 increases the ability of the Forest Service to protect our forests and communities from wildfire devastation through the National Fire Plan. In Mississippi's Homochitto National Forest, this is a real threat to the safety and security of the surrounding areas.

Heartland security and homeland defense walk hand in hand. H.R. 2646 fulfills our promise to America's communities that consumers' food should be available and affordable. Our land and our farmers should be protected.

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Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), a very able member of the Committee.

Mr. HAYES. Mr. Chairman, I rise in strong support of this bill. We have taken our time and done it right. H.R. 2646 is a product of more than 2 years' work by the Committee on Agriculture.

In March 2000, the committee held field hearings in my home State and many others. Many producers and agricultural groups testified as to what they wanted to see in the next farm bill. They said they wanted to keep their planning flexibility that was part of the 1996 bill. This bill does that.

They said they wanted an economic safety net that provided countercyclical assistance through times of low prices that farmers have faced during these past 4 years. This bill does that.

They said they wanted a bill that will help them export their products to overseas, open new markets for North Carolina's valuable agricultural products. Again, this bill does just that.

Finally, they asked for increased spending in conservation programs. Many producers in North Carolina have taken advantage of the successful conservation programs in past farm bills. I am proud to say that this bill provides more spending in conservation than any other farm bill in history, 80 percent more, to be exact. These programs will go far in achieving cleaner water, cleaner air, cleaner soil for our farmers and our communities.

I want to thank the chairman and the ranking member for their efforts coming to all the counties in our district, and also for lending the support that our farm community needs. This is a good bill. I strongly urge its support.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 2646, the Farm Security Act of 2001. I want to thank the chairman and the ranking member for their hard work on this balanced farm bill; and as a member of the Committee on Agriculture, I was pleased to have been a part of crafting this new farm bill.

This important piece of legislation will govern the funding and reauthorization of programs administered by the Department of Agriculture. This bill is a product of 2 years of bipartisan work that included extensive input from a wide spectrum of agriculture and conservation groups.

This farm bill will benefit farmers in my congressional district of central and southern Illinois, as well as across the country. This bill provides a continuation of agriculture programs, presents a balanced approach to addressing the issues that face producers of crops, livestock, fruits and vegetables, and provides a needed $73 billion in additional funding for agriculture, which has been facing historic low prices, low income, and increased costs.

As vice-chairman of the Sportsmen's Caucus, I feel this legislation is a balanced approach to meeting conservation needs. This legislation provides an unprecedented 80 percent increase in soil and water conservation programs above current spending levels.

The 2001 farm bill provides producers with more options to implement progressive, conserving practices on their land, with a bank of increased technical assistance to producers using any private or government contractors.

Several conservation programs were increased in this bill, such as the Conservation Reserve Program, Wetlands Reserve Program, Wildlife Habitat Incentive Program, and Grasslands Reserve Program. These increased levels firmly meet the needs of America's family farms.

While this is not a perfect bill, I am pleased with the balance that was struck between the commodity title and the conservation title. I feel this bill will work in the best interests of the agriculture community and that producers will have an adequate safety net to rely on when times are hard.

Mr. Chairman, I urge Members to join me in support of H.R. 2646, the Farm Security Act of 2001.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to a good hand, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am privileged to rise in support of this bill. Today we are going to have a debate about farm policy. Many of the people who are going to get involved in the debate have not been involved in the hearings and listening sessions we have had around the world in the last couple of years.

Let me compare what is happening to American farmers to what is happening in the world market. Many people are saying, why do we subsidize agriculture here in the United States?

The truth of the matter is, most farmers do not like subsidies, either. They want to make their living from the market; but it is not a level playing field, Mr. Chairman. We need to understand that. The latest numbers that we have here in the United States, we subsidize agriculture to the tune of about $43 an acre. In Europe, they subsidize agriculture $342 an acre. That is not a level playing field.

Our trade negotiators in the last round of the Uruguay trade talks agreed to limit the United States' export enhancement funding to about $200 million. In Europe, it is $6.5 billion. That is not a level playing field.

In the area of currency, right now we are at a disadvantage to the Canadians of about 23 percent; the Brazilian real, it is 55 percent. If there were a level playing field out there, we probably would not need to do as much as we are doing.

This bill is about predictability. I want to congratulate the chairman and the ranking member. It is about predictability for our farmers; but most importantly, it is about predictability for us on the Committee on the Budget and here in Congress.

With a countercyclical payment program, when prices are high, it will be less expensive to us. When prices are low, then we are going to have to subsidize a bit more. But at the end of the day, it will provide predictability for the Committee on the Budget, for the Congress, and most importantly, for our farm producers.

This is a good farm bill, just as it is. Some people are going to say, we do not spend enough money on conservation. Mr. Chairman, this bill will increase conservation programs by 78 percent. Some will say that that is not enough. I disagree. There will be negotiations between the House, the Senate, and the White House as this bill goes forward; but I hope we can move it off the floor today just as it is written. This is a good bill. It ought to pass today as written.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in strong support of this bill. I want to thank the chairman and the ranking member and all the members of the Committee on Agriculture for the hard work and the tremendous leadership they have provided in coming up with the final bill here.

As has been said before, we have spent 2 years working on this bill, and it is not perfect. If any of us that are from farm country wrote this bill, we would probably write it a little differently; but it is what is possible.

The farmers in my district not only support this bill, they need this bill if they are going to survive. We have had a lot of problems up in my country, and this is one of the things that we really need to make it out to the long term.

One of the most important things this bill provides is stability. We have been through a period where we have had a lot of problems, and every year we respond; but it is after the crop year, and it causes problems because people at the beginning of the year are not really sure what we are going to do.

One of the most important parts of this bill is that they are going to know before they plant their crop what the Government involvement is going to be and what the safety net is going to be. That is a very important feature of this bill.

Another thing that this bill includes is a dairy provision, the only dairy provision that all dairy farmers support, and that is, the extension of the $9.90 price-support system for the next 10 years.

There has been a lot of discussion already about conservation. I want to talk a little bit about that. There is a big increase in this bill for conservation. Over the last 2 years, the Sportsmen's Caucus, which I have had the privilege to co-chair the last 2 years, has worked with the wildlife groups on these conservation measures.

I want to say that the Sportsmen's Caucus and most of the wildlife groups are supporting this bill and the conservation provisions that are in this bill because what we are doing is we are putting money into the programs that are already there, that we know work, and that there is a backlog for.

For example, the Conservation Reserve Program, this bill increases the cap there 3 million acres. That means we are going to have another four or five sign-ups of CRP, which has been arguably the most successful conservation and wildlife program in this country's history.

We increase the WRP almost 50,000 acres a year, which will allow us to catch up the backlog that is in the pipeline for WRP.

We increase the WHEP program, the Wildlife Habitat Enhancement Program, by $385 million, to work on the 3,087 applications that are waiting in that program.

We also establish a Grasslands Reserve Program, which is a new program that will allow grasslands that have never been broken to be put into long-term contracts to be preserved, and also to take some of the grasslands that were broken up, put into production, and then put into CRP, really in a way that should not have happened, allow them to get back into the grassland program and restore that land to grasslands.

Lastly, we put significant new money into the EQIP program, which has a backlog of 196,000 applications.

This bill is a good bill, Mr. Chairman. I ask my colleagues to support it.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PUTNAM), a very active member of the Committee.

Mr. PUTNAM. Mr. Chairman, I commend the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) on their work on crafting a bipartisan solution to a number of agricultural problems.

There is an old proverb that when there is food, there are many problems. When there is no food, there is only one problem. We have the luxury of having this debate on the floor today. We in America grow the safest, cheapest, most bountiful, healthful, and abundant food supply the world has ever known. If Members do not believe me, the next time they sit down to a big meal, look at each of the items on our plate and think about what it took to go through all of the processes to get it there.

We have been so far removed from the land in our country that we have forgotten what it takes to produce the food and fiber that this economy depends on. Where tillage goes, civilization follows, Mr. Chairman.

As we have moved away from the land, we have an entire generation of young people who think that milk comes from the grocery store, that the hamburger committed suicide. Beyond even agriculture, they think that electricity comes from a switch, that gasoline comes from a pump. There is little or no concept that men and women get up before the sun comes up all across this Nation to make agriculture happen; that young people grow up and go to school and get science degrees to be better farmers, to be more efficient users of the inputs, to be more gentle on the environment as we produce that safe and abundant food supply.

It is a dangerous precedent, but we have the luxury of having this debate about the future of agriculture because those farmers are so efficient. There are people all around the world, even our enemies who we are about to drop hundreds of millions of dollars of food upon, who would kill to have the luxury to argue over whether or not to spend more on cotton or soybeans or sugar or peanuts or wheat. We have that luxury because we have a generation of Americans who get up every day to produce that food and to make it happen.

It is important for us to keep in mind, when we talk about commitments to conservation and commitments to the environment, that those water recharge areas are on farms, that those wildlife habitats are on ranches; that the original stewards of the land are landowners and farmers; that the reason why we have debates about government ownership of land is because some private person, some farmer, some rancher for generations has taken care of the land such that it is worth buying and preserving forever.

This is the farm bill, not the environmental bill, not the conservation bill. This is the farm bill. It is about making sure that America's food security is sound, so that we do not become dependent on food and fresh fruits and vegetables and meat and dairy the way that we are for oil and gas, lest we ever forget the lessons of history about being dependent upon a foreign Nation for our food.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I thank the gentleman for yielding time to me. I also want to commend the gentleman from Texas (Chairman COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their work on crafting this proposal.

I am going to vote for this measure today on the floor, or when we vote on final passage; but I also want to assure Members that there is more work that we need to do on this bill before it is going to be drafted in a responsible manner that can, I think, give us great confidence that it is the best policy for agriculture when it is signed into law.

This bill does take the appropriate direction in terms of moving forward with an increased investment in conservation, nutrition, as well as rural development; that those are important components of our rural economy and the fabric of our communities in rural America. I commend the chairman and the ranking member for moving in that direction.

I also understand, as a farmer as well as a Member of Congress, that we are facing as tough times in the agriculture sector as we have faced in a century. We have the lowest sustained commodity prices that we have ever seen. Farmers are on the ropes. The additional financial assistance we are providing through the fixed payments, as well as the countercyclical programs, are important to these farmers.

However, I hope as we move this legislation through the House in the next day, and move hopefully into a conference committee with the Senate this year, that we will be open to making some modifications that will ensure that this significant increase in investment of taxpayer dollars will in fact go to the farmers.

I am very concerned that a lot of our programs, and even some of the programs that are in this bill today, are designed in a way where too much of that financial benefit is being derived by landowners and has resulted in increased property values and land grants.

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We are going to be paying $90 billion in fixed payments and countercyclical payments to farmers over the next 10 years. Unfortunately, a lot of that money is not going to go to the actual producers of the crops. In my area is a good example. We have some farmers who have not farmed an acre of cotton in the last 10 years that, under this program, could get as much as $125,000 a year for a cotton payment without ever growing an acre of cotton. I think that is a problem and I think we need to make some reforms.

Later in the consideration of this bill, I will be offering an amendment that will provide for a different approach on a countercyclical program that will ensure that payments go directly to the farmers, which I think is very, very important.

I am also a little concerned about the special consideration that we are giving to the peanut program. We will be spending $3.2 billion additional taxpayer dollars for peanuts, a crop I consider a specialty crop. A crop that is going to result in having taxpayer payments of $320 million a year in a commodity that only has a gross annual product value of $1 billion.

I represent the Central Valley of California that is home to a lot of specialty crops. I have the almond industry in my district, which is a $1.8 billion industry. In this bill, they get absolutely no support. I think that we need to find a way that we can assure greater equity and that we are providing support to all of our commodities that are specialty crops in an equitable manner.

Mr. COMBEST. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I thank the chairman for yielding me time. I appreciate the leadership of both gentlemen from Texas (Mr. COMBEST, Mr. STENHOLM) on this very important issue.

I am here today in part because I care about farmers and ranchers. But the reason I care about farmers and ranchers is because I care about America and I care especially about rural America. What we do today will affect the outcome of whether or not those farmers and ranchers are in business next week, next month, next year and for the next generation.

If Members care about America, they have to care about rural America as well. The average age of a farmer in Kansas is 58 years old. I have talked to many young farmers, sons of farmers who want to come back to the family farm, but because of the economy, it is simply not possible. There has not been profitability in agriculture for so long that we do not have anyone stepping forward to replace this generation of farmers and ranchers in our country.

What that means, in much of America is there are fewer kids in school, there are fewer shoppers on main street and our rural communities continue to see a demise in their way of life.

It is that way of life, it is farming and ranching and that rural way of life throughout our history that has enabled us to pass character and values from one generation to the next. In very few places in America today do sons and daughters work side by side with moms and dads and with their grandparents.

The history of our country, the heritage of our Nation, was built around the opportunity for that family farming operation, not only to provide food and fiber to the world, but to provide character and judgment and values to children and grandchildren.

So when I talk about the importance of agriculture and farming and ranching in this country, it is important to me that farmers and ranchers have an economic viability, but it is important to me that that way of life that they represent, that they exhibit, is preserved for another generation.

Economic times in agriculture are tough. It is the fourth year in which the economy has declined. The headline in one of my local papers this week, "Kansas Farm Income Falls 38.9 Percent."

Net farm income in Kansas last year without government assistance would have been a loss of $6.417. These issues matter to whether or not our farmers and ranchers can survive with low commodity prices and terribly high input costs, fuel and fertilizer. It is about farms and family farms and it is about the communities that they live, shop and send their kids to school in. This issue is one of many that is important to rural America.

We care about health care and its delivery in rural America. We care about access to technology. We care about small business. Certainly we care about education. Those issues are important, but we have to have the economic base in our part of the world, in our part of the country that can support those services. It seems to me in agriculture it is important to talk about a farm bill and farm policy, but we also have issues before us related to trade and exports.

Grain and agriculture commodities must be consumed. We can have low prices and high prices for farm commodities in every farm bill. The ultimate goal must be to export and to consume grain around the world and domestically in a way that provides profitability to agriculture. But we face tremendous obstacles as we compete in the world.

One of the realizations that I have come to over the last several years is that the rest of the world does not play by the same rules we do. So when we talk about assistance to agriculture and, yes, it is lots of dollars, it is a lot fewer dollars than what the other countries, what the European community, what Japan, what Korea, what other countries in the world provide in assistance to their farmers, because they understand the importance of agriculture, they understand the importance of providing food and fiber not only to their own citizens but exporting around the world.

Look at the charts. When you look at export assistance, we provide a very small sliver in support of agriculture and exports around the world. The rest of the countries, in fact, the European community is 83, 84 percent. Ours is 2½ percent, and yet we tell our farmers to compete in the world, to farm the markets.

So we need to not only address farm policy, but we have to come back and address issues of trade, of exports, of sanctions, of our inability to export agricultural products around the world, and to make certain that we find new and better uses of agriculture products at home.

Finally, we need to make certain that we do the things necessary to make certain that agriculture has competition. I am all for the free enterprise system, but we need to make certain that our farmers are not caught in the squeeze, as everybody they buy from and everybody they sell to gets larger and larger.

Mr. Chairman, I support the bill. I urge my colleagues to pass it. I thank the chairman for the opportunity to address this important issue today.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I fought hard for an appointment to the Committee on Agriculture when I got here in January, and I did so because, one, I understand agriculture. I grew up on my grandfather's farm. Secondly, agriculture is critical to the economy of my district in South Arkansas.

This new farm bill was written after months of testimony. It was written in a bipartisan spirit and it is fair. It is fair to our farm families. It is fair for conservation. In fact, we increase baseline spending for conservation by 75 percent. This bill addresses the needs of our farm families.

We all know that the 1996 farm bill did not work. We might as well have called it "Freedom to Fail."

I will lose farm families and perhaps a few banks in the delta without this new farm bill. We are already too dependent on foreign oil. The last thing we need to do is to lose our farm families and become dependent on Third World countries for our food and fiber. My farmers do not want to be welfare farmers. They do not want to be insurance farmers. They simply want to feed America.

This bill ensures America will be there for our farm families when market prices are down, just as our farm families have been there for America for many, many generations.

I rise in support of this bill.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a very able member of the committee.

Mr. PENCE. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for yielding me the time.

I thank the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their aggressive yet prudent approach to writing a bill that Hoosier farmers need, and if I may say so, with clarity, Hoosier farmers need this farm bill now and need this Congress to act now in support of this bill.

The House Committee on Agriculture has drafted a bill that is globally competitive, market responsive and environmentally responsible. I want our colleagues to know the Farm Security Act is a product of years of hard work. We listened to farmers and ranchers during field hearings in my District. We met with hundreds of farmers in 10 separate town hall meetings alone. This bill was truly written by America's farmers and ranchers.

My colleagues know that I have always called this body to maintain fiscal discipline and this Farm Security Act, as we heard the gentleman from Iowa (Mr. NUSSLE) describe, fits into the guidelines of the budget that has been adopted by this Congress and supported by the leadership.

Also, the Farm Security Act is environmentally sensitive. It increases conservation funding by 80 percent overall, despite some criticism by certain environmental groups. An 80 percent increase in conservation spending is a hard number to argue with.

Finally, Mr. Chairman, I think it is important to know that United States farm policy is not only about standing up for ranchers and farmers, despite the sneering from some in the national media in the left column of The Wall Street Journal this morning.

I believe that farm security is about national security. As we consider ways and diverse means to strengthen America by strengthening our economy, we must not only remember Wall Street, but we must remember rural main street U.S.A. A strong farm economy means a strong American economy, and a strong American economy means a strong America.

The Good Book tells us, Mr. Chairman, that without a vision the people perish. I would paraphrase that without a vision for farm policy over the next decade, many farmers and ranchers will lose their economic lives, and I stand in strong support of the Farm Security Act accordingly.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 2646, the Farm Security Act of 2001.

First, I would like to thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for their hard work and dedication in bringing this legislation to the floor today. This bill not only benefits farmers and ranchers across the country, but the American consumers as well. It is the most balanced and fair farm bill that could be produced for all of the agricultural interests involved.

My congressional District, the lower Rio Grande Valley of Texas has been in a stressed economic situation due to droughts for the past 6 years. Farm families have squeezed budgets to the limit to keep from being pushed to failure. Farm incomes have declined because of plummeting commodity prices while production costs continue to rise, and the rural economy has suffered.

The support in my District for H.R. 2646 comes from all sectors of the agricultural community including the producers of commodity crops, livestock, fruits and vegetables, as well as their lenders, equipment dealers, manufacturers and service companies.

It is imperative that we pass H.R. 2646 today in order for the legislative process to continue. This bipartisan bill provides the structure for U.S. agriculture to provide the safest, most reliable food and fiber supply in the world. It will ensure that U.S. ag remains competitive in foreign markets. The 2002 farm bill delivers a comprehensive package that will propel U.S. agriculture into a dependable and productive future.

I urge my colleagues to support this bill.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY), one of the most interested members of our committee.

Mr. KENNEDY of Minnesota. Mr. Chairman, I am very impressed by the process that we have used in bringing this bill to the floor. It has been very bipartisan. We passed it by, in essence, a unanimous voice vote in our committee. We sought input from every organization that could have any interest in this bill, whether they be agriculture conservation or otherwise. It is a very balanced bill that maintains the freedom to plant, not making the farmers turn off the last two rows of the corn plan as they go around the field the last time, maintains the market price, gives a better safety net.

In the past, we have had to have emergency payments. This tries to come up with a more efficient, effective way of doing that, and I think it does, and we need to make sure that we are not unilaterally disarming when our other competitors in Europe and Japan are providing far more support than we are.

It has an 80 percent increase in conservation program investments with good programs like the conservation reserve program, our wildlife habitat and others. We also have efforts in there to get our price ultimately from the market so we do not have to depend on government programs by expending our sales overseas and investing in research, and it does have good investments in there for rural development with high speed telecommunications and others.

Many people asked why do we have to do this, but unfortunately, too many of our people around the country think that bread comes from the bakery, that meat comes from the meat counter, that milk comes from the cooler, and that sugar comes in a candy bar, and they have a hard time understanding this and really wonder why.

I encourage them to think about who they listen to. When your sink is leaking, you do not call a dentist, and when you have a tooth ache, you do not call the plumber. Listen to those who have listened to their farmers. Many Members of the Committee on Agriculture, like me, have talked to hundreds of farmers since we passed this out of committee. They support this bill. This Congress should as well.

I support the farm bill and encourage the Members to do the same.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Maine, Mr. BALDACCI.

Mr. BALDACCI. Mr. Chairman, I want to compliment both the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for doing a wonderful job in working this piece of legislation. As a Member of the committee these last four terms and working on two farm bills, I have to say I felt the collegiality and productivity of the committee in this 10-year reauthorization has been something we can all be very proud about.

□ 1215

Like anything that we deal with that is this large and covering this expansive an area, there will be areas of concern.

I first want to compliment the conservation title in the manager's amendment. I want to compliment the nutrition and WIC provisions that are here. I want to compliment the export enhancement and market assessment programs, research, the monies that are going to be available for colleges and university and land grant facilities, and especially improving fruits and vegetables and specialty crops.

The areas of concern for me are the dairy and the dairy compact issues that we are unable to address, recognizing that it was not necessarily the jurisdiction of our committee, but also recognizing it is pretty hard to separate agriculture and dairy from each other in terms of the procedural issues that lie before both committees. Having only an opportunity between now and the end of the month to be able to address these issues, I felt it was imperative to work with our colleagues in a bipartisan fashion to get this issue addressed. So later today and tomorrow, and as long as it takes, we are going to make sure that the dairy compact and the issues surrounding it are brought foursquare in front of this Congress so that we will have an opportunity to vote up or down on this compact.

I would like to inform the Members that in terms of the compact we are not talking about forcing anything down anybody's throat. This is something that has been approved by the State legislatures. Twenty-five States want this kind of opportunity to provide a floor for dairy farmers. It is not there if they are doing well, and they are doing well now; but it is a floor for them so that it maintains their farm income and their farm viability.

In Maine and in the Northeast, we have seen less reduction in farm families with the compact, we have seen less production in the compact area, and we have actually seen less price increases in those compact areas versus the national average. So it has actually worked in terms of production, supply and demand, and having the countercyclical features that our committee has advocated with all of agriculture as we have tried to develop a 10-year farm reauthorization program.

This is a program that States want, that governors want, and they have asked us to give them the approval to be able to maintain something that has been working for 4 years. This program has been working for 4 years. I ask the Members on both sides of the aisle and in leadership in Congress to allow us an opportunity to vote up and down. We were not able to get the amendment protected in terms of the germaneness issue in the Committee on Rules.

I know the concern of the committee and the membership, where there is over 160 Members that are cosponsoring this legislation. It is a very important piece of legislation. It provides a floor for dairy farms, for small dairy farms, which there are many of. And not just in New England but in the Northeast and in the Southeast, which also wants this to be part of their program. So I look forward to that discussion.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES), who understands the difficulties firsthand of agriculture.

Mr. GRAVES. Mr. Chairman, I rise today in support of H.R. 2646, the Farm Security Act. This is important legislation, critical to our Nation's farm families. And on behalf of the thousands of farm families across northwest Missouri, I want to thank Chairman COMBEST and Ranking Member STENHOLM for their leadership and their efforts in crafting this bill.

Mr. Chairman, I raise corn and soybeans in northwest Missouri, and I understand all too well the challenges facing farmers today. Every weekend, when I return to Missouri, I hear from farmers all across my district who are struggling just to stay in business. Not only are farmers faced with the 4th consecutive year of record low commodity prices, costs for inputs, including fuel, fertilizer and seed, have skyrocketed during the last year further reducing the bottom line.

While the previous farm bill provided flexibility and opportunities that farmers desperately needed, its provisions for emergency aid were inadequate. Our Nation's farmers should not have to rely on a supplemental bailout every year. Producers need support that provides stability and predictability, and that is exactly what this bill does.

In preparation for today, the Committee on Agriculture heard testimony from dozens of farm groups representing thousands of producers all across America. All of them agreed that this bill should include a mechanism that would kick in automatically when prices fall below equitable levels. With this bill, and with the countercyclical program, it eliminates the need for that annual agriculture bailout and replaces it with a reliable program we can depend on.

In 1996, Congress gave farmers a good bill. However, that bill's success depended on new and expanding overseas markets. Those markets never materialized. This bill combines the flexibility and market stability that farmers need while renewing our efforts to promote American agriculture abroad without abandoning our previous trade agreements.

Additionally, this bill strengthens our commitment to the environment, providing greater resources to ensure that our land, air, and water remain fertile and clean.

Mr. Chairman, in America we have the safest, most abundant and cheapest food supply in the world. No other Nation, absolutely no other Nation in this world today, has the luxury of taking its food supply for granted.

Again, I want to urge my colleagues to support this legislation and protect our Nation's food supply, our natural resources, and our family farmers.

Mr. STENHOLM. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to begin by commending Chairman COMBEST and Ranking Member STENHOLM of the Committee on Agriculture for their work in bringing this bill to the House floor.

This has been a tandem that has persevered when others said it could not be done; persevered in holding hearings, persevered in crafting a bill, and even in the wake of tragic events thereafter hit our Nation, persevered in bringing this bill to the House floor, the first major nonattack bill considered since that morning 3 weeks ago, September 11.

Since that time, without flinching, we were all proud to stand together and vote $15 billion worth of relief to the airline industry, to be spent this year, shoring up the critical component of our economy that they represent. This bill represents $73 billion over 10 years, shoring up the family farmer base of our food supply and investing in our Nation's food supply, every bit as critical a component to our economy as anything else one can think of.

The way we achieve security, abundant production, highest quality, and affordability in food supply is with diversified production. And the way to achieve diversified production is to keep family farmers right at the heart of who grows the food for this Nation.

Now, worldwide commodity prices have collapsed, collapsed to the point where what the farmer has been getting at the elevator after harvest is actually lower than what it costs to grow that crop. Nobody can stay in business under circumstances like that. And that is why we see the wholesale departure of families from the land, families that have been there for generations. Depopulation, meaning we lose so many people we cannot even support basic infrastructure in critical regions of the State, is a major issue that North Dakota is dealing with and other issues through the Great Plains. The way we attack it head on is to preserve profitability in farming, and that means farmers need some help.

Let me give my colleagues a little Economics 101 on family farming. It does not matter how good a farmer someone is, you cannot control the price of your product. And if you cannot recover even costs, much less make a little money to put shoes on your kids and pay the light bill, you cannot stay in business. We are going to continue to drive out the smaller producer and drive production to larger and larger corporate enterprises, the enterprises that have the deep pockets to go through this kind of price trough, unless we have a farm bill that helps our families stay in the business. And that is what this bill is all about.

I'd have constructed this bill somewhat differently. I hope it is changed in the Senate and continues to improve as the process goes forward. But make no mistake about it, the heart of this bill is price support for family farmers. We have for most of the last 4 years had price support as part of the farm program. We removed it with the Freedom to Farm bill, because we hoped that with improving markets that was not going to be necessary any more. Well, sadly, in a bipartisan way, we have recognized that support is needed. And that is why over the last 4 years we have passed $30 billion in disaster payments helping farmers through these tough times.

There is a better way to go than ad hoc year-to-year disaster bills that leave the farmer and their lenders and their creditors not knowing where they stand. The better way is to put it in the farm bill, just like this bill does, with price supports so the farmers know where they stand. That is what this bill is all about.

But the bill is about more than helping those who grow the food, there is a very important component to this bill that helps those who struggle to afford the food to feed their families. We have made cuts in the nutrition programs, WIC, food stamps, that have, I believe, been too severe, that have actually hindered families from obtaining the critical nutrition they need. We address that in this legislation with $3.5 billion in additional funding for the food programs to help those who need to eat to be able to get the food they need to feed their families. I sure do not want that funding jeopardized, and it is a critical part of this bill.

As I mentioned, the bill is not perfect, but we are not at a point in time, colleagues, where perfection can be the enemy of the good when it comes to moving this farm bill forward. Thanks to the leadership of Chairman COMBEST and Ranking Member STENHOLM, we have new momentum, represented by having this bill on the floor today, new momentum to getting farmers the protection they need to stay in business. We have got to keep this momentum going by moving this bill along and continuing it down the legislative process.

I urge my colleagues to vote for the bill. I am proud to stand with this bill and commend the Committee on Agriculture for their good work.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I wish to engage in a colloquy with the gentleman from Texas (Mr. Combest), the chairman of the Committee on Agriculture; but I would first like to thank the gentleman from Texas and his colleague, the gentleman from Alabama (Mr. EVERETT), the distinguished chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs, for working with me to improve the provisions of this bill relating to Federal peanut programs.

The fourth district of Virginia is home to one of the largest peanut producing populations in the Nation. Though I have not been a member of this august body for long, I have worked hard since being sworn in to make the views of this community known to the House Committee on Agriculture during their consideration of this legislation. I have been very grateful for the cooperation and attention that their concerns have gotten from the committee.

As reported from the committee, I have very serious concerns that this bill would severely strain the financial resources of Virginia's peanut farmers, particularly the small family farmers. While I recognize that times have changed and that the Federal programs must adapt as to the farmers that I represent, I remain apprehensive about the effect that these dramatic changes may hold for the future of peanut farming in my State.

I appreciate the difficult balance that the chairman and his panel had to reach in addressing the needs of America's taxpayers at the same time as meeting the needs of America's agriculture community, and I am hopeful that I will be able to continue to work with the chairman as this bill goes to conference with the Senate.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Texas.

Mr. COMBEST. Like the gentleman from Virginia, I recognize and respect the role that the farmers have played in our Nation's history and the importance of their work to our national economy. The development of this bill represents the best package we could achieve in balancing critical needs for commodity, conservation, trade, nutrition, credit, rural development, and research programs, while fitting into the fiscal restraints given to us by the budget resolution.

I appreciate the gentleman's concern about the peanut provisions of the bill, and I am pleased that we have been able to work with him to accommodate some of those concerns. Specifically, we have proposed a change in the manager's amendment that would allow a producer to establish a base, at which point the producer would have a one time ability to set the base on any land that he chooses. This would give the producer the ability to put the base on land he owns or will give the producer a better bargaining position if he sets down this base on the land he rents.

I thank the gentleman for his work and concern on this issue and I look forward to working with him to continue to address the problems and concerns that he has of the producers of Virginia as this bill goes forward to conference with the Senate.

Mr. FORBES. Mr. Chairman, reclaiming my time, I wish to thank the gentleman from Texas for his comments.

Mr. Chairman, I rise in support of the Farm Security Act of 2001. Though I have some serious concerns with provisions of the bill that dramatically alter the peanut program, I realize how important this bill is to farmers across America and that this legislation must still go through a conference committee. I thank the Chairman for his hard work.

Our farmers are the heart of our nation, and Virginia's peanut farmers are the heart of the Commonwealth. Peanut farming is important to the economic livelihood of Virginia, bringing $55 million in cash-receipts to the state. Virginia peanuts are in high demand for gourmet-style fried peanuts and roasted in-the-shell ballpark peanuts that we all have enjoyed at baseball games. It is important to remember the peanut program does not just impact farmers who exclusively grow peanuts but it also dramatically impacts other farmers who depend on peanut production to keep them alive and all those who insure, supply, or assist peanut production in any capacity, including local governments who depend on taxes from these farms for survival.

There are four specific concerns that I have had with the Committee-passed bill, and I worked hard with the Chairman to accommodate each of them.

The first was that the new program would begin with the 2002 crop. My concern was that there would not be enough time for the farmer to adjust to these changes, with contracts that have already been made based on the assumption that the current program would run through 2002.

Second, I was concerned that the bill focused on the farm and not the farmer. My goal was to see that the base be tied to the producer.

Third, I was concerned that the financial return for the producers was so low that there would be no incentive for young farmers to enter the farming business, and that those retiring would not be replaced.

Last but not least, I was concerned that the Peanut Administrative Committee was being phased out and replaced with a board without the means to ensure higher quality standards.

Since my swearing in, Mr. Chairman, in late June, I have been working hard to represent these views to the Committee on behalf of Virginia's peanut farmers. I have greatly appreciated the full and subcommittee chairmen's attention to these concerns. I am particularly thankful for their determination that some of these points warranted changes in the Committee-passed bill.

Specifically, the manager's amendment includes a provision, which should improve the overall income that a producer can earn by allowing the producer to establish the base on any land he chooses. Virginia's peanut farmers have been farming the land for generations because they love it. But we must be mindful of the fact that they must be able to make a living in order to continue doing what they love.

Del Cotton, manager of the Franklin-based peanut marketing cooperative, said some producers will be happy and others will not with the proposed quota buyout. I hope Congress will continue to take the necessary steps to keep the peanut program viable.

Mr. Chairman, I recognize, as do the farmers I represent, that times have changed and that our federal farm programs must change as well. But, we must never forget that our farmers have always been the backbone of this nation.

That was true at our country's founding, and it is true today as we prepare to wage a long, hard war against terrorism. Food security is just as vital to our national defense as a strong military and strong economy. Our farmers are our partners in this endeavor.

I look forward to continuing to work with the Chairman on this legislation as it goes through conference negotiations with the Senate.

That said, Mr. Chairman, I encourage my colleagues to support this bill and to support the Chairman during conference deliberations.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to commend the chairman and the ranking member for the hard work that they and the committee staff have put into this very important bill. We in Congress have joined the President in urging America to get back to business, and our job today is a monumental one: to enact a farm bill that enables farmers and agri-businesses to survive during this economically challenging decade.

After 4 years of depressed commodity prices and inflationary production costs, droughts and disasters, our whole agricultural system is at risk. This is not just rhetoric, it is simple math. Farm income has not been sufficient to sustain most producers, even though they adhere to sound farming practices. If it were not for a Federal farm safety net, the country would have experienced a catastrophic loss of farm operations and agri-businesses that serve them. Like oil, we would have become much more dependent on foreign producers for our food and fiber, the necessities of life.

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Mr. Chairman, the farm bill enacted in 1996 was a visionary bill that gave farmers greater flexibility, but which failed to provide the help needed when prices slumped and costs increased.

The farm bill that we consider today continues that same flexibility, but with a stronger safety net that should eliminate the need for billions of dollars of ad hoc appropriations. It includes a more market-oriented peanut program which makes it possible for our growers to compete as tariff rates decline and that phases out the quota system.

The bill provides a significant level of compensation to quota holders within the budget restraints that we face; but I believe the funding level should be higher, and I will continue to work for that.

It includes a 75 percent increase for soil, water and wildlife conservation, a food stamp program that includes new transitional assistance for families moving from welfare to work, $785 million for rural development, including funds to improve drinking water, expand telecommunications and promote value-added market development, a 100 percent increase in funding for the market access program helping producers and exporters finance promotional initiatives abroad.

Mr. Chairman, I urge my colleagues to vote for the Farm Security Act of 2001 and to help ensure a brighter future for America, for rural America, for our farmers, our agribusinesses, and especially for our consumers across the country.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, first let me say that I am a farmer. I have been involved in farm programs since the 1960s, and never has there been such a complete effort to get the input of American producers and those associated with agriculture into this final result, into this piece of legislation.

The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) held 47 field hearings across the United States, 10 of those were full committee hearings, in addition to the dozens of hearings held in Washington. We tried to come up with legislation that faces a predicament which is now confronting American agriculture. That predicament is: Do we let other countries subsidize their farmers to the extent that it puts our farmers out of business?

Right now we are in competition, if you will, with countries like Europe, who subsidize their farmers five times as much as we subsidize our farmers. To project what happens with that kind of subsidy, their additional production goes into what would otherwise be our markets. It is not a good way to do business.

The taxpayer, one way or the other, is going to end up paying more for their food supplies to keep farmers producing agricultural products. One way is through farm subsidies. That is what is happening in the United States. I mentioned Europe, five times the subsidies as the U.S. Members can compare that to countries like Japan, which goes up to almost 12 times in subsidies as we pay our farmers.

Eventually there has to be a more market-oriented solution in all countries to let the buyers of those products pay for them at the marketplace rather than through tax dollars distributed through government programs that are ultimately going to be unfair.

Mr. Chairman, look at this bill carefully and let us move ahead. For the time being, we have to keep American agriculture in place.

Mr. STENHOLM. Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST), the chairman; and I thank the ranking member, the gentleman from Texas (Mr. STENHOLM), and staff for all of the hard work that they have put into this legislation.

Mr. Chairman, I traveled the Nation with my colleagues on the House Committee on Agriculture last year and heard first hand from farmers in numerous States about the challenges facing them and the way in which they felt those challenges could best be addressed.

I can state unequivocally that this bill meets the needs of the farmers we have heard from and provides dramatic new investment in areas like trade promotion and conservation funding. As has been mentioned, there is a 78 percent increase in conservation funding.

I spent the summer talking to farmers and ranchers across Idaho; and with rare exception, they have told me that they want this bill passed in its current form. They believe that this bill provides them the flexibility that they need to operate their farms the way that they want to; and it provides the predictability they need to keep their family farms operating for themselves, their children, and great grandchildren.

Mr. Chairman, it is not without some regret that I say that I wish the administration had been with me as I talked to Idaho farmers and as we held field hearings across this great country. I listened as I read the statement of administration policy this morning, the first statement that I have heard from the administration on their position on this farm bill. I was dismayed and disappointed. I would like to talk for just a minute about the points that they make in their concerns in this agriculture bill. They make four bullet points.

First, that this bill encourages overproduction while prices are low. With price supports, we are trying to keep farmers in business when prices are low. I guess the answer that they have, and they give no specific answer in their statement of policy, is to let those farmers go out of business. I certainly hope that is not their policy; but if they have a different idea, they ought to share it with us.

Their second bullet point is that it fails to help farmers most in need. They state in their statement of policy, and I quote: "Nearly half of all recent government payments have gone to the largest 8 percent of farmers, usually very large producers, while more than half all of U.S. farms share only 13 percent of the payments."

Mr. Chairman, the USDA considers large farms those farmers that have $250,000 or more gross sales. Those farms account for 15 percent of farms reporting government payments, and produce 54 percent of the value of program crops eligible for payments. They are 15 percent of the farms; they produce 54 percent of the value of program crops. Only 0.5 percent of the large farms were nonfamily farms. The average transition payments in 1998 for these large farms was $21,870.

These farms received 47 percent of the payments, while producing 54 percent of the value of program crop production. Small farms, those that produce less than $250,000, on the other hand, produced 46 percent of the value of program crop production, but received 53 percent of the payments.

Mr. Chairman, I think we have been going in the right direction trying to help the small family farms, those under $250,000 in gross sales. They have gotten a larger percentage of the actual payments. Also consider that over 77 percent of all large family farms operate with debt, 80 percent greater than average for all family farms. These farms carry debt liabilities equal to 47 percent of their maximum feasible debt load, 54 percent greater than the average for all family farms.

Mr. Chairman, 12.2 percent of all large family farms have negative household incomes, 91 percent greater than the average for all family farms.

Mr. Chairman, this bill is a farm bill. Payments are based on production. Large producers are obviously going to get a larger share of the payments. They also put more at risk. I think we have been going in the right direction trying to address this and making sure that we address the needs of small family farms and all farmers.

The third bullet point from the statement of administration policy is that it jeopardizes critical markets abroad.

Mr. Chairman, one of the real problems we have in agriculture today is that we have not been able to level the playing field between us and our competitors around the world. American farmers are at a competitive disadvantage to producers in other countries. We all know that. They get subsidized more in other countries than we support our farmers in this country. That puts us at a competitive disadvantage.

This bill enhances our Export Enhancement Program, funds it further; and we need to create a level playing field. We cannot have a free market and fair trade when there is not a level playing field. It is a myth to think that there is a level playing field right now.

I hope that the administration is serious, and I believe they are serious, when they say that agriculture will be a top priority in trade negotiations as they try to negotiate new trade agreements in the WTO.

Lastly, they say that this boosts Federal spending at a time of uncertainty. As the chairman of the Committee on the Budget has stated, we reached an agreement on the budget resolution. This piece of legislation is crafted to stay within that budget resolution. It does exactly what the Committee on the Budget requested that we do, and I compliment the chairman and the ranking member for keeping this bill within the budget restraints that were imposed upon us.

Mr. Chairman, this bill is the result of over 2 years of listening, learning, and hard work. It is the result of intense commitment, meaningful debate, and constructive compromise.

Today we have a chance to endorse not only the legislation language in this bill, but the fair and open process that fostered its development. We also have a chance to bring new hope to rural communities and to bring real stability to our Nation's producers.

Mr. Chairman, I urge my colleagues to support the Farm Security Act for America's farmers.

The CHAIRMAN. The time of the gentleman from Texas (Mr. COMBEST) has expired.

Mr. STENHOLM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COMBEST) for his utilization.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. COMBEST) will control 5 additional minutes.

There was no objection.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Farm Security Act of 2001. I cannot say enough good things. I cannot commend the gentleman from Texas (Mr. COMBEST) enough for his leadership and for the very thorough and deliberate manner the gentleman has followed in crafting this important farm bill.

This bill answers a question, a vital question to this country, a very important question to the people of this country: Do we want the American people fed and clothed by the American farmer? That is a question that is before us because it is possible if something does not change, that we will not be fed and clothed by the American farmer. We will have to depend on other nations.

When Congress passes this bill, the Farm Security Act, we are saying in a very loud voice, yes, we do intend for the American farmer to be the backbone of our industry in this country, and we will depend on them for our food and fiber.

Recently American farmers have struggled through increasing difficulties. It is no secret. Talking to farmers while traveling through the 10th Congressional District of Georgia, I have listened to their concerns. The farmers in this country need our help if we want them to stay in business.

Earlier this year Congress made a firm commitment of support. My colleagues all remember setting aside $73.5 billion over the next 10 years. We have the opportunity, we should take the opportunity today to take the next important step.

As evidenced by annual emergency agriculture spending, many policies in the 1996 farm bill have not been effective. This farm bill is well balanced and remedies these inequities, addressing critical farm program needs while also increasing conservation program dollars by approximately 80 percent.

Within the commodity title, farmers are provided a three-piece safety net and the option to update base acreage. What that safety net really is, it is a safety net for the American citizen, a safety net for the American consumer, not just the farmer, but for all of us who are fed and clothed by the American farmer. While maintaining the fixed decoupled payments and the marketing loan payment, this farm bill adds a countercyclical payment, too.

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This allows the farmer flexibility and security in planning for the future, a prescriptive answer to many of their concerns that I have heard since 1996.

Finally, I want to talk about the peanut program just a minute. It is a critically important issue to Georgians. Recognizing the new challenges within the program and the need for reform, I am pleased with what this great committee has done. While it may not be perfect in the eyes of everyone, I believe this historic reform is an equitable one and is well crafted to ensure the viability of the American peanut farmer.

Mr. Chairman, U.S. farmers have been asking for our help. I am happy to tell my friends in Georgia that help is on the way. I hope all my colleagues will vote for this bill.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

I would just want to say in closing, Mr. Chairman, I want to thank all of the members of the committee and all of the Members not on the committee who have come over and taken such an active role in this. As we can see, the interest of agriculture spans well beyond just those members on the Committee on Agriculture. I thank the gentleman for the courtesy with his time.

Mr. Chairman, I yield back the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time on this side. I would just use a portion of the remaining part of my time to emphasize a few points.

To say I am rather disappointed in the statement of administration policy today would be the understatement of the day. I believe I am correct that we have had 47 subcommittee hearings, I know we have had 10 full committee hearings in which at each time we were considering the various parts of what always ends up being a very controversial bill, the agricultural bill, I asked what the administration's position was. We wanted to consider that.

I remember 1995 and 1996 when the committee and the House leadership refused to allow the administration witnesses in the room when we were conferencing. We made some mistakes when we did that. We usually do better legislative work when we have due and proper consideration by the legislative body with administrative input. I suspect and I hope and I really believe that we will get that when we get to a conference on the bill. But to come in the day before, actually a few minutes after we had passed the rule, by stating your position is not helpful, especially when you make some specific allegations that this bill encourages overproduction when prices are low. You have not read the bill, whoever wrote this. I am sure it was OMB. You have not read our bill. We deliberately made changes in the loan rates in order that we might accomplish some of the criticisms of the current bill.

It fails to help farmers most in need. Where were you when we were asking for recommendations of how we do a better job of that? As we asked over and over as to farm witnesses and farm groups, how do we attack this particular problem? Where were you when we asked?

Jeopardizes critical markets abroad. I have been around here now for almost 23 years. I have seen trade negotiators and trade negotiations begin and I have listened to administrations in which they have always emphasized the importance of agriculture when we go into the negotiations. But I have also noted when they complete that work, that somewhere over the Atlantic, agriculture is dumped out with a parachute.

This time around, I said, and it was one of my prevailing judgments into our bill that we present to you today, I wanted to be sure that our government was standing shoulder to shoulder with our producers in these upcoming negotiations, and in the manager's amendment, we specifically say that if there is anything in this bill that makes us illegal under WTO agreements, we give the Secretary of Agriculture the authority to make those changes so that it reconforms, because no one on the House Committee on Agriculture wants to be part of any law that causes us to break a law or an agreement that we have agreed to in the good faith of the United States of America.

Boosts Federal spending at a time of uncertainty. They have got us there. But let me point out we are boosting it by $2 billion next year. That is the total, $2 billion. Of which a portion of that, as we heard the gentlewoman from North Carolina (Mrs. CLAYTON) speak a moment ago, is designed to do some of the things that both sides of the aisle have already agreed we need to do, and, that is, to recognize unemployed people, people who have lost their jobs and need some additional help in the transition into a new job. That is in this bill. Is it enough? You can probably say no, it is not. In fact, I predict when we get to the stimulus package, that you are going to have the administration agreeing to many more billions of dollars than 2. Why pick on the 2 at this stage of the game?

We are going to hear a little bit about the sugar program and prices. Here again, we have the lowest prices for our producers since the Great Depression, in the last 30 years. I am going to be asking the question over and over to those that seem to believe that the only thing we can do to stay competitive is lower our prices, this bill that we bring forward that is being criticized by those that believe we are doing too much for the commodities is guaranteeing our farmers 1990 prices. Now, I ask anyone in this Chamber, anyone listening, anyone downtown, anyone at any of the newspaper editorials that have criticized us, if you and your employees are going to be guaranteed 1990 wage levels, how happy would you be and how exorbitant would your company be? That is what we do in this bill. Would we like to do more? Absolutely. But we operated under the good faith restraint of a budget that was passed by this House. I did not agree with it, but it became the law of the land and, therefore, I do as I try to do quite often, and, that is, work together. On the Committee on Agriculture, we do a darn good job at that.

I commend again the chairman, the subcommittee chairmen, all of the folks on that side of the aisle and my own colleagues for the spirit in which we bring this bill to the House today.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, just so the record is clear and for those people who have not followed this quite as carefully as we have on this committee, this process started well before the decision about who the current administration was, I think before either nominee actually even was nominated. This year, we started very early on in this calendar year having hearings all throughout the process, asking people what it was that they wanted.

Let me ask the gentleman from Texas, how many times did the Secretary of Agriculture or anyone from the Department of Agriculture come before our committee and give us any suggestions?

Mr. STENHOLM. To the best of my recollection, Mr. Chairman, zero.

Mr. COMBEST. The gentleman's recollection is correct.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of H.R. 2646, the 2001 Farm Bill, but also to express my support for several amendments that will be offered, specifically the Boehlert/Kind/Gilchrest/Dingell amendment that would provide a more equitable distribution of government resources to farms and farmers throughout the United States, and the Sherwood/Etheridge/McHugh amendment to permanently authorize the Northeast Dairy Compact.

For most people in this country, talking about farming does not conjure up images of my home state of Connecticut. For most people, Connecticut likely generates images of insurance companies, or submarine and aerospace manufacturers, rather than farms. But farming is a critical part of the Connecticut economy and our traditions. In fact, the Connecticut Department of Agriculture estimates that Connecticut receives a $900 million income from agriculture production, and adds about $2.1 billion to the state's economy. There are approximately 4,000 farms holding approximately 370,000 acres of land in Connecticut. In a state that is only 4,872 square miles, that represents over 11 percent of our land devoted directly to farming.

In the 370,000 acres committed to farming, Connecticut ranks first in the nation in the density of egg laying poultry and the density of horses. We are fifth in mushroom production, seventh in pear production, eighth in the density of dairy cows and tenth in milk production per dairy cow. Aquaculture in Connecticut is an $18 million industry, and the value of oyster farming ranks Connecticut among the top five in the nation. In addition, nursery and greenhouse production was valued at $168 million, and bedding and garden plant production was valued at $50 million in 1999.

Exacting so much agricultural production within such a small geographic area has meant seamlessly integrating our farms within our communities and as well as working to harvest the resources of natural environment in ways not duplicated in other places in the United States. But Connecticut is the home of "Yankee Ingenuity", and our farmers carry this tradition proudly, pursuing a dynamic range of enterprises and farming practices that leave the "traditional farming" label far behind. Innovative methods and creative planning, combined with one of the nation's best and original agriculture land grant universities at the University of Connecticut, put Connecticut farms at the forefront of exploring new ways of agriculture production.

One of the issues that is raised repeatedly in my district and throughout Connecticut is the increasing "multifunctionality" of our farms. In New England, our farms are not just producing commodities for direct consumption, they interact with the foundation of our communities and economy in subtle ways often overlooked by most people. The open space and rolling hills protected by Connecticut farms are critical areas of open space in an increasingly urbanized environment. They provide a continuous source of local community income through a thriving agritourism industry.

So for all of these reasons, we in Connecticut and the Northeast need a farm bill that recognizes the needs of our farmers and the region. The underlying bill has many important programs that our farmers need, but the Boehlert/Kind/Gilchrest/Dingell amendment greatly improves it, paying more attention to the diverse and unique needs of farmers in the Northeast.

I also strongly support the Sherwood/Etheridge/McHugh amendment to permanently authorize the Northeast Dairy Compact. The Compact, as many of you know, was authorized in the 1996 Farm Bill, but was designated to sunset in 1999 pending reform of the federal milk marketing order program, a program that still fails to take into account the needs of dairy production at small family farms. Therefore the compact is still needed and Congress has twice extended its authority, the last time through September 30, 2001. But today is October 3, 2001 and this Congress, under pressure from special interests, has still not acted to address this critical issue for the people of my State and instead has allowed the compact to expire.

Now I understand that opponents are moving to block consideration by attempting to rule the amendment out of order because it is not germane to debate in the context of the Farm Bill. Action on the Dairy Compact is the number one priority for the Connecticut agriculture community. Legislation to permanently authorize the Compact has been introduced by Congressman Hutchinson and carried forward by Congressman SHERWOOD and Congressman ETHERIDGE that has the support of over 160 cosponsors. There is strong local support for this bill and this amendment. All of the state legislatures included in the Northeast Dairy Compact have approved it, as have the state legislatures in numerous states around the country who are waiting for this Congress to act so that they can join and form additional regional compacts.

The compact is necessary because the federal minimum farm milk price is not sufficient to cover the cost of producing milk in the small family farms throughout New England, forcing the region's dairy farmers out of business. Simply put, dairy farming is the lifeblood of the Connecticut agricultural economy. As dairy farms are forced to close, demand for feed and other support crops, farm machinery, open space and agri-tourism all follow suit, creating a devastating and unrecoverable fallout of the local economy for those reliant on the business created by dairy farming. The loss of these resources and farms is unacceptable and irrecoverable, and in my opinion speaking now as a Member of the Armed Services Committee, a weakening of our domestic national security.

Despite arguments by opponents, the compact does not cost the federal government or the taxpayers of the United States anything. This is not a subsidy program. In fact, the compact specifically, requires the Compact compensate USDA for the amount of federal price support purchases it makes a result of potential overproduction of milk, and for an technical assistance it receives from USDA's Agricultural Marketing Service. Additionally, the Compact reimburses participants in the Women, Infants and Children (WIC) Supplemental Food Program to offset any increase cost of fluid milk caused by premiums within the Compact. The Compact is also expressly prohibited from discriminating in any way against the marketing of milk produced anywhere else in the United States. As for arguments that the Compact artificially increases prices, the record has shown that price increases have been negligible to consumers, who in general have also strongly support the Compact.

The Congress produces a major Farm Bill only once every five years. Debate and consideration of the amendment is critical at this time and germane. There is no other more germane legislation within which to address this issue, and our farmers cannot wait another five years for the next Farm Bill. It is time for us to have this debate and proceed with an up or down vote on this issue, and I urge my colleagues to support the Sherwood/Etheridge/McHugh amendment, or at least support its fair consideration.

Finally, Mr. Chairman, I would like to bring to the House's attention an important provision in the bill, aimed at rural development. Section 615 of the bill establishes a National Rural Development Partnership composed of the Coordinating Committee and the state rural development councils.

State Rural Development Councils, like the Connecticut Rural Development Council, were established to promote interagency coordination among federal departments and agencies that administer policies and programs that impact rural areas and to promote intergovernmental collaboration among federal agencies and state, local, and tribal governments and the private and non-profit sectors.

These local councils have done tremendous work and are an important local resource for our communities. They continue to prove extremely successful at local levels, and have worked at the local level to leverage the roughly $35 million annually appropriated by Congress in the past into more than $1 billion annually for conservation, as well as rural and urban development projects. For every dollar appropriated by Congress, local Councils have leveraged an average of $14 from non-federal sources.

The Rural Development Councils are an example of how local governments and the federal government should work together, and I am pleased to see that this bill recognizes their importance by establishing this partnership. This is a step in the right direction, and as much as could be accomplished in the Farm Bill at this time. However, Congressional Rural Caucus Agricultural Task Force Co-Chairs Congressman PICKERING and Congressman TURNER are working to introduce a more comprehensive proposal in the near future, and I would urge my colleagues to support their legislation to further this important initiative.

Mr. BEREUTER. Mr. Chairman, despite this Member's very strong reservations about the fundamental lack of necessary policy reforms in the overall bill, he rises in strong support of Title III of H.R. 2646, the Farm Security Act of 2001. Since Nebraska's 1st Congressional District's economy relies heavily on agriculture-related trade, the export and humanitarian programs authorized in Title III impact this Member's district more directly than perhaps any other provisions passed in this body. Also, this Member would remind his colleagues that these programs impact many Americans as the United States Department of Agriculture (USDA) estimates that for every $1 generated by agriculture exports, an additional $1.30 is generated through export-related activities.

Therefore, this Member would like to thank the distinguished Chairmen and Ranking Minority Members of the House Agriculture and International Relations Committee (Mr. COMBEST, Mr. STENHOLM, Mr. HYDE, and Mr. LANTOS). In addition, this Member would like to thank the distinguished gentlelady from Missouri (Mrs. EMERSON) for her unwavering support for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. Furthermore, this Member also especially would commend the distinguished gentlelady from North Carolina (Mrs. CLAYTON), for her dedication to the Farmers for Africa and Carribean Basin Program which builds on the current Farmer-to-Farmer Program, previously established by this Member, by linking African-American volunteers engaged in farming and agribusiness with their counterparts in Africa and the Carribean Basin to provide technical assistance. Their efforts are much appreciated.

Mr. Chairman, for the United States to remain competitive in the world agriculture markets it is crucial to support market development activities which encourage the sale of U.S. commodities and value-added ag products overseas. Our European, Asian, and South American competitors have funneled significant government monies into market development. Indeed, our competitors individually outspend the U.S. at a rate of at least 4 to 1.

In the competitive arena of ag trade, it is critical to provide U.S. ag-industry components with appropriately funded market development tools for effectively fostering new overseas markets, entering existing overseas markets, and maintaining overseas markets. Title III more than doubles funding levels for the Market Access Program (MAP) from $90 million to $200 million and increase funding levels for the Foreign Market Development Program (FMDP) from $28 million to $37 million a year.

On a related note, this Member is pleased that the current version of Title III of H.R. 2646 includes language supporting a study on fees for services provided by the Foreign Agriculture Service (FAS) rather authorizing the USDA collect such. This Member has previously expressed his concerns about the collection of fees for commercial services provided overseas by the FAS. For small and medium businesses attempting to broaden their operations overseas, assessing fees for FAS services and impressive expertise could prove to hinder such businesses' expansion.

In addition to authorizing ag trade and export programs, Title III of H.R. 2646 authorizes what are among our strongest foreign policy tools—U.S. food aid programs. In this regard, Mr. Chairman, this Member is pleased to note that he has on several occasions toured Crete Mills in Crete, Nebraska, a milling facility in his own district which produces much of the fortified grain and soy products used in food aid programs. This Member would like to convey to his colleagues that the company and its employees are enthused about continuing to play a role in meeting the needs of their hungry neighbors around the world. Additionally, of course, it has noticeably raised the market prices for farmers' grain in a wide radius around Crete.

In supporting the George McGovern-Robert Dole International Food for Education and Child Nutrition Program, this Member hopes that the U.S. attain its frequently articulated goal of stability in sub-Saharan Africa, Central America, South America, and Asia. Indeed, following the horrific terrorist attacks of September 11, 2001, it is increasingly important that the U.S. make investments in the health and education of the children in particularly unstable regions. Upon the foundation of a healthy, educated population, the U.S. can continue to work toward other foreign policy goals—building democratic institutions, addressing human rights concerns, developing economic stability, and countering terrorism.

Finally, as the author of the original Farmer-to-Farmer Program as earlier noted, this Member is pleased to support the Farmers for Africa and Carribean Basin Program, an initiative introduced as freestanding legislation by the distinguished gentlewoman from North Carolina (Mrs. CLAYTON). The Farmers for Africa and Carribean Basin Program builds upon the current Farmer-to-Farmer Program, which is reauthorized in this bill, by linking African-American volunteers engaged in farming and agribusiness with their counterparts in Africa and the Carribean Basin to provide technical assistance. This approach has worked in Asia, South America, and the Newly Independent States of the former Soviet Union; therefore, the renewed emphasis and extension of this program to Africa and the Carribean Basin certainly is appropriate.

Mr. Chairman this Member urges his colleagues to strongly support Title III of H.R. 2646.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I would like to thank Chairman COMBEST and Ranking Member STENHOLM for their commitment to bring about a complete Farm Bill with all titles. This bill is the fruit of dedication and commitment that Committee Members have for the people this House represents. I applaud the Committee's work to increase funds to titles such as Conservation, Rural Development and Trade, all of which are extremely important areas for the Nation and people of Puerto Rico and especially, to our farmers and growers.

I would like to emphasize the importance the Nutrition Title contained in this bill has for the 430,000 Puerto Rican families that depend on nutrition assistance to keep their children fed and healthy. Title IV reauthorizes the Nutritional Assistance Program, better known in Puerto Rico as PAN for the next ten years, with increases in funding for each year. The Puerto Rican Nutritional Assistance Program serves the same purpose in Puerto Rico as the Food Stamps program serves in the states: to reduce hunger, to improve the health of our children, and ensure our nation a brighter future. We cannot afford hungry children in our schoolrooms. Nutrition Assistance is an essential foundation for building a better future for all of us. Especially in today's changing world, ensuring that every family has food on their table, no matter what financial circumstances beset them, is of utmost importance. I urge all Members of this House to vote in favor of this bill and especially support the efforts to guarantee a decent meal to every family in Puerto Rico and in the Nation. I am very thankful that this Farm Bill assures this for every American.

Mr. STENHOLM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of House Report 107-226, modified by the amendment printed in part

B of that report, is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Farm Security Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMMODITY PROGRAMS**

Sec. 100. Definitions.

**Subtitle A—Fixed Decoupled Payments and Counter-Cyclical Payments**

Sec. 101. Payments to eligible producers.
Sec. 102. Establishment of payment yield.
Sec. 103. Establishment of base acres and payment acres for a farm.
Sec. 104. Availability of fixed, decoupled payments.
Sec. 105. Availability of counter-cyclical payments.
Sec. 106. Producer agreement required as condition on provision of fixed, decoupled payments and counter-cyclical payments.
Sec. 107. Planting flexibility.
Sec. 108. Relation to remaining payment authority under production flexibility contracts.
Sec. 109. Payment limitations.
Sec. 110. Period of effectiveness.

**Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments**

Sec. 121. Availability of nonrecourse marketing assistance loans for covered commodities.
Sec. 122. Loan rates for nonrecourse marketing assistance loans.
Sec. 123. Term of loans.
Sec. 124. Repayment of loans.
Sec. 125. Loan deficiency payments.
Sec. 126. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 127. Special marketing loan provisions for upland cotton.
Sec. 128. Special competitive provisions for extra long staple cotton.
Sec. 129. Availability of recourse loans for high moisture feed grains and seed cotton and other fibers.
Sec. 130. Availability of nonrecourse marketing assistance loans for wool and mohair.
Sec. 131. Availability of nonrecourse marketing assistance loans for honey.

**Subtitle C—Other Commodities**

CHAPTER 1—DAIRY

Sec. 141. Milk price support program.
Sec. 142. Repeal of recourse loan program for processors.
Sec. 143. Extension of dairy export incentive and dairy indemnity programs.
Sec. 144. Fluid milk promotion.
Sec. 145. Dairy product mandatory reporting.
Sec. 146. Funding of dairy promotion and research program.

CHAPTER 2—SUGAR

Sec. 151. Sugar program.
Sec. 152. Reauthorize provisions of Agricultural Adjustment Act of 1938 regarding sugar.
Sec. 153. Storage facility loans.

CHAPTER 3—PEANUTS

Sec. 161. Definitions.
Sec. 162. Establishment of payment yield, peanut acres, and payment acres for a farm.
Sec. 163. Availability of fixed, decoupled payments for peanuts.
Sec. 164. Availability of counter-cyclical payments for peanuts.
Sec. 165. Producer agreement required as condition on provision of fixed, decoupled payments and counter-cyclical payments.
Sec. 166. Planting flexibility.
Sec. 167. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 168. Quality improvement.
Sec. 169. Payment limitations.
Sec. 170. Termination of marketing quota programs for peanuts and compensation to peanut quota holders for loss of quota asset value.

**Subtitle D—Administration**

Sec. 181. Administration generally.
Sec. 182. Extension of suspension of permanent price support authority.
Sec. 183. Limitations.
Sec. 184. Adjustments of loans.
Sec. 185. Personal liability of producers for deficiencies.
Sec. 186. Extension of existing administrative authority regarding loans.
Sec. 187. Assignment of payments.

**TITLE II—CONSERVATION**

**Subtitle A—Environmental Conservation Acreage Reserve Program**

Sec. 201. General provisions.

**Subtitle B—Conservation Reserve Program**

Sec. 211. Reauthorization.
Sec. 212. Enrollment.
Sec. 213. Duties of owners and operators.
Sec. 214. Reference to conservation reserve payments.

**Subtitle C—Wetlands Reserve Program**

Sec. 221. Enrollment.
Sec. 222. Easements and agreements.
Sec. 223. Duties of the Secretary.
Sec. 224. Changes in ownership; agreement modification; termination.

**Subtitle D—Environmental Quality Incentives Program**

Sec. 231. Purposes.
Sec. 232. Definitions.
Sec. 233. Establishment and administration.
Sec. 234. Evaluation of offers and payments.
Sec. 235. Environmental Quality Incentives Program plan.
Sec. 236. Duties of the Secretary.
Sec. 237. Limitation on payments.
Sec. 238. Ground and surface water conservation.

**Subtitle E—Funding and Administration**

Sec. 241. Reauthorization.
Sec. 242. Funding.
Sec. 243. Allocation for livestock production.
Sec. 244. Administration and technical assistance.

**Subtitle F—Other Programs**

Sec. 251. Private grazing land and conservation assistance.
Sec. 252. Wildlife Habitat Incentives Program.
Sec. 253. Farmland Protection Program.
Sec. 254. Resource Conservation and Development Program.
Sec. 255. Grassland Reserve Program.
Sec. 256. Farmland Stewardship Program.
Sec. 257. Small Watershed Rehabilitation Program.

**Subtitle G—Repeals**

Sec. 261. Provisions of the Food Security Act of 1985.
Sec. 262. National Natural Resources Conservation Foundation Act.

**TITLE III—TRADE**

Sec. 301. Market Access Program.
Sec. 302. Food for Progress.
Sec. 303. Surplus commodities for developing or friendly countries.
Sec. 304. Export Enhancement Program.
Sec. 305. Foreign Market Development Cooperator Program.
Sec. 306. Export Credit Guarantee Program.
Sec. 307. Food for Peace (PL 480).
Sec. 308. Emerging markets.
Sec. 309. Bill Emerson Humanitarian Trust.
Sec. 310. Technical assistance for specialty crops.
Sec. 311. Farmers to Africa and the Caribbean Basin.
Sec. 312. George McGovern-Robert Dole International Food for Education and Child Nutrition Program.
Sec. 313. Study on fee for services.
Sec. 314. National export strategy report.

**TITLE IV—NUTRITION PROGRAMS**

**Subtitle A—Food Stamp Program**

Sec. 401. Simplified definition of income.
Sec. 402. Standard deduction.
Sec. 403. Transitional food stamps for families moving from welfare.
Sec. 404. Quality control systems.
Sec. 405. Simplified application and eligibility determination systems.
Sec. 406. Authorization of appropriations.

**Subtitle B—Commodity Distribution**

Sec. 441. Distribution of surplus commodities to special nutrition projects.
Sec. 442. Commodity supplemental food program.
Sec. 443. Emergency food assistance.

**Subtitle C—Miscellaneous Provisions**

Sec. 461. Hunger fellowship program.
Sec. 462. General effective date.

**TITLE V—CREDIT**

Sec. 501. Eligibility of limited liability companies for farm ownership loans, farm operating loans, and emergency loans.
Sec. 502. Suspension of limitation on period for which borrowers are eligible for guaranteed assistance.
Sec. 503. Administration of Certified Lenders and Preferred Certified Lenders programs.
Sec. 504. Simplified loan guarantee application available for loans of greater amounts.
Sec. 505. Elimination of requirement that Secretary require county committees to certify in writing that certain loan reviews have been conducted.
Sec. 506. Authority to reduce percentage of loan guaranteed if borrower income is insufficient to service debt.
Sec. 507. Timing of loan assessments.
Sec. 508. Making and servicing of loans by personnel of State, county, or area committees.
Sec. 509. Eligibility of employees of State, county, or area committee for loans and loan guarantees.
Sec. 510. Emergency loans in response to an economic emergency resulting from quarantines and sharply increasing energy costs.
Sec. 511. Extension of authority to contract for servicing of farmer program loans.
Sec. 512. Authorization for loans.

Sec. 513. Reservation of funds for direct operating loans for beginning farmers and ranchers.
Sec. 514. Extension of interest rate reduction program.
Sec. 515. Increase in duration of loans under down payment loan program.
Sec. 516. Horse breeder loans.
Sec. 517. Sunset of direct loan programs under the Consolidated Farm and Rural Development Act.
Sec. 518. Definition of debt forgiveness.
Sec. 519. Loan eligibility for borrowers with prior debt forgiveness.
Sec. 520. Allocation of certain funds for socially disadvantaged farmers and ranchers.
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## TITLE I—COMMODITY PROGRAMS

### SEC. 100. DEFINITIONS.

In this title (other than chapter 3 of subtitle C):

(1) AGRICULTURAL ACT OF 1949.—The term "Agricultural Act of 1949" means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 171 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301).

(2) BASE ACRES.—The term "base acres", with respect to a covered commodity on a farm, means the number of acres established under section 103 with respect to the commodity upon the election made by the producers on the farm under subsection (a) of such section.

(3) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers under section 105.

(4) COVERED COMMODITY.—The term "covered commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, and other oilseeds.

(5) EFFECTIVE PRICE.—The term "effective price", with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 105 to determine whether counter-cyclical payments are required to be made for that crop year.

(6) ELIGIBLE PRODUCER.—The term "eligible producer" means a producer described in section 101(a).

(7) FIXED, DECOUPLED PAYMENT.—The term "fixed, decoupled payment" means a payment made to producers under section 104.

(8) OTHER OILSEED.—The term "other oilseed" means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, another oilseed.

(9) PAYMENT ACRES.—The term "payment acres" means 85 percent of the base acres of a covered commodity on a farm, as established under section 103, upon which fixed, decoupled payments and counter-cyclical payments are to be made.

(10) PAYMENT YIELD.—The term "payment yield" means the yield established under section 102 for a farm for a covered commodity.

(11) PRODUCER.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing a crop and who is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract and shall ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(13) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(14) TARGET PRICE.—The term "target price" means the price per bushel (or other appropriate unit in the case of upland cotton, rice, and other oilseeds) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(15) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

### Subtitle A—Fixed Decoupled Payments and Counter-Cyclical Payments

### SEC. 101. PAYMENTS TO ELIGIBLE PRODUCERS.

(a) PAYMENTS REQUIRED.—Beginning with the 2002 crop of covered commodities, the Secretary shall make fixed decoupled payments and counter-cyclical payments under this subtitle—

(1) to producers on a farm that were parties to a production flexibility contract under section 111 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211) for fiscal year 2002; and

(2) to other producers on farms in the United States as described in section 103(a).

(b) TENANTS AND SHARECROPPERS.—In carrying out this title, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(c) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of fixed, decoupled payments and counter-cyclical payments among the eligible producers on a farm on a fair and equitable basis.

### SEC. 102. ESTABLISHMENT OF PAYMENT YIELD.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making fixed decoupled payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a payment yield for each farm for each covered commodity in accordance with this section.

(b) USE OF FARM PROGRAM PAYMENT YIELD.—Except as otherwise provided in this section, the payment yield for each of the 2002 through 2011 crops of a covered commodity for a farm shall be the farm program payment yield in effect for the 2002 crop of the covered commodity under section 505 of the Agricultural Act of 1949 (7 U.S.C. 1465).

(c) FARMS WITHOUT FARM PROGRAM PAYMENT YIELD.—In the case of a farm for which a farm program payment yield is unavailable for a covered commodity (other than soybeans or other oilseeds), the Secretary shall establish an appropriate payment yield for the covered commodity on the farm taking in consideration the farm program payment yields applicable to the commodity under subsection (b) for similar farms in the area.

(d) PAYMENT YIELDS FOR OILSEEDS.—

(1) DETERMINATION OF AVERAGE YIELD.—In the case of soybeans and each other oilseed, the Secretary shall determine the average yield for the oilseed on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the oilseed was zero. If, for any of these four crop years in which the oilseed was planted, the farm would have satisfied the eligibility criteria established to carry out section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105-277; 7 U.S.C. 1421 note), the Secretary shall assign a yield for that year equal to 65 percent of the county yield.

(2) ADJUSTMENT FOR PAYMENT YIELD.—The payment yield for a farm for an oilseed shall be equal to the product of the following:

(A) The average yield for the oilseed determined under paragraph (1).

(B) The ratio resulting from dividing the national average yield for the oilseed for the 1981 through 1985 crops by the national average yield for the oilseed for the 1998 through 2001 crops.

### SEC. 103. ESTABLISHMENT OF BASE ACRES AND PAYMENT ACRES FOR A FARM.

(a) ELECTION BY PRODUCERS OF BASE ACRE CALCULATION METHOD.—For the purpose of making fixed decoupled payments and counter-cyclical payments with respect to a farm, the Secretary shall give producers on the farm an opportunity to elect one of the following as the method by which the base acres of all covered commodities on the farm are to be determined:

(1) The four-year average of acreage actually planted on the farm to a covered commodity for harvest, grazing, haying, silage, or other similar purposes during crop years 1998, 1999, 2000, and 2001 and any acreage on the farm that the producers were prevented from planting during such crop years to the covered commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producer, as determined by the Secretary.

(2) The contract acreage (as defined in section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202)) used by the Secretary to calculate the fiscal year 2002 payment that, subject to section 109, would be made under section 114 of such Act (7 U.S.C. 7214) for the covered commodity on the farm.

(b) SINGLE ELECTION; TIME FOR ELECTION.—The opportunity to make the election described in subsection (a) shall be available to producers on a farm only once. The producers shall notify the Secretary of the election made by the producers under such subsection not later than 180 days after the date of the enactment of this Act.

(c) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under subsection (a), or fail to timely notify the Secretary of the selected option as required by subsection (b), the producers shall be deemed to have made the election described in subsection (a)(2) to determine base acres for all covered commodities on the farm.

(d) APPLICATION OF ELECTION TO ALL COVERED COMMODITIES.—The election made under subsection (a) or deemed to be made under subsection (c) with respect to a farm shall apply to all of the covered commodities on the farm. Producers may not make the election described in subsection (a)(1) for one covered commodity and the election described in subsection (a)(2) for other covered commodities on the farm.

(e) Treatment of Conservation Reserve Contract Acreage.—

(1) In general.—In the case of producers on a farm that make the election described in subsection (a)(2), the Secretary shall provide for an adjustment in the base acres for the farm whenever either of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary.

(2) Special payment rules.—For the fiscal year and crop year in which a base acre adjustment under paragraph (1) is first made, the producers on the farm shall elect to receive either fixed decoupled payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(f) Payment Acres.—The payment acres for a covered commodity on a farm shall be equal to 85 percent of the base acres for the commodity.

(g) Prevention of Excess Base Acres.—

(1) Required reduction.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the quantity of base acres for one or more covered commodities for the farm or peanut acres for the farm as necessary so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm. The Secretary shall give the producers on the farm the opportunity to select the base acres or peanut acres against which the reduction will be made.

(2) Other acreage.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any peanut acres for the farm under chapter 3 of subtitle C.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(3) Exception for double-cropped acreage.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

### SEC. 104. AVAILABILITY OF FIXED, DECOUPLED PAYMENTS.

(a) Payment Required.—For each of the 2002 through 2011 crop years of each covered commodity, the Secretary shall make fixed, decoupled payments to eligible producers.

(b) Payment Rate.—The payment rates used to make fixed, decoupled payments with respect to covered commodities for a crop year are as follows:

(1) Wheat, $0.53 per bushel.
(2) Corn, $0.30 per bushel.
(3) Grain sorghum, $0.36 per bushel.
(4) Barley, $0.25 per bushel.
(5) Oats, $0.025 per bushel.
(6) Upland cotton, $0.0667 per pound.
(7) Rice, $2.35 per hundredweight.
(8) Soybeans, $0.42 per bushel.
(9) Other oilseeds, $0.0074 per pound.

(c) Payment Amount.—The amount of the fixed, decoupled payment to be paid to the eligible producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) Time for Payment.—

(1) General rule.—Fixed, decoupled payments shall be paid not later than September 30 of each of fiscal years 2002 through 2011. In the case of the 2002 crop, payments may begin to be made on or after December 1, 2001.

(2) Advance payments.—At the option of an eligible producer, 50 percent of the fixed, decoupled payment for a fiscal year shall be paid on a date selected by the producer. The selected date shall be on or after December 1 of that fiscal year, and the producer may change the selected date for a subsequent fiscal year by providing advance notice to the Secretary.

(3) Repayment of advance payments.—If a producer that receives an advance fixed, decoupled payment for a fiscal year ceases to be an eligible producer before the date the fixed, decoupled payment would otherwise have been made by the Secretary under paragraph (1), the producer shall be responsible for repaying the Secretary the full amount of the advance payment.

### SEC. 105. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) Payment Required.—The Secretary shall make counter-cyclical payments with respect to a covered commodity whenever the Secretary determines that the effective price for the commodity is less than the target price for the commodity.

(b) Effective Price.—For purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price received by producers during the 12-month marketing year for the commodity, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the same period under subtitle B.

(2) The payment rate in effect for the covered commodity under section 104 for the purpose of making fixed, decoupled payments with respect to the commodity.

(c) Target Price.—For purposes of subsection (a), the target prices for covered commodities are as follows:

(1) Wheat, $4.04 per bushel.
(2) Corn, $2.78 per bushel.
(3) Grain sorghum, $2.64 per bushel.
(4) Barley, $2.39 per bushel.
(5) Oats, $1.47 per bushel.
(6) Upland cotton, $0.736 per pound.
(7) Rice, $10.82 per hundredweight.
(8) Soybeans, $5.86 per bushel.
(9) Other oilseeds, $0.1036 per pound.

(d) Payment Rate.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the commodity; and

(2) the effective price determined under subsection (b) for the commodity.

(e) Payment Amount.—The amount of the counter-cyclical payment to be paid to the eligible producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) Time for Payments.—

(1) General rule.—The Secretary shall make counter-cyclical payments under this section for a crop of a covered commodity as soon as possible after determining under subsection (a) that such payments are required for that crop year.

(2) Partial payment.—The Secretary may permit, and, if so permitted, an eligible producer may elect to receive, up to 40 percent of the projected counter-cyclical payment, as determined by the Secretary, to be made under this section for a crop of a covered commodity upon completion of the first six months of the marketing year for that crop. The producer shall repay to the Secretary the amount, if any, by which the partial payment exceeds the actual counter-cyclical payment to be made for that marketing year.

(g) Special Rule for Currently Undesignated Oilseed.—If the Secretary uses the authority under section 100(8) to designate another oilseed as an oilseed for which counter-cyclical payments may be made, the Secretary may modify the target price specified in subsection (c)(9) that would otherwise apply to that oilseed as the Secretary considers appropriate.

(h) Special Rule for Barley Used Only for Feed Purposes.—For purposes of calculating the effective price for barley under subsection (b), the Secretary shall use the loan rate in effect for barley under section 122(b)(3), except, in the case of producers who received the higher loan rate provided under such section for barley used only for feed purposes, the Secretary shall use that higher loan rate.

### SEC. 106. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF FIXED, DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) Compliance With Certain Requirements.—

(1) Requirements.—Before the producers on a farm may receive fixed, decoupled payments or counter-cyclical payments with respect to the farm, the producers shall agree, in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 107; and

(D) to use the land on the farm, in an amount equal to the base acres, for an agricultural or conserving use, and not for a nonagricultural commercial or industrial use, as determined by the Secretary.

(2) Compliance.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(b) Effect of Foreclosure.—A producer may not be required to make repayments to the Secretary of fixed, decoupled payments and counter-cyclical payments if the farm has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate to provide fair and equitable treatment. This subsection shall not void the responsibilities of the producer under subsection (a) if the producer continues or resumes operation, or control, of the farm. On the resumption of operation or control over the farm by the producer, the requirements of subsection (a) in effect on the date of the foreclosure shall apply.

(c) Transfer or Change of Interest in Farm.—

(1) Termination.—Except as provided in paragraph (4), a transfer of (or change in) the interest of a producer in base acres for which fixed, decoupled payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a). The termination shall be effective on the date of the transfer or change.

(2) Transfer of payment base.—There is no restriction on the transfer of a farm's base acres or payment yield as part of a change in the producers on the farm.

(3) Modification.—At the request of the transferee or owner, the Secretary may modify the requirements of subsection (a) if the modifications are consistent with the objectives of such subsection, as determined by the Secretary.

(4) Exception.—If a producer entitled to a fixed, decoupled payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(d) Acreage Reports.—

(1) In general.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers to submit to the Secretary acreage reports.

(2) Conforming Amendment.—Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended by striking subsection (d).

(e) Review.—A determination of the Secretary under this section shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

### SEC. 107. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) Limitations and Exceptions Regarding Certain Commodities.—

(1) Limitations.—The planting of the following agricultural commodities shall be prohibited on base acres:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) Wild rice.

(2) Exceptions.—Paragraph (1) shall not limit the planting of an agricultural commodity specified in such paragraph—

(A) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in paragraph (1), as determined by the Secretary, in which case the double-cropping shall be permitted;

(B) on a farm that the Secretary determines has a history of planting agricultural commodities specified in paragraph (1) on base acres, except that fixed, decoupled payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(C) by a producer who the Secretary determines has an established planting history of a specific agricultural commodity specified in paragraph (1), except that—

(i) the quantity planted may not exceed the producer's average annual planting history of such agricultural commodity in the 1991 through 1995 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(ii) fixed, decoupled payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

### SEC. 108. RELATION TO REMAINING PAYMENT AUTHORITY UNDER PRODUCTION FLEXIBILITY CONTRACTS.

(a) Termination of Superseded Payment Authority.—Notwithstanding section 113(a)(7) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7213(a)(7)) or any other provision of law, the Secretary shall not make payments for fiscal year 2002 after the date of the enactment of this Act under production flexibility contracts entered into under section 111 of such Act (7 U.S.C. 7211).

(b) Contract Payments Made Before Enactment.—If, on or before the date of the enactment of this Act, a producer receives all or any portion of the payment authorized for fiscal year 2002 under a production flexibility contract, the Secretary shall reduce the amount of the fixed, decoupled payment otherwise due the producer for that same fiscal year by the amount of the fiscal year 2002 payment previously received by the producer.

### SEC. 109. PAYMENT LIMITATIONS.

Sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3) shall apply to fixed, decoupled payments and counter-cyclical payments.

### SEC. 110. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2002 crop year of each covered commodity through the 2011 crop year.

## Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

### SEC. 121. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR COVERED COMMODITIES.

(a) Nonrecourse Loans Available.—

(1) Availability.—For each of the 2002 through 2011 crops of each covered commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for covered commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 122 for the covered commodity.

(2) Inclusion of extra long staple cotton.—In this subtitle, the term "covered commodity" includes extra long staple cotton.

(b) Eligible Production.—Any production of a covered commodity on a farm shall be eligible for a marketing assistance loan under subsection (a).

(c) Treatment of Certain Commingled Commodities.—In carrying out this subtitle, the Secretary shall make loans to a producer that is otherwise eligible to obtain a marketing assistance loan, but for the fact the covered commodity owned by the producer is commingled with covered commodities of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producer obtaining the loan agrees to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286).

(d) Compliance With Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) Definition of Extra Long Staple Cotton.—In this subtitle, the term "extra long staple cotton" means cotton that—

(1) is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(2) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(f) Termination of Superseded Loan Authority.—Notwithstanding section 131 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231), nonrecourse marketing assistance loans shall not be made for the 2002 crop of covered commodities under subtitle C of title I of such Act.

### SEC. 122. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) Wheat.—

(1) Loan rate.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for wheat shall be—

(A) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding five crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $2.58 per bushel.

(2) Stocks to use ratio adjustment.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(A) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(B) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year; or

(C) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(b) Feed Grains.—

(1) Loan rate for corn and grain sorghum.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for corn and grain sorghum shall be—

(A) not less than 85 percent of the simple average price received by producers of corn or grain sorghum, respectively, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the covered commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $1.89 per bushel.

(2) Stocks to use ratio adjustment.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn or grain sorghum to total use for the marketing year will be—

(A) equal to or greater than 25 percent, the Secretary may reduce the loan rate for the covered commodity for the corresponding crop by an amount not to exceed 10 percent in any year;

(B) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for the covered commodity for the corresponding crop by an amount not to exceed 5 percent in any year; or

(C) less than 12.5 percent, the Secretary may not reduce the loan rate for the covered commodity for the corresponding crop.

(3) Other Feed Grains.—The loan rate for a marketing assistance loan under section 121 for barley and oats shall be—

(A) established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn; but

(B) not more than—

(i) $1.65 per bushel for barley, except not more than $1.70 per bushel for barley used only for feed purposes, as determined by the Secretary; and

(ii) $1.21 per bushel for oats.

(c) Upland Cotton.—

(1) Loan Rate.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(A) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during three years of the five-year period ending July 31 of the year preceding the year in which the crop is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(B) 90 percent of the average, for the 15-week period beginning July 1 of the year preceding the year in which the crop is planted, of the five lowest-priced growths of the growths quoted for Middling $1\frac{3}{32}$-inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year preceding the year in which the crop is planted between the average Northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(2) Limitations.—The loan rate for a marketing assistance loan for upland cotton shall not be less than $0.50 per pound or more than $0.5192 per pound.

(d) Extra Long Staple Cotton.—The loan rate for a marketing assistance loan under section 121 for extra long staple cotton shall be—

(1) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during three years of the five-year period ending July 31 of the year preceding the year in which the crop is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(2) not more than $0.7965 per pound.

(e) Rice.—The loan rate for a marketing assistance loan under section 121 for rice shall be $6.50 per hundredweight.

(f) Oilseeds.—

(1) Soybeans.—The loan rate for a marketing assistance loan under section 121 for soybeans shall be—

(A) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding five crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $4.92 per bushel.

(2) Other Oilseeds.—The loan rate for a marketing assistance loan under section 121 for other oilseeds shall be—

(A) not less than 85 percent of the simple average price received by producers of the other oilseed, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the other oilseed, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $0.087 per pound.

### SEC. 123. TERM OF LOANS.

(a) Term of Loan.—In the case of each covered commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under section 121 shall have a term of nine months beginning on the first day of the first month after the month in which the loan is made.

(b) Special Rule for Cotton.—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

(c) Extensions Prohibited.—The Secretary may not extend the term of a marketing assistance loan for any covered commodity.

### SEC. 124. REPAYMENT OF LOANS.

(a) Repayment Rates for Wheat, Feed Grains, and Oilseeds.—The Secretary shall permit a producer to repay a marketing assistance loan under section 121 for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity; and

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(b) Repayment Rates for Upland Cotton and Rice.—The Secretary shall permit producers to repay a marketing assistance loan under section 121 for upland cotton and rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or

(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) Repayment Rates for Extra Long Staple Cotton.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary).

(d) Prevailing World Market Price.—For purposes of this section and section 127, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each covered commodity, adjusted to United States quality and location; and

(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each covered commodity.

(e) Adjustment of Prevailing World Market Price for Upland Cotton.—

(1) In General.—During the period beginning on the date of the enactment of this Act and ending July 31, 2012, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under subsection (d) shall be further adjusted if—

(A) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under section 122, as determined by the Secretary; and

(B) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) $1\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe (referred to in this section as the "Northern Europe price").

(2) Further Adjustment.—Except as provided in paragraph (3), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:

(A) The United States share of world exports.

(B) The current level of cotton export sales and cotton export shipments.

(C) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(3) Limitation on Further Adjustment.—The adjustment under paragraph (2) may not exceed the difference between—

(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling $1\frac{3}{32}$-inch cotton delivered C.I.F. Northern Europe; and

(B) the Northern Europe price.

(f) Time for Fixing Repayment Rate.—In the case of a producer that marketed or otherwise lost beneficial interest in a covered commodity before repaying the marketing assistance loan made under section 121 with respect to the commodity, the Secretary shall permit the producer to repay the loan at the lowest repayment rate that was in effect for that covered commodity under this section as of the date that the producer lost beneficial interest, as determined by the Secretary.

### SEC. 125. LOAN DEFICIENCY PAYMENTS.

(a) Availability of Loan Deficiency Payments.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under section 121 with respect to a covered commodity, agree to forgo obtaining the loan for the commodity in return for payments under this section.

(b) Computation.—A loan deficiency payment under this section shall be computed by multiplying—

(1) the loan payment rate determined under subsection (c) for the covered commodity; by

(2) the quantity of the covered commodity produced by the eligible producers, excluding any quantity for which the producers obtain a loan under section 121.

(c) Loan Payment Rate.—For purposes of this section, the loan payment rate shall be the amount by which—

(1) the loan rate established under section 122 for the covered commodity; exceeds

(2) the rate at which a loan for the commodity may be repaid under section 124.

(d) Exception for Extra Long Staple Cotton.—This section shall not apply with respect to extra long staple cotton.

(e) Time for Payment.—The Secretary shall make a payment under this section to a producer with respect to a quantity of a covered commodity as of the earlier of the following:

(1) The date on which the producer marketed or otherwise lost beneficial interest in the commodity, as determined by the Secretary.

(2) The date the producer requests the payment.

(f) Continuation of Special LDP Rule for 2001Crop Year.—Section 135(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235(a)(2)) is amended by striking "2000 crop year" and inserting "2000 and 2001 crop years".

### SEC. 126. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) Eligible Producers.—Effective for the 2002 through 2011 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 125 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) Payment Amount.—The amount of a payment made to a producer on a farm under this section shall be equal to the amount determined by multiplying—

(1) the loan deficiency payment rate determined under section 125(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(2) the payment quantity determined by multiplying—

(A) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(B) the payment yield for that covered commodity on the farm.

(c) Time, Manner, and Availability of Payment.—

(1) Time and manner.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 125.

(2) Availability.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) Prohibition on Crop Insurance or Noninsured Crop Assistance.—A 2002 through 2011 crop of wheat, barley, or oats planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

### SEC. 127. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) Cotton User Marketing Certificates.—

(1) Issuance.—During the period beginning on the date of the enactment of this Act and ending July 31, 2012, the Secretary shall issue marketing certificates or cash payments, at the option of the recipient, to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive four-week period in which—

(A) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(B) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 134 percent of the loan rate for upland cotton established under section 122.

(2) Value of certificates or payments.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the fourth week of the consecutive four-week period multiplied by the quantity of upland cotton included in the documented sales.

(3) Administration of marketing certificates.—

(A) Redemption, marketing, or exchange.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this subsection.

(B) Designation of commodities and products.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates

(C) Transfers.—Marketing certificates issued to domestic users and exporters of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(b) Special Import Quota.—

(1) Establishment.—

(A) In general.—The President shall carry out an import quota program during the period beginning on the date of the enactment of this Act and ending July 31, 2012, as provided in this subsection.

(B) Program requirements.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive four-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(C) Tight domestic supply.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1$\frac{3}{32}$-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

(D) Season-ending united states stocks-to-use ratio.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.

(2) Quantity.—The quota shall be equal to one week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent three months for which data are available.

(3) Application.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (1) and entered into the United States not later than 180 days after the date.

(4) Overlap.—A special quota period may be established that overlaps any existing quota period if required by paragraph (1), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (c).

(5).Preferential tariff treatment.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(6) Definition.—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(7) Limitation.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of five week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the three months immediately preceding the first special import quota established in any marketing year.

(c) Limited Global Import Quota for Upland Cotton.—

(1) In general.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) Quantity.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available.

(B) Quantity if prior quota.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) Preferential tariff treatment.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) Definitions.—In this subsection:

(i) Supply.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) Demand.—The term "demand" means—

(I) the average seasonally adjusted annual rate of domestic mill consumption during the most recent three months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding six marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) Limited global import quota.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) Quota entry period.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) No overlap.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (b).

### SEC. 128. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) Competitiveness Program.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on July 31, 2012, the Secretary shall carry out a program to maintain and expand the domestic use of extra long staple cotton produced in the United States, to increase exports of extra long staple cotton produced in the United States, and to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) Payments Under Program; Trigger.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive four-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) Eligible Recipients.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States who enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) Payment Amount.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive four-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive four-week period.

(e) Form of Payment.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.

### SEC. 129. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON AND OTHER FIBERS.

(a) High Moisture Feed Grains.—

(1) Recourse loans available.—For each of the 2002 through 2011 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm who—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(2) Eligibility of acquired feed grains.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(3) High moisture state defined.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 121.

(b) Recourse Loans Available for Seed Cotton.—For each of the 2002 through 2011 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) Repayment Rates.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (as determined by the Secretary).

(d) Termination of Superseded Loan Authority.—Notwithstanding section 137 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7237), recourse loans shall not be made for the 2002 crop of corn, grain sorghum, and seed cotton under such section.

### SEC. 130. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR WOOL AND MOHAIR.

(a) Nonrecourse Loans Available.—During the 2002 through 2011 marketing years for wool and mohair, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for wool and mohair produced on the farm during that marketing year.

(b) Loan Rate.—The loan rate for a loan under subsection (a) shall be not more than—

(1) $1.00 per pound for graded wool;

(2) $0.40 per pound for nongraded wool; and

(3) $4.20 per pound for mohair.

(c) Term of Loan.—A loan under subsection (a) shall have a term of one year beginning on the first day of the first month after the month in which the loan is made.

(d) Repayment Rates.—The Secretary shall permit a producer to repay a marketing assistance loan under subsection (a) for wool or mohair at a rate that is the lesser of—

(1) the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity; and

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(e) Loan Deficiency Payments.—

(1) Availability.—The Secretary may make loan deficiency payments available to producers that, although eligible to obtain a marketing assistance loan under this section, agree to forgo obtaining the loan in return for payments under this section.

(2) Computation.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate in effect under paragraph (3) for the commodity; by

(B) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a loan under this subsection.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate for wool or mohair shall be the amount by which—

(A) the loan rate in effect for the commodity under subsection (b); exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(4) TIME FOR PAYMENT.—The Secretary shall make a payment under this subsection to a producer with respect to a quantity of a wool or mohair as of the earlier of the following:

(A) The date on which the producer marketed or otherwise lost beneficial interest in the wool or mohair, as determined by the Secretary.

(B) The date the producer requests the payment.

(f) LIMITATIONS.—The marketing assistance loan gains and loan deficiency payments that a person may receive for wool and mohair under this section shall be subject to a separate payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loans and loan deficiency payments received by producers of other agricultural commodities in the same marketing year.

### SEC. 131. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR HONEY.

(a) NONRECOURSE LOANS AVAILABLE.—During the 2002 through 2011 crop years for honey, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for honey produced on the farm during that crop year.

(b) LOAN RATE.—The loan rate for a marketing assistance loan for honey under subsection (a) shall be equal to $0.60 cents per pound.

(c) TERM OF LOAN.—A marketing assistance loan under subsection (a) shall have a term of one year beginning on the first day of the first month after the month in which the loan is made.

(d) REPAYMENT RATES.—The Secretary shall permit a producer to repay a marketing assistance loan for honey under subsection (a) at a rate that is the lesser of—

(1) the loan rate for honey, plus interest (as determined by the Secretary); or

(2) the prevailing domestic market price for honey, as determined by the Secretary.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan payment rate determined under paragraph (3); by

(B) the quantity of honey that the producer is eligible to place under loan, but for which the producer forgoes obtaining the loan in return for a payment under this subsection.

(3) LOAN PAYMENT RATE.—For the purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(4) TIME FOR PAYMENT.—The Secretary shall make a payment under this subsection to a producer with respect to a quantity of a honey as of the earlier of the following:

(A) The date on which the producer marketed or otherwise lost beneficial interest in the honey, as determined by the Secretary.

(B) The date the producer requests the payment.

(f) LIMITATIONS.—The marketing assistance loan gains and loan deficiency payments that a person may receive for a crop of honey under this section shall be subject to a separate payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loans and loan deficiency payments received by producers of other agricultural commodities in the same crop year.

(g) PREVENTION OF FORFEITURES.—The Secretary shall carry out this section in such a manner as to minimize forfeitures of honey marketing assistance loans.

## Subtitle C—Other Commodities

## CHAPTER 1—DAIRY

### SEC. 141. MILK PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2002, and ending on December 31, 2011, the Secretary of Agriculture shall support the price of milk produced in the 48 contiguous States through the purchase of cheese, butter, and nonfat dry milk produced from the milk.

(b) RATE.—During the period specified in subsection (a), the price of milk shall be supported at a rate equal to $9.90 per hundredweight for milk containing 3.67 percent butterfat.

(c) PURCHASE PRICES.—The support purchase prices under this section for each of the products of milk (butter, cheese, and nonfat dry milk) announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary. The purchase prices shall be sufficient to enable plants of average efficiency to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) SPECIAL RULE FOR BUTTER AND NONFAT DRY MILK PURCHASE PRICES.—

(1) ALLOCATION OF PURCHASE PRICES.—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. Not later than 10 days after making or changing an allocation, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this section.

(2) TIMING OF PURCHASE PRICE ADJUSTMENTS.—The Secretary may make any such adjustments in the purchase prices for nonfat dry milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(e) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

### SEC. 142. REPEAL OF RECOURSE LOAN PROGRAM FOR PROCESSORS.

Section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7252) is repealed.

### SEC. 143. EXTENSION OF DAIRY EXPORT INCENTIVE AND DAIRY INDEMNITY PROGRAMS.

(a) DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)) is amended by striking "2002" and inserting "2011".

(b) DAIRY INDEMNITY PROGRAM.—Section 3 of Public Law 90-484 (7 U.S.C. 450*l*) is amended by striking "1995" and inserting "2011".

### SEC. 144. FLUID MILK PROMOTION.

(a) DEFINITION OF FLUID MILK PRODUCT.—Section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) FLUID MILK PRODUCT.—The term 'fluid milk product' has the meaning given such term—

"(A) in section 1000.15 of title 7, Code of Federal Regulations, subject to such amendments as may be made from time to time; or

"(B) in any successor regulation providing a definition of such term that is promulgated pursuant to the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.".

(b) DEFINITION OF FLUID MILK PROCESSOR.—Section 1999C(4) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended by striking "500,000" and inserting "3,000,000".

(c) ELIMINATION OF ORDER TERMINATION DATE.—Section 1999O of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

### SEC. 145. DAIRY PRODUCT MANDATORY REPORTING.

Section 273(b)(1)(B) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(b)(1)(B)) is amended—

(1) by inserting "and substantially identical products designated by the Secretary" after "dairy products" the first place it appears; and

(2) by inserting "and such substantially identical products" after "dairy products" the second place it appears.

### SEC. 146. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DEFINITIONS.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(m) the term 'imported dairy product' means any dairy product that is imported into the United States, including dairy products imported into the United States in the form of—

"(1) milk, cream, and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese; and

"(4) casein and mixtures;

"(n) the term 'importer' means a person that imports an imported dairy product into the United States; and

"(o) the term 'Customs' means the United States Customs Service.".

(b) REPRESENTATION OF IMPORTERS ON BOARD.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by inserting "NATIONAL DAIRY PROMOTION AND RESEARCH BOARD.—" after "(b)";

(2) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively, and indenting the paragraphs appropriately;

(3) in paragraph (2) (as so designated), by striking "Members" and inserting "Except as provided in paragraph (6), the members"; and

(4) by inserting after paragraph (5) (as so designated) the following:

"(6) Importers.—

"(A) Representation.—The Secretary shall appoint not more than 2 members who represent importers of dairy products and are subject to assessments under the order, to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary's determination of the average volume of domestic production of dairy products proportionate to the average volume of imports of dairy products in the United States over the previous three years.

"(B) Additional members; nominations.—The members appointed under this paragraph—

"(i) shall be in addition to the total number of members appointed under paragraph (2); and

"(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(c) Importer Assessment.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—

(1) by inserting "Assessments.—" after "(g)";

(2) by designating the first through fifth sentences as paragraphs (1) through (5), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(6) Importers.—

"(A) In general.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) Time for payment.—The assessment on imported dairy products shall be paid by the importer to Customs at the time of the entry of the products into the United States and shall be remitted by Customs to the Board. For purposes of this subparagraph, entry of the products into the United States shall be deemed to have occurred when the products are released from custody of Customs and introduced into the stream of commerce within the United States. Importers include persons who hold title to foreign-produced dairy products immediately upon release by Customs, as well as persons who act on behalf of others, as agents, brokers, or consignees, to secure the release of dairy products from Customs and the introduction of the released dairy products into the stream of commerce.

"(C) Rate.—The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(D) Value of products.—For the purpose of determining the assessment on imported dairy products under subparagraph (C), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.

"(E) Use of assessments on imported dairy products.—Assessments collected on imported dairy products shall not be used for foreign market promotion.".

(d) Records.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)) is amended in the first sentence by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

(e) Importer Eligibility To Vote in Referendum.—Section 116(b) of the Dairy Promotion Stabilization Act of 1983 (7 U.S.C. 4507(b)) is amended—

(1) in the first sentence—

(A) by inserting after "of producers" the following: "and importers"; and

(B) by inserting after "the producers" the following: "and importers"; and

(2) in the second sentence, by inserting after "commercial use" the following: "and importers voting in the referendum (who have been engaged in the importation of dairy products during the same representative period, as determined by the Secretary)".

(f) Conforming Amendments To Reflect Addition of Importers.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended—

(1) in the first sentence—

(A) by inserting after "commercial use" the following: "and on imported dairy products"; and

(B) by striking "products produced in the United States." and inserting "products."; and

(2) in the second sentence, by inserting after "produce milk" the following: "or the right of any person to import dairy products".

## CHAPTER 2—SUGAR

### SEC. 151. SUGAR PROGRAM.

(a) Continuation of Program.—Subsection (i) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended—

(1) by striking "(other than subsection (f))"; and

(2) by striking "2002 crops" and inserting "2011 crops".

(b) Termination of Marketing Assessment.—Effective as of October 1, 2001, subsection (f) of such section is repealed.

(c) Loan Rate Adjustments.—Subsection (c) of such section is amended—

(1) by striking "Reduction in Loan Rates" and inserting "Loan Rate Adjustments"; and

(2) in paragraph (1)—

(A) by striking "Reduction required" and inserting "Possible reduction"; and

(B) by striking "shall" and inserting "may".

(d) Notification.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(3) Prevention of onerous notification requirements.—The Secretary may not impose or enforce any prenotification or similar administrative requirement that has the effect of preventing a processor from choosing to forfeit the loan collateral upon the maturity of the loan.".

(e) In Process Sugar.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

"(f) Loans for In-Process Sugar.—

"(1) Availability; rate.—The Secretary shall make nonrecourse loans available to processors of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from such crops. The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, depending on the source material for the in-process sugars and syrups.

"(2) Further processing upon forfeiture.—As a condition on the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (1), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b). Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Corporation, which shall make a payment to the processor in an amount equal to the difference between the loan rate for raw cane sugar or refined beet sugar, whichever applies, and the loan rate the processor received under paragraph (1).

"(3) Loan conversion.—If the processor does not forfeit the collateral as described in paragraph (2), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may then obtain a loan under subsection (a) or (b) on the raw cane sugar or refined beet sugar, as appropriate.

"(4) Definition.—In this subsection the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished products that are otherwise eligible for loans under subsection (a) or (b).".

(f) Administration of Program.—Such section is further amended by adding at the end the following new subsection:

"(j) Avoiding Forfeitures; Corporation Inventory Disposition.—

"(1) No cost.—To the maximum extent practicable, the Secretary shall operate the sugar program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) Inventory disposition.—In support of the objective specified in paragraph (1), the Commodity Credit Corporation may accept bids for commodities in the inventory of the Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (when the processors are acting in conjunction with the producers of the sugarcane or sugar beets processed by such processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate. The authority provided under this paragraph is in addition to any authority of the Corporation under any other law.".

(g) Information Reporting.—Subsection (h) of such section is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) Duty of producers to report.—

"(A) Proportionate share states.—The Secretary shall require a producer of sugarcane located in a State (other than Puerto Rico) in which there are in excess of 250 sugarcane producers to report, in the manner prescribed by the Secretary, the producer's sugarcane yields and acres planted to sugarcane.

"(B) Other states.—The Secretary may require producers of sugarcane or sugar beets not covered by paragraph (1) to report, in the manner prescribed by the Secretary, each producer's sugarcane or sugar beet yields and acres planted to sugarcane or sugar beets, respectively.

"(3) Duty of importers to report.—The Secretary shall require an importer of sugars, syrups or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption, except such sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are at the lower rate of duties, to report, in the manner prescribed by the Secretary, the quantities of such products imported and the sugar content or equivalent of such products."; and

(3) in paragraph (5), as so redesignated, by striking "paragraph (1)" and inserting "this subsection".

(h) Interest Rate.—Section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283) is amended by adding at the end the following new sentence: "For purposes of this section, raw cane sugar, refined beet sugar, and in process sugar eligible for a loan under section 156 shall not be considered an agricultural commodity.".

### SEC. 152. REAUTHORIZE PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938 REGARDING SUGAR.

(a) Information Reporting.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is repealed.

(b) Estimates.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended:

(1) in the section heading—

(A) by inserting "**FLEXIBLE**" before "**MARKETING**"; and

(B) by striking "**AND CRYSTALLINE FRUCTOSE**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "Before" and inserting "Not later than August 1 before";

(ii) by striking "1992 through 1998" and inserting "2002 through 2011";

(iii) in subparagraph (A), by striking "(other than sugar" and all that follows through "stocks";

(iv) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(v) by inserting after subparagraph (A) the following:

"(B) the quantity of sugar that would provide for reasonable carryover stocks;";

(vi) in subparagraph (C), as so redesignated—

(I) by striking "or" and all that follows through "beets"; and

(II) by striking the "and" following the semicolon;

(vii) by inserting after subparagraph (C), as so redesignated, the following:

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane and sugar beets; and"; and

(viii) in subparagraph (E), as so redesignated—

(I) by striking "quantity of sugar" and inserting "quantity of sugars, syrups, and molasses";

(II) by inserting "human" after "imported for" the first place it appears;

(III) by inserting after "consumption" the first place it appears the following: "or to be used for the extraction of sugar for human consumption";

(IV) by striking "year" and inserting "year, whether such articles are under a tariff-rate quota or are in excess or outside of a tariff rate quota"; and

(V) by striking "(other than sugar" and all that follows through "carry-in stocks";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

"(2) Exclusion.—The estimates in this section shall not include sugar imported for the production of polyhydric alcohol or to be refined and re-exported in refined form or in sugar containing products.";

(D) in paragraph (3), as so redesignated—

(i) by striking "Quarterly reestimates" and inserting "Reestimates"; and

(ii) by inserting "as necessary, but" after "a fiscal year";

(3) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) In general.—By the beginning of each fiscal year, the Secretary shall establish for that fiscal year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar beets and from domestically-produced sugarcane at a level that the Secretary estimates will result in no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar."; and

(B) in paragraph (2), by striking "or crystalline fructose";

(4) by striking subsection (c);

(5) by redesignating subsection (d) as subsection (c); and

(6) in subsection (c), as so redesignated—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2), as so redesignated—

(i) by striking "or manufacturer" and all that follows through "(2)"; and

(ii) by striking "or crystalline fructose".

(c) Establishment.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in the section heading by inserting "**FLEXIBLE**" after "**OF**";

(2) in subsection (a), by inserting "flexible" after "establish";

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "1,250,000" and inserting "1,532,000"; and

(B) in paragraph (2), by striking "to the maximum extent practicable";

(4) by striking subsection (c) and inserting the following new subsection:

"(c) Marketing Allotment for Sugar Derived from Sugar Beets and Marketing Allotment for Sugar Derived from Sugarcane.—The overall allotment quantity for the fiscal year shall be allotted among—

"(1) sugar derived from sugar beets by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by the percentage of 54.35; and

"(2) sugar derived from sugarcane by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by the percentage of 45.65.";

(5) by amending subsection (d) to read as follows:

"(d) Filling Cane Sugar and Beet Sugar Allotments.—Each marketing allotment for cane sugar established under this section may only be filled with sugar processed from domestically grown sugarcane, and each marketing allotment for beet sugar established under this section may only be filled with sugar domestically processed from sugar beets.";

(6) by striking subsection (e);

(7) by redesignating subsection (f) as subsection (e);

(8) in subsection (e), as so redesignated—

(A) by inserting "(1) In general.—" before "The allotment for sugar" and indenting such paragraph appropriately;

(B) in such paragraph (1)—

(i) by striking "the 5" and inserting "the";

(ii) by inserting after "sugarcane is produced," the following: "after a hearing, if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe,";

(iii) by striking "on the basis of past marketings" and all that follows through "allotments", and inserting "as provided in this subsection and section 359d(a)(2)(A)(iv)"; and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) Offshore allotment.—

"(A) Collectively.—Prior to the allotment of sugar derived from sugarcane to any other State, 325,000 short tons, raw value shall be allotted to the offshore States.

"(B) Individually.—The collective offshore State allotment provided for under subparagraph (A) shall be further allotted among the offshore States in which sugarcane is produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

"(i) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

"(ii) the ability of processors to market the sugar covered under the allotments for the crop year; and

"(iii) past processings of sugar from sugarcane based on the 3 year average of the crop years 1998 through 2000.

"(3) Mainland allotment.—The allotment for sugar derived from sugarcane, less the amount provided for under paragraph (2), shall be allotted among the mainland States in the United States in which sugarcane is produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

"(A) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

"(B) the ability of processors to market the sugar covered under the allotments for the crop year; and

"(C) past processings of sugar from sugarcane, based on the 3 crop years with the greatest processings (in the mainland States collectively) during the 1991 through 2000 crop years.";

(9) by inserting after subsection (e), as so redesignated, the following new subsection (f):

"(f) Filling Cane Sugar Allotments.—Except as otherwise provided in section 359e, a State cane sugar allotment established under subsection (e) for a fiscal year may be filled only with sugar processed from sugarcane grown in the State covered by the allotment.";

(10) in subsection (g)—

(A) in paragraph (1), by striking "359b(a)(2)—" and all that follows through the comma at the end of subparagraph (C) and inserting "359b(a)(3), adjust upward or downward marketing allotments in a fair and equitable manner";

(B) in paragraph (2) by striking "359f(b)" and inserting "359f(c)"; and

(C) in paragraph (3)—

(i) by striking "Reductions" and inserting "Carry-over of reductions";

(ii) by inserting after "this subsection, if" the following: "at the time of the reduction";

(iii) by striking "price support" and inserting "nonrecourse";

(iv) by striking "206" and all that follows through "the allotment" and inserting "156 of the Agricultural Market Transition Act (7 U.S.C. 7272),"; and

(v) by striking ", if any,"; and

(11) by amending subsection (h) to read as follows:

"(h) Suspension of Allotments.—Whenever the Secretary estimates, or reestimates, under section 359b(a), or has reason to believe that imports of sugars, syrups or molasses for human consumption or to be used for the extraction of sugar for human consumption, whether under a tariff-rate quota or in excess or outside of a tariff-rate quota, will exceed 1.532 million short tons, raw value equivalent, and that such imports would lead to a reduction of the overall allotment quantity, the Secretary shall suspend the marketing allotments until such time as such imports have been restricted, eliminated, or otherwise reduced to or below the level of 1.532 million tons.".

(d) ALLOCATION.—Section 359d of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd) is amended—

(1) in subsection (a)(2)(A)—

(A) by inserting "(i) IN GENERAL.—" before "The Secretary shall" and indenting such clause appropriately;

(B) in clause (i), as so designated—

(i) by striking "interested parties" and inserting "the affected sugar cane processors and growers";

(ii) by striking "by taking" and all that follows through "allotment allocated." and inserting "with this subparagraph."; and

(iii) by inserting at the end the following new sentence: "Each such allocation shall be subject to adjustment under section 359c(g).";

(C) by inserting after clause (i) the following new clauses:

"(ii) MULTIPLE PROCESSOR STATES.—Except as provided in clause (iii), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single State based upon—

"(I) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from among the 1996 through 2000 crops;

"(II) the ability of processors to market sugar covered by that portion of the allotment allocated for the crop year;

"(III) past processings of sugar from sugarcane, based on the average of the 3 highest years from among crop years 1996 through 2000; and

"(IV) however, only with respect to allotments under subclauses (I), (II), and (III) attributable to the former operations of the Talisman processing facility, shall be allocated among processors in the State coincident with the provisions of the agreements of March 25 and March 26, 1999, between the affected processors and the Department of the Interior.

"(iii) PROPORTIONATE SHARE STATES.—In the case of States subject to section 359f(c), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single state based upon—

"(I) past marketings of sugar, based on the average of the two highest years of production of raw cane sugar from among the 1997 through 2001 crop years;

"(II) the ability of processors to market sugar covered by that portion of the allotments allocated for the crop year; and

"(III) past processings of sugar from sugarcane, based on the average of the two highest crop years from the five crop years 1997 through 2001.

"(iv) NEW ENTRANTS.—Notwithstanding clauses (ii) and (iii), the Secretary, on application of any processor that begins processing sugarcane on or after the date of enactment of this clause, and after a hearing if requested by the affected sugarcane processors and growers, and on such notice as the Secretary by regulation may prescribe, may provide such processor with an allocation which provides a fair, efficient and equitable distribution of the allocations from the allotment for the State in which the processor is located and, in the case of proportionate share States, shall establish proportionate shares in an amount sufficient to produce the sugarcane required to satisfy such allocations. However, the allotment for a new processor under this clause shall not exceed 50,000 short tons, raw value.

"(v) TRANSFER OF OWNERSHIP.—Except as otherwise provided in section 359f(c)(8), in the event that a sugarcane processor is sold or otherwise transferred to another owner, or closed as part of an affiliated corporate group processing consolidation, the Secretary shall transfer the allotment allocation for the processor to the purchaser, new owner, or successor in interest, as applicable, of the processor."; and

(2) in subsection (a)(2)(B)—

(A) by striking "interested parties" and inserting "the affected sugar beet processors and growers"; and

(B) by striking "processing capacity" and all that follows through "allotment allocated" and inserting the following: "the marketings of sugar processed from sugar beets of any or all of the 1996 through 2000 crops, and such other factors as the Secretary may deem appropriate after consultation with the affected sugar beet processors and growers. However, in the case of any processor which has started processing sugar beets after January 1, 1996, the Secretary shall provide such processor with an allocation which provides a fair, efficient and equitable distribution of the allocations".

(e) REASSIGNMENT.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking the "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) if after the reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the estimated quantity of the deficit to the sale of any inventories of sugar held by the Commodity Credit Corporation; and"; and

(D) in subparagraph (D), as so redesignated, by inserting "and sales" after "reassignments"; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking the "and" after the semicolon;

(B) in subparagraph (B), by striking "reassign the remainder to imports." and inserting "use the estimated quantity of the deficit for the sale of any inventories of sugar held by the Commodity Credit Corporation; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) if after such reassignments and sales, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.".

(f) PRODUCER PROVISIONS.—Section 359f of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff) is amended—

(1) in subsection (a)—

(A) by striking "processor's allocation" in the second sentence and inserting "allocation to the processor"; and

(B) by inserting after "request of either party" the following: ", and such arbitration should be completed within 45 days, but not more than 60 days, of the request";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

"(b) SUGAR BEET PROCESSING FACILITY CLOSURES.— In the event that a sugar beet processing facility is closed and the sugar beet growers who previously delivered beets to such facility desire to deliver their beets to another processing company:

"(1) Such growers may petition the Secretary to modify existing allocations to accommodate such a transition; and

"(2) The Secretary may increase the allocation to the processing company to which the growers desire to deliver their sugar beets, and which the processing company agrees to accept, not to exceed its processing capacity, to accommodate the change in deliveries.

"(3) Such increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation will be unaffected.

"(4) The Secretary's determination on the issues raised by the petition shall be made within 60 days of the filing of the petition.";

(4) in subsection (c), as so redesignated—

(A) in paragraph (3)(A), by striking "the preceding five years" and inserting "the two highest years from among the years 1999, 2000, and 2001";

(B) in paragraph (4)(A), by striking "each" and all that follows through "in effect" and inserting "the two highest of the three (3) crop years 1999, 2000, and 2001"; and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) PROCESSING FACILITY CLOSURES.—In the event that a sugarcane processing facility subject to this subsection is closed and the sugarcane growers who previously delivered sugarcane to such facility desire to deliver their sugarcane to another processing company—

"(A) such growers may petition the Secretary to modify existing allocations to accommodate such a transition;

"(B) the Secretary may increase the allocation to the processing company to which the growers desire to deliver the sugarcane, and which the processing company agrees to accept, not to exceed its processing capacity, to accommodate the change in deliveries;

"(C) such increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation will be unaffected; and

"(D) the Secretary's determination on the issues raised by the petition shall be made within 60 days of the filing of the petition.".

(g) CONFORMING AMENDMENTS.—(1) The heading of part VII of subtitle B of Title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 359aa et seq.) is amended to read as follows:

### "PART VII—FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR".

(2) Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(A) by striking "359f" each place it appears and inserting "359f(c)";

(B) in subsection (b), by striking "3 consecutive" and inserting "5 consecutive"; and

(C) in subsection (c), by inserting "or adjusted" after "share established".

(3) Section 359j(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended—

(A) by amending the subsection heading to read as follows: "DEFINITIONS.—";

(B) by striking "Notwithstanding" and inserting the following:

"(1) UNITED STATES AND STATE.—Notwithstanding"; and

(C) by inserting after such paragraph (1) the following new paragraph:

"(2) OFFSHORE STATES.—For purposes of this part, the term 'offshore States' means the sugarcane producing States located outside of the continental United States.".

(h) LIFTING OF SUSPENSION.—Section 171(a)(1)(E) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)(E)) is amended by inserting before the period at the end the following: ", but only with respect to sugar marketings through fiscal year 2002".

**SEC. 153. STORAGE FACILITY LOANS.**

(a) STORAGE FACILITY LOAN PROGRAM.—Notwithstanding any other provision of law and as soon as practicable after the date of enactment of this section, the Commodity Credit Corporation shall amend part 1436 of title 7, Code of Federal Regulations, to establish a sugar storage facility loan program to provide financing for processors of domestically-produced sugarcane and sugar beets to build or upgrade storage and handling facilities for raw sugars and refined sugars.

(b) ELIGIBLE PROCESSORS.—Storage facility loans shall be made available to any processor of domestically produced sugarcane or sugar beets that has a satisfactory credit history, determines a need for increased storage capacity (taking into account the effects of marketing allotments), and demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—Storage facility loans shall be for a minimum of seven years, and shall be in such amounts and on such terms and conditions (including down payment, security requirements, and eligible equipment) as are normal, customary, and appropriate for the size and commercial nature of the borrower.

(d) ADMINISTRATION.—The sugar storage facility loan program shall be administered using the services, facilities, funds, and authorities of the Commodity Credit Corporation.

## CHAPTER 3—PEANUTS

**SEC. 161. DEFINITIONS.**

In this chapter:

(1) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to peanut producers under section 164.

(2) EFFECTIVE PRICE.—The term "effective price" means the price calculated by the Secretary under section 164 for peanuts to determine whether counter-cyclical payments are required to be made under such section for a crop year.

(3) HISTORIC PEANUT PRODUCER.—The term "historic peanut producer" means a peanut producer on a farm in the United States that produced or attempted to produce peanuts during any or all of crop years 1998, 1999, 2000, and 2001.

(4) FIXED, DECOUPLED PAYMENT.—The term "fixed, decoupled payment" means a payment made to peanut producers under section 163.

(5) PAYMENT ACRES.—The term "payment acres" means 85 percent of the peanut acres on a farm, as established under section 162, upon which fixed, decoupled payments and counter-cyclical payments are to be made.

(6) PEANUT ACRES.—The term "peanut acres" means the number of acres assigned to a particular farm by historic peanut producers pursuant to section 162(b).

(7) PAYMENT YIELD.—The term "payment yield" means the yield assigned to a particular farm by historic peanut producers pursuant to section 162(b).

(8) PEANUT PRODUCER.—The term "peanut producer" means an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing a crop of peanuts in the United States and who is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(11) TARGET PRICE.—The term "target price" means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(12) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

**SEC. 162. ESTABLISHMENT OF PAYMENT YIELD, PEANUT ACRES, AND PAYMENT ACRES FOR A FARM.**

(a) ESTABLISHMENT OF PAYMENT YIELD AND PAYMENT ACRES.—

(1) DETERMINATION OF AVERAGE YIELD.—The Secretary shall determine, for each historic peanut producer, the average yield for peanuts on each farm on which the historic peanut producer produced peanuts for the 1998 through 2001 crop years, excluding any crop year in which the producer did not produce peanuts. If, for any of these four crop years in which peanuts were planted on a farm by the producer, the farm would have satisfied the eligibility criteria established to carry out section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), the Secretary shall assign a yield for the producer for that year equal to 65 percent of the county yield, as determined by the Secretary.

(2) DETERMINATION OF ACREAGE AVERAGE.—The Secretary shall determine, for each historic peanut producer, the four-year average of acreage actually planted in peanuts by the historic peanut producer for harvest on one or more farms during crop years 1998, 1999, 2000, and 2001 and any acreage that the producer was prevented from planting to peanuts during such crop years because of drought, flood, or other natural disaster, or other condition beyond the control of the producer, as determined by the Secretary. If more than one historic peanut producer shared in the risk of producing the crop on the farm, the historic peanut producers shall receive their proportional share of the number of acres planted (or prevented from being planted) to peanuts for harvest on the farm based on the sharing arrangement that was in effect among the producers for the crop.

(3) TIME FOR DETERMINATIONS; CONSIDERATIONS.—The Secretary shall make the determinations required by this subsection not later than 90 days after the date of the enactment of this Act. In making such determinations, the Secretary shall take into account changes in the number and identity of persons sharing in the risk of producing a peanut crop since the 1998 crop year, including providing a method for the assignment of average acres and average yield to a farm when the historic peanut producer is no longer living or an entity composed of historic peanut producers has been dissolved.

(b) ASSIGNMENT OF PAYMENT YIELD AND PEANUT ACRES TO FARMS.—

(1) ASSIGNMENT BY HISTORIC PEANUT PRODUCERS.—The Secretary shall give each historic peanut producer an opportunity to assign the average peanut yield and average acreage determined under subsection (a) for the producer to cropland on a farm.

(2) PAYMENT YIELD.—The average of all of the yields assigned by historic peanut producers to a farm shall be deemed to be the payment yield for that farm for the purpose of making fixed decoupled payments and counter-cyclical payments under this chapter.

(3) PEANUT ACRES.—Subject to subsection (e), the total number of acres assigned by historic peanut producers to a farm shall be deemed to be the peanut acres for a farm for the purpose of making fixed decoupled payments and counter-cyclical payments under this chapter.

(c) TIME FOR ASSIGNMENT.—The opportunity to make the assignments described in subsection (b) shall be available to historic peanut producers only once. The historic peanut producers shall notify the Secretary of the assignments made by such producers under such subsections not later than 180 days after the date of the enactment of this Act.

(d) PAYMENT ACRES.—The payment acres for peanuts on a farm shall be equal to 85 percent of the peanut acres assigned to the farm.

(e) PREVENTION OF EXCESS PEANUT ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the peanut acres for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the quantity of peanut acres for the farm or base acres for one or more covered commodities for the farm as necessary so that the sum of the peanut acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm. The Secretary shall give the peanut producers on the farm the opportunity to select the peanut acres or base acres against which the reduction will be made.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for the farm under subtitle A.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(3) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

**SEC. 163. AVAILABILITY OF FIXED, DECOUPLED PAYMENTS FOR PEANUTS.**

(a) PAYMENT REQUIRED.—For each of the 2002 through 2011 crop years, the Secretary shall make fixed, decoupled payments to peanut producers on a farm.

(b) PAYMENT RATE.—The payment rate used to make fixed, decoupled payments with respect to peanuts for a crop year shall be equal to $36 per ton.

(c) PAYMENT AMOUNT.—The amount of the fixed, decoupled payment to be paid to the peanut producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(d) Time for Payment.—

(1) General rule.—Fixed, decoupled payments shall be paid not later than September 30 of each of fiscal years 2002 through 2011. In the case of the 2002 crop, payments may begin to be made on or after December 1, 2001.

(2) Advance payments.—At the option of a peanut producer, 50 percent of the fixed, decoupled payment for a fiscal year shall be paid on a date selected by the peanut producer. The selected date shall be on or after December 1 of that fiscal year, and the peanut producer may change the selected date for a subsequent fiscal year by providing advance notice to the Secretary.

(3) Repayment of advance payments.—If a peanut producer that receives an advance fixed, decoupled payment for a fiscal year ceases to be a peanut producer before the date the fixed, decoupled payment would otherwise have been made by the Secretary under paragraph (1), the peanut producer shall be responsible for repaying the Secretary the full amount of the advance payment.

### SEC. 164. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

(a) Payment Required.—During the 2002 through 2011 crop years for peanuts, the Secretary shall make counter-cyclical payments with respect to peanuts whenever the Secretary determines that the effective price for peanuts is less than the target price.

(b) Effective Price.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price received by peanut producers during the 12-month marketing year for peanuts, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the same period under this chapter.

(2) The payment rate in effect under section 163 for the purpose of making fixed, decoupled payments.

(c) Target Price.—For purposes of subsection (a), the target price for peanuts shall be equal to $480 per ton.

(d) Payment Rate.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

(1) the target price; and

(2) the effective price determined under subsection (b).

(e) Payment Amount.—The amount of the counter-cyclical payment to be paid to the peanut producers on a farm for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(f) Time for Payments.—

(1) General rule.—The Secretary shall make counter-cyclical payments under this section for a peanut crop as soon as possible after determining under subsection (a) that such payments are required for that crop year.

(2) Partial payment.—The Secretary may permit, and, if so permitted, a peanut producer may elect to receive, up to 40 percent of the projected counter-cyclical payment, as determined by the Secretary, to be made under this section for a peanut crop upon completion of the first six months of the marketing year for that crop. The peanut producer shall repay to the Secretary the amount, if any, by which the partial payment exceeds the actual counter-cyclical payment to be made for that crop.

### SEC. 165. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF FIXED, DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) Compliance With Certain Requirements.—

(1) Requirements.—Before the peanut producers on a farm may receive fixed, decoupled payments or counter-cyclical payments with respect to the farm, the peanut producers shall agree, in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 166; and

(D) to use the land on the farm, in an amount equal to the peanut acres, for an agricultural or conserving use, and not for a nonagricultural commercial or industrial use, as determined by the Secretary.

(2) Compliance.—The Secretary may issue such rules as the Secretary considers necessary to ensure peanut producer compliance with the requirements of paragraph (1).

(b) Effect of Foreclosure.—A peanut producer may not be required to make repayments to the Secretary of fixed, decoupled payments and counter-cyclical payments if the farm has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate to provide fair and equitable treatment. This subsection shall not void the responsibilities of the peanut producer under subsection (a) if the peanut producer continues or resumes operation, or control, of the farm. On the resumption of operation or control over the farm by the producer, the requirements of subsection (a) in effect on the date of the foreclosure shall apply.

(c) Transfer or Change of Interest in Farm.—

(1) Termination.—Except as provided in paragraph (4), a transfer of (or change in) the interest of a peanut producer in peanut acres for which fixed, decoupled payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the peanut acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a). The termination shall be effective on the date of the transfer or change.

(2) Transfer of payment base.—There is no restriction on the transfer of a farm's peanut acres or payment yield as part of a change in the peanut producers on the farm.

(3) Modification.—At the request of the transferee or owner, the Secretary may modify the requirements of subsection (a) if the modifications are consistent with the objectives of such subsection, as determined by the Secretary.

(4) Exception.—If a peanut producer entitled to a fixed, decoupled payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(d) Acreage Reports.—As a condition on the receipt of any benefits under this chapter, the Secretary shall require peanut producers to submit to the Secretary acreage reports.

(e) Tenants and Sharecroppers.—In carrying out this chapter, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(f) Sharing of Payments.—The Secretary shall provide for the sharing of fixed, decoupled payments and counter-cyclical payments among the peanut producers on a farm on a fair and equitable basis.

### SEC. 166. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subject to subsection (b), any commodity or crop may be planted on peanut acres on a farm.

(b) Limitations and Exceptions Regarding Certain Commodities.—

(1) Limitations.—The planting of the following agricultural commodities shall be prohibited on peanut acres:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) Wild rice.

(2) Exceptions.—Paragraph (1) shall not limit the planting of an agricultural commodity specified in such paragraph—

(A) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in paragraph (1), as determined by the Secretary, in which case the double-cropping shall be permitted;

(B) on a farm that the Secretary determines has a history of planting agricultural commodities specified in paragraph (1) on peanut acres, except that fixed, decoupled payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(C) by a peanut producer who the Secretary determines has an established planting history of a specific agricultural commodity specified in paragraph (1), except that—

(i) the quantity planted may not exceed the peanut producer's average annual planting history of such agricultural commodity in the 1991 through 1995 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(ii) fixed, decoupled payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

### SEC. 167. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

(a) Nonrecourse Loans Available.—

(1) Availability.—For each of the 2002 through 2011 crops of peanuts, the Secretary shall make available to peanut producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(2) Eligible production.—Any production of peanuts on a farm shall be eligible for a marketing assistance loan under this subsection.

(3) Treatment of certain commingled commodities.—In carrying out this subsection, the Secretary shall make loans to a peanut producer that is otherwise eligible to obtain a marketing assistance loan, but for the fact the peanuts owned by the peanut producer are commingled with other peanuts in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the peanut producer obtaining the loan agrees to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286).

(4) Options for obtaining loan.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the peanut producer through—

(A) a designated marketing association of peanut producers that is approved by the Secretary;

(B) a loan servicing agent approved by the Secretary; or

(C) the Farm Service Agency.

(5) Loan servicing agent.—As a condition of the Secretary's approval of an entity to serve as a loan servicing agent or to handle or store peanuts for peanut producers that receive any marketing loan benefits, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

(b) Loan Rate.—The loan rate for a marketing assistance loan under for peanuts subsection (a) shall be equal to $350 per ton.

(c) Term of Loan.—

(1) In general.—A marketing assistance loan for peanuts under subsection (a) shall have a term of nine months beginning on the first day of the first month after the month in which the loan is made.

(2) Extensions prohibited.—The Secretary may not extend the term of a marketing assistance loan under subsection (a).

(d) Repayment Rate.—The Secretary shall permit peanut producers to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(1) the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(e) Loan Deficiency Payments.—

(1) Availability.—The Secretary may make loan deficiency payments available to peanut producers who, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for payments under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the peanut producers, excluding any quantity for which the producers obtain a loan under subsection (a).

(3) Loan payment rate.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(4) Time for payment.—The Secretary shall make a payment under this subsection to a peanut producer with respect to a quantity of peanuts as of the earlier of the following:

(A) The date on which the peanut producer marketed or otherwise lost beneficial interest in the peanuts, as determined by the Secretary.

(B) The date the peanut producer requests the payment.

(f) Compliance With Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the peanut producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) Reimbursable Agreements and Payment of Expenses.—To the extent practicable, the Secretary shall implement any reimbursable agreements or provide for the payment of expenses under this chapter in a manner that is consistent with such activities in regard to other commodities.

(h) Termination of Superseded Price Support Authority.—

(1) Repeal.—Section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271) is repealed.

(2) Conforming amendments.—The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended—

(A) in section 101(b) (7 U.S.C. 1441(b)), by striking "and peanuts"; and

(B) in section 408(c) (7 U.S.C. 1428(c)), by striking "peanuts,".

### SEC. 168. QUALITY IMPROVEMENT.

(a) Official Inspection.—

(1) Mandatory inspection.—All peanuts placed under a marketing assistance loan under section 167 shall be officially inspected and graded by Federal or State inspectors.

(2) Optional inspection.—Peanuts not placed under a marketing assistance loan may be graded at the option of the peanut producer.

(b) Termination of Peanut Administrative Committee.—The Peanut Administrative Committee established under Marketing Agreement No. 1436, which regulates the quality of domestically produced peanuts under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is terminated.

(c) Establishment of Peanut Standards Board.—The Secretary shall establish a Peanut Standards Board for the purpose of assisting in the establishment of quality standards with respect to peanuts. The authority of the Board is limited to assisting in the establishment of quality standards for peanuts. The members of the Board should fairly reflect all regions and segments of the peanut industry.

(d) Effective Date.—This section shall take effect with the 2002 crop of peanuts.

### SEC. 169. PAYMENT LIMITATIONS.

For purposes of sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3), separate payment limitations shall apply to peanuts with respect to—

(1) fixed, decoupled payments;

(2) counter-cyclical payments, and

(3) limitations on marketing loan gains and loan deficiency payments.

### SEC. 170. TERMINATION OF MARKETING QUOTA PROGRAMS FOR PEANUTS AND COMPENSATION TO PEANUT QUOTA HOLDERS FOR LOSS OF QUOTA ASSET VALUE.

(a) Repeal of Marketing Quota.—

(1) Repeal.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357–1359a), relating to peanuts, is repealed.

(2) Treatment of 2001 crop.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357–1359a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the 2001 crop of peanuts notwithstanding the amendment made by paragraph (1).

(b) Compensation Contract Required.—The Secretary shall offer to enter into a contract with eligible peanut quota holders for the purpose of providing compensation for the lost value of the quota on account of the repeal of the marketing quota program for peanuts under subsection (a). Under the contracts, the Secretary shall make payments to eligible peanut quota holders during fiscal years 2002 through 2006.

(c) Time for Payment.—The payments required under the contracts shall be provided in five equal installments not later than September 30 of each of fiscal years 2002 through 2006.

(d) Payment Amount.—The amount of the payment for a fiscal year to a peanut quota holder under a contract shall be equal to the product obtained by multiplying—

(1) $0.10 per pound; by

(2) the actual farm poundage quota (excluding seed and experimental peanuts) established for the peanut quota holder's farm under section 358–1(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)) for the 2001 marketing year.

(e) Assignment of Payments.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to the payments made to peanut quota holders under the contracts. The peanut quota holder making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this subsection.

(f) Peanut Quota Holder Defined.—In this section, the term "peanut quota holder" means a person or enterprise that owns a farm that—

(1) was eligible, immediately before the date of the enactment of this Act, to have a peanut quota established upon it;

(2) if there are not quotas currently established, would be eligible to have a quota established upon it for the succeeding crop year, in the absence of the amendment made by subsection (a); or

(3) is otherwise a farm that was eligible for such a quota at the time the general quota establishment authority was repealed.

The Secretary shall apply this definition without regard to temporary leases or transfers or quotas for seed or experimental purposes.

## Subtitle D—Administration

### SEC. 181. ADMINISTRATION GENERALLY.

(a) Use of Commodity Credit Corporation.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(b) Determinations by Secretary.—A determination made by the Secretary under this title shall be final and conclusive.

(c) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this title. The issuance of the regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly know as the "Paperwork Reduction Act").

(d) Protection of Producers.—The protection afforded producers that elect the option to accelerate the receipt of any payment under a production flexibility contract payable under the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212 note) shall also apply to the advance payment of fixed, decoupled payments and counter-cyclical payments.

(e) Adjustment Authority Related to Uruguay Round Compliance.—If the Secretary determines that expenditures under subtitles A, B, and C that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), as in effect on the date of the enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed, but in no case are less than, such allowable levels.

#### SEC. 182. EXTENSION OF SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) Agricultural Adjustment Act of 1938.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended by striking "2002" both places it appears and inserting "2011".

(b) Agricultural Act of 1949.—Section 171(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(b)(1)) is amended by striking "2002" both places it appears and inserting "2011".

(c) Suspension of Certain Quota Provisions.—Section 171(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(c)) is amended by striking "2002" and inserting "2011".

#### SEC. 183. LIMITATIONS.

(a) Limitation on Amounts Received.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in paragraph (1)—

(A) by striking "PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS" and inserting "FIXED, DECOUPLED PAYMENTS";

(B) by striking "contract payments made under the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts" and inserting "fixed, decoupled payments made to a person"; and

(C) by striking "4" and inserting "5";

(2) in paragraphs (2) and (3)—

(A) by striking "payments specified" and all that follows through "and oilseeds" and inserting "following payments that a person shall be entitled to receive";

(B) by striking "75" and inserting "150";

(C) by striking the period at the end of paragraph (2) and all that follows through "the following" in paragraph (3):

(D) by striking "section 131" and all that follows through "section 132" and inserting "section 121 of the Farm Security Act of 2001 for a crop of any covered commodity at a lower level than the original loan rate established for the commodity under section 122"; and

(E) by striking "section 135" and inserting "section 125"; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) Limitation on counter-cyclical payments.—The total amount of counter-cyclical payments that a person may receive during any crop year shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.".

(b) Definitions.—Paragraph (4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended to read as follows:

"(4) Definitions.—In this title, the terms 'covered commodity', 'counter-cyclical payment', and 'fixed, decoupled payment' have the meaning given those terms in section 100 of the Farm Security Act of 2001.".

(c) Transition.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to fiscal year 2001 and the 2001 crop of any covered commodity.

#### SEC. 184. ADJUSTMENTS OF LOANS.

Section 162(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282(b)) is amended by striking "this title" and inserting "this title and title I of the Farm Security Act of 2001".

#### SEC. 185. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking "this title" each places it appears and inserting "this title and title I of the Farm Security Act of 2001".

#### SEC. 186. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) in subsection (a)—

(A) by striking "In General.—" and inserting "Specific Payments.—"; and

(B) by striking "subtitle C" and inserting "subtitle C of this title and title I of the Farm Security Act of 2001"; and

(2) in subsection (c)(1)—

(A) by striking "producer" the first two places it appears and inserting "person"; and

(B) by striking "to producers under subtitle C" and inserting "by the Commodity Credit Corporation".

#### SEC. 187. ASSIGNMENT OF PAYMENTS.

The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under the authority of this Act. The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

## TITLE II—CONSERVATION

### Subtitle A—Environmental Conservation Acreage Reserve Program

#### SEC. 201. GENERAL PROVISIONS.

Title XII of the Food Security Act of 1985 is amended—

(1) in section 1230(a), by striking "1996 through 2002" and inserting "2002 through 2011";

(2) by striking subsection (c) of section 1230; and

(3) in section 1230A (16 U.S.C. 3830a), by striking "chapter" each place it appears and inserting "title".

### Subtitle B—Conservation Reserve Program

#### SEC. 211. REAUTHORIZATION.

(a) In General.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended in each of subsections (a) and (d) by striking "2002" and inserting "2011".

(b) Scope of Program.—Section 1231(a) of such Act (16 U.S.C. 3831(a)) is amended by striking "and water" and inserting ", water, and wildlife".

#### SEC. 212. ENROLLMENT.

(a) Eligibility.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) marginal pasturelands to be devoted to natural vegetation in or near riparian areas or for similar water quality purposes, including marginal pasturelands converted to wetlands or established as wildlife habitat;"; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

"(A) if the Secretary determines that—

"(i) the lands contribute to the degradation of soil, water, or air quality, or would pose an on-site or off-site environmental threat to soil, water, or air quality if permitted to remain in agricultural production; and

"(ii) soil, water, and air quality objectives with respect to the land cannot be achieved under the environmental quality incentives program established under chapter 4;";

(B) by striking "or" at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(D) by adding at the end the following:

"(E) if the Secretary determines that enrollment of such lands would contribute to conservation of ground or surface water.".

(b) Increase in Maximum Enrollment.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by striking "36,400,000" and inserting "39,200,000".

(c) Eligibility on Contract Expiration.—Section 1231(f) of such Act (16 U.S.C. 3831(f)) is amended to read as follows:

"(f) Eligibility on Contract Expiration.—On the expiration of a contract entered into under this subchapter, the land subject to the contract shall be eligible to be considered for re-enrollment in the conservation reserve.".

(d) Balance of Natural Resource Purposes.—

(1) In general.—Section 1231 of such Act (16 U.S.C. 3831) is amended by adding at the end the following:

"(i) Balance of Natural Resource Purposes.—In determining the acceptability of contract offers under this subchapter, the Secretary shall ensure an equitable balance among the conservation purposes of soil erosion, water quality and wildlife habitat.".

(2) Regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations implementing section 1231(i) of the Food Security Act of 1985, as added by paragraph (1) of this subsection.

#### SEC. 213. DUTIES OF OWNERS AND OPERATORS.

Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting "as described in section 1232(a)(7) or for other purposes" before "as permitted";

(B) in paragraph (4), by inserting "where practicable, or maintain existing cover" before "on such land"; and

(C) in paragraph (7), by striking "Secretary—" and all that follows and inserting "Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat—

"(A) managed grazing and limited haying, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of the activity;

"(B) wind turbines for the provision of wind energy, whether or not commercial in nature; and

"(C) land subject to the contract to be harvested for recovery of biomass used in energy production, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of such activity;"; and

(2) by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c).

### SEC. 214. REFERENCE TO CONSERVATION RESERVE PAYMENTS.

Subchapter B of chapter 1 of subtitle D of title XII of such Act (16 U.S.C. 3831–3836) is amended—

(1) by striking "rental payment" each place it appears and inserting "conservation reserve payment";

(2) by striking "rental payments" each place it appears and inserting "conservation reserve payments"; and

(3) in the paragraph heading for section 1235(e)(4), by striking "RENTAL PAYMENT" and inserting "CONSERVATION RESERVE PAYMENT".

## Subtitle C—Wetlands Reserve Program

### SEC. 221. ENROLLMENT.

(a) Maximum.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended by striking paragraph (1) and inserting the following:

"(1) Annual enrollment.—In addition to any acres enrolled in the wetlands reserve program as of the end of a calendar year, the Secretary may in the succeeding calendar year enroll in the program a number of additional acres equal to—

"(A) if the succeeding calendar year is calendar year 2002, 150,000; or

"(B) if the succeeding calendar year is a calendar year after calendar year 2002—

"(i) 150,000; plus

"(ii) the amount (if any) by which 150,000, multiplied by the number of calendar years in the period that begins with calendar year 2002 and ends with the calendar year preceding such succeeding calendar year, exceeds the total number of acres added to the reserve during the period.".

(b) Methods.—Section 1237 of such Act (16 U.S.C. 3837(b)(2)) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) Methods of enrollment.—The Secretary shall enroll acreage into the wetlands reserve program through the use of easements, restoration cost share agreements, or both."; and

(2) by striking subsection (g).

(c) Extension.—Section 1237(c) of such Act (16 U.S.C. 3837(c)) is amended by striking "2002" and inserting "2011".

### SEC. 222. EASEMENTS AND AGREEMENTS.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) prohibits the alteration of wildlife habitat and other natural features of such land, unless specifically permitted by the plan;";

(2) in subsection (e), by striking paragraph (2) and inserting the following:

"(2) shall be consistent with applicable State law.";

(3) by striking subsection (h).

### SEC. 223. DUTIES OF THE SECRETARY.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking subsection (d).

### SEC. 224. CHANGES IN OWNERSHIP; AGREEMENT MODIFICATION; TERMINATION.

Section 1237E(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3837e(a)(2)) is amended to read as follows:

"(2) the ownership change occurred due to foreclosure on the land and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law; or".

## Subtitle D—Environmental Quality Incentives Program

### SEC. 231. PURPOSES.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) by striking "to—" and all that follows through "provides—" and inserting "to provide—";

(2) by striking "that face the most serious threats to" and inserting "to address environmental needs and provide benefits to air,";

(3) by redesignating the subparagraphs (A) through (D) that follow the matter amended by paragraph (2) of this section as paragraphs (1) through (4), respectively;

(4) by moving each of such redesignated provisions 2 ems to the left; and

(5) by striking "farmers and ranchers" each place it appears and inserting "producers".

### SEC. 232. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended—

(1) in paragraph (1)—

(A) by inserting "non-industrial private forest land," before "and other land"; and

(B) by striking "poses a serious threat" and all that follows and inserting "provides increased environmental benefits to air, soil, water, or related resources."; and

(2) in paragraph (4), by inserting ", including non-industrial private forestry" before the period.

### SEC. 233. ESTABLISHMENT AND ADMINISTRATION.

(a) Reauthorization.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)(1)) is amended by striking "2002" and inserting "2011".

(b) Term of Contracts.—Section 1240B(b)(2) of such Act (16 U.S.C. 3839aa–2(b)(2)) is amended by striking "not less than 5, nor more than 10, years" and inserting "not less than 1 year, nor more than 10 years".

(c) Structural Practices.—Section 1240B(c)(1)(B) of such Act (16 U.S.C. 3839aa–2(c)(1)(B)) is amended to read as follows:

"(B) achieving the purposes established under this subtitle.".

(d) Elimination of Certain Limitations on Eligibility for Cost-Share Payments.—Section 1240B(e)(1) of such Act (16 U.S.C. 3839aa–2(e)(1)) is amended—

(1) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(2) in subparagraph (B) (as so redesignated), by striking "or 3".

(e) Incentive Payments.—Section 1240B of such Act (16 U.S.C. 3839aa-2) is amended—

(1) in subsection (e)—

(A) in the subsection heading, by striking ", Incentive Payments."; and

(B) by striking paragraph (2); and

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and inserting after subsection (e) the following:

"(f) Conservation Incentive Payments.—

"(1) In general.—The Secretary may make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform multiple land management practices and to promote the enhancement of soil, water, wildlife habitat, air, and related resources.

"(2) Special rule.—In determining the amount and rate of incentive payments, the Secretary may accord great weight to those practices that include residue, nutrient, pest, invasive species, and air quality management.".

### SEC. 234. EVALUATION OF OFFERS AND PAYMENTS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) aid producers in complying with this title and Federal and State environmental laws, and encourage environmental enhancement and conservation;

"(2) maximize the beneficial usage of animal manure and other similar soil amendments which improve soil health, tilth, and water-holding capacity; and

"(3) encourage the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing.".

### SEC. 235. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended by striking "that incorporates such conservation practices" and all that follows and inserting "that provides or will continue to provide increased environmental benefits to air, soil, water, or related resources.".

### SEC. 236. DUTIES OF THE SECRETARY.

Section 1240F(3) of the Food Security Act of 1985 (16 U.S.C. 3839aa–6(3)) is amended to read as follows:

"(3) providing technical assistance or cost-share payments for developing and implementing 1 or more structural practices or 1 or more land management practices, as appropriate;".

### SEC. 237. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$10,000" and inserting "$50,000"; and

(B) in paragraph (2), by striking "$50,000" and inserting "$200,000";

(2) in subsection (b)(2), by striking "the maximization of environmental benefits per dollar expended and"; and

(3) by striking subsection (c).

### SEC. 238. GROUND AND SURFACE WATER CONSERVATION.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended to read as follows:

### "SEC. 1240H. GROUND AND SURFACE WATER CONSERVATION.

"(a) Support for Conservation Measures.—The Secretary shall provide cost-share payments and low-interest loans to encourage ground and surface water conservation, including irrigation system improvement, and provide incentive payments for capping wells, reducing use of water for irrigation, and switching from irrigation to dryland farming.

"(b) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available the following amounts to carry out this section:

"(1) $30,000,000 for fiscal year 2002.

"(2) $45,000,000 for fiscal year 2003.

"(3) $60,000,000 for each of fiscal years 2004 through 2011.".

## Subtitle E—Funding and Administration

### SEC. 241. REAUTHORIZATION.

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2002" and inserting "2011".

### SEC. 242. FUNDING.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking "$130,000,000" and all that follows through "2002, for" and inserting "the following amounts for purposes of";

(2) by striking "subtitle D." and inserting "subtitle D:"; and

(3) by adding at the end the following:

"(A) $200,000,000 for fiscal year 2001.

"(B) $1,025,000,000 for each of fiscal years 2002 and 2003.

"(C) $1,200,000,000 for each of fiscal years 2004, 2005, and 2006.

"(D) $1,400,000,000 for each of fiscal years 2007, 2008, and 2009.

"(E) $1,500,000,000 for each of fiscal years 2010 and 2011.".

### SEC. 243. ALLOCATION FOR LIVESTOCK PRODUCTION.

Section 1241(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(2)) is amended by striking "2002" and inserting "2011".

### SEC. 244. ADMINISTRATION AND TECHNICAL ASSISTANCE.

(a) Broadening of Exception to Acreage Limitation.—Section 1243(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3843(b)(2)) is amended by striking "that—" and all that follows and inserting "that the action would not adversely affect the local economy of the county.".

(b) Rules Governing Provision of Technical Assistance.—Section 1243(d) of such Act (16 U.S.C. 3843(d)) is amended to read as follows:

"(d) Rules Governing Provision of Technical Assistance.—

"(1) In general.—The Secretary shall provide technical assistance under this title to a producer eligible for such assistance, by providing the assistance directly or, at the option of the producer, through an approved third party if available.

"(2) Reevaluation.—The Secretary shall reevaluate the provision of, and the amount of, technical assistance made available under subchapters B and C of chapter 1 and chapter 4 of subtitle D.

"(3) Certification of third-party providers.—

"(A) In general.—Not later than 6 months after the date of the enactment of this subsection, the Secretary of Agriculture shall, by regulation, establish a system for approving persons to provide technical assistance pursuant to chapter 4 of subtitle D. For purposes of this paragraph, a person shall be considered approved if they have a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.

"(B) Expertise required.—In prescribing such regulations, the Secretary shall ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of such technical assistance.".

(c) Duty of Secretary.—

(1) In general.—Section 1770(d) of such Act (7 U.S.C. 2276(d)) is amended—

(A) by striking "or" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (11) and inserting "; or"; and

(C) by adding at the end the following:

"(12) title XII of this Act.".

(2) Conforming amendments.—Section 1770(e) of such Act (7 U.S.C. 2276(e)) is amended—

(A) by striking the subsection heading and inserting "Exceptions"; and

(B) by inserting ", or as necessary to carry out a program under title XII of this Act as determined by the Secretary" before the period.

## Subtitle F—Other Programs

### SEC. 251. PRIVATE GRAZING LAND CONSERVATION ASSISTANCE.

Section 386(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005b(d)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) encouraging the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing.".

### SEC. 252. WILDLIFE HABITAT INCENTIVES PROGRAM.

Subsection (c) of section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

"(c) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available the following amounts to carry out this section:

"(1) $25,000,000 for fiscal year 2002.

"(2) $30,000,000 for each of fiscal years 2003 and 2004.

"(3) $35,000,000 for each of fiscal years 2005 and 2006.

"(4) $40,000,000 for fiscal year 2007.

"(5) $45,000,000 for each of fiscal years 2008 and 2009.

"(6) $50,000,000 for each of fiscal years 2010 and 2011.".

### SEC. 253. FARMLAND PROTECTION PROGRAM.

(a) Removal of Acreage Limitation; Expansion of Purposes.—Subsection (a) of section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is amended—

(1) by striking "not less than 170,000, nor more than 340,000 acres of"; and

(2) by inserting ", or agricultural land that contains historic or archaeological resources," after "other productive soil".

(b) Funding.—Subsection (c) of such section is amended to read as follows:

"(c) Funding.—The Secretary shall use not more than $50,000,000 of the funds of the Commodity Credit Corporation in each of fiscal years 2002 through 2011 to carry out this section.".

(c) Eligible Entities.—Such section is further amended—

(1) in subsection (a), by striking "a State or local government" and inserting "an eligible entity"; and

(2) by adding at the end the following:

"(d) Definition of Eligible Entity.—In this section, the term 'eligible entity' means—

"(1) any agency of any State or local government, or federally recognized Indian tribe, including farmland protection boards and land resource councils established under State law; and

"(2) any organization that—

"(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

"(C) is described in section 509(a)(2) of that Code; or

"(D) is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.".

### SEC. 254. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) Purpose.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) by striking the section heading and all that follows through "Sec. 1528. It is the purpose" and inserting the following:

**"SEC. 1528. STATEMENT OF PURPOSE.**

"It is the purpose"; and

(2) by inserting "through designated RC&D councils" before "in rural areas".

(b) Definitions.—Section 1529 of such Act (16 U.S.C. 3452) is amended—

(1) by striking the section heading and all that follows through "Sec. 1529. As used in this subtitle—" and inserting the following:

**"SEC. 1529. DEFINITIONS.**

"In this title:";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "RC&D council" before "area plan";

(B) in subparagraph (B), by striking "through control of nonpoint sources of pollution";

(C) in subparagraph (C)—

(i) by striking "natural resources based" and inserting "resource-based";

(ii) by striking "development of aquaculture,";

(iii) by striking "and satisfaction" and inserting "satisfaction"; and

(iv) by inserting ", food security, economic development, and education" before the semicolon; and

(D) in subparagraph (D), by striking "other" the 1st place it appears and inserting "land management";

(3) in paragraph (3), by striking "any State, local unit of government, or local nonprofit organization" and inserting "the designated RC&D council";

(4) by striking paragraphs (4) through (6) and inserting the following:

"(4)(A) The term 'financial assistance' means the Secretary may—

"(i) provide funds directly to RC&D councils or associations of RC&D councils through grants, cooperative agreements, and interagency agreements that directly implement RC&D area plans; and

"(ii) may join with other federal agencies through interagency agreements and other arrangements as needed to carry out the program's purpose.

"(B) Funds may be used for such things as—

"(i) technical assistance;

"(ii) financial assistance in the form of grants for planning, analysis and feasibility studies, and business plans;

"(iii) training and education; and

"(iv) all costs associated with making such services available to RC&D councils or RC&D associations.

"(5) The term 'RC&D council' means the responsible leadership of the RC&D area. RC&D councils and associations are nonprofit entities whose members are volunteers and include local civic and elected officials. Affiliations of RC&D councils are formed in states and regions.";

(5) in paragraph (8), by inserting "and federally recognized Indian tribes" before the period;

(6) in paragraph (9), by striking "works of improvement" and inserting "projects";

(7) by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(8) by striking paragraph (10) and inserting the following:

"(9) The term 'project' means any action taken by a designated RC&D council that achieves any of the elements identified under paragraph (1).".

(c) Establishment and Scope.—Section 1530 of such Act (16 U.S.C. 3453) is amended—

(1) by striking the section heading and all that follows through "Sec. 1530. The Secretary" and inserting the following:

**"SEC. 1530. ESTABLISHMENT AND SCOPE.**

"The Secretary"; and

(2) by striking "the technical and financial assistance necessary to permit such States, local units of government, and local nonprofit organizations" and inserting "through designated RC&D councils the technical and financial assistance necessary to permit such RC&D Councils".

(d) Selection of Designated Areas.—Section 1531 of such Act (16 U.S.C. 3454) is amended by striking the section heading and all that follows through "Sec. 1531. The Secretary" and inserting the following:

**"SEC. 1531. SELECTION OF DESIGNATED AREAS.**

"The Secretary".

(e) Authority of Secretary.—Section 1532 of such Act (16 U.S.C. 3455) is amended—

(1) by striking the section heading and all that follows through "Sec. 1532. In carrying" and inserting the following:

**"SEC. 1532. AUTHORITY OF SECRETARY.**

"In carrying";

(2) in each of paragraphs (1) and (3)—

(A) by striking "State, local unit of government, or local nonprofit organization" and inserting "RC&D council"; and

(B) by inserting "RC&D council" before "area plan";

(3) in paragraph (2), by inserting "RC&D council" before "area plans"; and

(4) in paragraph (4), by striking "States, local units of government, and local nonprofit organizations" and inserting "RC&D councils or affiliations of RC&D councils".

(f) Technical and Financial Assistance.—Section 1533 of such Act (16 U.S.C. 3456) is amended—

(1) by striking the section heading and all that follows through "Sec. 1533. (a) Technical" and inserting the following:

**"SEC. 1533. TECHNICAL AND FINANCIAL ASSISTANCE.**

"(a) Technical";

(2) in subsection (a)—

(A) by striking "State, local unit of government, or local nonprofit organization to assist in carrying out works of improvement specified in an" and inserting "RC&D councils or affiliations of RC&D councils to assist in carrying out a project specified in a RC&D council";

(B) in paragraph (1)—

(i) by striking "State, local unit of government, or local nonprofit organization" and inserting "RC&D council or affiliate"; and

(ii) by striking "works of improvement" each place it appears and inserting "project";

(C) in paragraph (2)—

(i) by striking "works of improvement" and inserting "project"; and

(ii) by striking "State, local unit of government, or local nonprofit organization" and inserting "RC&D council";

(D) in paragraph (3), by striking "works of improvement" and all that follows and inserting "project concerned is necessary to accomplish and RC&D council area plan objective;";

(E) in paragraph (4), by striking "the works of improvement provided for in the" and inserting "the project provided for in the RC&D council";

(F) in paragraph (5), by inserting "federally recognized Indian tribe" before "or local" each place it appears; and

(G) in paragraph (6), by inserting "RC&D council" before "area plan";

(3) in subsection (b), by striking "work of improvement" and inserting "project"; and

(4) in subsection (c), by striking "any State, local unit of government, or local nonprofit organization to carry out any" and inserting "RC&D council to carry out any RC&D council".

(g) Resource Conservation and Development Policy Board.—Section 1534 of such Act (16 U.S.C. 3457) is amended—

(1) by striking the section heading and all that follows through "Sec. 1534. (a) The Secretary" and inserting the following:

**"SEC. 1534. RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD.**

"(a) The Secretary"; and

(2) in subsection (b), by striking "seven".

(h) Program Evaluation.—Section 1535 of such Act (16 U.S.C. 3458) is amended—

(1) by striking the section heading and all that follows through "Sec. 1535. The Secretary" and inserting the following:

**"SEC. 1535. PROGRAM EVALUATION.**

"The Secretary";

(2) by inserting "with assistance from RC&D councils" before "provided";

(3) by inserting "federally recognized Indian tribes," before "local units"; and

(4) by striking "1986" and inserting "2007".

(i) Limitation on Assistance.—Section 1536 of such Act (16 U.S.C. 3458) is amended by striking the section heading and all that follows through "Sec. 1536. The program" and inserting the following:

**"SEC. 1536. LIMITATION ON ASSISTANCE.**

"The program".

(j) Supplemental Authority of the Secretary.—Section 1537 of such Act (16 U.S.C. 3460) is amended—

(1) by striking the section heading and all that follows through "Sec. 1537. The authority" and inserting the following:

**"SEC. 1537. SUPPLEMENTAL AUTHORITY OF SECRETARY.**

"The authority"; and

(2) by striking "States, local units of government, and local nonprofit organizations" and inserting "RC&D councils".

(i) Authorization of Appropriations.—Section 1538 of such Act (16 U.S.C. 3461) is amended—

(1) by striking the section heading and all that follows through "Sec. 1538. There are" and inserting the following:

**"SEC. 1538. AUTHORIZATION OF APPROPRIATIONS.**

"There are"; and

(2) by striking "for each of the fiscal years 1996 through 2002".

**SEC. 255. GRASSLAND RESERVE PROGRAM.**

(a) In General.—Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830-3837f) is amended by adding at the end the following:

**"Subchapter D—Grassland Reserve Program**

**"SEC. 1238. GRASSLAND RESERVE PROGRAM.**

"(a) Establishment.—The Secretary, acting through the Farm Service Agency, shall establish a grassland reserve program (referred to in this subchapter as the 'program') to assist owners in restoring and conserving eligible land described in subsection (c).

"(b) Enrollment Conditions.—

"(1) Maximum enrollment.—The total number of acres enrolled in the program shall not exceed 2,000,000 acres, not more than 1,000,000 of which shall be restored grassland, and not more than 1,000,000 of which shall be virgin (never cultivated) grassland.

"(2) Methods of enrollment.—The Secretary shall enroll in the program for a willing owner not less than 100 contiguous acres of land west of the 90th meridian or not less than 50 contiguous acres of land east of the 90th meridian through the use of—

"(A) 10-year, 15-year, or 20-year contracts; and

"(B) 30-year or permanent easements.

"(3) Limitation on use of easements.—Not more than one-third of the total amount of funds expended under the program may be used to acquire 30-year and permanent easements.

"(c) Eligible Land.—Land shall be eligible to be enrolled in the program if the Secretary determines that—

"(1) the land is natural grass or shrubland; or

"(2) the land—

"(A) is located in an area that has been historically dominated by natural grass or shrubland; and

"(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grass or shrubland.

**"SEC. 1238A. CONTRACTS AND AGREEMENTS.**

"(a) Requirements of Landowner.—

"(1) Contracts.—To be eligible to enroll land in the program under a multi-year contract, the owner of the land shall—

"(A) agree to comply with the terms of the contract and related restoration agreements; and

"(B) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary.

"(2) Easements.—To be eligible to enroll land in the program under an easement, the owner of the land shall—

"(A) grant an easement that runs with the land to the Secretary;

"(B) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

"(C) provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

"(D) provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

"(E) agree to comply with the terms of the easement and related restoration agreements; and

"(F) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary.

"(b) Terms of Contracts and Easements.—A contract or easement under the program shall—

"(1) permit—

"(A) common grazing practices on the land in a manner that is consistent with maintaining the viability of natural grass and shrub species indigenous to that locality;

"(B) haying, mowing, or haying for seed production, except that such uses shall not be permitted until after the end of the nesting season for birds in the local area which are in significant decline or are conserved pursuant to State or Federal law, as determined by the Natural Resources Conservation Service State conservationist; and

"(C) construction of fire breaks and fences, including placement of the posts necessary for fences;

"(2) prohibit—

"(A) the production of any agricultural commodity (other than hay); and

"(B) unless allowed under subsection (d), the conduct of any other activity that would disturb the surface of the land covered by the contract or easement; and

"(3) include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the administration of this subchapter.

"(c) RANKING APPLICATIONS.—

"(1) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for contracts or easements under this subchapter.

"(2) EMPHASIS.—In establishing the criteria, the Secretary shall emphasize support for native grass and shrubland, grazing operations, and plant and animal biodiversity.

"(d) RESTORATION AGREEMENTS.—The Secretary shall prescribe the terms by which grassland that is subject to a contract or easement under the program shall be restored. The agreement shall include duties of the land owner and the Secretary, including the Federal share of restoration payments and technical assistance.

"(e) VIOLATIONS.—On the violation of the terms or conditions of a contract, easement, or restoration agreement entered into under the program—

"(1) the contract or easement shall remain in force; and

"(2) the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.

### "SEC. 1238B. DUTIES OF SECRETARY.

"(a) IN GENERAL.—In return for the granting of an easement or the execution of a contract by an owner under this subchapter, the Secretary shall make payments under subsection (b), make payments of the Federal share of restoration under subsection (c), and provide technical assistance to the owner in accordance with this section.

"(b) CONTRACT AND EASEMENT PAYMENTS.—

"(1) CONTRACTS.—In return for entering into a contract by an owner under this subchapter, the Secretary shall make annual payments to the owner during the term of the contract in an amount that is not more than 75 percent of the grazing value of the land.

"(2) EASEMENTS.—

"(A) IN GENERAL.—In return for the granting of an easement by an owner under this subchapter, the Secretary shall make easement payments to the owner in an amount equal to—

"(i) in the case of a permanent easement, the fair market value of the land less the grazing value of the land encumbered by the easement; and

"(ii) in the case of a 30-year easement or an easement for the maximum duration allowed under applicable State law, 30 percent of the fair market value of the land less the grazing value of the land for the period that the land is encumbered by the easement.

"(B) PAYMENT SCHEDULE.—Easement payments may be made as a single payment or annual payments, but not to exceed 10 annual payments of equal or unequal amounts, as agreed to by the Secretary and the owner.

"(c) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to the owner of not more than—

"(1) in the case of virgin (never cultivated) grassland, 90 percent of the costs of carrying out measures and practices necessary to restore grassland functions and values; or

"(2) in the case of restored grassland, 75 percent of such costs.

"(d) TECHNICAL ASSISTANCE.—A landowner who is receiving a benefit under this subchapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this subchapter.

"(e) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.".

(b) FUNDING.—Section 1241 of such Act (16 U.S.C. 3841) is amended by adding at the end the following:

"(c) GRASSLAND RESERVE PROGRAM.—For fiscal years 2002 through 2011, the Secretary shall use a total of $254,000,000 of the funds of the Commodity Credit Corporation to carry out subchapter D of chapter 1 of subtitle D.".

### SEC. 256. FARMLAND STEWARDSHIP PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3839bb) is amended by inserting after chapter 1 (and the matter added by section 255 of this Act) the following:

## "CHAPTER 2—FARMLAND STEWARDSHIP PROGRAM

### "SEC. 1239. DEFINITIONS.

"In this chapter:

"(1) AGREEMENT.—The terms 'farmland stewardship agreement' and 'agreement' mean a stewardship contract authorized by this chapter.

"(2) CONTRACTING AGENCY.—The term 'contracting agency' means a local conservation district, resource conservation and development council, local office of the Department of Agriculture, other participating government agency, or other nongovernmental organization that is designated by the Secretary to enter into farmland stewardship agreements on behalf of the Secretary.

"(3) ELIGIBLE AGRICULTURAL LANDS.—The term 'eligible agricultural lands' means private lands that are in primarily native or natural condition or are classified as cropland, pastureland, grazing lands, timberlands, or other lands as specified by the Secretary that—

"(A) contain wildlife habitat, wetlands, or other natural resources; or

"(B) provide benefits to the public at large, such as—

"(i) conservation of soil, water, and related resources;

"(ii) water quality protection or improvement;

"(iii) control of invasive and exotic species;

"(iv) wetland restoration, protection, and creation; and

"(v) wildlife habitat development and protection;

"(vi) preservation of open spaces, or prime, unique, or other productive farm lands; and

"(vii) and other similar conservation purposes.

"(4) FARMLAND STEWARDSHIP PROGRAM; PROGRAM.—The terms 'Farmland Stewardship Program' and 'Program' mean the conservation program of the Department of Agriculture established by this chapter.

### "SEC. 1239A. ESTABLISHMENT AND PURPOSE OF PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a conservation program of the Department of Agriculture, to be known as the Farmland Stewardship Program, that is designed to more precisely tailor and target existing conservation programs to the specific conservation needs and opportunities presented by individual parcels of eligible agricultural lands.

"(b) RELATION TO OTHER CONSERVATION PROGRAMS.—Under the Farmland Stewardship Program, the Secretary may implement, or combine together, the features of—

"(1) the Wetlands Reserve Program;

"(2) the Wildlife Habitat Incentives Program;

"(3) the Forest Land Enhancement Program;

"(4) the Farmland Protection Program; or

"(5) other conservation programs administered by other Federal agencies and State and local government entities, where feasible and with the consent of the administering agency or government.

"(c) FUNDING SOURCES.—

"(1) IN GENERAL.—The Farmland Stewardship Program and agreements under the Program shall be funded by the Secretary using—

"(A) the funding authorities of the conservation programs that are implemented in whole, or in part, through the use of agreements or easements; and

"(B) such funds as are provided to carry out the programs specified in paragraphs (1) through (4) of subsection (b).

"(2) COST-SHARING.—It shall be a requirement of the Farmland Stewardship Program that the majority of the funds to carry out the Program must come from other existing conservation programs, which may be Federal, State, regional, local, or private, that are combined into and made a part of an agreement, or from matching funding contributions made by State, regional, or local agencies and divisions of government or from private funding sources.

"(d) PERSONNEL COSTS.—The Secretary may use the Natural Resources Conservation Service to carry out the Farmland Stewardship Program.

"(e) TECHNICAL ASSISTANCE.—An owner or operator who is receiving a benefit under this chapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this chapter.

### "SEC. 1239B. USE OF FARMLAND STEWARDSHIP AGREEMENTS.

"(a) AGREEMENTS AUTHORIZED.—The Secretary shall carry out the Farmland Stewardship Program by entering into stewardship contracts as determined by the Secretary, to be known as farmland stewardship agreements, with the owners or operators of eligible agricultural lands to maintain and protect for the natural and agricultural resources on the lands.

"(b) BASIC PURPOSES.—An agreement with the owner or operator of eligible agricultural lands shall be used—

"(1) to negotiate a mutually agreeable set of guidelines, practices, and procedures under which conservation practices will be provided by the owner or operator to protect, maintain, and, where possible, improve, the natural resources on the lands covered by the agreement in return for annual payments to the owner or operator;

"(2) to implement a conservation program or series of programs where there is no such program or to implement conservation management activities where there is no such activity; and

"(3) to expand conservation practices and resource management activities to a property where it is not possible at the present time to negotiate or reach agreement on a public purchase of a fee-simple or less-than-fee interest in the property for conservation purposes.

"(c) Modification of Other Conservation Program Elements.—If most, but not all, of the limitations, conditions, and requirements of a conservation program that is implemented in whole, or in part, through the Farmland Stewardship Program are met with respect to a parcel of eligible agricultural lands, and the purposes to be achieved by the agreement to be entered into for such lands are consistent with the purposes of the conservation program, then the Secretary may waive any remaining limitations, conditions, or requirements of the conservation program that would otherwise prohibit or limit the agreement.

"(d) State and Local Conservation Priorities.—To the maximum extent practicable, agreements shall address the conservation priorities established by the State and locality in which the eligible agricultural lands are located.

"(e) Watershed Enhancement.—To the extent practicable, the Secretary shall encourage the development of Farmland Stewardship Program applications on a watershed basis.

### "SEC. 1239C. PARTNERSHIP APPROACH TO PROGRAM.

"(a) Authority of Secretary Exercised Through Partnerships.—The Secretary may administer agreements under the Farmland Stewardship Program in partnership with other Federal, State, and local agencies whose programs are incorporated into the Program under section 1239A.

"(b) Designation and Use of Contracting Agencies.—Subject to subsection (c), the Secretary may authorize a local conservation district, resource conservation & development district, nonprofit organization, or local office of the Department of Agriculture or other participating government agency to enter into and administer agreements under the Program as a contracting agency on behalf of the Secretary.

"(c) Conditions on Designation.—The Secretary may designate an eligible district or office as a contracting agency under subsection (b) only if the district of office—

"(1) submits a written request for such designation to the Secretary;

"(2) affirms that it is willing to follow all guidelines for executing and administering an agreement, as promulgated by the Secretary;

"(3) demonstrates to the satisfaction of the Secretary that it has established working relationships with owners and operators of eligible agricultural lands, and based on the history of these working relationships, demonstrates that it has the ability to work with owners and operators of eligible agricultural lands in a cooperative manner;

"(4) affirms its responsibility for preparing all documentation for the agreement, negotiating its terms with an owner or operator, monitoring compliance, making annual reports to the Secretary, and administering the agreement throughout its full term; and

"(5) demonstrates to the satisfaction of the Secretary that it has or will have the necessary staff resources and expertise to carry out its responsibilities under paragraphs (3) and (4).

### "SEC. 1239D. PARTICIPATION OF OWNERS AND OPERATORS OF ELIGIBLE AGRICULTURAL LANDS.

"(a) Application and Approval Process.—To participate in the Farmland Stewardship Program, an owner or operator of eligible agricultural lands shall—

"(1) submit to the Secretary an application indicating interest in the Program and describing the owner's or operator's property, its resources, and their ecological and agricultural values;

"(2) submit to the Secretary a list of services to be provided, a management plan to be implemented, or both, under the proposed agreement;

"(3) if the application and list are accepted by the Secretary, enter into an agreement that details the services to be provided, management plan to be implemented, or both, and requires compliance with the other terms of the agreement.

"(b) Application on Behalf of an Owner or Operator.—A designated contracting agency may submit the application required by subsection (a) on behalf of an owner or operator by if the contracting agency has secured the consent of the owner or operator to enter into an agreement.".

### SEC. 257. SMALL WATERSHED REHABILITATION PROGRAM.

Section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)) is amended—

(1) by adding "and" at the end of paragraph (1); and

(2) by striking all that follows paragraph (1) and inserting the following:

"(2) $15,000,000 for fiscal year 2002 and each succeeding fiscal year.".

## Subtitle G—Repeals

### SEC. 261. PROVISIONS OF THE FOOD SECURITY ACT OF 1985.

(a) Wetlands Mitigation Banking Program.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (k).

(b) Conservation Reserve Program.—

(1) Repeals.—(A) Section 1234(f) of such Act (16 U.S.C. 3834(f)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(B) Section 1236 of such Act (16 U.S.C. 3836) is repealed.

(2) Conforming amendments.—(A) Section 1232(a)(5) of such Act (16 U.S.C. 3832(a)(5)) is amended by striking "in addition to the remedies provided under section 1236(d),".

(B) Section 1234(d)(4) of such Act (16 U.S.C. 3834(d)(4)) is amended by striking "subsection (f)(4)" and inserting "subsection (f)(3)".

(c) Wetlands Reserve Program.—Section 1237D(c) of such Act (16 U.S.C. 3837d(c)) is amended by striking paragraph (3).

(d) Environmental Easement Program.—

(1) Repeal.—Chapter 3 of subtitle D of title XII of such Act (16 U.S.C. 3839-3839d) is repealed.

(2) Conforming amendment.—Section 1243(b)(3) of such Act (16 U.S.C. 3843(b)(3)) is amended by striking "or 3".

(e) Conservation Farm Option.—Chapter 5 of subtitle D of title XII of such Act (16 U.S.C. 3839bb) is repealed.

(f) Tree Planting Initiative.—Section 1256 of such Act (16 U.S.C. 2101 note) is repealed.

### SEC. 262. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION ACT.

Subtitle F of title III of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5801–5809) is repealed.

## TITLE III—TRADE

### SEC. 301. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking "and not more" and inserting "not more";

(2) by inserting "and not more than $200,000,000 for each of fiscal years 2002 through 2011," after "2002,"; and

(3) by striking "2002" and inserting "2001".

### SEC. 302. FOOD FOR PROGRESS.

(a) In General.—Subsections (f)(3), (g), (k), and (l)(1) of section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) are each amended by striking "2002" and inserting "2011".

(b) Increase in Funding.—Section 1110(l)(1) of the Food Security Act of 1985 (7 U.S.C.1736o(l)(1)) is amended—

(1) by striking "2002" and inserting "2011"; and

(2) by striking "$10,000,000" and inserting "$15,000,000.

(c) Exclusion From Limitation.—Section 1110(e)(2) of the Food Security Act of 1985 (7 U.S.C. 1736o(e)(2)) is amended by inserting ", and subsection (g) does not apply to such commodities furnished on a grant basis or on credit terms under title I of the Agricultural Trade Development Act of 1954" before the final period.

(d) Transportation Costs.—Section 1110(f)(3) of the Food Security Act of 1985 (7 U.S.C. 1736o(f)(3)) is amended by striking "$30,000,000" and inserting "$40,000,000".

(e) Amounts of Commodities.—Section 1110(g) of the Food Security Act of 1985 (7 U.S.C. 1736o(g)) is amended by striking "500,000" and inserting "1,000,000".

(f) Multiyear Basis.—Section 1110(j) of the Food Security Act of 1985 (7 U.S.C. 1736o(j)) is amended—

(1) by striking "may" and inserting "is encouraged"; and

(2) by inserting "to" before "approve".

(g) Monetization.—Section 1110(l)(3) of the Food Security Act of 1985 (7 U.S.C. 1736o(l)(3)) is amended by striking "local currencies" and inserting "proceeds".

(h) New Provisions.—Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended by adding at the end the following:

"(p) The Secretary is encouraged to finalize program agreements and resource requests for programs under this section before the beginning of the relevant fiscal year. By November 1 of the relevant fiscal year, the Secretary shall provide to the Committee on Agriculture and the Committee on International Relations of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a list of approved programs, countries, and commodities, and the total amounts of funds approved for transportation and administrative costs, under this section.".

### SEC. 303. SURPLUS COMMODITIES FOR DEVELOPING OR FRIENDLY COUNTRIES.

(a) Use of Currencies.—Section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)) is amended—

(1) in clauses (i) and (iii), by striking "foreign currency" each place it appears;

(2) in clause (ii)—

(A) by striking "Foreign currencies" and inserting "Proceeds"; and

(B) by striking "foreign currency"; and

(3) in clause (iv)—

(A) by striking "Foreign currency proceeds" and inserting "Proceeds";

(B) by striking "country of origin" the second place it appears and all that follows through "as necessary to expedite" and inserting "country of origin as necessary to expedite";

(C) by striking "; or" and inserting a period; and

(D) by striking subclause (II).

(b) IMPLEMENTATION OF AGREEMENTS.—Section 416(b)(8)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)(A)) is amended—

(1) by inserting "(i)" after "(A)"; and

(2) by adding at the end the following new clauses:

"(ii) The Secretary shall publish in the Federal Register, not later than October 31 of each fiscal year, an estimate of the commodities that shall be available under this section for that fiscal year.

"(iii) The Secretary is encouraged to finalize program agreements under this section not later than December 31 of each fiscal year.".

### SEC. 304. EXPORT ENHANCEMENT PROGRAM.

Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by inserting "and for each fiscal year thereafter through fiscal year 2011" after "2002".

### SEC. 305. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) IN GENERAL.—Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C.5723) is amended—

(1) by inserting "(a) PRIOR YEARS.—" before "There";

(2) by striking "2002" and inserting "2001"; and

(3) by adding at the end the following new subsection:

"(b) FISCAL 2002 AND LATER.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this title, and, in addition to any sums so appropriated, the Secretary shall use $37,000,000 of the funds of, or an equal value of the commodities of, the Commodity Credit Corporation to carry out this title.".

(b) VALUE ADDED PRODUCTS.—

(1) IN GENERAL.—Section 702(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5721 et seq.) is amended by inserting ", with a significant emphasis on the importance of the export of value-added United States agricultural products into emerging markets" after "products".

(2) REPORT TO CONGRESS.—Section 702 of the Agricultural Trade Act of 1978 (7 U.S.C. 5722) is amended by adding at the end the following:

"(c) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall report annually to appropriate congressional committees the amount of funding provided, types of programs funded, the value added products that have been targeted, and the foreign markets for those products that have been developed.

"(2) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and

"(B) the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations of the Senate.".

### SEC. 306. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REAUTHORIZATION.—Section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)(1)) is amended by striking "2002" and inserting "2011".

(b) PROCESSED AND HIGH VALUE PRODUCTS.—Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(k)(1)) is amended by striking ", 2001, and 2002" and inserting "through 2011".

### SEC. 307. FOOD FOR PEACE (PL 480).

The Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended—

(1) in section 2 (7 U.S.C. 1691), by striking paragraph (2) and inserting the following:

"(2) promote broad-based, equitable, and sustainable development, including agricultural development as well as conflict prevention;";

(2) in section 202(e)(1) (7 U.S.C. 1722(e)(1)), by striking "not less than $10,000,000, and not more than $28,000,000" and inserting "not less than 5 percent and not more than 10 percent of such funds";

(3) in section 203(a) (7 U.S.C. 1723(a)), by striking "the recipient country, or in a country" and inserting "one or more recipient countries, or one or more countries";

(4) in section 203(c) (7 U.S.C. 1723(c))—

(A) by striking "foreign currency"; and

(B) by striking "the recipient country, or in a country" and inserting "one or more recipient countries, or one or more countries";

(5) in section 203(d) (7 U.S.C. 1723(d))—

(A) by striking "Foreign currencies" and inserting "Proceeds";

(B) in paragraph (2)—

(i) by striking "income generating" and inserting "income-generating"; and

(ii) by striking "the recipient country or within a country" and inserting "one or more recipient countries, or one or more countries"; and

(C) in paragraph (3), by inserting a comma after "invested" and "used";

(6) in section 204(a) (7 U.S.C. 1724(a))—

(A) by striking "1996 through 2002" and inserting "2002 through 2011"; and

(B) by striking "2,025,000" and inserting "2,250,000";

(7) in section 205(f) (7 U.S.C. 1725(f)), by striking "2002" and inserting "2011";

(8) in section 207(a) (7 U.S.C. 1726a(a))—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

"(1) RECIPIENT COUNTRIES.—A proposal to enter into a non-emergency food assistance agreement under this title shall identify the recipient country or countries subject to the agreement.

"(2) TIME FOR DECISION.—Not later than 120 days after receipt by the Administrator of a proposal submitted by an eligible organization under this title, the Administrator shall make a decision concerning such proposal.";

(9) in section 208(f), by striking "2002" and inserting "2011";

(10) in section 403 (7 U.S.C. 1733), by inserting after subsection (k) the following:

"(l) SALES PROCEDURES.—Subsections (b) and (h) shall apply to sales of commodities to generate proceeds for titles II and III of this Act, section 416(b) of the Agricultural Act of 1949, and section 1110 of the Food and Security Act of 1985. Such sales transactions may be in United States dollars and other currencies.";

(11) in section 407(c)(4), by striking "2001 and 2002" and inserting "2001 through 2011";

(12) in section 408, by striking "2002" and inserting "2011"; and

(13) in section 501(c), by striking "2002" and inserting "2011".

### SEC. 308. EMERGING MARKETS.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) in subsections (a) and (d)(1)(A)(i), by striking "2002" and inserting "2011"; and

(2) in subsection (d)(1)(H), by striking "$10,000,000 in any fiscal year" and inserting "$13,000,000 for each of fiscal years 2002 through 2011".

### SEC. 309. BILL EMERSON HUMANITARIAN TRUST.

Subsections (b)(2)(B)(i), (h)(1), and (h)(2) of section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) are each amended by striking "2002" and inserting "2011".

### SEC. 310. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an export assistance program (referred to in this section as the "program") to address unique barriers that prohibit or threaten the export of United States specialty crops.

(b) PURPOSE.—The program shall provide direct assistance through public and private sector projects and technical assistance to remove, resolve, or mitigate sanitary and phytosanitary and related barriers to trade.

(c) PRIORITY.—The program shall address time sensitive and strategic market access projects based on—

(1) trade effect on market retention, market access, and market expansion; and

(2) trade impact.

(d) FUNDING.—The Secretary shall make available $3,000,000 for each of fiscal years 2002 through 2011 of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation.

### SEC. 311. FARMERS FOR AFRICA AND CARIBBEAN BASIN PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Many African farmers and farmers in Caribbean Basin countries use antiquated techniques to produce their crops, which result in poor crop quality and low crop yields.

(2) Many of these farmers are losing business to farmers in European and Asian countries who use advanced planting and production techniques and are supplying agricultural produce to restaurants, resorts, tourists, grocery stores, and other consumers in Africa and Caribbean Basin countries.

(3) A need exists for the training of African farmers and farmers in Caribbean Basin countries and other developing countries in farming techniques that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, insecticide and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a ready source of agribusiness expertise that would be invaluable for African farmers and farmers in Caribbean Basin countries.

(5) A United States commitment is appropriate to support the development of a comprehensive agricultural skills training program for these farmers that focuses on—

(A) improving knowledge of insecticide and sanitation procedures to prevent crop destruction;

(B) teaching modern farming techniques, including the identification and development of standard growing practices and the establishment of systems for recordkeeping, that would facilitate a continual analysis of crop production;

(C) the use and maintenance of farming equipment that is appropriate for the majority of eligible farmers in African or Caribbean Basin countries;

(D) expansion of small farming operations into agribusiness enterprises through the development and use of village banking systems and the use of agricultural risk insurance pilot products, resulting in increased access to credit for these farmers; and

(E) marketing crop yields to prospective purchasers (businesses and individuals) for local needs and export.

(6) The participation of African-American and other American farmers and American agricultural farming specialists in such a training program promises the added benefit of improving access to African and Caribbean Basin markets for American farmers and United States farm equipment and products and business linkages for United States insurance providers offering technical assistance on, among other things, agricultural risk insurance products.

(7) Existing programs that promote the exchange of agricultural knowledge and expertise through the exchange of American and foreign farmers have been effective in promoting improved agricultural techniques and food security, and, thus, the extension of additional resources to such farmer-to- farmer exchanges is warranted.

(b) DEFINITIONS.—In this section:

(1) AGRICULTURAL FARMING SPECIALIST.—The term "agricultural farming specialist" means an individual trained to transfer information and technical support relating to agribusiness, food security, the mitigation and alleviation of hunger, the mitigation of agricultural and farm risk, maximization of crop yields, agricultural trade, and other needs specific to a geographical location as determined by the President.

(2) CARIBBEAN BASIN COUNTRY.—The term "Caribbean Basin country" means a country eligible for designation as a beneficiary country under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

(3) ELIGIBLE FARMER.—The term "eligible farmer" means an individual owning or working on farm land (as defined by a particular country's laws relating to property) in the sub-Saharan region of the continent of Africa, in a Caribbean Basin country, or in any other developing country in which the President determines there is a need for farming expertise or for information or technical support described in paragraph (1).

(4) PROGRAM.—The term "Program" means the Farmers for Africa and Caribbean Basin Program established under this section.

(c) ESTABLISHMENT OF PROGRAM.—The President shall establish a grant program, to be known as the "Farmers for Africa and Caribbean Basin Program", to assist eligible organizations in carrying out bilateral exchange programs whereby African-American and other American farmers and American agricultural farming specialists share technical knowledge with eligible farmers regarding—

(1) maximization of crop yields;

(2) use of agricultural risk insurance as financial tools and a means of risk management (as allowed by Annex II of the World Trade Organization rules);

(3) expansion of trade in agricultural products;

(4) enhancement of local food security;

(5) the mitigation and alleviation of hunger;

(6) marketing agricultural products in local, regional, and international markets; and

(7) other ways to improve farming in countries in which there are eligible farmers.

(d) ELIGIBLE GRANTEES.—The President may make a grant under the Program to—

(1) a college or university, including a historically black college or university, or a foundation maintained by a college or university; and

(2) a private organization or corporation, including grassroots organizations, with an established and demonstrated capacity to carry out such a bilateral exchange program.

(e) TERMS OF PROGRAM.—(1) It is the goal of the Program that at least 1,000 farmers participate in the training program by December 31, 2005, of which 80 percent of the total number of participating farmers will be African farmers or farmers in Caribbean Basin countries and 20 percent of the total number of participating farmers will be American farmers.

(2) Training under the Program will be provided to eligible farmers in groups to ensure that information is shared and passed on to other eligible farmers. Eligible farmers will be trained to be specialists in their home communities and will be encouraged not to retain enhanced farming technology for their own personal enrichment.

(3) Through partnerships with American businesses, the Program will utilize the commercial industrial capability of businesses dealing in agriculture to train eligible farmers on farming equipment that is appropriate for the majority of eligible farmers in African or Caribbean Basin countries and to introduce eligible farmers to the use of insurance as a risk management tool.

(f) SELECTION OF PARTICIPANTS.—(1) The selection of eligible farmers, as well as African-American and other American farmers and agricultural farming specialists, to participate in the Program shall be made by grant recipients using an application process approved by the President.

(2) Participating farmers must have sufficient farm or agribusiness experience and have obtained certain targets regarding the productivity of their farm or agribusiness.

(g) GRANT PERIOD.—The President may make grants under the Program during a period of 5 years beginning on October 1 of the first fiscal year for which funds are made available to carry out the Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2011.

### SEC. 312. GEORGE MCGOVERN-ROBERT DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) IN GENERAL.—The President may, subject to subsection (j), direct the procurement of commodities and the provision of financial and technical assistance to carry out—

(1) preschool and school feeding programs in foreign countries to improve food security, reduce the incidence of hunger, and improve literacy and primary education, particularly with respect to girls; and

(2) maternal, infant, and child nutrition programs for pregnant women, nursing mothers, infants, and children who are five years of age or younger.

(b) ELIGIBLE COMMODITIES AND COST ITEMS.—Notwithstanding any other provision of law—

(1) any agricultural commodity is eligible for distribution under this section;

(2) as necessary to achieve the purposes of this section—

(A) funds may be used to pay the transportation costs incurred in moving commodities (including prepositioned commodities) provided under this section from the designated points of entry or ports of entry of one or more recipient countries to storage and distribution sites in these countries, and associated storage and distribution costs;

(B) funds may be used to pay the costs of activities conducted in the recipient countries by a nonprofit voluntary organization, cooperative, or intergovernmental agency or organization that would enhance the effectiveness of the activities implemented by such entities under this section; and

(C) funds may be provided to meet the allowable administrative expenses of private voluntary organizations, cooperatives, or intergovernmental organizations which are implementing activities under this section; and

(3) for the purposes of this section, the term "agricultural commodities" includes any agricultural commodity, or the products thereof, produced in the United States.

(c) GENERAL AUTHORITIES.—The President shall designate one or more Federal agencies to—

(1) implement the program established under this section;

(2) ensure that the program established under this section is consistent with the foreign policy and development assistance objectives of the United States; and

(3) consider, in determining whether a country should receive assistance under this section, whether the government of the country is taking concrete steps to improve the preschool and school systems in its country.

(d) ELIGIBLE RECIPIENTS.—Assistance may be provided under this section to private voluntary organizations, cooperatives, intergovernmental organizations, governments and their agencies, and other organizations.

(e) PROCEDURES.—

(1) IN GENERAL.—In carrying out subsection (a) the President shall assure that procedures are established that—

(A) provide for the submission of proposals by eligible recipients, each of which may include one or more recipient countries, for commodities and other assistance under this section;

(B) provide for eligible commodities and assistance on a multi-year basis;

(C) ensure eligible recipients demonstrate the organizational capacity and the ability to develop, implement, monitor, report on, and provide accountability for activities conducted under this section;

(D) provide for the expedited development, review, and approval of proposals submitted in accordance with this section;

(E) ensure monitoring and reporting by eligible recipients on the use of commodities and other assistance provided under this section; and

(F) allow for the sale or barter of commodities by eligible recipients to acquire funds to implement activities that improve the food security of women and children or otherwise enhance the effectiveness of programs and activities authorized under this section.

(2) PRIORITIES FOR PROGRAM FUNDING.—In carrying out paragraph (1) with respect to criteria for determining the use of commodities and other assistance provided for programs and activities authorized under this section, the implementing agency may consider the ability of eligible recipients to—

(A) identify and assess the needs of beneficiaries, especially malnourished or undernourished mothers and their children who are five years of age or younger, and school-age children who are malnourished, undernourished, or do not regularly attend school;

(B)(i) in the case of preschool and school-age children, target low-income areas where children's enrollment and attendance in school is low or girls' enrollment and participation in preschool or school is low, and incorporate developmental objectives for improving literacy and primary education, particularly with respect to girls; and

(ii) in the case of programs to benefit mothers and children who are five years of age or younger, coordinate supplementary feeding and nutrition programs with existing or newly-established maternal, infant, and children programs that provide health-needs interventions, and which may include maternal, prenatal, and postnatal and newborn care;

(C) involve indigenous institutions as well as local communities and governments in the development and implementation to foster local capacity building and leadership; and

(D) carry out multiyear programs that foster local self-sufficiency and ensure the longevity of recipient country programs.

(f) USE OF FOOD AND NUTRITION SERVICE.—The Food and Nutrition Service of the Department of Agriculture may provide technical advice on the establishment of programs under subsection (a)(1) and on their implementation in the field in recipient countries.

(g) MULTILATERAL INVOLVEMENT.—The President is urged to engage existing international food aid coordinating mechanisms to ensure multilateral commitments to, and participation in, programs like those supported under this section. The President shall report annually to the Committee on International Relations and the Committee on Agriculture of the United States House of Representatives and the Committee on Foreign Relations and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate on the commitments and activities of governments, including the United States government, in the global effort to reduce child hunger and increase school attendance.

(h) PRIVATE SECTOR INVOLVEMENT.—The President is urged to encourage the support and active involvement of the private sector, foundations, and other individuals and organizations in programs assisted under this section.

(i) REQUIREMENT TO SAFEGUARD LOCAL PRODUCTION AND USUAL MARKETING.—The requirement of section 403(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733(a) and 1733(h)) applies with respect to the availability of commodities under this section.

(j) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2002 through 2011. Nothing in this section shall be interpreted to preclude the use of authorities in effect before the date of the enactment of this Act to carry out the ongoing Global Food for Education Initiative.

(2) ADMINISTRATIVE EXPENSES.—Funds made available to carry out the purposes of this section may be used to pay the administrative expenses of any agency of the Federal Government implementing or assisting in the implementation of this section.

### SEC. 313. STUDY ON FEE FOR SERVICES.

(a) STUDY.—Not later than one year after the date of enactment of this Act, the Secretary shall provide a report to the designated congressional committees on the feasibility of instituting a program which would charge and retain a fee to cover the costs for providing persons with commercial services performed abroad on matters within the authority of the Department of Agriculture administered through the Foreign Agriculture Service or any successor agency.

(b) DEFINITION.—In this section, the term "designated congressional committees" means the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

### SEC. 314. NATIONAL EXPORT STRATEGY REPORT.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture shall provide to the designated congressional committees a report on the policies and programs that the Department of Agriculture has undertaken to implement the National Export Strategy Report. The report shall contain a description of the effective coordination of these policies and programs through all other appropriate Federal agencies participating in the Trade Promotion Coordinating Committee and the steps the Department of Agriculture is taking to reduce the level of protectionism in agricultural trade, to foster market growth, and to improve the commercial potential of markets in both developed and developing countries for United States agricultural commodities.

(b) DEFINITION.—In this section, the term "designated congressional committees" means the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

## TITLE IV—NUTRITION PROGRAMS

### Subtitle A—Food Stamp Program

### SEC. 401. SIMPLIFIED DEFINITION OF INCOME.

Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (3)—

(A) by striking "and (C)" and inserting "(C)"; and

(B) by inserting after "premiums," the following:

"and (D) to the extent that any other educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like, are required to be excluded under title XIX of the Social Security Act, the state agency may exclude it under this subsection,";

(2) by striking "and (15)" and inserting "(15)";

(3) by inserting before the period at the end the following:

", (16) any state complementary assistance program payments that are excluded pursuant to subsections (a) and (b) of section 1931 of title XIX of the Social Security Act, and (17) at the option of the State agency, any types of income that the State agency does not consider when determining eligibility for cash assistance under a program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u–1), except that this paragraph shall not authorize a State agency to exclude earned income, payments under title I, II, IV, X, XIV, or XVI of the Social Security Act, or such other types of income whose consideration the Secretary determines essential to equitable determinations of eligibility and benefit levels except to the extent that those types of income may be excluded under other paragraphs of this subsection".

### SEC. 402. STANDARD DEDUCTION.

Section 5(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) by striking "of $134, $229, $189, $269, and $118' and inserting "equal to 9.7 percent of the eligibility limit established under section 5(c)(1) for fiscal year 2002 but not more than 9.7 percent of the eligibility limit established under section 5(c)(1) for a household of six for fiscal year 2002 nor less than $134, $229, $189, $269, and $118"; and

(2) by inserting before the period at the end the following:

", except that the standard deduction for Guam shall be determined with reference to 2 times the eligibility limits under section 5(c)(1) for fiscal year 2002 for the 48 contiguous states and the District of Columbia".

### SEC. 403. TRANSITIONAL FOOD STAMPS FOR FAMILIES MOVING FROM-WELFARE.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(s) TRANSITIONAL BENEFITS OPTION.—

"(1) IN GENERAL.—A State may provide transitional food stamp benefits to a household that is no longer eligible to receive cash assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(2) TRANSITIONAL BENEFITS PERIOD.—Under paragraph (1), a household may continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

"(3) AMOUNT.—During the transitional benefits period under paragraph (2), a household shall receive an amount equal to the allotment received in the month immediately preceding the date on which cash assistance is terminated. A household receiving benefits under this subsection may apply for recertification at any time during the transitional benefit period. If a household reapplies, its allotment shall be determined without regard to this subsection for all subsequent months.

"(4) DETERMINATION OF FUTURE ELIGIBILITY.—In the final month of the transitional benefits period under paragraph (2), the State agency may—

"(A) require a household to cooperate in a redetermination of eligibility to receive an authorization card; and

"(B) renew eligibility for a new certification period for the household without regard to whether the previous certification period has expired.

"(5) LIMITATION.—A household sanctioned under section 6, or for a failure to perform an action required by Federal, State, or local law relating to such cash assistance program, shall not be eligible for transitional benefits under this subsection.".

(b) CONFORMING AMENDMENTS.—(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended by adding at the end the following: "The limits in this section may be extended until the end of any transitional benefit period established under section 11(s).".

(2) Section 6(c) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)) is amended by striking "No household" and inserting "Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s), no household".

### SEC. 404. QUALITY CONTROL SYSTEMS.

(a) TARGETED QUALITY CONTROL SYSTEM.—Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended—

(1) in paragraph (1)(C)—

(A) in the matter preceding clause (i), by inserting "the Secretary determines that a 95 percent statistical probability exists that for the 3d consecutive year" after "year in which"; and

(B) in clause (i)(II)(aa)(bbb) by striking "the national performance measure for the fiscal year" and inserting "10 percent";

(2) in the 1st sentence of paragraph (4)—

(A) by striking "or claim" and inserting "claim"; and

(B) by inserting "or performance under the measures established under paragraph (10)," after "for payment error,";

(3) in paragraph (5), by inserting "to comply with paragraph (10) and" before "to establish";

(4) in the 1st sentence of paragraph (6), by inserting "one percentage point more than" after "measure that shall be"; and

(5) by inserting at the end the following:

"(10)(A) In addition to the measures established under paragraph (1), the Secretary shall measure the performance of State agencies in each of the following regards—

"(i) compliance with the deadlines established under paragraphs (3) and (9) of section 11(e); and

"(ii) the percentage of negative eligibility decisions that are made correctly.

"(B) For each fiscal year, the Secretary shall make excellence bonus payments of $1,000,000 each to the 5 States with the highest combined performance in the 2 measures in subparagraph (A) and to the 5 States whose combined performance under the 2 measures in subparagraph (A) most improved in such fiscal year.

"(C) For any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that a State agency's performance with respect to any of the 2 performance measures established in subparagraph (A) is substantially worse than a level the Secretary deems reasonable, other than for good cause shown, the Secretary shall investigate that State agency's administration of the food stamp program. If this investigation determines that the State's administration has been deficient, the Secretary shall require the State agency to take prompt corrective action.".

(b) Implementation.—The amendment made by subsection (a)(5) shall apply to all fiscal years beginning on or after October 1, 2001, and ending before October 1, 2007. All other amendments made by this section shall apply to all fiscal years beginning on or after October 1, 1999.

### SEC. 405. SIMPLIFIED APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS.

Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by inserting at the end the following:

"(*l*) Simplification of Systems.—The Secretary shall expend up to $10 million in each fiscal year to pay 100 percent of the costs of State agencies to develop and implement simple application and eligibility determination systems.".

### SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) Employment and Training Programs.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)(vii) by striking "fiscal year 2002" and inserting "each of the fiscal years 2003 through 2011"; and

(2) in subparagraph (B) by striking "2002" and inserting "2011".

(b) Cost Allocation.—Section 16(k)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(3)) is amended—

(1) in subparagraph (A) by striking "2002" and inserting "2011"; and

(2) in subparagraph (B)(ii) by striking "2002" and inserting "2011".

(c) Cash Payment Pilot Projects.—Section 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking "2002" and inserting "2011".

(d) Outreach Demonstration Projects.—Section 17(i)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(i)(1)(A)) is amended by striking "1992 through 2002" and inserting "2003 through 2011".

(e) Authorization of Appropriations.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking "1996 through 2002" and inserting "2003 through 2011".

(f) Puerto Rico.—Section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended—

(1) in clause (ii) by striking "and" at the end;

(2) in clause (iii) by adding "and" at the end; and

(3) by inserting after clause (iii) the following:

"(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 3(o)(4) for the current fiscal year for which the amount is determined under this clause;".

(g) Territory of American Samoa.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is amended by striking "1996 through 2002" and inserting "2003 through 2011".

(h) Assistance for Community Food Projects.—Section 25(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "2002" and inserting "2001"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following:

"(C) $7,500,000 for each of the fiscal years 2002 through 2011.".

(i) Availability of Commodities for the Emergency Food Assistance Program.—Section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036) is amended—

(1) in subsection (a)—

(A) by striking "1997 through 2002" and inserting "2002 through 2011"; and

(B) by striking "$100,000,000" and inserting "$140,000,000"; and

(2) by adding at the end the following:

"(c) Use of Funds for Related Costs.—For each of the fiscal years 2002 through 2011, the Secretary shall use $10,000,000 of the funds made available under subsection (a) to pay for the direct and indirect costs of the States related to the processing, storing, transporting, and distributing to eligible recipient agencies of commodities purchased by the Secretary under such subsection and commodities secured from other sources, including commodities secured by gleaning (as defined in section 111 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note)).".

(j) Special Effective Date.—The amendments made by subsections (h) and (i) shall take effect of October 1, 2001.

## Subtitle B—Commodity Distribution

### SEC. 441. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.

Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e) is amended by striking "2002" and inserting "2011".

### SEC. 442. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

The Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended—

(1) in section 4(a) by striking "1991 through 2002" and inserting "2003 through 2011"; and

(2) in subsections (a)(2) and (d)(2) of section 5 by striking "1991 through 2002" and inserting "2003 through 2011".

### SEC. 443. EMERGENCY FOOD ASSISTANCE.

The 1st sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended—

(1) by striking "1991 through 2002" and inserting "2003 through 2011";

(2) by striking "administrative"; and

(3) by inserting "storage," after "processing,".

## Subtitle C—Miscellaneous Provisions

### SEC. 461. HUNGER FELLOWSHIP PROGRAM.

(a) Short Title; Findings.—

(1) Short title.—This section may be cited as the "Congressional Hunger Fellows Act of 2001".

(2) Findings.—The Congress finds as follows:

(A) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger as well as a need for such individuals to initiate and administer solutions to the hunger problem.

(B) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated his commitment to solving the problem of hunger in a bipartisan manner, his commitment to public service, and his great affection for the institution and the ideals of the United States Congress.

(C) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated his compassion for those in need, his high regard for public service, and his lively exercise of political talents.

(D) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

(E) These 2 outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

(b) Establishment.—There is established as an independent entity of the legislative branch of the United States Government the Congressional Hunger Fellows Program (hereinafter in this section referred to as the "Program").

(c) Board of Trustees.—

(1) In general.—The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) Members of the board of trustees.—

(A) Appointment.—The Board shall be composed of 6 voting members appointed under clause (i) and 1 nonvoting ex officio member designated in clause (ii) as follows:

(i) Voting members.—(I) The Speaker of the House of Representatives shall appoint 2 members.

(II) The minority leader of the House of Representatives shall appoint 1 member.

(III) The majority leader of the Senate shall appoint 2 members.

(IV) The minority leader of the Senate shall appoint 1 member.

(ii) Nonvoting member.—The Executive Director of the program shall serve as a nonvoting ex officio member of the Board.

(B) Terms.—Members of the Board shall serve a term of 4 years.

(C) VACANCY.—

(i) AUTHORITY OF BOARD.—A vacancy in the membership of the Board does not affect the power of the remaining members to carry out this section.

(ii) APPOINTMENT OF SUCCESSORS.—A vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(iii) INCOMPLETE TERM.—If a member of the Board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(D) CHAIRPERSON.—As the first order of business of the first meeting of the Board, the members shall elect a Chairperson.

(E) COMPENSATION.—

(i) IN GENERAL.—Subject to clause (ii), members of the Board may not receive compensation for service on the Board.

(ii) TRAVEL.—Members of the Board may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the program.

(3) DUTIES.—

(A) BYLAWS.—

(i) ESTABLISHMENT.—The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out this section, including the duties described in this paragraph.

(ii) CONTENTS.—Such bylaws and other regulations shall include provisions—

(I) for appropriate fiscal control, funds accountability, and operating principles;

(II) to prevent any conflict of interest, or the appearance of any conflict of interest, in the procurement and employment actions taken by the Board or by any officer or employee of the Board and in the selection and placement of individuals in the fellowships developed under the program;

(III) for the resolution of a tie vote of the members of the Board; and

(IV) for authorization of travel for members of the Board.

(iii) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the first meeting of the Board, the Chairperson of the Board shall transmit to the appropriate congressional committees a copy of such bylaws.

(B) BUDGET.—For each fiscal year the program is in operation, the Board shall determine a budget for the program for that fiscal year. All spending by the program shall be pursuant to such budget unless a change is approved by the Board.

(C) PROCESS FOR SELECTION AND PLACEMENT OF FELLOWS.—The Board shall review and approve the process established by the Executive Director for the selection and placement of individuals in the fellowships developed under the program.

(D) ALLOCATION OF FUNDS TO FELLOWSHIPS.—The Board of Trustees shall determine the priority of the programs to be carried out under this section and the amount of funds to be allocated for the Emerson and Leland fellowships.

(d) PURPOSES; AUTHORITY OF PROGRAM.—

(1) PURPOSES.—The purposes of the program are—

(A) to encourage future leaders of the United States to pursue careers in humanitarian service, to recognize the needs of people who are hungry and poor, and to provide assistance and compassion for those in need;

(B) to increase awareness of the importance of public service; and

(C) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

(2) AUTHORITY.—The program is authorized to develop such fellowships to carry out the purposes of this section, including the fellowships described in paragraph (3).

(3) FELLOWSHIPS.—

(A) IN GENERAL.—The program shall establish and carry out the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowship.

(B) CURRICULUM.—

(i) IN GENERAL.—The fellowships established under subparagraph (A) shall provide experience and training to develop the skills and understanding necessary to improve the humanitarian conditions and the lives of individuals who suffer from hunger, including—

(I) training in direct service to the hungry in conjunction with community-based organizations through a program of field placement; and

(II) experience in policy development through placement in a governmental entity or nonprofit organization.

(ii) FOCUS OF BILL EMERSON HUNGER FELLOWSHIP.—The Bill Emerson Hunger Fellowship shall address hunger and other humanitarian needs in the United States.

(iii) FOCUS OF MICKEY LELAND HUNGER FELLOWSHIP.—The Mickey Leland Hunger Fellowship shall address international hunger and other humanitarian needs.

(iv) WORKPLAN.—To carry out clause (i) and to assist in the evaluation of the fellowships under paragraph (4), the program shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities related to those objectives.

(C) PERIOD OF FELLOWSHIP.—

(i) EMERSON FELLOW.—A Bill Emerson Hunger Fellowship awarded under this paragraph shall be for no more than 1 year.

(ii) LELAND FELLOW.—A Mickey Leland Hunger Fellowship awarded under this paragraph shall be for no more than 2 years. Not less than one year of the fellowship shall be dedicated to fulfilling the requirement of subparagraph (B)(i)(I).

(D) SELECTION OF FELLOWS.—

(i) IN GENERAL.—A fellowship shall be awarded pursuant to a nationwide competition established by the program.

(ii) QUALIFICATION.—A successful applicant shall be an individual who has demonstrated—

(I) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

(II) a commitment to social change;

(III) leadership potential or actual leadership experience;

(IV) diverse life experience;

(V) proficient writing and speaking skills;

(VI) an ability to live in poor or diverse communities; and

(VII) such other attributes as determined to be appropriate by the Board.

(iii) AMOUNT OF AWARD.—

(I) IN GENERAL.—Each individual awarded a fellowship under this paragraph shall receive a living allowance and, subject to subclause (II), an end-of-service award as determined by the program.

(II) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each individual awarded a fellowship under this paragraph shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service as determined by the Executive Director.

(iv) RECOGNITION OF FELLOWSHIP AWARD.—

(I) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an "Emerson Fellow".

(II) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a "Leland Fellow".

(4) EVALUATION.—The program shall conduct periodic evaluations of the Bill Emerson and Mickey Leland Hunger Fellowships. Such evaluations shall include the following:

(A) An assessment of the successful completion of the work plan of the fellow.

(B) An assessment of the impact of the fellowship on the fellows.

(C) An assessment of the accomplishment of the purposes of the program.

(D) An assessment of the impact of the fellow on the community.

(e) TRUST FUND.—

(1) ESTABLISHMENT.—There is established the Congressional Hunger Fellows Trust Fund (hereinafter in this section referred to as the "Fund") in the Treasury of the United States, consisting of amounts appropriated to the Fund under subsection (i), amounts credited to it under paragraph (3), and amounts received under subsection (g)(3)(A).

(2) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest the full amount of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary in consultation with the Board, has a maturity suitable for the Fund.

(3) RETURN ON INVESTMENT.—Except as provided in subsection (f)(2), the Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from the sale or redemption of, obligations held in the Fund.

(f) EXPENDITURES; AUDITS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the program from the amounts described in subsection (e)(3) and subsection (g)(3)(A) such sums as the Board determines are necessary to enable the program to carry out the provisions of this section.

(2) LIMITATION.—The Secretary may not transfer to the program the amounts appropriated to the Fund under subsection (i).

(3) USE OF FUNDS.—Funds transferred to the program under paragraph (1) shall be used for the following purposes:

(A) STIPENDS FOR FELLOWS.—To provide for a living allowance for the fellows.

(B) TRAVEL OF FELLOWS.—To defray the costs of transportation of the fellows to the fellowship placement sites.

(C) INSURANCE.—To defray the costs of appropriate insurance of the fellows, the program, and the Board.

(D) TRAINING OF FELLOWS.—To defray the costs of preservice and midservice education and training of fellows.

(E) SUPPORT STAFF.—Staff described in subsection (g).

(F) AWARDS.—End-of-service awards under subsection (d)(3)(D)(iii)(II).

(G) ADDITIONAL APPROVED USES.—For such other purposes that the Board determines appropriate to carry out the program.

(4) AUDIT BY GAO.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an annual audit of the accounts of the program.

(B) BOOKS.—The program shall make available to the Comptroller General all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the program and necessary to facilitate such audit.

(C) REPORT TO CONGRESS.—The Comptroller General shall submit a copy of the results of each such audit to the appropriate congressional committees.

(g) Staff; Powers of Program.—

(1) Executive director.—

(A) In general.—The Board shall appoint an Executive Director of the program who shall administer the program. The Executive Director shall carry out such other functions consistent with the provisions of this section as the Board shall prescribe.

(B) Restriction.—The Executive Director may not serve as Chairperson of the Board.

(C) Compensation.—The Executive Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Staff.—

(A) In general.—With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers necessary and appropriate to carry out the functions of the provisions of this section.

(B) Compensation.—An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate of basic pay payable for level GS–15 of the General Schedule.

(3) Powers.—In order to carry out the provisions of this section, the program may perform the following functions:

(A) Gifts.—The program may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the program. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Fund and shall be available for disbursement upon order of the Board.

(B) Experts and consultants.—The program may procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(C) Contract authority.—The program may contract, with the approval of a majority of the members of the Board, with and compensate Government and private agencies or persons without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(D) Other necessary expenditures.—The program shall make such other expenditures which the program considers necessary to carry out the provisions of this section, but excluding project development.

(h) Report.—Not later than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the program carried out during the previous fiscal year, and shall include the following:

(1) An analysis of the evaluations conducted under subsection (d)(4) (relating to evaluations of the Emerson and Leland fellowships and accomplishment of the program purposes) during that fiscal year.

(2) A statement of the total amount of funds attributable to gifts received by the program in that fiscal year (as authorized under subsection (g)(3)(A)), and the total amount of such funds that were expended to carry out the program that fiscal year.

(i) Authorization of Appropriations.—There are authorized to be appropriated $18,000,000 to carry out the provisions of this section.

(j) Definition.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations of the Senate.

### SEC. 462. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect on October 1, 2002.

## TITLE V—CREDIT

### SEC. 501. ELIGIBILITY OF LIMITED LIABILITY COMPANIES FOR FARM OWNERSHIP LOANS, FARM OPERATING LOANS, AND EMERGENCY LOANS.

(a) Sections 302(a), 311(a), and 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a), 1941(a), and 1961(a)) are each amended by striking "and joint operations" each place it appears and inserting "joint operations, and limited liability companies".

(b) Section 321(a) of such Act (7 U.S.C. 1961(a)) is amended by striking "or joint operations" each place it appears and inserting "joint operations, or limited liability companies".

### SEC. 502. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

During the period beginning January 1, 2002, and ending December 31, 2006, section 319(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949(b)) shall have no force or effect.

### SEC. 503. ADMINISTRATION OF CERTIFIED LENDERS AND PREFERRED CERTIFIED LENDERS PROGRAMS.

(a) In General.—Section 331(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)) is amended—

(1) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) administer the loan guarantee program under section 339(c) through central offices established in States or in multi-State areas;".

(b) Conforming Amendment.—Section 331(c) of such Act (7 U.S.C. 1981(c)) is amended by striking "(b)(5)" and inserting "(b)(6)".

### SEC. 504. SIMPLIFIED LOAN GUARANTEE APPLICATION AVAILABLE FOR LOANS OF GREATER AMOUNTS.

Section 333A(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)) is amended by striking "$50,000" and inserting "$150,000".

### SEC. 505. ELIMINATION OF REQUIREMENT THAT SECRETARY REQUIRE COUNTY COMMITTEES TO CERTIFY IN WRITING THAT CERTAIN LOAN REVIEWS HAVE BEEN CONDUCTED.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

### SEC. 506. AUTHORITY TO REDUCE PERCENTAGE OF LOAN GUARANTEED IF BORROWER INCOME IS INSUFFICIENT TO SERVICE DEBT.

Section 339 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989) is amended—

(1) in subsection (c)(4)(A), by inserting ", except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)" before the period; and

(2) in subsection (d)(4)(A), by inserting ", except that the Secretary may guarantee such lesser percentage as the Secretary determines appropriate of such a loan if the income of the borrower is less than the income necessary to meet the requirements of subsection (b)" before the semicolon.

### SEC. 507. TIMING OF LOAN ASSESSMENTS.

Section 360(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006b(a)) is amended by striking "After an applicant is determined eligible for assistance under this title by the appropriate county committee established pursuant to section 332, the" and inserting "The".

### SEC. 508. MAKING AND SERVICING OF LOANS BY PERSONNEL OF STATE, COUNTY, OR AREA COMMITTEES.

(a) In General.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008j) is amended by adding at the end the following:

### "SEC. 376. MAKING AND SERVICING OF LOANS BY PERSONNEL OF STATE, COUNTY, OR AREA COMMITTEES.

"The Secretary shall employ personnel of a State, county or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C 590h(b)(5)) to make and service loans under this title to the extent the personnel have been trained to do so.".

(b) Inapplicability of Finality Rule.—Section 281(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001(a)(1)) is amended by inserting ", except functions performed pursuant to section 376 of the Consolidated Farm and Rural Development Act" before the period.

### SEC. 509. ELIGIBILITY OF EMPLOYEES OF STATE, COUNTY, OR AREA COMMITTEE FOR LOANS AND LOAN GUARANTEES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008j) is further amended by adding at the end the following:

### "SEC. 377. ELIGIBILITY OF EMPLOYEES OF STATE, COUNTY, OR AREA COMMITTEE FOR LOANS AND LOAN GUARANTEES.

"The Secretary shall not prohibit an employee of a State, county or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or an employee of the Department of Agriculture from obtaining a loan or loan guarantee under subtitle A, B or C of this title if an office of the Department of Agriculture other than the office in which the employee is located determines that the employee is otherwise eligible for the loan or loan guarantee.".

### SEC. 510. EMERGENCY LOANS IN RESPONSE TO AN ECONOMIC EMERGENCY RESULTING FROM QUARANTINES AND SHARPLY INCREASING ENERGY COSTS.

(a) Loan Authority.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in each of the 1st and 3rd sentences—

(A) by striking "a natural disaster in the United States or by" and inserting "a quarantine imposed by the Secretary under the Plant Protection Act or the animal quarantine laws (as defined in section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990), an economic emergency resulting from sharply increasing energy costs as described in section 329(b), a natural disaster in the United States, or"; and

(B) by inserting "Robert T. Stafford" before "Disaster Relief and Emergency Assistance Act"; and

(2) in the 4th sentence—

(A) by striking "a natural disaster" and inserting "such a quarantine, economic emergency, or natural disaster"; and

(B) by striking "by such natural disaster" and inserting "by such quarantine, economic emergency, or natural disaster".

(b) Conforming Amendment.—Section 323 of such Act (7 U.S.C. 1963) is amended—

(1) by inserting "quarantine," before "natural disaster"; and

(2) by inserting "referred to in section 321(a), including, notwithstanding any other provision of this title, an economic emergency resulting from sharply increasing energy costs as described in section 329(b)" after "emergency".

(c) Sharply Increasing Energy Costs.—Section 329 of such Act (7 U.S.C. 1969) is amended—

(1) by striking all that precedes "Secretary shall" and inserting the following:

**"SEC. 329. LOSS CONDITIONS.**

"(a) In General.—Except as provided in subsection (b), the"; and

(2) by adding after and below the end the following:

"(b) Loss Resulting From Sharply Increasing Energy Costs.—The Secretary shall make financial assistance under this subtitle available to any applicant seeking assistance based on an income loss resulting from sharply increasing energy costs referred to in section 323 if—

"(1) the price of electricity, gasoline, diesel fuel, natural gas, propane, or other equivalent fuel during any 3-month period is at least 50 percent greater than the average price of the same form of energy during the preceding 5 years, as determined by the Secretary; and

"(2) the income loss of the applicant is directly related to expenses incurred to prevent livestock mortality, the degradation of a perishable agricultural commodity, or damage to a field crop.".

(d) Maximum Amount of Loan.—Section 324(a) of such Act (7 U.S.C. 1964(a)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following:

"(3) in the case of a loan made in response to a quarantine referred to in section 321, exceeds $500,000; or

"(4) in the case of a loan made in response to an economic emergency referred to in section 321, exceeds $200,000.".

### SEC. 511. EXTENSION OF AUTHORITY TO CONTRACT FOR SERVICING OF FARMER PROGRAM LOANS.

Section 331(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(d)) is amended—

(1) in the heading by striking "Temporary"; and

(2) in paragraph (5), by striking "2002" and inserting "2011".

### SEC. 512. AUTHORIZATION FOR LOANS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended by striking "not more than the following amounts:" and all that follows and inserting "such sums as may be necessary.".

### SEC. 513. RESERVATION OF FUNDS FOR DIRECT OPERATING LOANS FOR BEGINNING FARMERS AND RANCHERS.

Section 346(b)(2)(A)(ii)(III) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)(ii)(III)) is amended by striking "2000 through 2002" and inserting "2002 through 2011".

### SEC. 514. EXTENSION OF INTEREST RATE REDUCTION PROGRAM.

Section 351(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999(a)(2)) is amended by striking "2002" and inserting "2011".

### SEC. 515. INCREASE IN DURATION OF LOANS UNDER DOWN PAYMENT LOAN PROGRAM.

(a) In General.—Section 310E(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(3)) is amended by striking "10" and inserting "15".

(b) Conforming Amendment.—Section 310E(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(c)(3)(B)) is amended by striking "10-year" and inserting "15-year".

### SEC. 516. HORSE BREEDER LOANS.

(a) Definition of Horse Breeder.—In this section, the term "horse breeder" means a person that, as of the date of the enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(1) the 5-year period ending on January 1, 2001; or

(2) the period the person has been engaged in the business.

(b) Loan Authorization.—The Secretary shall make a loan to an eligible horse breeder to assist the breeder for losses suffered as a result of mare reproductive loss syndrome.

(c) Eligibility.—A horse breeder shall be eligible for a loan under this section if the Secretary determines that, as a result of mare reproductive loss syndrome—

(1) during the period beginning January 1, 2000, and ending October 1, 2000, or during the period beginning January 1, 2001, and ending October 1, 2001—

(A) 30 percent or more of the mares owned by the breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(B) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(2) during the period beginning January 1, 2000, and ending on September 30, 2002, the breeder was unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(3) the breeder is not able to obtain sufficient credit elsewhere (within the meaning of section 321(a) of the Consolidated Farm and Rural Development Act).

(d) Amount.—

(1) In general.—Subject to paragraph (2), the Secretary shall determine the amount of a loan to be made to a horse breeder under this section, on the basis of the amount of losses suffered by the breeder, and the financial needs of the breeder, as a result of mare reproductive loss syndrome.

(2) Maximum amount.—The amount of a loan made under this section shall not exceed $500,000.

(e) Term.—

(1) In general.—Subject to paragraph (2), the term for repayment of a loan made to a horse breeder under this section shall be determined by the Secretary based on the ability of the breeder to repay the loan.

(2) Maximum term.—The term of a loan made under this section shall not exceed 15 years.

(f) Interest Rate.—Interest shall be payable on a loan made under this section, at the rate prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act.

(g) Security.—Security shall be required on a loan made under this section, in accordance with section 324(d) of the Consolidated Farm and Rural Development Act.

(h) Application.—To be eligible to obtain a loan under this section, a horse breeder shall submit to the Secretary an application for the loan not later than September 30, 2002.

(i) Funding.—The Secretary shall carry out this section using funds available for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act.

(j) Termination.—The authority provided by this section shall terminate on September 30, 2003.

### SEC. 517. SUNSET OF DIRECT LOAN PROGRAMS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) In General.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008j) is amended by inserting after section 344 the following:

**"SEC. 345. SUNSET OF DIRECT LOAN PROGRAMS.**

"(a) In General.—Except as provided in subsection (b), beginning 5 years after the date of the enactment of this section, the Secretary may not make a direct loan under section 302 or 311.

"(b) Exceptions.—Subsection (a) shall not apply to any authority to make direct loans to youths, qualified beginning farmers or ranchers, or members of socially disadvantaged groups.

"(c) No Effect on Existing Contracts.—Subsection (a) shall not be construed to permit the violation of any contract entered into before the 5-year period described in subsection (a).".

(b) Evaluations of Direct and Guaranteed Loan Programs.—

(1) Studies.—The Secretary of Agriculture shall conduct 2 studies of the direct and guaranteed loan progams under sections 302 and 311 of the Consolidated Farm and Rural Development Act, each of which shall include an examination of the number, average principal amount, and delinquency and default rates of loans provided or guaranteed during the period covered by the study.

(2) Periods covered.—

(A) First study.—1 study under paragraph (1) shall cover the 1-year period that begins 1 year after the date of the enactment of this section.

(B) Second study.—1 study under paragraph (1) shall cover the 1-year period that begins 3 years after such date of enactment.

(3) Reports to the congress.—At the end of the period covered by a study under this subsection, the Secretary of Agriculture shall submit to the Congress a report that contains an evaluation of the results of the study, including an analysis of the effectiveness of loan programs referred to in paragraph (1) in meeting the credit needs of agricultural producers in an efficient and fiscally responsible manner.

### SEC. 518. DEFINITION OF DEBT FORGIVENESS.

Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) Exceptions.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan; or

"(ii) any write-down provided as a part of a resolution of a discrimination complaint against the Secretary.".

### SEC. 519. LOAN ELIGIBILITY FOR BORROWERS WITH PRIOR DEBT FORGIVENESS.

Section 373(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) Prohibitions.—Except as provided in paragraph (2)—

"(A) the Secretary may not make a loan under this title to a borrower who, on more than 2 occasions, received debt forgiveness on a loan made or guaranteed under this title; and

"(B) the Secretary may not guarantee a loan under this title to a borrower who, on more than 3 occasions, received debt forgiveness on a loan made or guaranteed under this title.".

### SEC. 520. ALLOCATION OF CERTAIN FUNDS FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

The last sentence of section 355(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(c)(2)) is amended to read as follows: "Any funds reserved and allocated under this paragraph but not used within a State shall, to the extent necessary to satisfy pending applications under this title, be available for use by socially disadvantaged farmers and ranchers in other States, as determined by the Secretary, and any remaining funds shall be reallocated within the State.".

### SEC. 521. HORSES CONSIDERED TO BE LIVESTOCK UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by adding at the end the following:

"(c) Livestock Includes Horses.—The term 'livestock' includes horses.".

## TITLE VI—RURAL DEVELOPMENT

### SEC. 601. FUNDING FOR RURAL LOCAL TELEVISION BROADCAST SIGNAL LOAN GUARANTEES.

Section 1011(a) of the Launching Our Communities' Access to Local Television Act of 2000 (title X of H.R. 5548, as enacted by section 1(a)(2) of Public Law 106-553) is amended by adding at the end the following: "In addition, a total of $200,000,000 of the funds of the Commodity Credit Corporation shall be available during fiscal years 2002 through 2006, without fiscal year limitation, for loan guarantees under this title.".

### SEC. 602. EXPANDED ELIGIBILITY FOR VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Establishment and purposes.—In each of fiscal years 2002 through 2011, the Secretary shall use $50,000,000 of the funds of the Commodity Credit Corporation to award competitive grants—

"(A) to eligible independent producers (as determined by the Secretary) of value-added agricultural commodities and products of agricultural commodities to assist an eligible producer—

"(i) to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural commodity; or

"(ii) to develop strategies for the ventures that are intended to create marketing opportunities for the producers; and

"(B) to public bodies, institutions of higher learning, and trade associations to assist such entities—

"(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural commodity or product of an agricultural commodity; or

"(ii) to develop strategies for the ventures that are intended to create marketing opportunities in emerging markets for the producers.";

(2) by striking "producer" each place it appears thereafter and inserting "grantee"; and

(3) in the heading for paragraph (3), by striking "Producer" and inserting "Grantee".

### SEC. 603. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

(a) Purposes.—The purposes of this section are to carry out a demonstration program under which agricultural producers are provided—

(1) technical assistance, including engineering services, applied research, scale production, and similar services to enable the producers to establish businesses for further processing of agricultural products;

(2) marketing, market development, and business planning; and

(3) overall organizational, outreach, and development assistance to increase the viability, growth, and sustainability of value-added agricultural businesses.

(b) Nature of Program.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall—

(1) make grants to eligible applicants for the purposes of enabling the applicants to obtain the assistance described in subsection (a); and

(2) provide assistance to eligible applicants through the research and technical services of the Department of Agriculture.

(c) Eligibility Requirements.—

(1) In general.—An applicant shall be eligible for a grant and assistance described in subsection (b) to establish an Agriculture Innovation Center if—

(A) the applicant—

(i) has provided services similar to those described in subsection (a); or

(ii) shows the capability of providing the services;

(B) the application of the applicant for the grant and assistance sets forth a plan, in accordance with regulations which shall be prescribed by the Secretary, outlining support of the applicant in the agricultural community, the technical and other expertise of the applicant, and the goals of the applicant for increasing and improving the ability of local producers to develop markets and processes for value-added agricultural products;

(C) the applicant demonstrates that resources (in cash or in kind) of definite value are available, or have been committed to be made available, to the applicant, to increase and improve the ability of local producers to develop markets and processes for value-added agricultural products; and

(D) the applicant meets the requirement of paragraph (2).

(2) Board of directors.—The requirement of this paragraph is that the applicant shall have a board of directors comprised of representatives of the following groups:

(A) The 2 general agricultural organizations with the greatest number of members in the State in which the applicant is located.

(B) The Department of Agriculture or similar State organization or department, for the State.

(C) Organizations representing the 4 highest grossing commodities produced in the State, according to annual gross cash sales.

(d) Grants and Assistance.—

(1) In general.—Subject to subsection (g), the Secretary shall make annual grants to eligible applicants under this section, each of which grants shall not exceed the lesser of—

(A) $1,000,000; or

(B) twice the dollar value of the resources (in cash or in kind) that the applicant has demonstrated are available, or have been committed to be made available, to the applicant in accordance with subsection (c)(1)(C).

(2) Initial limitation.—In the first year of the demonstration program under this section, the Secretary shall make grants under this section, on a competitive basis, to not more than 5 eligible applicants.

(3) Expansion of demonstration program.—In the second year of the demonstration program under this section, the Secretary may make grants under this section to not more than 10 eligible applicants, in addition to any entities to which grants are made under paragraph (2) for such year.

(4) State limitation.—In the first 3 years of the demonstration program under this section, the Secretary shall not make an Agricultural Innovation Center Demonstration Program grant under this section to more than 1 entity in a single State.

(e) Use of Funds.—An entity to which a grant is made under this section may use the grant only for the following purposes, but only to the extent that the use is not described in section 231(d) of the Agricultural Risk Protection Act of 2000:

(1) Applied research.

(2) Consulting services.

(3) Hiring of employees, at the discretion of the board of directors of the entity.

(4) The making of matching grants, each of which shall be not more than $5,000, to agricultural producers, so long as the aggregate amount of all such matching grants shall be not more than $50,000.

(5) Legal services.

(f) Rule of Interpretation.—This section shall not be construed to prevent a recipient of a grant under this section from collaborating with any other institution with respect to activities conducted using the grant.

(g) Availability of Funds.—Of the amount made available under section 231(a)(1) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1621 note), the Secretary shall use to carry out this section—

(1) not less than $5,000,000 for fiscal year 2002; and

(2) not less than $10,000,000 for each of the fiscal years 2003 and 2004.

(h) Report on Best Practices.—

(1) Effects on the agricultural sector.—The Secretary shall utilize $300,000 per year of the funds made available pursuant to this section to support research at any university into the effects of value-added projects on agricultural producers and the commodity markets. The research should systematically examine possible effects on demand for agricultural commodities, market prices, farm income, and Federal outlays on commodity programs using linked, long-term, global projections of the agricultural sector.

(2) Department of agriculture.—Not later than 3 years after the first 10 grants are made under this section, the Secretary shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives a written report on the effectiveness of the demonstration program conducted under this section at improving the production of value-added agricultural products and on the effects of the program on the economic viability of the producers, which shall include the best practices and innovations found at each of the

Agriculture Innovation Centers established under the demonstration program under this section, and detail the number and type of agricultural projects assisted, and the type of assistance provided, under this section.

### SEC. 604. FUNDING OF COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

(a) FUNDING.—In each of fiscal years 2002 through 2011, the Secretary of Agriculture shall use $30,000,000 of the funds of the Commodity Credit Corporation to carry out section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a).

(b) EXTENSION OF PROGRAM.—Section 306A(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)) is amended by striking "2002" and inserting "2011".

(c) MISCELLANEOUS AMENDMENTS.—Section 306A of such Act (7 U.S.C. 1926a) is amended—

(1) in the heading by striking "**EMERGENCY**";

(2) in subsection (a)(1)—

(A) by striking "after" and inserting "when"; and

(B) by inserting "is imminent" after "communities"; and

(3) in subsection (c), by striking "shall—" and all that follows and inserting "shall be a public or private nonprofit entity.".

### SEC. 605. LOAN GUARANTEES FOR THE FINANCING OF THE PURCHASE OF RENEWABLE ENERGY SYSTEMS.

Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding after and below the end the following:

"(b) LOAN GUARANTEES FOR THE FINANCING OF THE PURCHASE OF RENEWABLE ENERGY SYSTEMS.—The Secretary may provide a loan guarantee, on such terms and conditions as the Secretary deems appropriate, for the purpose of financing the purchase of a renewable energy system, including a wind energy system and anaerobic digestors for the purpose of energy generation, by any person or individual who is a farmer, a rancher, or an owner of a small business (as defined by the Secretary) that is located in a rural area (as defined by the Secretary). In providing guarantees under this subsection, the Secretary shall give priority to loans used primarily for power generation on a farm, ranch, or small business (as so defined).".

### SEC. 606. LOANS AND LOAN GUARANTEES FOR RENEWABLE ENERGY SYSTEMS.

Section 310B(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(3)) is amended by inserting "and other renewable energy systems including wind energy systems and anaerobic digestors for the purpose of energy generation" after "solar energy systems".

### SEC. 607. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking "2002" and inserting "2011".

### SEC. 608. GRANTS FOR WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking "and 2002" and inserting "through 2011".

### SEC. 609. RURAL COOPERATIVE DEVELOPMENT GRANTS.

Section 310B(e)(9) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(9)) is amended by striking "2002" and inserting "2011".

### SEC. 610. NATIONAL RESERVE ACCOUNT OF RURAL DEVELOPMENT TRUST FUND.

Section 381E(e)(3)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(e)(3)(F)) is amended by striking "fiscal year 2002" and inserting "each of the fiscal years 2002 through 2011".

### SEC. 611. RURAL VENTURE CAPITAL DEMONSTRATION PROGRAM.

Section 381O(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009n(b)(3)) is amended by striking "2002" and inserting "2011".

### SEC. 612. INCREASE IN LIMIT ON CERTAIN LOANS FOR RURAL DEVELOPMENT.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by striking "$25,000,000" and inserting "$100,000,000".

### SEC. 613. PILOT PROGRAM FOR DEVELOPMENT AND IMPLEMENTATION OF STRATEGIC REGIONAL DEVELOPMENT PLANS.

(a) DEVELOPMENT.—

(1) SELECTION OF STATES.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall select 10 States in which to implement strategic regional development plans developed under this subsection.

(2) GRANTS.—

(A) AUTHORITY.—

(i) IN GENERAL.—From the funds made available to carry out this subsection, the Secretary shall make a matching grant to 1 or more entities in each State selected under subsection (a), to develop a strategic regional development plan that provides for rural economic development in a region in the State in which the entity is located.

(ii) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to entities that represent a regional coalition of community-based planning, development, governmental, and business organizations.

(B) TERMS OF MATCH.—In order for an entity to be eligible for a matching grant under this subsection, the entity shall make a commitment to the Secretary to provide funds for the development of a strategic regional development plan of the kind referred to in subparagraph (A) in an amount that is not less than the amount of the matching grant.

(C) LIMITATION.—The Secretary shall not make a grant under this subsection in an amount that exceeds $150,000.

(3) FUNDING.—

(A) IN GENERAL.—The Secretary shall use $2,000,000 of the funds of the Commodity Credit Corporation in each of fiscal years 2002 through 2011 to carry out this subsection.

(B) AVAILABILITY.—Funds made available pursuant to subparagraph (A) shall remain available without fiscal year limitation.

(b) STRATEGIC PLANNING IMPLEMENTATION.—

(1) The Secretary shall use the authorities provided in the provisions of law specified in section 793(c)(1)(A)(ii) of the Federal Agriculture Improvement and Reform Act of 1996 to implement the strategic regional development plans developed pursuant to subsection (a) of this section.

(2) FUNDING.—

(A) IN GENERAL.—The Secretary shall use $13,000,000 of the funds of the Commodity Credit Corporation in each of fiscal years 2002 through 2011 to carry out this subsection.

(B) AVAILABILITY.—Funds made available pursuant to subparagraph (A) shall remain available without fiscal year limitation.

(c) USE OF FUNDS.—The amounts made available under subsections (a) and (b) may be used as the Secretary deems appropriate to carry out any provision of this section.

### SEC. 614. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

(a) IN GENERAL.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922–1949) is amended by inserting after section 306D the following:

### "SEC. 306E. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

"(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term 'eligible individual' means an individual who is a member of a household, the combined income of whose members for the most recent 12-month period for which the information is available, is not more than 100 percent of the median nonmetropolitan household income for the State or territory in which the individual resides, according to the most recent decennial census of the United States.

"(b) GRANTS.—The Secretary may make grants to private nonprofit organizations for the purpose of assisting eligible individuals in obtaining financing for the construction, refurbishing, and servicing of individual household water well systems in rural areas that are owned (or to be owned) by the eligible individuals.

"(c) USE OF FUNDS.—A grant made under this section may be—

"(1) used, or invested to provide income to be used, to carry out subsection (b); and

"(2) used to pay administrative expenses associated with providing the assistance described in subsection (b).

"(d) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give priority to an applicant that has substantial expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2001.

### SEC. 615. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009–2009n) is amended by adding at the end the following:

### "SEC. 381P. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

"(a) RURAL AREA DEFINED.—In this section, the term 'rural area' means such areas as the Secretary may determine.

"(b) ESTABLISHMENT.—There is established a National Rural Development Partnership (in this section referred to as the 'Partnership'), which shall be composed of—

"(1) the National Rural Development Coordinating Committee established in accordance with subsection (c); and

"(2) State rural development councils established in accordance with subsection (d).

"(c) NATIONAL RURAL DEVELOPMENT COORDINATING COMMITTEE.—

"(1) COMPOSITION.—The National Rural Development Coordinating Committee (in this section referred to as the 'Coordinating Committee') may be composed of—

"(A) representatives of all Federal departments and agencies with policies and programs that affect or benefit rural areas;

"(B) representatives of national associations of State, regional, local, and tribal governments and intergovernmental and multijurisdictional agencies and organizations;

"(C) national public interest groups; and

"(D) other national nonprofit organizations that elect to participate in the activities of the Coordinating Committee.

"(2) FUNCTIONS.—The Coordinating Committee may—

"(A) provide support for the work of the State rural development councils established in accordance with subsection (d); and

"(B) develop and facilitate strategies to reduce or eliminate conflicting or duplicative administrative and regulatory impediments confronting rural areas.

"(d) STATE RURAL DEVELOPMENT COUNCILS.—

"(1) COMPOSITION.—A State rural development council may—

"(A) be composed of representatives of Federal, State, local, and tribal governments, and nonprofit organizations, the private sector, and other entities committed to rural advancement; and

"(B) have a nonpartisan and nondiscriminatory membership that is broad and representative of the economic, social, and political diversity of the State.

"(2) FUNCTIONS.—A State rural development council may—

"(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and non-profit sectors in the planning and implementation of programs and policies that affect the rural areas of the State, and to do so in such a way that provides the greatest degree of flexibility and innovation in responding to the unique needs of the State and the rural areas; and

"(B) in conjunction with the Coordinating Committee, develop and facilitate strategies to reduce or eliminate conflicting or duplicative administrative and regulatory impediments confronting the rural areas of the State.

"(e) ADMINISTRATION OF THE PARTNERSHIP.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

"(f) TERMINATION.—The authority provided by this section shall terminate on the date that is 5 years after the date of the enactment of this section.".

### SEC. 616. ELIGIBILITY OF RURAL EMPOWERMENT ZONES, RURAL ENTERPRISE COMMUNITIES, AND CHAMPION COMMUNITIES FOR DIRECT AND GUARANTEED LOANS FOR ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting after the 1st sentence the following: "The Secretary may also make or insure loans to communities that have been designated as rural empowerment zones or rural enterprise communities pursuant to part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986, as rural enterprise communities pursuant to section 766 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, or as champion communities (as determined by the Secretary), to provide for the installation or improvement of essential community facilities including necessary related equipment, and to furnish financial assistance or other aid in planning projects for such purposes.".

### SEC. 617. GRANTS TO TRAIN FARM WORKERS IN NEW TECHNOLOGIES AND TO TRAIN FARM WORKERS IN SPECIALIZED SKILLS NECESSARY FOR HIGHER VALUE CROPS.

(a) IN GENERAL.—The Secretary of Agriculture may make a grant to a nonprofit organization with the capacity to train farm workers, or to a consortium of non-profit organizations, agribusinesses, State and local governments, agricultural labor organizations, and community-based organizations with that capacity.

(b) USE OF FUNDS.—An entity to which a grant is made under this section shall use the grant to train farm workers to use new technologies and develop specialized skills for agricultural development.

(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Secretary of Agriculture not more than $10,000,000 for each of fiscal years 2002 through 2011.

### SEC. 618. LOAN GUARANTEES FOR THE PURCHASE OF STOCK IN A FARMER COOPERATIVE SEEKING TO MODERNIZE OR EXPAND.

Section 310B(g)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(2)) is amended by striking "start-up" and all that follows and inserting "capital stock of a farmer cooperative established for an agricultural purpose.".

### SEC. 619. INTANGIBLE ASSETS AND SUBORDINATED UNSECURED DEBT REQUIRED TO BE CONSIDERED IN DETERMINING ELIGIBILITY OF FARMER-OWNED COOPERATIVE FOR BUSINESS AND INDUSTRY GUARANTEED LOAN.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

"(h) INTANGIBLE ASSETS AND SUBORDINATED UNSECURED DEBT REQUIRED TO BE CONSIDERED IN DETERMINING ELIGIBILITY OF FARMER-OWNED COOPERATIVE FOR BUSINESS AND INDUSTRY GUARANTEED LOAN.—In determining whether a cooperative organization owned by farmers is eligible for a guaranteed loan under subsection (a)(1), the Secretary may consider the value of the intangible assets and subordinated unsecured debt of the cooperative organization.".

### SEC. 620. BAN ON LIMITING ELIGIBILITY OF FARMER COOPERATIVE FOR BUSINESS AND INDUSTRY LOAN GUARANTEE BASED ON POPULATION OF AREA IN WHICH COOPERATIVE IS LOCATED.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is further amended by adding at the end of the following:

"(i) SPECIAL RULES APPLICABLE TO FARMER COOPERATIVES UNDER THE BUSINESS AND INDUSTRY LOAN PROGRAM.—In determining whether a cooperative organization owned by farmers is eligible for a guaranteed loan under subsection (a)(1), the Secretary shall not apply any lending restriction based on population to the area in which the cooperative organization is located.".

### SEC. 621. RURAL WATER AND WASTE FACILITY GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by striking "aggregating not to exceed $590,000,000 in any fiscal year".

### SEC. 622. RURAL WATER CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a national rural water and wastewater circuit rider grant program that shall be modeled after the National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Rural Utilities Service.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary of Agriculture $15,000,000 for each fiscal year.

### SEC. 623. RURAL WATER GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a national grassroots source water protection program that will utilize the on-site technical assistance capabilities of State rural water associations that are operating wellhead or ground water protection programs in each State.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary of Agriculture $5,000,000 for each fiscal year.

## TITLE VII—RESEARCH AND RELATED MATTERS

### Subtitle A—Extensions

### SEC. 700. MARKET EXPANSION RESEARCH.

Section 1436(b)(3)(C) of the Food Security Act of 1985 (7 U.S.C. 1632(b)(3)(C)) is amended by striking "1990" and inserting "2011".

### SEC. 701. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "2002" and inserting "2011".

### SEC. 702. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417(*l*) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(*l*)) is amended by striking "2002" and inserting "2011".

### SEC. 703. POLICY RESEARCH CENTERS.

Section 1419A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(d)) is amended by striking "2002" and inserting "2011".

### SEC. 704. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2002" and inserting "2011".

### SEC. 705. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2002" and inserting "2011".

### SEC. 706. NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "2002" and inserting "2011".

### SEC. 707. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended by striking "2002" and inserting "2011".

### SEC. 708. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "2002" and inserting "2011".

### SEC. 709. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “2002” and inserting “2011”.

### SEC. 710. NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS AT 1890 LAND-GRANT INSTITUTIONS.

Sections 1448(a)(1) and (f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c(a)(1) and (f)) are amended by striking “2002” each place it appears and inserting “2011”.

### SEC. 711. HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2002” and inserting “2011”.

### SEC. 712. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking “2002” and inserting “2011”.

### SEC. 713. UNIVERSITY RESEARCH.

Subsections (a) and (b) of section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a) and (b)) are amended by striking “2002” each place it appears and inserting “2011”.

### SEC. 714. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2002” and inserting “2011”.

### SEC. 715. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking “2002” and inserting “2011”.

### SEC. 716. AQUACULTURE RESEARCH FACILITIES.

The first sentence of section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking “2002” and inserting “2011”.

### SEC. 717. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “2002” and inserting “2011”.

### SEC. 718. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking “2002” and inserting “2011”.

### SEC. 719. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(h)) is amended by striking “2002” and inserting “2011”.

### SEC. 720. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a(g)) is amended by striking “2002” and inserting “2011”.

### SEC. 721. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking “2002” and inserting “2011”.

### SEC. 722. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1664(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5908(g)(1)) is amended by striking “2002” and inserting “2011”.

(b) CAPITALIZATION.—Section 1664(g)(2) of such Act (7 U.S.C. 5908(g)(2)) is amended by striking “2002” and inserting “2011”.

### SEC. 723. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking “2002” and inserting “2011”.

### SEC. 724. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking “2002” and inserting “2011”.

### SEC. 725. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking “2001” and inserting “2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of such Act (7 U.S.C. 7624(h)) is amended by striking “2002” and inserting “2011”.

### SEC. 726. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(e)) is amended by striking “2002” and inserting “2011”.

### SEC. 727. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) GENERALLY.—Section 535(b)(1) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2000” and inserting “2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 535(c) of such Act is amended by striking “2000” and inserting “2011”.

### SEC. 728. 1994 INSTITUTION RESEARCH GRANTS.

Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2002” and inserting “2011”.

### SEC. 729. ENDOWMENT FOR 1994 INSTITUTIONS.

The first sentence of section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “$4,600,000” and all that follows through the period and inserting “such sums as are necessary to carry out this section for each of fiscal years 1996 through 2011.”.

### SEC. 730. PRECISION AGRICULTURE.

Section 403(i) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623(i)) is amended by striking “2002” and inserting “2011”.

### SEC. 731. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(h)) is amended by striking “2002” and inserting “2011”.

### SEC. 732. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking “2002” and inserting “2011”.

### SEC. 733. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking “2002” and inserting “2011”.

### SEC. 734. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking “2002” and inserting “2011”.

### SEC. 735. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking “2002” and inserting “2011”.

### SEC. 736. BIOMASS RESEARCH AND DEVELOPMENT.

Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note) is amended—

(1) in section 307(f), by striking “2005” and inserting “2011”; and

(2) in section 310, by striking “2005” and inserting “2011”.

### SEC. 737. AGRICULTURAL EXPERIMENT STATIONS RESEARCH FACILITIES.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking “2002” and inserting “2011”.

### SEC. 738. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS NATIONAL RESEARCH INITIATIVE.

Section 2(b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking “2002” and inserting “2011”.

### SEC. 739. FEDERAL AGRICULTURAL RESEARCH FACILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1556) is amended by striking “2002” and inserting “2011”.

### SEC. 740. COTTON CLASSIFICATION SERVICES.

The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”; 7 U.S.C. 473a) is amended by striking “2002” and inserting “2011”.

### SEC. 740A. CRITICAL AGRICULTURAL MATERIALS RESEARCH.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking “2002” and inserting “2011”.

## Subtitle B—Modifications

### SEC. 741. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 534(a)(1)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “$50,000” and inserting “$100,000”.

(b) WITHDRAWALS AND EXPENDITURES.—Section 533(c)(4)(A) of such Act is amended by striking “section 390(3)” and all that follows through “1998)” and inserting “section 2(a)(7) of the Tribally Controlled College or University Assistance Act of 1978)”.

(c) ACCREDITATION.—Section 533(a)(3) of such Act is amended by striking “under sections 534 and 535” and inserting “under sections 534, 535, and 536”.

(d) 1994 INSTITUTIONS.—Section 532 of such Act is amended by striking paragraphs (1) through (30) and inserting the following:

"(1) Bay Mills Community College.

"(2) Blackfeet Community College.

"(3) Cankdeska Cikana Community College.

"(4) College of Menominee Nation.

"(5) Crownpoint Institute of Technology.

"(6) D–Q University.

"(7) Diné College.

"(8) Dull Knife Memorial College.

"(9) Fond du Lac Tribal and Community College.

"(10) Fort Belknap College.

"(11) Fort Berthold Community College.

"(12) Fort Peck Community College.

"(13) Haskell Indian Nations University.

"(14) Institute of American Indian and Alaska Native Culture and Arts Development.

"(15) Lac Courte Oreilles Ojibwa Community College.

"(16) Leech Lake Tribal College.

"(17) Little Big Horn College.

"(18) Little Priest Tribal College.

"(19) Nebraska Indian Community College.

"(20) Northwest Indian College.

"(21) Oglala Lakota College.

"(22) Salish Kootenai College.

"(23) Sinte Gleska University.

"(24) Sisseton Wahpeton Community College.

"(25) Si Tanka/Huron University.

"(26) Sitting Bull College.

"(27) Southwestern Indian Polytechnic Institute.

"(28) Stone Child College.

"(29) Turtle Mountain Community College.

"(30) United Tribes Technical College.".

### SEC. 742. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.

Section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(4)) is amended—

(1) by striking the period at the end of subparagraph (E) and inserting ", or"; and

(2) by adding at the end the following: "(F) is one of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994).".

### SEC. 743. AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.

(a) Priority Mission Areas.—Section 401(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(c)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) alternative fuels and renewable energy sources.".

(b) Precision Agriculture.—Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is amended—

(1) in subsection (a)(5)(F), by inserting "(including improved use of energy inputs)" after "farm production efficiencies"; and

(2) in subsection (d)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) Improve on farm energy use efficiencies.".

(c) Thomas Jefferson Initiative for Crop Diversification.—Section 405(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625(a)) is amended by striking "and marketing" and inserting ", marketing, and efficient use".

(d) Coordinated Program of Research, Extension, and Education To Improve Viability of Small- and Medium-Size Dairy, Livestock, and Poultry Operations.—Section 407(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627(b)(3)) is amended by inserting "(including improved use of energy inputs)" after "poultry systems that increase efficiencies".

(e) Support for Research Regarding Diseases of Wheat, Triticale, and Barley Caused by Fusarium Graminearum or By Tilletia Indica.—

(1) Research grant authorized.—Section 408(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(a)) is amended to read as follows:

"(a) Research Grant Authorized.—The Secretary of Agriculture may make grants to consortia of land-grant colleges and universities to enhance the ability of the consortia to carry out multi-State research projects aimed at understanding and combating diseases of wheat, triticale, and barley caused by Fusarium graminearum and related fungi (referred to in this section as 'wheat scab') or by Tilletia indica and related fungi (referred to in this section as 'Karnal bunt').".

(2) Research components.—Section 408(b) of such Act (7 U.S.C. 7628(b)) is amended—

(A) in paragraph (1), by inserting "or of Karnal bunt," after "epidemiology of wheat scab";

(B) in paragraph (1), by inserting ", triticale," after "occurring in wheat";

(C) in paragraph (2), by inserting "or Karnal bunt" after "wheat scab";

(D) in paragraph (3)(A), by striking "and barley for the presence of" and inserting ", triticale, and barley for the presence of Karnal bunt or of";

(E) in paragraph (3)(B), by striking "and barley infected with wheat scab" and inserting ", triticale, and barley infected with wheat scab or with Karnal bunt";

(F) in paragraph (3)(C), by inserting "wheat scab" after "to render";

(G) in paragraph (4), by striking "and barley to wheat scab" and inserting ", triticale, and barley to wheat scab and to Karnal bunt"; and

(H) in paragraph (5)—

(i) by inserting "and Karnal bunt" after "wheat scab"; and

(ii) by inserting ", triticale," after "resistant wheat".

(3) Communications networks.—Section 408(c) of such Act (7 U.S.C. 7628(c)) is amended by inserting "or Karnal bunt" after "wheat scab".

(4) Technical amendments.—(A) The section heading for section 408 of such Act is amended by striking "**AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM**" and inserting "**, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA**".

(B) The table of sections for such Act is amended by striking "and barley caused by fusarium graminearum" in the item relating to section 408 and inserting ", triticale, and barley caused by Fusarium graminearum or by Tilletia indica".

(f) Program to Control Johne's Disease.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following new section:

### "SEC. 409. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

"(a) Establishment.—The Secretary of Agriculture, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne's disease in livestock.

"(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2003 through 2011.".

### SEC. 744. FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) Agricultural Genome Initiative.—Section 1671(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(b)) is amended—

(1) in paragraph (3), by inserting "pathogens and" before "diseases causing economic hardship";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following new paragraph:

"(7) reducing the economic impact of plant pathogens on commercially important crop plants; and".

(b) High-Priority Research and Extension Initiatives.—Section 1672(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended by adding at the end the following new paragraphs:

"(25) Research to protect the United States food supply and agriculture from bioterrorism.—Research grants may be made under this section for the purpose of developing technologies, which support the capability to deal with the threat of agricultural bioterrorism.

"(26) Wind erosion research and extension.—Research and extension grants may be made under this section for the purpose of validating wind erosion models.

"(27) Crop loss research and extension.—Research and extension grants may be made under this section for the purpose of validating crop loss models.

"(28) Land use management research and extension.—Research and extension grants may be made under this section for the purposes of evaluating the environmental benefits of land use management tools such as those provided in the Farmland Protection Program.

"(29) Water and air quality research and extension.—Research and extension grants may be made under this section for the purpose of better understanding agricultural impacts to air and water quality and means to address them.

"(30) Revenue and insurance tools research and extension.—Research and extension grants may be made under this section for the purposes of better understanding the impact of revenue and insurance tools on farm income.

"(31) Agrotourism research and extension.—Research and extension grants may be made under this section for the purpose of better understanding the economic, environmental, and food systems impacts on agrotourism.

"(32) Harvesting productivity for fruits and vegetables.—Research and extension grants may be made under this section for the purpose of improving harvesting productivity for fruits and vegetables (including citrus), including the development of mechanical harvesting technologies and effective, economical, and safe abscission compounds.

"(33) Nitrogen-fixation by plants.—Research and extension grants may be made under this section for the purpose of enhancing the nitrogen-fixing ability and efficiency of legumes, developing new varieties of legumes that fix nitrogen more efficiently, and developing new varieties of other commercially important crops that potentially are able to fix nitrogen.

"(34) AGRICULTURAL MARKETING.—Extension grants may be made under this section for the purpose of providing education materials, information, and outreach programs regarding commodity and livestock marketing strategies for agricultural producers and for cooperatives and other marketers of any agricultural commodity, including livestock.

"(35) ENVIRONMENT AND PRIVATE LANDS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of researching the use of computer models to aid in assessment of best management practices on a watershed basis, working with government, industry, and private landowners to help craft industry-led solutions to identified environmental issues, researching and monitoring water, air, or soil environmental quality to aid in the development of new approaches to local environmental concerns, and working with local, State, and federal officials to help craft effective environmental solutions that respect private property rights and agricultural production realities.

"(36) LIVESTOCK DISEASE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying possible livestock disease threats, educating the public regarding livestock disease threats, training persons to deal with such threats, and conducting related research.

"(37) PLANT GENE EXPRESSION.—Research and development grants may be made under this section for the purpose of plant gene expression research to accelerate the application of basic plant genomic science to the development and testing of new varieties of enhanced food crops, crops that can be used as renewable energy sources, and other alternative uses of agricultural crops.".

### SEC. 745. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.

(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMIC ADVISORY BOARD.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)(3)—

(A) by redesignating subparagraphs (R) through (DD) as subparagraphs (S) through (EE), respectively; and

(B) by inserting after subparagraph (Q) the following new subparagraph:

"(R) 1 member representing a nonland grant college or university with a historic commitment to research in the food and agricultural sciences.";

(2) in subsection (c)(1), by striking "and land-grant colleges and universities" and inserting ", land-grant colleges and universities, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate";

(3) in subsection (d)(1), inserting "consult with any appropriate agencies of the Department of Agriculture and" after "the Advisory Board shall"; and

(4) in subsection (b)(1), by striking "30 members" and inserting "31 members".

(b) GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is amended—

(1) in subsection (a)(2), by inserting "and animal fats and oils" after "industrial oilseed crops"; and

(2) in subsection (a)(4), by inserting "or triglycerides" after "other industrial hydrocarbons".

(c) FAS OVERSEAS INTERN PROGRAM.—Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(10) establish a program, to be coordinated by the Cooperative State Research, Education, and Extension Service and the Foreign Agricultural Service, to place interns from United States colleges and universities at Foreign Agricultural Service field offices overseas.".

### SEC. 746. BIOMASS RESEARCH AND DEVELOPMENT.

Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note) is amended—

(1) in section 302(3), by inserting "or biodiesel" after "such as ethanol";

(2) in section 303(3), by inserting "animal byproducts," after "fibers,"; and

(3) in section 306(b)(1)—

(A) by redesignating subparagraphs (E) through (J) as subparagraphs (F) through (K), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) an individual affiliated with a livestock trade association;".

### SEC. 747. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended to read as follows:

### "SEC. 1668. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to authorize and support environmental assessment research to help identify and analyze environmental effects of biotechnology; and

"(2) to authorize research to help regulators develop long-term policies concerning the introduction of such technology.

"(b) GRANT PROGRAM.— The Secretary of Agriculture shall establish a grant program within the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered plants and animals into the environment.

"(c) TYPES OF RESEARCH.— Types of research for which grants may be made under this section shall include the following:

"(1) Research designed to identify and develop appropriate management practices to minimize physical and biological risks associated with genetically engineered animals and plants once they are introduced into the environment.

"(2) Research designed to develop methods to monitor the dispersal of genetically engineered animals and plants.

"(3) Research designed to further existing knowledge with respect to the characteristics, rates and methods of gene transfer that may occur between genetically engineered plants and animals and related wild and agricultural organisms.

"(4) Environmental assessment research designed to provide analysis, which compares the relative impacts of plants and animals modified through genetic engineering to other types of production systems.

"(5) Other areas of research designed to further the purposes of this section.

"(d) ELIGIBILITY REQUIREMENTS.—Grants under this section shall be—

"(1) made on the basis of the quality of the proposed research project; and

"(2) available to any public or private research or educational institution or organization.

"(e) CONSULTATION.— In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service and the National Agricultural Research, Extension, Education, and Economics Advisory Board.

"(f) PROGRAM COORDINATION.— The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activities.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.— There are authorized to be appropriated such sums as necessary to carry out this section.

"(2) WITHHOLDINGS FROM BIOTECHNOLOGY OUTLAYS.—The Secretary of Agriculture shall withhold from outlays of the Department of Agriculture for research on biotechnology, as defined and determined by the Secretary, at least one percent of such amount for the purpose of making grants under this section for research on biotechnology risk assessment. Except that, funding from this authorization should be collected and applied to the maximum extent practicable to risk assessment research on all categories identified as biotechnology by the Secretary.".

### SEC. 748. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

Section 2(a) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(a)) is amended by adding at the end the following new paragraph:

"(3) DETERMINATION OF HIGH PRIORITY RESEARCH.—Research priorities shall be determined by the Secretary on an annual basis, taking into account input as gathered by the Secretary through the National Agricultural Research, Extension, Education, and Economics Advisory Board.".

### SEC. 749. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) is amended—

(1) by amending subsection (c) to read as follows:

"(c) MATCHING FORMULA.—For each of fiscal years 2003 through 2011, the State shall provide matching funds from non-Federal sources. Such matching funds shall be for an amount equal to not less than 60 percent of the formula funds to be distributed to the eligible institution, and shall increase by 10 percent each fiscal year thereafter until fiscal year 2007."; and

(2) by amending subsection (d) to read as follows:

"(d) Waiver Authority.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c) above the 50 percent level for fiscal years 2003 through 2011 for an eligible institution of a State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.".

### SEC. 749A. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES FOR THE UNITED STATES TERRITORIES.

(a) Research Matching Requirement.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended by striking "the same matching funds" and all that follows through the end of the sentence and inserting "matching funds requirements from non-Federal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.".

(b) Extension Matching Requirement.—Section 3(e)(4) of the Smith-Lever Act (7 U.S.C. 343(e)(4)) is amended by striking "the same matching funds" and all that follows through the end of the sentence and inserting "matching funds requirements from non-Federal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.".

### SEC. 750. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) Funding.—Section 401(b)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)(1)) is amended to read as follows:

"(1) In general.—

"(A) Total amount to be transferred.—On October 1, 2003, and each October 1 thereafter through September 30, 2011, the Secretary of Agriculture shall deposit funds of the Commodity Credit Corporation into the Account. The total amount of Commodity Credit Corporation funds deposited into the Account under this subparagraph shall equal $1,160,000,000.

"(B) Equal amounts.—To the maximum extent practicable, the amounts deposited into the Account pursuant to subparagraph (A) shall be deposited in equal amounts for each fiscal year.

"(C) Availability of funds.—Amounts deposited into the Account pursuant to subparagraph (A) shall remain available until expended.".

(b) Availability of Funds.—Section 401(f)(6) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(f)(6)) is amended to read as follows:

"(6) Availability of funds.—Funds made available under this section to the Secretary prior to October 1, 2003, for grants under this section shall be available to the Secretary for a 2-year period.".

### SEC. 751. CARBON CYCLE RESEARCH.

Section 221 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 407) is amended—

(1) in subsection (a), by striking "Of the amount" and all that follows through "to provide" and inserting "To the extent funds are made available for this purpose, the Secretary shall provide";

(2) in subsection (d), by striking "under subsection (a)" and inserting "for this section"; and

(3) by adding at the end the following new subsection:

"(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal years 2002 through 2011 such sums as may be necessary to carry out this section."

### SEC. 752. DEFINITION OF FOOD AND AGRICULTURAL SCIENCES.

Section 2(3) of the Research Facilities Act (7 U.S.C. 390(2)(3)) is amended to read as follows:

"(3) Food and agricultural sciences.—The term 'food and agricultural sciences' has the meaning given that term in section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8)).".

### SEC. 753. FEDERAL EXTENSION SERVICE.

Section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended by striking "$5,000,000" and inserting "such sums as are necessary".

### SEC. 754. POLICY RESEARCH CENTERS.

Section 1419A(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(c)(3)) is amended by striking "collect and analyze data" and inserting "collect, analyze, and disseminate data".

## Subtitle C—Related Matters

### SEC. 761. RESIDENT INSTRUCTION AT LAND-GRANT COLLEGES IN UNITED STATES TERRITORIES.

(a) Purpose.—It is the purpose of this section to promote and strengthen higher education in the food and agricultural sciences at agricultural and mechanical colleges located in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau (hereinafter referred to in this section as "eligible institutions") by formulating and administering programs to enhance teaching programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agriculture production and delivery system.

(b) Grants.—The Secretary of Agriculture shall make competitive grants to those eligible institutions having a demonstrable capacity to carry out the teaching of food and agricultural sciences.

(c) Use of Grant Funds.—Grants made under subsection (b) shall be used to—

(1) strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international education needs in the food and agricultural sciences;

(2) attract and support undergraduate and graduate students in order to educate them in identified areas of national need to the food and agriculture sciences;

(3) facilitate cooperative initiatives between two or more eligible institutions or between eligible institutions and units of State Government, organizational in the private sector, to maximize the development and use of resources such as faculty, facilities, and equipment to improve food and agricultural sciences teaching programs; and

(4) conduct undergraduate scholarship programs to assist in meeting national needs for training food and agricultural scientists.

(d) Grant Requirements.—

(1) The Secretary of Agriculture shall ensure that each eligible institution, prior to receiving grant funds under subsection (b), shall have a significant demonstrable commitment to higher educations programs in the food and agricultural sciences and to each specific subject area for which grant funds under this subsection are to be used.

(2) The Secretary of Agriculture may require that any grant awarded under this section contain provisions that require funds to be targeted to meet the needs identified in section 1402 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary for each of the fiscal years 2002 through 2011 to carry out this section.

### SEC. 762. DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTHORITIES.

(a) Review of Payment of Compensation.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended by inserting before the final period the following: "or review by any officer of the Government other than the Secretary or the designee of the Secretary".

(b) Review of Certain Decisions.—

(1) Plant protection act.—Section 442 of the Plant Protection Act (7 U.S.C. 7772) is amended by adding at the end following new subsection:

"(f) Secretarial Discretion.—The action of any officer, employee, or agent of the Secretary in carrying out this section, including determining the amount of and making any payment authorized to be made under this section, shall not be subject to review by any officer of the Government other than the Secretary or the designee of the Secretary.".

(2) Other plant and animal pest and disease laws.—Section 11 of the Act of May 29, 1884 (21 U.S.C. 114a; commonly known as the "Animal Industry Act") and the first section of the Act of September 25, 1981 (7 U.S.C. 147b), are each amended by adding at the end the following new sentence: "The action of any officer, employee, or agent of the Secretary in carrying out this section, including determining the amount of and making any payment authorized to be made under this section, shall not be subject to review by any officer of the Government other than the Secretary or the designee of the Secretary.".

(c) Methyl Bromide.—The Plant Protection Act (7 U.S.C. 7701 et seq.) is amended by inserting after section 418 the following new section:

### "SEC. 419. METHYL BROMIDE.

"(a) In General.—The Secretary, upon request of State, local, or tribal authorities, shall determine whether methyl bromide treatments or applications required by State, local, or tribal authorities to prevent the introduction, establishment, or spread of plant pests (including diseases) or noxious weeds should be authorized as an official control or official requirement.

"(b) Administration.—

"(1) Timeline for determination.—The Secretary shall make the determination required by subsection (a) not later than 90 days after receiving the request for such a determination.

"(2) Regulations.—The promulgation of regulations for and the administration of this section shall be made without regard to—

"(A) the notice and comment provisions of section 553 of title 5, United States Code;

"(B) the Statement of Policy of the Secretary of Agriculture, effective July 24, 1971 (36 Fed. Reg. 13804; relating to notices of proposed rulemaking and public participation in rulemaking); and

"(C) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

"(c) Registry.—Not later than 180 days after the date of the enactment of this section, the Secretary shall publish, and thereafter maintain, a registry of State, local, and tribal requirements authorized by the Secretary under this section.".

## Subtitle D—Repeal of Certain Activities and Authorities

### SEC. 771. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) Repeal.—Subsections (b) and (c) of section 615 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7654(b) and (c)) are repealed.

(b) Conforming Amendments.—

(1) Generally.—Section 615 of such Act is amended—

(A) in the section heading, by striking "**AND NATIONAL CONFERENCE**";

(B) by striking "(a) Food Safety Research Information Office.—";

(C) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left;

(D) in subsection (b) (as so redesignated), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left; and

(E) in subsection (c) (as so redesignated), by striking "this subsection" and inserting "this section".

(2) Table of sections.—The table of sections for such Act is amended by striking "and National Conference" in the item relating to section 615.

### SEC. 772. REIMBURSEMENT OF EXPENSES UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Section 617 of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105–185; 112 Stat. 607) is repealed.

### SEC. 773. NATIONAL GENETIC RESOURCES PROGRAM.

Section 1634 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5843) is repealed.

### SEC. 774. NATIONAL ADVISORY BOARD ON AGRICULTURAL WEATHER.

(a) Repeal.—Section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5853) is repealed.

(b) Conforming Amendment.—Section 1640(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(b)) is amended by striking "take into" and all that follows through "Weather and".

### SEC. 775. AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.

Section 1420 of the National Agricultural Research, Extension and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1551) is repealed.

### SEC. 776. PESTICIDE RESISTANCE STUDY.

Section 1437 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1558) is repealed.

### SEC. 777. EXPANSION OF EDUCATION STUDY.

Section 1438 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1559) is repealed.

### SEC. 778. SUPPORT FOR ADVISORY BOARD.

(a) Repeal.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is repealed.

(b) Conforming Amendment.—Section 1413(c) of such Act (7 U.S.C. 3128(c)) is amended by striking "section 1412 of this title and".

### SEC. 779. TASK FORCE ON 10-YEAR STRATEGIC PLAN FOR AGRICULTURAL RESEARCH FACILITIES.

(a) Repeal.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is repealed.

(b) Conforming Amendment.—Section 2 of such Act (7 U.S.C. 390) is amended by striking paragraph (5).

## Subtitle E—Agriculture Facility Protection

### SEC. 790. ADDITIONAL PROTECTIONS FOR ANIMAL OR AGRICULTURAL ENTERPRISES, RESEARCH FACILITIES, AND OTHER ENTITIES.

(a) Definitions.—The Research Facilities Act (7 U.S.C. 390 et seq.) is amended—

(1) by redesignating section 6 as section 7; and

(2) by inserting after section 5 the following new section:

### "SEC. 6. ADDITIONAL PROTECTIONS FOR ANIMAL OR AGRICULTURAL ENTERPRISES, RESEARCH FACILITIES, AND OTHER ENTITIES AGAINST DISRUPTION.

"(a) Definitions.—For the purposes of this section, the following definitions apply:

"(1) Animal or agricultural enterprise.—The term 'animal or agricultural enterprise' means any of the following:

"(A) A commercial, governmental, or academic enterprise that uses animals, plants, or other biological materials for food or fiber production, breeding, processing, research, or testing.

"(B) A zoo, aquarium, circus, rodeo, or other entity that exhibits or uses animals, plants, or other biological materials for educational or entertainment purposes.

"(C) A fair or similar event intended to advance agricultural arts and sciences.

"(D) A facility managed or occupied by an association, federation, foundation, council, or other group or entity of food or fiber producers, processors, or agricultural or biomedical researchers intended to advance agricultural or biomedical arts and sciences.

"(2) Economic damage.—The term 'economic damage' means the replacement of the following:

"(A) The cost of lost or damaged property (including all real and personal property) of an animal or agricultural enterprise.

"(B) The cost of repeating an interrupted or invalidated experiment.

"(C) The loss of revenue (including costs related to business recovery) directly related to the disruption of an animal or agricultural enterprise.

"(D) The cost of the tuition and expenses of any student to complete an academic program that was disrupted, or to complete a replacement program, when the tuition and expenses are incurred as a result of the damage or loss of the property of an animal or agricultural enterprise.

"(3) Property of an animal or agricultural enterprise.—The term 'property of an animal or agricultural enterprise' means real and personal property of or used by any of the following:

"(A) An animal or agricultural enterprise.

"(B) An employee of an animal or agricultural enterprise.

"(C) A student attending an academic animal or agricultural enterprise.

"(4) Disruption.—The term 'disruption' does not include any lawful disruption that results from lawful public, governmental, or animal or agricultural enterprise employee reaction to the disclosure of information about an animal or agricultural enterprise.

"(b) Violation.—A person may not recklessly, knowingly, or intentionally cause, or contribute to, the disruption of the functioning of an animal or agricultural enterprise by damaging or causing the loss of any property of the animal or agricultural enterprise that results in economic damage, as determined by the Secretary.

"(c) Assessment of Civil Penalty.—

"(1) In general.—The Secretary may impose on any person that the Secretary determines violates subsection (b) a civil penalty in an amount determined under paragraphs (2) and (3). The civil penalty may be assessed only on the record after an opportunity for a hearing.

"(2) Recovery of department costs.—The civil penalty assessed by the Secretary against a person for a violation of subsection (b) shall be not less than the total cost incurred by the Secretary for investigation of the violation, conducting any hearing regarding the violation, and assessing the civil penalty.

"(3) Recovery of economic damage.—In addition to the amount determined under paragraph (2), the amount of the civil penalty shall include an amount not less than the total cost (or, in the case of knowing or intentional disruption, not less than 150 percent of the total cost) of the economic damage incurred by the animal or agricultural enterprise, any employee of the animal or agricultural enterprise, or any student attending an academic animal or agricultural enterprise as a result of the damage or loss of the property of an animal or agricultural enterprise.

"(d) Identification.—The Secretary shall identify for each civil penalty assessed under subsection (c), the portion of the amount of the civil penalty that represents the recovery of Department costs and the portion that represents the recovery of economic losses.

"(e) Other Factors in Determining Penalty.— In determining the amount of a civil penalty under subsection (c), the Secretary shall consider the following:

"(1) The nature, circumstance, extent, and gravity of the violation or violations.

"(2) The ability of the injured animal or agricultural enterprise to continue to operate, costs incurred by the animal or agricultural enterprise to recover lost business, and the effect of the violation on earnings of employees of the animal or agricultural enterprise.

"(3) The interruptions experienced by students attending an academic animal or agricultural enterprise.

"(4) Whether the violator has previously violated subsection (a).

"(5) The violator's degree of culpability.

"(f) Fund to Assist Victims of Disruption.—

"(1) Fund established.—There is established in the Treasury a fund which shall consist of that portion of each civil penalty collected under subsection (c) that represents the recovery of economic damages.

"(2) Use of amounts in fund.—The Secretary of Agriculture shall use amounts in the fund to compensate animal or agricultural enterprises, employees of an animal or agricultural enterprise, and student attending an academic animal or agricultural enterprise for economic losses incurred as a result of the disruption of the functioning of an animal or agricultural enterprise in violation of subsection (b).".

## TITLE VIII—FORESTRY INITIATIVES

### SEC. 801. REPEAL OF FORESTRY INCENTIVES PROGRAM AND STEWARDSHIP INCENTIVE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by striking section 4 (16 U.S.C. 2103) and section 6 (16 U.S.C. 2103b).

### SEC. 802. ESTABLISHMENT OF FOREST LAND ENHANCEMENT PROGRAM.

(a) Findings.—Congress finds the following:

(1) There is a growing dependence on private nonindustrial forest lands to supply the necessary market commodities and nonmarket values, such as habitat for fish and wildlife, aesthetics, outdoor recreation opportunities, and other forest resources, required by a growing population.

(2) There is a strong demand for expanded assistance programs for owners of nonindustrial private forest land since the majority of the wood supply of the United States comes from nonindustrial private forest land.

(3) The soil, carbon stores, water and air quality of the United States can be maintained and improved through good stewardship of nonindustrial private forest lands.

(4) The products and services resulting from stewardship of nonindustrial private forest lands provide income and employment that contribute to the economic health and diversity of rural communities.

(5) Wildfires threaten human lives, property, forests, and other resources, and Federal and State cooperation in forest fire prevention and control has proven effective and valuable, in that properly managed forest stands are less susceptible to catastrophic fire, as dramatized by the catastrophic fire seasons of 1998 and 2000.

(6) Owners of private nonindustrial forest lands are being faced with increased pressure to convert their forestland to development and other uses.

(7) Complex, long-rotation forest investments, including sustainable hardwood management, are often the most difficult commitment for small, nonindustrial private forest landowners and, thus, should receive equal consideration under cost-share programs.

(8) The investment of one Federal dollar in State and private forestry programs is estimated to leverage $9 on average from State, local, and private sources.

(b) Purpose.—It is the purpose of this section to strengthen the commitment of the Department of Agriculture to sustainable forestry and to establish a coordinated and cooperative Federal, State, and local sustainable forest program for the establishment, management, maintenance, enhancement, and restoration of forests on nonindustrial private forest lands in the United States.

(c) Forest Land Enhancement Program.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 3 (16 U.S.C. 2102) the following new section 4:

### "SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.

"(a) Establishment.—

"(1) Establishment; purpose.—The Secretary shall establish a Forest Land Enhancement Program (in this section referred to as the 'Program') for the purpose of providing financial, technical, educational, and related assistance to State foresters to encourage the long-term sustainability of nonindustrial private forest lands in the United States by assisting the owners of such lands in more actively managing their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise, financial assistance, and educational programs.

"(2) Administration.—The Secretary shall carry out the Program within, and administer the Program through, the Natural Resources Conservation Service.

"(3) Coordination.—The Secretary shall implement the Program in coordination with State foresters.

"(b) Program Objectives.—In implementing the Program, the Secretary shall target resources to achieve the following objectives:

"(1) Investment in practices to establish, restore, protect, manage, maintain, and enhance the health and productivity of the nonindustrial private forest lands in the United States for timber, habitat for flora and fauna, water quality, and wetlands.

"(2) Ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide environmental benefits.

"(3) Reduce the risks and help restore, recover, and mitigate the damage to forests caused by fire, insects, invasive species, disease, and damaging weather.

"(4) Increase and enhance carbon sequestration opportunities.

"(5) Enhance implementation of agroforestry practices.

"(6) Maintain and enhance the forest landbase and leverage State and local financial and technical assistance to owners that promote the same conservation and environmental values.

"(c) Eligibility.—

"(1) In general.—An owner of nonindustrial private forest land is eligible for cost-sharing assistance under the Program if the owner—

"(A) agrees to develop and implement an individual stewardship, forest, or stand management plan addressing site specific activities and practices in cooperation with, and approved by, the State forester, state official, or private sector program in consultation with the State forester;

"(B) agrees to implement approved activities in accordance with the plan for a period of not less than 10 years, unless the State forester approves a modification to such plan; and

"(C) meets the acreage restrictions as determined by the State forester in conjunction with the State Forest Stewardship Coordinating Committee established under section 19.

"(2) State priorities.—The Secretary, in consultation with the State forester and the State Forest Stewardship Coordinating Committee may develop State priorities for cost sharing under the Program that will promote forest management objectives in that State.

"(3) Development of plan.—An owner shall be eligible for cost-share assistance for the development of the individual stewardship, forest, or stand management plan required by paragraph (1).

"(d) Approved Activities.—

"(1) Development.—The Secretary, in consultation with the State forester and the State Forest Stewardship Coordinating Committee, shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

"(2) Type of activities.—In developing a list of approved activities and practices under paragraph (1), the Secretary shall attempt to achieve the establishment, restoration, management, maintenance, and enhancement of forests and trees for the following:

"(A) The sustainable growth and management of forests for timber production.

"(B) The restoration, use, and enhancement of forest wetlands and riparian areas.

"(C) The protection of water quality and watersheds through the application of State-developed forestry best management practices.

"(D) Energy conservation and carbon sequestration purposes.

"(E) Habitat for flora and fauna.

"(F) The control, detection, and monitoring of invasive species on forestlands as well as preventing the spread and providing for the restoration of lands affected by invasive species.

"(G) Hazardous fuels reduction and other management activities that reduce the risks and help restore, recover, and mitigate the damage to forests caused by fire.

"(H) The development of forest or stand management plans.

"(I) Other activities approved by the Secretary, in coordination with the State forester and the State Forest Stewardship Coordinating Committee.

"(e) Cooperation.—In implementing the Program, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, institutions of higher education, and the private sector.

"(f) Reimbursement of Eligible Activities.—

"(1) In general.—The Secretary shall share the cost of implementing the approved activities that the Secretary determines are appropriate, in the case of an owner that has entered into an agreement to place nonindustrial private forest lands of the owner in the Program.

"(2) Rate.—The Secretary shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

"(3) Maximum.—The Secretary shall not make cost-share payments under this subsection to an owner in an amount in excess of 75 percent of the total cost, or a lower percentage as determined by the State forester, to such owner for implementing the practices under an approved plan. The maximum payments to any one owner shall be determined by the Secretary.

"(4) Consultation.—The Secretary shall make determinations under this subsection in consultation with the State forester.

"(g) Recapture.—

"(1) In general.—The Secretary shall establish and implement a mechanism to recapture payments made to an owner in the event that the owner fails to implement any approved activity specified in the individual stewardship, forest, or stand management plan for which such owner received cost-share payments.

"(2) Additional remedy.—The remedy provided in paragraph (1) is in addition to any other remedy available to the Secretary.

"(h) Distribution.—The Secretary shall distribute funds available for cost sharing under the Program among the States only after giving appropriate consideration to—

"(1) the total acreage of nonindustrial private forest land in each State;

"(2) the potential productivity of such land;

"(3) the number of owners eligible for cost sharing in each State;

"(4) the opportunities to enhance non-timber resources on such forest lands;

"(5) the anticipated demand for timber and nontimber resources in each State;

"(6) the need to improve forest health to minimize the damaging effects of catastrophic fire, insects, disease, or weather; and

"(7) the need and demand for agroforestry practices in each State.

"(i) DEFINITIONS.—In this section:

"(1) NONINDUSTRIAL PRIVATE FOREST LANDS.—The term 'nonindustrial private forest lands' means rural lands, as determined by the Secretary, that—

"(A) have existing tree cover or are suitable for growing trees; and

"(B) are owned or controlled by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity (other than a nonprofit private legal entity) so long as the individual, group, association, corporation, tribe, or entity has definitive decision-making authority over the lands, including through long-term leases and other land tenure systems, for a period of time long enough to ensure compliance with the Program.

"(2) OWNER.—The term 'owner' includes a private individual, group, association, corporation, Indian tribe, or other private legal entity (other than a nonprofit private legal entity) that has definitive decision-making authority over nonindustrial private forest lands through a long-term lease or other land tenure systems.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(4) STATE FORESTER.—The term 'State forester' means the director or other head of a State Forestry Agency or equivalent State official.

"(j) AVAILABILITY OF FUNDS.—The Secretary shall use $200,000,000 of funds of the Commodity Credit Corporation to carry out the Program during the period beginning on October 1, 2001, and ending on September 30, 2011.".

(d) CONFORMING AMENDMENT.—Section 246(b)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(2)) is amended by striking "forestry incentive program" and inserting "Forest Land Enhancement Program".

### SEC. 803. RENEWABLE RESOURCES EXTENSION ACTIVITIES.

(a) EXTENSION AND AUTHORIZATION INCREASE.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended—

(1) by striking "$15,000,000" and inserting "$30,000,000"; and

(2) by striking "2002" and inserting "2011".

(b) SUSTAINABLE FORESTRY OUTREACH INITIATIVE.—The Renewable Resources Extension Act of 1978 is amended by inserting after section 5A (16 U.S.C. 1674a) the following new section:

### "SEC. 5B. SUSTAINABLE FORESTRY OUTREACH INITIATIVE.

"The Secretary shall establish a program to be known as the 'Sustainable Forestry Outreach Initiative' for the purpose of educating landowners regarding the following:

"(1) The value and benefits of practicing sustainable forestry.

"(2) The importance of professional forestry advice in achieving their sustainable forestry objectives.

"(3) The variety of public and private sector resources available to assist them in planning for and practicing sustainable forestry.".

### SEC. 804. ENHANCED COMMUNITY FIRE PROTECTION.

(a) FINDINGS.—Congress finds the following:

(1) The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.

(2) The record 2000 fire season is a prime example of what can be expected if action is not taken.

(3) These wildfires threaten not only the nation's forested resources, but the thousands of communities intermingled with the wildlands in the wildland-urban interface.

(4) The National Fire Plan developed in response to the 2000 fire season is the proper, coordinated, and most effective means to address this wildfire issue.

(5) Whereas adequate authorities exist to tackle the wildfire issues at the landscape level on Federal lands, there is limited authority to take action on most private lands where the largest threat to life and property lies.

(6) There is a significant Federal interest in enhancing community protection from wildfire.

(b) ENHANCED PROTECTION.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 10 (16 U.S.C. 2106) the following new section:

### "SEC. 10A. ENHANCED COMMUNITY FIRE PROTECTION.

"(a) COOPERATIVE MANAGEMENT RELATED TO WILDFIRE THREATS.—The Secretary may cooperate with State foresters and equivalent State officials in the management of lands in the United States for the following purposes:

"(1) Aid in wildfire prevention and control.

"(2) Protect communities from wildfire threats.

"(3) Enhance the growth and maintenance of trees and forests that promote overall forest health.

"(4) Ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of forest cover on watersheds, shelterbelts, and windbreaks.

"(b) COMMUNITY AND PRIVATE LAND FIRE ASSISTANCE PROGRAM.—

"(1) ESTABLISHMENT; PURPOSE.—The Secretary shall establish a Community and Private Land Fire Assistance program (in this section referred to as the 'Program')—

"(A) to focus the Federal role in promoting optimal firefighting efficiency at the Federal, State, and local levels;

"(B) to augment Federal projects that establish landscape level protection from wildfires;

"(C) to expand outreach and education programs to homeowners and communities about fire prevention; and

"(D) to establish defensible space around private landowners homes and property against wildfires.

"(2) ADMINISTRATION AND IMPLEMENTATION.—The Program shall be administered by the Forest Service and implemented through the State forester or equivalent State official.

"(3) COMPONENTS.—In coordination with existing authorities under this Act, the Secretary may undertake on both Federal and non-Federal lands—

"(A) fuel hazard mitigation and prevention;

"(B) invasive species management;

"(C) multi-resource wildfire planning;

"(D) community protection planning;

"(E) community and landowner education enterprises, including the program known as FIREWISE;

"(F) market development and expansion;

"(G) improved wood utilization;

"(H) special restoration projects.

"(4) CONSIDERATIONS.—The Secretary shall use local contract personnel wherever possible to carry out projects under the Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary $35,000,000 for each of fiscal years 2002 through 2011, and such sums as may be necessary thereafter, to carry out this section.".

### SEC. 805. INTERNATIONAL FORESTRY PROGRAM.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (title XXIV of Public Law 101-624; 7 U.S.C. 6704(d)) is amended by striking "2002" and inserting "2011".

### SEC. 806. LONG-TERM FOREST STEWARDSHIP CONTRACTS FOR HAZARDOUS FUELS REMOVAL AND IMPLEMENTATION OF NATIONAL FIRE PLAN.

(a) ANNUAL ASSESSMENT OF TREATMENT ACREAGE.—Not later than March 1 of each of fiscal years 2002 through 2006, the Secretary of Agriculture shall submit to Congress an assessment of the number of acres of forested National Forest System lands recommended to be treated during the next fiscal year using stewardship end result contracts authorized by subsection (c). The assessment shall be based on the treatment schedules contained in the report entitled "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems", dated October 13, 2000, and incorporated into the National Fire Plan. The assessment shall identify the acreage by condition class, type of treatment, and treatment year to achieve the restoration goals outlined in the report within 10-, 15-, and 20-year time periods. The assessment shall also include changes in the restoration goals based on the effects of fire, hazardous fuel treatments pursuant to the National Fire Plan, or updates in data.

(b) FUNDING RECOMMENDATION.—The Secretary of Agriculture shall include in the annual assessment a request for funds sufficient to implement the recommendations contained in the assessment using stewardship end result contracts under subsection (c) when the Secretary determines that the objectives of the National Fire Plan are best accomplished through forest stewardship end result contracting.

(c) STEWARDSHIP END RESULT CONTRACTING.—

(1) AUTHORITY.—Subject to the amount of funds made available pursuant to subsection (b), the Secretary of Agriculture may enter into stewardship end result contracts to implement the National Fire Plan on National Forest System lands based upon the stewardship treatment schedules provided in the annual assessments under subsection (a). The contracting goals and authorities described in subsections (b) through (f) of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note; commonly known as the Stewardship End Result Contracting Demonstration Project) shall apply to contracts entered into under this subsection, except that the period of the contract shall be 10 years.

(2) DURATION.—The authority of the Secretary of Agriculture to enter into contracts

under this subsection expires September 30, 2007.

(d) Status Report.—Beginning with the assessment required under subsection (a) in 2003, the Secretary of Agriculture shall include in the annual assessment a status report of the stewardship end result contracts entered into under the authority of this section.

### SEC. 807. MCINTIRE-STENNIS COOPERATIVE FORESTRY RESEARCH PROGRAM.

It is the sense of Congress to reaffirm the importance of Public Law 87-88 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Cooperative Forestry Act.

## TITLE IX—MISCELLANEOUS PROVISIONS

## Subtitle A—Tree Assistance Program

### SEC. 901. ELIGIBILITY.

(a) Loss.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 902, to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of a natural disaster, as determined by the Secretary.

(b) Limitation.—An eligible orchardist shall qualify for assistance under subsection (a) only if such orchardist's tree mortality, as a result of the natural disaster, exceeds 15 percent (adjusted for normal mortality).

### SEC. 902. ASSISTANCE.

The assistance provided by the Secretary of Agriculture to eligible orchardists for losses described in section 901 shall consist of either—

(1) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

### SEC. 903. LIMITATION ON ASSISTANCE.

(a) Limitation.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $50,000, or an equivalent value in tree seedlings.

(b) Regulations.—The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note); and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

### SEC. 904. DEFINITIONS.

In this subtitle:

(1) Eligible orchardist.—The term "eligible orchardist" means a person who produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees.

(2) Natural disaster.—The term "natural disaster" includes plant disease, insect infestation, drought, fire, freeze, flood, earthquake, and other occurrences, as determined by the Secretary.

(3) Tree.—The term "tree" includes trees, bushes, and vines.

## Subtitle B—Other Matters

### SEC. 921. HAZARDOUS FUEL REDUCTION GRANTS TO PREVENT WILDFIRE DISASTERS AND TRANSFORM HAZARDOUS FUELS TO ELECTRIC ENERGY, USEFUL HEAT, OR TRANSPORTATION FUELS.

(a) Findings.—Congress finds the following:

(1) The damages caused by wildfire disasters have been equivalent in magnitude to the damage resulting from the Northridge earthquake, Hurricane Andrew, and the recent flooding of the Mississippi River and the Red River.

(2) More than 20,000 communities in the United States are at risk to wildfire and approximately 11,000 of these communities are located near Federal lands. More than 72,000,000 acres of National Forest System lands and 57,000,000 acres of lands managed by the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(3) Modification of forest fuel load conditions through the removal of hazardous fuels will minimize catastrophic damage from wildfires, reducing the need for emergency funding to respond to wildfires and protecting lives, communities, watersheds, and wildlife habitat.

(4) The hazardous fuels removed from forest lands represent an abundant renewable resource as well as a significant supply of biomass for biomass-to-energy facilities.

(b) Hazardous Fuels to Energy Grant Program.—The Secretary concerned may make a grant to a person that operates a biomass-to-energy facility to offset the costs incurred to purchase hazardous fuels from forest lands for use by the facility in the production of electric energy, useful heat, or transportation fuels. The Secretary concerned shall select grant recipients on the basis of their planned purchases of hazardous fuels and the level of anticipated benefits to reduced wildfire risk.

(c) Grant Amounts.—A grant under this section shall be equal to at least $5 per ton of hazardous fuels delivered, but not to exceed $10 per ton of hazardous fuels delivered, based on the distance of the hazardous fuels from the biomass-to-energy facility.

(d) Monitoring of Grant Recipient Activities.—As a condition on a grant under this section, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of hazardous fuels derived from forest lands. Upon notice by a duly authorized representative of the Secretary concerned, the operator of a biomass-to-energy facility that purchases or uses the resulting hazardous fuels shall afford the representative reasonable access to the facility and an opportunity to examine the inventory and records of the facility.

(e) Monitoring of Effect of Treatments.—The Secretary concerned shall monitor Federal lands from which hazardous fuels are removed and sold to a biomass-to-energy facility to determine and document the reduction in fire hazards on such lands.

(f) Definitions.—In this section:

(1) Biomass-to-energy facility.—The term "biomass-to-energy facility" means a facility that uses forest biomass as a raw material to produce electric energy, useful heat, or transportation fuels.

(2) Forest biomass.—The term "forest biomass" means hazardous fuels and biomass accumulations from precommercial thinnings, slash, and brush on forest lands that do not satisfy the definition of hazardous fuels.

(3) Hazardous fuels.—The term "hazardous fuels" means any unnaturally excessive accumulation of organic material, particularly in areas designated as condition class 2 or condition class 3 (as defined in the report entitled "Protecting People and Sustainable Resources in Fire-Adapted Ecosystems", prepared by the Forest Service, and dated October 13, 2000), on forest lands that the Secretary concerned determines poses a substantial present or potential hazard to forest ecosystems, wildlife, human, community, or firefighter safety in the case of a wildfire, particularly a wildfire in a drought year.

(4) Secretary concerned.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the National Forest System lands and private lands; and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

(g) Authorization of Appropriations.—There is authorized to be appropriated $50,000,000 for each fiscal year to carry out this section.

### SEC. 922. BIOENERGY PROGRAM.

Notwithstanding any limitations in the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) or part 1424 of title 7, Code of Federal Regulations, the Commodity Credit Corporation shall designate animal fats, agricultural byproducts, and oils as eligible agricultural commodities for use in the Bioenergy Program to promote industrial consumption of agricultural commodities for the production of ethanol and biodiesel fuels.

### SEC. 923. AVAILABILITY OF SECTION 32 FUNDS.

The 2d undesignated paragraph of section 32 of the Act of August 24, 1935 (Public Law 320; 49 Stat. 774; 7 U.S.C. 612c), is amended by striking "$300,000,000" and inserting "$500,000,000".

### SEC. 924. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

(a) Establishment.—For each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall use $15,000,000 of the funds available to the Commodity Credit Corporation to carry out and expand a seniors farmers' market nutrition program.

(b) Program Purposes.— The purposes of the seniors farmers' market nutrition program are—

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands and community supported agriculture programs to low-income seniors;

(2) to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and community supported agriculture programs; and

(3) to develop or aid in the development of new and additional farmers' markets, roadside stands, and community supported agriculture programs.

(c) Regulations.—The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers' market nutrition program.

### SEC. 925. DEPARTMENT OF AGRICULTURE AUTHORITIES REGARDING CANEBERRIES.

(a) Authority for Marketing Order and Research and Promotion Order.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)—

(A) in paragraph (A), by inserting "caneberries (including raspberries, blackberries, and logenberries)," after "other than pears, olives, grapefruit,"; and

(B) in the second sentence, by inserting "caneberries (including raspberries, blackberries, and logenberries)," after "effective as to cherries, apples,"; and

(2) in subsection (6)(I), by inserting "caneberries (including raspberries, blackberries, and logenberries)" after "tomatoes,".

(b) AUTHORITY WITH RESPECT TO IMPORTS.—Section 8e(a) of such Act (7 U.S.C. 608e–1(a)) is amended by inserting "caneberries (including raspberries, blackberries, and logenberries)," after "pistachios,".

### SEC. 926. NATIONAL APPEALS DIVISION.

Section 278 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6998) is amended by adding at the end the following new subsection:

"(f) FINALITY OF CERTAIN APPEAL DECISIONS.—If an appellant prevails at the regional level in an administrative appeal of a decision by the Division, the agency may not pursue an administrative appeal of that decision to the national level.".

### SEC. 927. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

Subsection (a) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended to read as follows:

"(a) OUTREACH AND ASSISTANCE.—

"(1) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the 'Secretary') shall provide outreach and technical assistance programs specifically to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate equitably in the full range of agricultural programs. This assistance, which should enhance coordination and make more effective the outreach, technical assistance, and education efforts authorized in specific agriculture programs, shall include information and assistance on commodity, conservation, credit, rural, and business development programs, application and bidding procedures, farm and risk management, marketing, and other essential information to participate in agricultural and other programs of the Department.

"(2) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into contracts and other agreements in the furtherance of this section with the following entities:

"(A) Any community-based organization, network, or coalition of community-based organizations that—

"(i) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers;

"(ii) provides documentary evidence of its past experience of working with socially disadvantaged farmers and ranchers during the two years preceding its application for assistance under this section; and

"(iii) does not engage in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986.

"(B) 1890 Land-Grant Colleges, including Tuskegee Institute, Indian tribal community colleges and Alaska native cooperative colleges, Hispanic serving post-secondary educational institutions, and other post-secondary educational institutions with demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged family farmers and ranchers in their region.

"(C) Federally recognized tribes and national tribal organizations with demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged family farmers and ranchers in their region.

"(3) FUNDING.—There are authorized to be appropriated $25,000,000 for each fiscal year to make grants and enter into contracts and other agreements with the entities described in paragraph (2) and to otherwise carry out the purposes of this subsection.".

### SEC. 928. EQUAL TREATMENT OF POTATOES AND SWEET POTATOES.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking "and potatoes" and inserting ", potatoes, and sweet potatoes".

### SEC. 929. REFERENCE TO SEA GRASS AND SEA OATS AS CROPS COVERED BY NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by inserting "sea grass and sea oats," after "fish),".

### SEC. 930. OPERATION OF GRADUATE SCHOOL OF DEPARTMENT OF AGRICULTURE.

(a) COMPETITION.—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended—

(1) in subsection (c)—

(A) by striking "Under" and inserting the following:

"(1) EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—Under"; and

(B) by adding at the end the following new paragraph:

"(2) COMPETITION.—The Graduate School may not enter into a contract or agreement with a Federal agency to provide services or conduct activities described in paragraph (1) unless, before the awarding of the contract or agreement, the contract or agreement was subject to competition that was open to individuals and entities of the private sector."; and

(2) in subsection (i), by striking "The" and inserting "Subject to subsection (c)(2), the".

(b) AUDITS OF RECORDS.—Such section is further amended by adding at the end the following new subsection:

"(k) AUDITS OF RECORDS.—The financial records of the Graduate School relating to contracts and agreements for services or activities described in subsection (c)(1) shall be made available to the Comptroller General for purposes of conducting an audit.".

(c) CONFORMING REPEAL.—Section 1669 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922) is repealed.

### SEC. 931. ASSISTANCE FOR LIVESTOCK PRODUCERS.

(a) AVAILABILITY OF ASSISTANCE.—In such amounts as are provided in advance in appropriation Acts, the Secretary may provide assistance to dairy and other livestock producers to cover economic losses incurred by such producers in connection with the production of livestock.

(b) TYPES OF ASSISTANCE.—The assistance provided to livestock producers may be in the form of—

(1) indemnity payments to livestock producers who incur livestock mortality losses;

(2) livestock feed assistance to livestock producers affected by shortages of feed;

(3) compensation for sudden increases in production costs; and

(4) such other assistance, and for such other economic losses, as the Secretary considers appropriate.

(c) LIMITATIONS.—Notwithstanding section 181(a), the Secretary may not use the funds of the Commodity Credit Corporation to provide assistance under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

The CHAIRMAN. No amendment to that amendment, as modified, shall be in order except those printed before October 3, 2001, in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 54 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. STENHOLM:

In section 167(a), strike paragraphs (4) and (5) (page 119, line 9, through page 120, line 2), and insert the following:

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e) may be obtained at the option of the peanut producer through—

(A) a designated marketing association of peanut producers that is approved by the Secretary; or

(B) the Farm Service Agency.

Mr. STENHOLM. Mr. Chairman, this amendment authorizes both the Farm Service Agency, FSA, and designated marketing associations of peanut producers that are approved by the Secretary to make marketing assistance loans and loan deficiency payments. The amendment deletes a provision that would allow the Secretary to approve other loan servicing agents. In addition, it would make a conforming amendment to delete the provisions that would require loan servicing agents to provide storage to other loan servicing agents and marketing associations.

The purpose of this amendment is clearly stated here. We are making some drastic changes in the manner in which our peanut program works for purposes of making our peanuts more competitive in the marketplace. We believe that this amendment is necessary in order that our producers are given the best option of increasing their pricing capabilities under a more market-oriented program which is what we are doing with the peanut section of this bill this year.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I would like to state for the record that

CBO has determined that there is no cost associated with this amendment. I would like to tell the gentleman from Texas that I support his amendment and would be happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BOSWELL:

At the end of title IX, insert the following new section:

**SEC. . RENEWABLE ENERGY RESERVE.**

(a) PURPOSES.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT.—During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME.—The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) PURCHASES.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes;

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS.—Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) REDUCTION IN FIXED, DECOUPLED PAYMENTS FOR FUNDING OFFSET.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section as fixed, decoupled payments, on a pro rata basis across covered commodities, so that the total amount of such reductions equals $277,000,000 in fiscal year 2004, $93,000,000 in fiscal year 2005, $80,000,000 in fiscal year 2006, $88,000,000 in fiscal year 2007, $96,000,000 in fiscal year 2008, $95,000,000 in fiscal year 2009, $96,000,000 in fiscal year 2010, and $97,000,000 in fiscal year 2011.

Mr. BOSWELL. Mr. Chairman, first off I would like to compliment, as many others have done, and justly so, Chairman COMBEST and Ranking Member STENHOLM for the manner in which they have worked on this bill. In my years in the legislature and in the years I have been here, I have never seen a better effort. They deserve a lot of appreciation for their hard work.

As we all know, America has a long established strategic oil reserve in the event of a petroleum shortage or supply interruption. The creation of this reserve is a responsible policy that has protected our country and its industrial foundation from potential instability in oil and fuel markets as well as from disruption of foreign oil supplies. Since the inception of the reserve, our energy needs have become more diverse, and our capacity to develop and produce large amounts of clean burning renewable fuels has been tested and proved.

Consumers, car manufacturers, commodity processors and farmers recognize that renewable fuels are quickly becoming a vital and integral part of our national supply of clean-air transportation fuels. The time is right to establish a strategic renewable energy reserve. Farmers can help America's energy security by dedicating a renewable commodity reserve to emergency renewable fuel production.

For these reasons, I am offering a renewable energy reserve amendment, using product grown from the land that can be repeated year after year and give us some independence from OPEC and a chance to show the country and the world we are serious about alternatives.

I am offering the renewable energy amendment to, one, establish a government-owned and farmer-stored renewable energy reserve containing an amount of farm commodities equal to 4 months' production of ethanol and biodiesel. These commodities will be stored on-farm in corn and soybean base and will be designated solely for the production of renewable fuels.

Two, create a renewable energy reserve that will complement all biobased fuel initiatives and add to America's emergency energy preparedness plan.

Three, shift some of our national energy consumption away from high-priced imported oil and towards renewable energy products grown on our Nation's farms. This strategy is compatible with our national environmental objectives and will strengthen our economy and our national security.

And, lastly, create a renewable energy reserve that will ensure a steady supply of feed stock for energy production in the event of a national emergency, crop production shortfall, increased commodity prices or a gasoline/diesel shortage.

The cost of this amendment will be approximately $650 million over 10 years. The funding for the renewable energy reserve will be taken from the commodity title through an across-the-board percentage reduction in the overall funding of less than 1 percent.

According to USDA estimates, as the U.S. moves toward banning MTBE and increasing the use of ethanol as a transportation fuel, the tripling of demand for ethanol would increase U.S. farm income by an average of $1.3 billion each year and would save the country over $4 billion annually in imported oil and hundreds of millions of dollars annually in taxpayer outlays for farm programs.

I urge my colleagues to join me in the support of this amendment.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me, first of all, say there is no one on our committee who works harder in behalf of his farmers than the gentleman from Iowa (Mr. BOSWELL). There is no one on our committee that I have more respect for than the gentleman from Iowa.

□ 1300

But I do rise in opposition to the amendment, Mr. Chairman, basically for two reasons. Number one is the most critical.

As I have indicated, one of the words you are going to hear throughout the discussion of this farm bill for the next however long is going to be balance. The maintaining of that balance is important because that is what has been brought together as far as a broad base of support.

Now, granted, the gentleman in making some changes in the fixed decoupled payment does not greatly rob that account, but I am also aware that there are numerous amendments that, bit by bit by bit by bit, begin to attack that. I am concerned about going down that road, because if this balance becomes undone, I think this thing may go into free-fall.

Secondly, in terms of what the amendment does, we discussed this subject in the committee during markup of this bill. I can appreciate where the gentleman is coming from, but I have concerns about a program which sets up reserves of commodities.

History historically has shown us that reserves can result in large quantities of commodities that eventually may become government stocks. I think it creates the removal of commodities from the market in order to put into storage, which I think gives a false market signal; and I think it can have some impact on production. Under current law, and I think most of us agree, the government is not and should not be in the business of managing supply. Eventually, with stocks as they build up, it leads to lower prices, therefore, I think potentially costlier program payments in order to keep the farm economy going. I am not questioning the intent, but I think what this does is it establishes a precedent for reserve programs of the past that have not worked well. They have been tried, and they have failed.

Finally, I think what it does is it takes from again a balance that reaches across-the-board and it shifts that balance into only dealing with and providing assistance for a much smaller number of people.

For that reason, Mr. Chairman, I would oppose the gentleman's amendment.

Mr. BOSWELL. Mr. Chairman, I ask unanimous consent for one additional minute to make a response.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Texas (Chairman COMBEST) for his comments. This reserve will not hang over the market. These commodities are designated specifically for energy reserve. 66.2 million annually for 300 million gallons of renewable fuel seems like a reasonable request.

I appreciate the gentleman's comments and concerns. The gentleman mentions all the other amendments. This just happens to be the most important one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on amendment No. 13 offered by the gentleman from Iowa (Mr. BOSWELL) will be postponed.

Are there further amendments?

### AMENDMENT NO. 26 OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. HALL of Ohio:

In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking "The Administrator" and inserting "(A) The Administrator"; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

### MODIFICATION OF AMENDMENT NO. 26 OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification that has been placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

### Modification to Amendment No. 26 Offered by Mr. Hall of Ohio

The amendment as modified is as follows:

In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(8) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) as redesignated (page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking "The Administrator" and inserting "(A) The Administrator"; and

(B) by adding at the end the following:

(B) In the case of commodities made available for nonemergency assistance under title II for least developed countries that meet the poverty and other eligibility criteria established by the International Bank for Reconstruction and Development for financing under the International Development Association, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

Mr. HALL of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. HALL) is recognized for 5 minutes on his modified amendment.

Mr. HALL of Ohio. Mr. Chairman, my amendment makes a slight technical change to the Food for Peace, P.L. 480 Program. This is one of our primary food aid programs, along with section 416(b) and Food for Progress. These vital programs allow the bounty our farmers produce to go to feed the least among us. America is great because America is good, and this is the best America has to offer the world.

This modified amendment further defines the poor countries that would be able to receive U.S. commodities and the transportation costs to get them to the hungry. It is supported by the World Food Program and private aid organizations.

I am pleased that the gentleman from Texas (Chairman COMBEST) supports this amendment. I thank the gentleman and his staff, especially Lynn Gallagher, for all of their assistance. I also appreciate the gentleman from Texas (Mr. STENHOLM) and his concern for our food aid program.

This amendment is a very small step towards my larger hope that the United States would increase our food aid for the poorest nations of the world. While we donate more food than any other country, to whom much is given, much is expected. In reality, we provide only one-half of one percent of our budget for humanitarian aid, and this should be much higher.

I spoke earlier of the good will our food aid buys around the world. My travels to poor countries around the world have convinced me that our enemies and allies respect us because of our compassion and our generosity. We are a compassionate and generous country, and our food aid programs are a terrific example of this.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his courtesy in discussing his amendment process with us prior to offering it.

I would say that there is no one in the House who can stand taller than the gentleman from Ohio (Mr. HALL) in his concern about hunger around the world. I respect him for that, and am very happy to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. HALL).

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

### AMENDMENT NO. 53 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. STENHOLM:

At the end of title I (page 133, after line 13), insert the following new section:

**SEC. . REPORT ON EFFECT OF CERTAIN FARM PROGRAM PAYMENTS ON ECONOMIC VIABILITY OF PRODUCERS AND FARMING INFRASTRUCTURE.**

(a) REVIEW REQUIRED.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance payments have had, and that fixed, decoupled payments and counter-cyclical payments are likely to have, on the economic viability of producers and the farming infrastructure, particularly in areas where climate, soil types, and other agronomic conditions severely limit the covered crops that producers can choose to successfully and profitably produce.

(b) CASE STUDY RELATED TO RICE PRODUCTION.—The review shall include a case study of the effects that the payments described in subsection (a), and the forecast effects of increasing these or other decoupled payments, are likely to have on rice producers (including tenant rice producers), the rice milling industry, and the economies of rice farming areas in Texas, where harvested rice acreage has fallen from 320,000 acres in 1995 to only 211,000 acres in 2001.

(c) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected for the review and the case study and any findings made on the basis of such information. The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on producers who are tenants, on the agricultural economies in farming areas generally, on those particular areas described in subsection (a), and on the area that is the subject of the case study in subsection (b).

Mr. STENHOLM. Mr. Chairman, this amendment requires USDA to review the effects that decoupled payments under the Agriculture Market Transition Act have had on the economic viability of farmers and farming infrastructure, especially in areas where conditions limit the program crops that can be grown.

The review must include a case study of the effects that decoupled payments, increases in decreases payments, for example, disaster assistance, and other countercyclical decoupled payments, will have on rice producers and the rice industry in Texas. USDA has 90 days from enactment to report its findings and recommendations on ways to minimize adverse impacts on rice farmers and the rice industry to the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman's yielding, and want to also indicate again for the record that this is a no cost amendment. There are a number of people in rice-producing areas of Texas that share the gentleman's concerns, as I do; and I would be happy to accept the amendment.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I would point out the relevance of this study in that we are also, in the bill before us, going to have similar situations perhaps develop in other regions of the country; and I think the relevance of this study may be very helpful to us to avoid some of the problems that have already occurred in portions of rice country, namely in Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

### AMENDMENT NO. 55 OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Mr. STENHOLM:

Page 213, line 6, strike "$10 million" and insert "$9,500,000".

Beginning on page 214, strike line 13 and all that follows through line 6 on page 215, and insert the following:

(f) PUERTO RICO.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii) by striking "and" at the end;

(B) in clause (iii) by adding "and" at the end; and

(C) by inserting after clause (iii) the following:

"(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 3(o)(4) for the current fiscal year for which the amount is determined under this clause;"; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)"; and

(B) by adding at the end the following:

"(ii) Notwithstanding subparagraph (A) and clause (i), the Commonwealth may spend up to $6,000,000 of the amount required under subparagraph (A) to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.".

(g) TERRITORY OF AMERICAN SAMOA.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is amended—

(1) by striking "Effective October 1, 1995, from" and inserting "From"; and

(2) by striking "$5,300,000 for each of fiscal years 1996 through 2002" and inserting "$5,750,000 for fiscal year 2002 and $5,800,000 for each of fiscal years 2003 though 2011".

Page 216, line 18, strike "(h) and (i) shall take effect of" and insert "(g), (h), and (i) shall take effect on".

Mr. STENHOLM. Mr. Chairman, this amendment adds two provisions regarding Puerto Rico and American Samoa in the nutrition programs. For Puerto Rico, the amendment would allow Puerto Rico to spend up to $6 million of the 100 percent Federal funds in fiscal year 2002 on upgrading and modernizing the electronic data processing systems used to provide food assistance and to implement systems to simplify the determination of eligibility.

For American Samoa, the amendment decreases the amount available for simplified application and eligibility determination systems in section 405 from $10 million each year to $9.5 million each year. The amendment raises the amount available for American Samoa in section 406(g) from $5.75 million in fiscal year 2002 to $5.8 million in each of fiscal year 2003 through 2011.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I also want to indicate this is a no net cost provision of the amendment. I am glad to accept the amendment. I appreciate the gentleman's introducing it.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I would point out to the House that the delegate from American Samoa and the delegate from Puerto Rico have agreed to this. This is done at their request, as well as ours today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are in the process of trying to work through a number of amendments in which we have had an opportunity to deal with a variety of Members, and I think that the process is moving potentially somewhat more expeditiously than was anticipated.

But I want to take just a moment, if I might, Mr. Chairman, to expand somewhat on a comment that I made in my opening statement relative to the amount of work that has gone into this committee print that we have before the House today.

The people who do so much of the hard, heavy lifting in our committees are those people who do not sit around the dais or who do not cast votes, but who sit in those offices sometimes three or four deep and literally, as the case was in the development of this farm program, spent all night. That happened on the majority and the minority side, working in concert.

My friend, the gentleman from Texas (Mr. STENHOLM), has numerous times mentioned the bipartisanship of this committee. This goes well beyond just Members. This goes to the staff as well.

Certainly there are, from time to time, some philosophical differences. That is the nature of the process. That is the nature of the legislative process. But there is a recognition of the bigger goal, and that bigger goal is to try to achieve something in a manner in which we are seeing an extension of handshakes across the aisle.

I have personally never felt that we can pass a farm bill that only receives Republican support. Number one, it probably would say a great deal about the inadequacies of that farm bill if it in fact was a partisan bill.

It is also many times difficult. Of the 51 members on the committee whose service on that committee is requested and whose service on that committee is asked for and who have deep interests in agriculture, we have many varying opinions from time to time. But all of that is finally put aside when we have the opportunity to come together and to look at the interests of agriculture as a whole, recognizing there are some regional differences, recognizing that there are differences in philosophy, recognizing there are differences in weather, recognizing there are differences in cropping habits, that corn grown in the chairman's district of Illinois is substantially different than corn grown in the ranking member's district or this gentleman's district. Yet, it is a program which we have to try to develop that fits all of it.

Without adequate input and without taking into consideration those people who produce that, those people who market that, those people whose livelihood depends upon that, we, in fact, would not be able to write a farm bill that has such a broad base of support.

Not enough can be said about the people who work for us on that committee. I might just mention if the statistic still holds true to this day, Mr. Chairman, I believe it is the only full committee of the House in which the Members exceed the number of staff. So it does, I think, show how much work that is dumped upon them from time to time. I will say that we could not be better served than we currently are.

□ 1315

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now having another demonstration of what has been so frustrating to the House Committee on Agriculture as we have moved to get to this point. We had 60 amendments notified and here we are, none of the Members who felt compelled to make amendments and change are here to offer their amendments. Under House procedure, what we should do is we should move to final passage of the bill, because obviously, all of those who have felt so compelled to argue and to offer amendments are nowhere to be found. So we feel compelled now to take 5 minutes to talk about whatever we are going to talk about. Really, I guess we have the Boswell amendment, we could vote on it; but I understand that is not what they want to do.

So let me make a comment or two. I did not get recognized on the Boswell amendment a moment ago. Let me take just a moment and talk about the energy section of the bill that is before us.

Mr. Chairman, it was not but about 2 years ago that we had a depression not only in the corn and cotton patch, but also in the oil patch. At that point in time, since I represent the cotton patch and the oil patch, I was concerned about low energy prices, I was concerned about energy and energy policy as a national security; and that concern is still there. But one of the things that we recognize is that we cannot produce food and fiber without oil and gas; we cannot produce oil and gas without food and fiber; and, therefore, it is time for us to start working together, which is exactly what we have done in this bill.

In fact, something happened when we had hearings on the energy title that I did not believe I would ever see. We had independent oil and gas producers testifying in behalf of bioenergy, biodiesel, ethanol, because those in the independent oil industry began to realize just as we today are making our, we hope, compelling argument on behalf of the remaining farmers and ranchers in this country, that we have to work together, and that we do need to produce more energy. I had looked for ways to be supportive of an energy reserve today, because I think the gentleman from Iowa (Mr. BOSWELL) is on the cutting edge of what we are eventually going to need to do.

But as we looked into it and we got into, as the chairman pointed out, the trade-offs that have to occur, this fine balance that we are talking about and with some of the divisions that we have within the bioenergy industry regarding the merits of such, I do not and cannot support his amendment today. But I will point out that we have in the bill emergency loans for sharply increasing energy costs. We have loans and loan guarantees for renewable energy systems. We have biomass derived from conservation reserve program lands. We have wind turbines on conservation reserve program lands. We have the reauthorization of the Biomass Research and Development Act, which gives us the road map to get to where the gentleman from Iowa wants to be, and I want to be with him in getting there. We have the requirement of the Secretary to give priority to improved energy efficiency on farms and farm energy. We have the hazardous fuel reduction grants in this bill, and we also recognize the role of bioenergy in promoting the industrial consumption of agriculture products for the production of ethanol and biodiesel. We expand the program by directing the Secretary to include animal fats, agricultural by-products and oils as eligible commodities under existing bioenergy programs.

Now, the USDA is already carrying out the CCC bioenergy program and $150 million is being provided for fiscal year 2002, the same as fiscal year 2001. So it is certainly not without sympathy for the gentleman's amendment. It is there, but it is the question, as we have already talked about, and the precise balance, and I understand that it is very important to him.

### AMENDMENT NO. 62 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. TRAFICANT:

At the end of title IX (page ——, after line ——), insert the following new section:

**SEC. . COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES USING FUNDS PROVIDED UNDER THIS ACT.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, person, or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

(c) NOTICE TO RECIPIENTS OF FUNDS.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman from Illinois (Mr. LAHOOD), who always seems to be in the chair at the right time and does a fine job.

I want to commend the chairman of this committee and the ranking member. I want to spend just a second talking about the ranking member. He has shown bipartisanship in this House for all of the years I have been here; and he has exemplified that, I believe, as well throughout everything he has done. Even when his principles are in opposition to that being offered by others, he has always been a gentleman and tried to find that common ground.

This amendment is well known by all. It is the right thing to do. If, in fact, there is money made available under this bill, the recipients of it shall get a notice that the Congress of the United States would like to see those funds expended for the purchase of American-made goods. I think the farm community understands it and may be one of the biggest supporters of this legislation.

We have very few trade surpluses in America. I believe agriculture, if I am not mistaken, is still a trade surplus. I am not sure of that. But we are now beginning to average over and close to $300 billion a year in trade deficits; and if it was not for our farmers, God forbid.

But my second amendment will deal with an issue that concerns the cattle and animal husbandry industry of this Nation. Ground beef was coming across our border, beef that originated in Australia coming across our border, uninspected, and being sold as ground beef in marketplaces throughout the United States of America. So the first one is a Buy American amendment.

Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr. COMBEST), the chairman of the committee, to ask for his support on the amendment.

Mr. COMBEST. Mr. Chairman, absolutely, I am happy to support the gentleman's amendment and appreciate his tenaciousness in this area.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I would point out that the preliminary data for 2001 show that we are exporting $5.5 billion and we are importing $39 billion. That leaves us a trade balance of $14.5 billion.

Mr. Chairman, I have no objection to the gentleman's amendment. I enthusiastically support it, and I thank him for his kind remarks.

Mr. TRAFICANT. Mr. Chairman, I would like to say that the reason we have that trade surplus is the result of the leadership we have had from gentlemen like this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

### REQUEST TO OFFER AMENDMENT NOT PREPRINTED IN THE CONGRESSIONAL RECORD

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to offer at this point a second amendment I have at the desk that was not printed October 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COMBEST. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard and the Chair would object as being precluded by the order of the House from entertaining the request.

Are there further amendments?

### AMENDMENT NO. 52 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. SMITH of Michigan:

At the end of section 183 (page , beginning line ), insert the following new subsection:

(d) PAYMENT LIMITATION REGARDING MARKETING ASSISTANCE LOANS TO COVER ALL PRODUCER GAINS.—In applying the payment limitation contained in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(2)) on the total amount of payments and gains that a person may receive for one or more covered commodities during any crop year, the Secretary of Agriculture shall include each of the following:

(1) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any covered commodity at a lower level than the original loan rate established for the commodity.

(2) Any loan deficiency payment received for a loan commodity.

(3) Any gain realized by a producer through the use of the generic certificate authority or through the actual forfeiture of the crop covered by a nonrecourse marketing assistance loan.

Mr. SMITH of Michigan. Mr. Chairman, I think this is a very important amendment if we are going to keep public support for agricultural programs. The amendment puts an absolute limit on all benefits derived from price support programs of the Federal Government.

I am a farmer. I have spent time as chairman of the ASCS committee in Michigan administering farm programs. I help write them in Washington. If anybody has read the papers, they know that there have been many stories from AP and other news sources about the millions of dollars that are going to some of the big landowners. I think that we are hoodwinking the American people if we say that there is a limit of $150,000 in this case; and by the way, up until last year, the limit was only $75,000; but we now have a limit of $150,000. If you have a wife, you can go to the USDA office and have that spouse also included as an additional producer, making it $300,000.

I think we are hoodwinking the American people if we lead them to believe that there is any limit on benefits that can be derived from Federal programs on price support. That is because in a rather complicated program, we have nonresource loans, which means that even if one does not get the marketing loan payment, even if one does not get the price support from a loan deficiency payment, one always has the opportunity of forfeiting a crop or, in many cases, the Government says instead of the forfeiture, we will give a certificate.

So in reality, there is no limit. What we are faced with is people like NBA star Scotty Pippen, billionaire tycoon J.R. Simlot, and 20 Fortune 500 companies receiving Federal checks from the programs.

The President, the administration said today, one problem he has with this farm bill, and allow me to read the statement that came out this morning from the statement of administration policy: "This bill fails to help farmers most in need. While overall farm income is strengthening, there is no question that some of our Nation's producers are in serious financial straits, especially smaller farmers and ranchers. Rather than address these unmet needs, H.R. 2646 would continue to direct the greatest share of resources to those least in need of government assistance. Nearly half of all recent government payments have gone to the largest 8 percent of farms, usually very large producers, while more than half of all U.S. farmers share only 13 percent of the payments. H.R. 2646, without this amendment, would continue this disparity."

I call on my colleagues to do something that helps farmers, and we help farmers because we are going to be inundated. Anybody that read the Wall Street Journal today knows that, again, they criticized this program because it goes to the big producers. Let me suggest to my colleagues why there is momentum to not have any limitations on price support benefits. It is because of the grain dealers, the grain deals, the car deals, the Purinas, the Archer Daniel Midlands. Every grain operator profits by their volume. They have so much income for every bushel, every hundred weight; and so there is that momentum, plus the huge farmers. We have an 80,000-, 130,000-acre farmer that controls 130,000 acres down in Florida where he lives, ended up with something way in excess of $1 million. Mr. Chairman, 154 recipients, in total, quoting the AP story, collected more than $1 million and wealthy recipients are doing it.

We need to home in on this program. One way to do it is to say that there is going to be a real limit of $150,000 that includes not only the LDPs and the marketing loans, but also includes if you will, the end run that these huge landowners exercise to get benefits from forfeitures and so-called certificates.

☐ 1330

My amendment would save, according to the CBO, $1.2 billion in benefits, or what is the figure, $1.3 billion.

So this amendment, by limiting it to these giant producers, saves $1.3 billion. The giant producers are located, many of them, in cotton farms in Texas, and of course, rice in Arkansas.

Mr. Chairman, I include for the RECORD a Dear Colleague letter on this matter.

The document referred to is as follows:

WASHINGTON, DC,
*October 3, 2001.*

"There's a lot of medium-sized farmers that need help, and one of the things that we're going to make sure of as we restructure the farm program next year is that the money goes to the people it's meant to help."—President George W. Bush, August, 2001

DEAR COLLEAGUE: Few people are aware that many of our farm commodity programs, for all of their good intentions, are set up to disburse payments with little regard to farm size or financial need. Often in our rush to provide support for struggling farmers we overlook just where that support is going:

This amendment only limits price supports, not AMTA, conservation, or any other type of farm payment.

The largest 18 percent of farms receive 74 percent of federal farm program payments.

In 1999, 47 percent of farm payments went to large commercial farms, which had an average household income of $135,000.

The bulk of benefits over $150 thousand paid out on the 2000 harvest went to cotton and rice farmers—in fact, two large rice cooperatives in Arkansas collected nearly $150 million between them.

Unlimited government price supports for program commodities disproportionately skews federal farm aid to the largest of producers while encouraging overproduction and allowing the largest producers to become even larger. Let's do more to be fair to small and moderate size family farm operations by establishing meaningful, effective payment limitations.

Sincerely,

NICK SMITH,
*Member of Congress.*

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us talk about this amendment for a moment. This amendment was offered in committee; and after USDA was called upon for comment, the amendment failed by voice vote. This is not just a limitation amendment. What this does is it dramatically changes the way that the loan program works.

Following the farm crisis in the 1980s, the marketing loan program was created. Its purpose was to aid a producer in marketing commodities to minimize the government accumulation of stocks, to minimize the potential loan forfeitures, and to minimize the cost.

The information which the gentleman from Michigan (Mr. SMITH) put in the committee report in "additional views" talks about the imposition of this limitation would only affect the largest one-half of 1 percent of farmers. It claims that the average acreage harvested to reach that loan limitation would be, for example, 1,950 acres of cotton for 1,700 acres of rice.

In reality, it would take 701 acres of rice in Arkansas or 432 acres of cotton in California, and I do not think that a 432-acre farm is in the top 1 percent in size.

Let me give an example of how this would work, in reality. Today, a cotton farmer in California with 432 acres and an average yield would be affected by this amendment. Let us assume that the farmer put all of his cotton from the 432 acres in the loan. With a 19 to 20 billion bail crop, the loan deficiencies would continue downward to 30 cents.

Even though the farmer could have forfeited the cotton to the Government in the past, this amendment would limit the amount which they could forfeit, which would therefore then force that farmer to take that loan out when he could have gotten 50 cents and a market price of 30 cents.

It is a dramatic change in the way that a non-recourse loan program in the past has worked for the past 50 years, and it is not simply a matter of concern about the largest one-half percent of the farmers. Again, I want to reiterate, a 701-acre rice field in Arkansas or a 432-acre cotton field in California is not an exceptionally large 1 percent of the top farms in the country. That is a very average-sized farm. It is not simply a limitation on the payments; it is a dramatic change in the way the program operates.

I would strongly oppose the gentleman's amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Michigan. It just makes common sense that we try to make this a more fair and equitable type of bill, because it really does help very, very wealthy people.

I was kind of embarrassed, a newspaper article on the front pagé of my Sarasota paper, unfortunately it was back on September 11, on the front page showed President Bush waving upon his arrival the night before.

The other big article was an AP wire service story about how most farm subsidies go to a few. It talks about how 1,200 universities and government farms and State prisons get money. It talks about how Ted Turner gets $190,000 from it, Scotty Pippin, the basketball player making $14 million a year, gets $26,000. It talks about people after people who get $1 million, hundreds of thousands of dollars.

All that the amendment of the gentleman from Michigan (Mr. SMITH) does is try to make a little more equity and tries to make a little more fairness in this program.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Just to respond to the gentleman from Texas (Chairman COMBEST), we have a recourse loan program, so we do not glut the program, available to these farmers as a recourse loan. That means we do not have to sell the product at harvest time, so this does not diminish the effort we have made over the years to allow orderly marketing. It is still there.

Let me also say that according to the Congressional Research Service, averaging the last 2 years, we would have had to have had 6,142 acres of corn to reach the $150,000 limit; 6,600 acres of soybeans; 13,000 acres of wheat; 13,000 acres of sorghum; 1,951 acres of cotton; and 17,000 acres of rice. Prices vary over the years, so the acreage is going to vary over the years. These are all huge farmers.

There are 80,000-acre landlords that are sucking in a lot of the benefits that could go to small farmers. Again, scored, this saves $1.3 billion. At a time when we are desperately looking for finance, at a time when we are desperately looking for fairness, I would ask my colleagues to consider something that takes the great advantage away from the big farmers, slows down the motivation of those big farmers to get even bigger, buying up the small farms. It is not the kind of farm policy we should have in the United States.

Mr. MILLER of Florida. Mr. Chairman, just in conclusion, one of the concerns I have about this total bill, it has 70-some billion of new spending over and above what has been spent over the past year. It is supposed to come out of our non-Social Security surplus. Now, not only do we not have a Social Security surplus, we are going to be into deficit spending.

Anything we can do to reduce that 70-some billion of new spending that was put in the budget back in May of this year, that I supported, that was expecting these $300 billion surpluses. Now that we do not have these huge surpluses, it makes it very difficult for us fiscal conservatives to support a bill like this.

So anything that can reduce the total cost of this bill by $1 billion I would hope would be supported by this House.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly favor the underlying bill; but as I mentioned in my opening comments in general debate, the underlying bill is not perfect. I believe one of the more visible imperfections is its failure to address payment limits.

I think, as an advocate for family farmers, that our ability to sustain the Nation's commitment to farm programs depends upon the American public feeling like their taxpayer dollars are supporting family farmers, not large corporate enterprises that simply do not have the same compelling case to make for the Nation's resources.

The GAO has reported that one-half of all farm payments went to just 7 percent of all farms, the largest farms. This is misdirected policy. By passing the Smith amendment, we place a limit that actually works, that limit $150,000 in Federal payments, a significant amount of Federal support. I believe it would work.

I recognize that there are economic differences in the production of various commodities and that the production of rice and cotton, Southern-based commodities, requires larger economic operations.

At the same time, by moving this payment limit from where it was just 2 years ago, from $75,000 up to the $150,000, I think much has been done to accommodate the different scale of economics undergirding production in that part of the region.

Make no mistake about it: in the end, payment limits make sense. We devote our resources to keeping the family commercial operations in the business; we do not divert half of all money in the bill to the largest 7 percent of the farms; and we have a program that going forward, year after year, will be one less likely to be attacked for squandering Federal resources.

This is about bringing integrity and common sense to farm programs. I urge support of the amendment.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment; and I would take issue with my friend, the gentleman from Florida, who mentioned some folks by name who are getting payments.

He mentioned Scotty Pippin. According to the figures he mentioned, this provision, this amendment, would not apply to that individual because he does not reach that payment limitation.

Mr. Chairman, what we are asking to be done here with this amendment is to change the rules in the middle of the stream. We have got farmers who have been operating under the current law for years and years and years, and they have structured their farming operations within the confines of the law.

That law now seeks to be changed in the short term. We could have farmers reconstruct their farming operations; but if they did, the tax consequences to the American farmer would be huge. That would be enough to put the farmer out of business.

I take issue with my friend, the gentleman from Michigan, that this does not have anything to do with the marketing loan provision. It absolutely does. We have to look at the payment limitation and work it in coordination with the marketing loan provision. That is why we have the payment limitation and why we have the marketing loan provision.

But more importantly, I was up here a little bit earlier. I had an example of the Walker farm that we used in Alabama, where it was deemed to be, by a lot of people, a corporate farm. What it is is a 7,000-acre operation that is operated by seven families, all of whom, seven of whom, qualify as producers, as actively engaged in farming, who have money at risk in the operation.

Those are the folks who this amendment would seek to really hurt. That provision would really destroy that operation; and if those folks have money at risk, then they ought to be able to come under the payment limitation rule and not be excluded.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, each one of these individuals is eligible, if they go to the local FSA office, to be a separate producer entity, each available to that $150,000 limit.

Mr. CHAMBLISS. They are now. That is my point.

Mr. SMITH of Michigan. This would not touch that.

Mr. CHAMBLISS. Yes, it would, too. It would limit that operation.

Mr. SMITH of Michigan. No, sir, this is a limit per individual producer. Excuse me.

Mr. CHAMBLISS. The limit is there now. We have the certificate provision to take care of it, over and above that.

But we would destroy the current structure of the way farms are set up if we changed the payment limitation at this point in time. I would urge a no vote on this amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is an example of how we can today at least take a system that was designed two-thirds of a century ago and attempt to make it a little better, a little more relevant.

I strongly support the amendment offered by the gentleman from Michigan (Mr. SMITH) and am proud to associate myself as a cosponsor of it.

Mr. Chairman, we have heard on this floor how narrowly channeled our support is. Seventy-four percent of the total subsidies go to 18 percent of the producers; two-thirds of the farm support goes to just 10 percent. The last speaker pointed out that half goes to just 7 percent.

George Bush has, as recently as this last month, pointed out that there are a lot of medium-sized farmers that need help; and one of the things that we are going to do is make sure that we restructure the farm program to make sure the money goes to the people it is meant to help.

I think what the gentleman from Michigan has done is to attempt to give a dimension to the words of our President. The numbers of the gentleman from Michigan (Mr. SMITH) have indicated, and we have all received the reports from CRS that talk about how much acreage is necessary to trigger that limit. I think this is a modest step in the right direction.

I know the gentleman from Michigan has some further thoughts on this, and he has my strong support for the amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding.

This is going to come back to harm the average farmer in the United States. We have farm organizations that support it, and some of the big ones do not support it; but we are looking at a situation where the President has indicated to us this morning that this overpayment to the big farmers is a problem.

Let me read a quote that he made last month. The President said: "There are a lot of medium-size farmers that need help, and one of the things we are going to make sure of as we restructure the farm programs is that the money goes to the people that it is meant to help."

I hope we consider doing this, because, number one, we encourage more production, overproduction, if we say the big farmers that already have a lower unit cost of production are getting that fixed payment, so they tend to get bigger. They tend to buy out other farms, the medium-sized farmer that is struggling to make a go of it and tries to buy out the smaller farmer. So we are perpetuating the large, corporate-type farming operations.

Maybe that is what some people want to call a family farm. I do not think that is what the public policy of the United States Congress should be, supporting and expanding with the kind of farm program that does not have some real limits on farm payments.

This does not apply to the average sized farm, which is a little over 500 acres. One has to have 6,000 acres of most any of these crops to reach the $150,000 limit.

Mr. BLUMENAUER. I appreciate the gentleman's framing the words of our President. I could not have said it better myself.

This is an opportunity for some bipartisan support to take an important step for making these important programs work a little better, inspire more confidence from the American public, save some money, and be able to target it where it is most needed. I strongly urge support for this amendment.

☐ 1345

Mr. SIMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can assure the gentleman from Michigan that the average size farm in Idaho is larger than 500 acres, substantially larger than 500 acres.

The Smith amendment seeks to include marketing certificates under established payment limits on the farm program benefits, but would effectively limit the use of marketing certificates and inhibit the following benefits: Marketing certificates enhance competitiveness of U.S. commodities. Marketing certificates enable the marketing loan program to work effectively when commodity prices are low, thereby making U.S. commodities available at market clearing prices. This enhances demand and market share and maintains the entire agricultural infrastructure.

Marketing certificates prevent stock overhang. Without certificates there will be a larger stock overhang going into next year, weakening next year's prices, making it more difficult for farmers to secure operating loans. Large farmers will hold stocks depressing prices for small and medium farmers.

Marketing certificates prevent loan forfeitures. Without marketing certificates, producers would place their crops into the commodity credit corporation loan and would likely forfeit the commodity, tying up storage and leaving the government to market commodities almost certainly at a substantial loss and at competition with the private sector during the following year's harvest. Merchants would buy from the government, and the farmer would receive less for his crop.

Mr. Chairman, I get interested in this talk about large corporate farms versus family farms. So far I have never really been able to figure out what is a large corporate farm versus a family farm. I know individuals in Idaho that are corporations. Four brothers together. They own a very, very large farm, probably 30,000 acres or so. The USDA, as I said earlier, said $250,000 of gross sales makes you a large farmer. It does not take a large acreage farm to create $250,000 of gross sales.

Actually, 99.5 percent of those large farms are family-owned; 99.5 percent of those are family-owned. Of those farms, those large farms that we say are large, somehow bad corporate farms or whatever, and sometimes families create corporations for tax purposes, they create 53 percent of the crop value but only get 47 percent of the payments. They get less than the value of the crop that they produce compared to the small farmer. We are already tilting it toward the small farmer.

When it comes to Scotty Pippen, we always throw those names out there because they are great in the paper. Here we have a guy making a ton of money playing basketball. He would receive this payment even if this amendment passed because he got it under the forestry program. It is forest land that he has. If you limited this payment to zero, he would still get his $26,000 under the forestry program.

Mr. Chairman, I would urge my colleagues to reject this amendment and stay with the underlying bill.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment and would like to ask the gentleman from Michigan (Mr. SMITH) his source of the savings.

The gentleman from Florida made the allegation that this is saving $1.3 billion. I am asking the gentleman as to what is his source of that number.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I would tell the gentleman from Texas it is the Congressional Budget Office.

Mr. STENHOLM. There is a CBO estimate?

Mr. SMITH of Michigan. Yes.

Mr. STENHOLM. The gentleman's amendment is the one that deals with marketing certificates?

Mr. SMITH of Michigan. The $150,000 now only applies to the marketing loans and the loan deficiency payments. This would expand it to also include the other benefits from price support of the forfeitures and the certificates. This is a new CBO estimate that they just gave us this morning. The old CBO estimate said that it was going to be something like $600 million. They gave us the new estimate this morning of $1.33 billion.

Mr. STENHOLM. Reclaiming my time, I would love to see that information because that certainly is contrary to anything that I have seen.

Marketing certificates, which I believe this is aimed at limiting, have been around for 14 years. They have been used for a very good purpose, and that is to avoid building up CCC stocks. The effect of the gentleman's amendment would simply be to build-up stocks, because to equate the loan with a price support cash payment is totally fallacious. This is not the way that marketing certificates work. What we try to do is avoid CCC build-up of stocks.

If we are going to make it ineligible, if we want to make them ineligible for loans, that is one thing, but that is not what the gentleman is attempting to do. I do not believe that that is what his intent is; but the amendment before us does not do that, which I believe the gentleman is saying that it does.

Market certificates avoid market disruptions caused by payment limits. When you run up against that payment limit, then we have one choice. We put it into the loan, and then the government pays us for it or we then market it.

Under the theory of the Freedom to Farm Act of which as we held the hearings last year, farmers loved the Freedom to Farm, but they do not like the results, the price.

This is a fundamental change in the direction of farm programs. Fundamental. If one wants to go down that route, then vote for the gentleman's amendment. I would think though that the gentleman would be better served by his intent if he went back through the committee process, looking ahead to another year, and saying that if we want to limit the size of operations, then let us do it in a predictable way, not in a retroactive way.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, I just want to say that what USDA suggests on implementing this amendment, it would be simply, instead of a nonrecourse loan that means you can forfeit, it would be a recourse loan. So you can still borrow the money, but eventually you will have to pay it back at the lower interest rate.

Mr. STENHOLM. Reclaiming my time, I thank the gentleman for his explanation. I, even more enthusiastically, oppose the gentleman at this stage of the game.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief. I, too, want to rise in support of the gentleman from Michigan's (Mr. SMITH) amendment. I think basically what it is saying is when is enough enough when it comes to the subsidy payments that direct Federal payments to some of the biggest producers in the country? We all know that the producers do not operate in a vacuum. They are making economic decisions day in and day out.

Unfortunately, when I talk to a lot of the economists and those that study agriculture policy, they are fearful and very concerned that most of the economic decisions that are made is not based on what the market will support and what would drive market forces, but rather, for the government paycheck, and that is why I think we have seen an explosion of growth in various commodity producers around the country because they are looking at certain largess coming from Washington and these Federal payments and making their economic and business decisions accordingly.

The Members have heard this from many, many different people. They are saying the same thing on the Senate side. Even the administration, in their policy statement they released this morning, is making the same exact point. So the Members do not have to believe the gentleman from Michigan. The Members do not have to believe me and what is being said about it. Look at our own administration right now and what they say. They are very clear in their statement of policy when they come out in opposition to the base bill.

One of the reasons they do so is because it encourages overproduction while prices are low and I quote, "A direct consequence of American farm policy for many decades has been excessive production and low prices. This policy began to change in the last farm bill. The administration believes strongly that our national farm policy should not distort market signals, thereby directly or indirectly depressing farm prices. H.R. 2646 would continue to contribute to overproduction caused partially by increased production-based payments to farmers per bushel grown at above-market prices."

They go on to say that the approach under the base bill also fails to help the farmers most in need, and again, I quote the administration's policy statement in which they said, "While overall farm income is strengthening, there is no question that some of our Nation's producers are in serious financial straits, especially smaller farmers and ranchers. Rather than address these unmet needs, H.R. 2646 would continue to direct the greatest share of resources to those least in need of government assistance. Nearly half of all recent government payments have gone to the largest 8 percent of farms, usually very large producers, while more than half of all U.S. farmers share in only 13 percent of farm payments. H.R. 2646," again according to the administration, "would only increase this disparity."

So I think the point the gentleman from Michigan is making is the point that many of us are making, and some of the amendments that we are planning on offering in the course of this farm bill debate, is that at some point we have to start making some decisions in regards to that farm policy, seeing what the overall economic impact is going to be based on the business and economic decisions that many producers are making throughout the country.

So I rise in support of the gentleman's amendment. I think he has support from both the administration and also the work that is currently being conducted in the U.S. Senate in regards to their farm policy. I think it is a reasonable approach in order to put a check on the unbridled increase in production which leads to oversupply. It leads to a limiting of commodity prices and invariably leads to multibillion dollar farm relief bills coming out of this United States Congress over the last few years.

We are caught in this vicious cycle right now, and I think the gentleman from Michigan's amendment is trying to address that and break us out of this cycle that we find ourselves in.

Mr. BERRY. Mr. Chairman, I move to strike the requisite number of words.

This is the best fed country in the world. All you have got to do is walk around the streets to see that. We are all doing pretty good. I certainly get more than my fair share of it, but all the rhetoric on this floor today fails to realize that.

I have heard just in the last few minutes over and over again how we have an oversupply. These people that are talking about an oversupply, how do you check what the stocks to use ratios are in this country? We have got the lowest ending stock projected for next year that we have had since 1973. There is not any huge supply of grain built up here or anyplace else in the world. I do not know where this imaginary supply is. I do not know where this overproduction is. It does not exist.

Freedom to farm let people plant for the market. They did plant for the market. The supplies are not there and we actually have some risk if we do not continue to produce at that level. We could run out of food in this country. It is not a social program. Farm programs are not designed to protect small farmers or large farmers or create some kind of social condition or recreate a Jeffersonian democracy. That is not what they are for. They are to make sure that America has enough food and fiber to be self-sufficient and be secure. That is what this is all about.

If we are going to start limiting government programs in the way that has been mentioned here today, then we should limit the airlines to $150,000. We just passed big bucks last week. Let us just limit the airlines, give them all $150,000 and cut them off at that. You cannot make it, buddy, tough luck.

That makes just as much sense as what this amendment does. If this is such a profitable deal and everybody that is involved in agriculture is standing at the government trough, why are not there more people lined up out there to do it? Boy, I tell you what, if you want to get rich, just go to Arkansas, buy you a big rice farm. You will find out how big, how wealthy you can get. There is not anybody down there wanting to do it right now. Once we create a situation in this country where people just do not want to farm anymore, we are at risk with our food supply.

This talk of overproduction is just simply not true. We need to pay attention to the situation and not kill the goose that laid the golden egg and make sure that our farmers are able to stay in business and do the wonderful job that they have done for this country since it was founded.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the President of the United States said there are a lot of medium-sized farmers who need help, and one of the things we are going to make sure of is that we restructure the farm program, so that the money goes to the people who need it the most.

□ 1400

Mr. Chairman, on every occasion that Congress has taken up a farm bill or an agricultural appropriations act there is one argument that is as predictable as a football game on Thanksgiving: pass this bill, we are told, or it will mean the end of the family farm. Well, today, we have an opportunity to literally put our money where our mouths are.

The Smith amendment is very simple. It establishes—actually, it enforces—a reasonable limit on the amount farmers can receive in deficiency payments. And if I may say so, a limit of $150,000 is not only reasonable, it is plain generous. Our current farm programs already include this cap, but the larger farms have exploited a loophole that allows them to bypass it through the use of commodity certificates.

This amendment will not reduce government subsidies on a single small farm, unless of course a small farm is defined as 20,000 acres of cotton. What it will do is restore some sanity to the way we appropriate government price supports. Consider the following: the largest 18 percent of farms receive 74 percent of Federal payments. In 1999, 47 percent of farm payments went to large commercial farms; and in that same year, a single farmer received more than $1.2 million in government handouts.

If my colleagues think that is the way our government programs should operate, by all means vote against this amendment. Those who think a single farmer should receive more than $1 million in government subsidies, while small farmers are barely making ends meet, vote against this amendment. But if my colleagues think it is time large farms stop fleecing American taxpayers, support this modest amendment.

Mr. Chairman, I helped end welfare in my urban areas. It is about time we started to reduce welfare for rich farmers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. SMITH) will be postponed.

Are there further amendments?

### AMENDMENT NO. 20 OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. ENGLISH:

At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. . PRODUCER RETENTION OF ERRONEOUSLY PAID LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.**

Notwithstanding any other provision of law, the Secretary of Agriculture and the Commodity Credit Corporation shall not require producers in Erie County, Pennsylvania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.). In the case of a producer who has already made the repayment on or before the date of the enactment of this Act, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

Mr. ENGLISH. Mr. Chairman, I would like to thank the distinguished chairman of the Committee on Agriculture for considering this amendment and, through it, the plight of a group of farmers in Erie County, Pennsylvania, in a truly unique situation in the Nation.

My amendment rights a wrong that left many of our local farmers holding the bag because of a clerical error by the Federal Government. Last year, the Department of Agriculture ruled that our farmers were ineligible for the Federal Loan Deficiency Program payments because their applications were filled out improperly, notwithstanding the fact that they carefully followed the instructions of the local farm service office.

Erie County farmers were told by the Department that they needed to repay the thousands of dollars with interest to the Federal Government. The catch is that the farmers would have qualified for the payments by all understandings if they had simply filled out the forms correctly.

This amendment, which was scored by the CBO to cost $2,000, would therefore round to zero. This amendment does not affect budget authority, only outlays, meaning it is clearly not in violation of rule 302(f).

This amendment simply waives the debt for those farmers who did not repay the money, while refunding those who have already submitted their payments.

We must ensure that not one of our farmers is held responsible for the Federal Government's mistake. The money these farmers received under this program is vital to the local farm community. Agriculture is the number one industry in our State, our region, and in Erie County. Farming is a vital part of our local and national economy, and we cannot allow a clerical error caused by the supervision of the Federal Department of Agriculture to cost many farmers their livelihood and impose on others such a Draconian burden.

Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) and the committee for their willingness to work with me to ensure that our local farmers are not punished for a bureaucratic mistake.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I want to tell the gentleman that I appreciate the difficulty he has been going through in Erie County, Pennsylvania. He has been trying to get this issue resolved, and we think we can do it legislatively in the bill.

CBO would not score this at a cost, and so I am glad to accept the amendment and appreciate the gentleman's willingness to try to work with us on this issue and hope it comes to now a positive resolution.

Mr. ENGLISH. I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 13 offered by the gentleman from Iowa (Mr. BOSWELL), amendment No. 62 offered by the gentleman from Ohio (Mr. TRAFICANT), and amendment No. 52 offered by the gentleman from Michigan (Mr. SMITH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 13 OFFERED BY MR. BOSWELL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 323, answered "present" 1, not voting 6, as follows:

[Roll No. 363]

AYES—100

Bartlett
Bereuter
Blagojevich
Boswell
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (OK)
Clayton
Condit
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Ehlers
Evans
Farr
Filner
Frank
Gephardt
Grucci
Gutierrez
Hall (TX)
Herger
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kucinich
LaFalce
Langevin
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Moore
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Ramstad
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Slaughter
Smith (WA)
Solis
Strickland
Stupak
Thompson (CA)
Thurman
Udall (NM)
Waters
Watt (NC)
Weiner
Woolsey
Wynn

NOES—323

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)

Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Owens
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sawyer
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Otter

NOT VOTING—6

Engel
Houghton
Millender-McDonald
Mollohan
Reyes
Weldon (PA)

□ 1431

Messrs. WALSH, GORDON, TOOMEY, BOEHNER, McKEON, CALLAHAN, HYDE, TIBERI, GREENWOOD, OXLEY, BARTON of Texas, BECERRA, Ms. KILPATRICK, Ms. HART, and Mrs. NORTHUP changed their vote from "aye" to "no."

Messrs. HOLT, BROWN of Ohio, SANDERS, RAMSTAD, STRICKLAND, LEWIS of Georgia, MOORE, OLVER, FARR of California, HALL of Texas, WEINER, DICKS, Ms. DEGETTE, Ms. WATERS, and Mrs. JONES of Ohio changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 363, I had a hearing/press coverage with the Ambassador of Pakistan re: Women and children refugees migrating from Afghanistan. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 62 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 5, not voting 7, as follows:

[Roll No. 364]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)

Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—5

Armey
Dreier
Kolbe
McDermott
Stark

NOT VOTING—7

Engel
Houghton
Millender-McDonald
Mollohan
Reyes
Saxton
Weldon (PA)

☐ 1440

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 364, I was detained due to a hearing/press coverage with the Ambassador to the U.S. from Pakistan re: Women and children refugees migrating from Afghanistan. Had I been present, I would have voted "yes."

### AMENDMENT NO. 52 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 238, not voting 5, as follows:

[Roll No. 365]

AYES—187

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Berman
Biggert
Bilirakis
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chabot
Clay
Clayton
Conyers
Cox
Coyne
Crane
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Doggett
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Eshoo
Farr
Fattah
Ferguson
Flake
Fossella
Frank
Frelinghuysen
Gekas
Gephardt
Gilchrest
Gilman
Goode
Goss
Green (TX)
Harman
Hart
Hefley
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Inslee
Israel
Istook
Jackson (IL)
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Obey
Olver
Owens
Pascrell
Paul
Payne
Pelosi
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Rahall
Ramstad
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Sensenbrenner
Shadegg
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stark
Stearns
Strickland
Stupak
Sununu
Tancredo
Tauscher
Thune
Tiahrt
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velázquez
Wamp
Watt (NC)
Waxman
Weiner
Woolsey
Young (FL)

NOES—238

Aderholt
Akin
Bachus
Baker
Ballenger
Barr
Barton
Bentsen
Bereuter
Berkley
Berry
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
Deutsch
Diaz-Balart
Dingell
Dooley
Doolittle
Dunn
Edwards
Emerson
English
Etheridge
Evans
Everett
Filner
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Ganske
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Horn
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
Levin
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
Matsui
McCollum
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Millender-McDonald
Mink
Myrick
Nethercutt
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Pence
Peterson (MN)
Phelps
Pickering
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schaffer
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (TX)
Snyder
Souder
Spratt
Stenholm
Stump
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiberi
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)

NOT VOTING—5

Engel
Houghton
Mollohan
Reyes
Weldon (PA)

☐ 1451

Mr. BLAGOJEVICH changed his vote from "aye" to "no."

Mr. TIAHRT and Mr. GREEN of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. COMBEST. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, had come to no resolution thereon.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1753

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS of Michigan) at 5 o'clock and 53 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-228) on the resolution (H. Res. 252) providing for consideration of the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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## REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

**Mr. NUSSLE.** Mr. Speaker, in accordance with sections 213 and 221 of H. Con. Res. 83, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the section 302(a) allocation to the House Committee on Agriculture, set forth in H. Rept. 107–60, to reflect $0 billion in additional new budget authority and outlays for fiscal year 2002 and $28.492 billion in additional budget authority and $25.860 billion in additional outlays for the period of fiscal years 2002 through 2006.

Section 213 of H. Con. Res. 83 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Agriculture for legislation that reauthorizes the Federal Agriculture Improvement Act of 1996, title I of that Act, or other appropriate agricultural production legislation.

Section 221 provides that for the purpose of enforcing H. Con. Res. 83, the applicable allocations are those set forth for fiscal year 2002 and for the total for the period of Fiscal Years 2002 through 2006. This section further provides that the Chairman is authorized to make the necessary adjustments in the allocations and aggregates to carry out the purposes of the budget resolution.

Both as reported by the Committee on Agriculture and as modified by the rule, the bill is within the levels assumed for this bill in the two periods applicable to the House; Fiscal Year 2002 and for the total of Fiscal Years 2002 through 2006 as required under section 302(f) of the Congressional Budget Act of 1974.

If you have any questions, please contact Jim Bates of my staff at 6–7270.

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## TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

**Mr. MCINNIS.** Mr. Speaker, this afternoon I want to visit about a couple of areas in regards to terrorism. Obviously, the issues that are on this floor, the issues that have overwhelmed the United States since the ugly events of September 11 have centered on terrorism and centered on defense and the home security of this Nation.

This afternoon I want to spend a few minutes of my Special Order talking about two different types of terrorism and what we can do about it, and also incorporate in some of the defense mechanisms for some of the homeland security that I think we need to have.

Mr. Speaker, let me begin by talking about a level of terrorism that has been lost in the battle, and that is the concept called ecoterrorism that is occurring within the borders of the United States.

What does ecoterrorism roughly describe? What has happened is there are some activists out there, citizens of this country or people acting within the borders of this country in regards to environmental issues that feel that they can only get attention if they do some type of destruction to some symbol, whether it is putting steel rods into a tree that they are afraid is going to be cut for timber so that the logger who comes up and uses a chain saw risks hitting that steel nail with his chain saw, and could physically harm him; and thus, the loggers, knowing that these trees may have these steel spikes inserted randomly into trees, they are afraid to log them; to the situation we had in Vail, Colorado, where they burned down a $13 million lodge all using the front of environmentalism.

Mr. Speaker, many of us on this floor feel very strong about the environment of this country; but none of us on this floor should tolerate for one moment ecoterrorism, the kind of things that occurred in Vail, Colorado, the kind of things that occurred in the district of the gentleman from Oregon (Mr. WALDEN), the kinds of things where people intentionally spike these trees so that somebody that goes in to log any of these trees stands the risk of losing their life if they put a chain saw to that tree. That type of behavior is unacceptable.

Mr. Speaker, I am chairman of the Subcommittee on Forest and Forest Health of the Committee on Resources, and we will be focusing in the several months ahead on ecoterrorism and what we can do to encourage people in this country to work within the framework of our law if they have disagreement on environmental policies.

Unfortunately, what has happen is some people are looking for a cause. Deep down they do not care about the environment. They care about destruction, and they want to hook onto any kind of cause they can hook onto. We have seen this in many of the protests. Many of the people, outside of the professionals who have been hired to run the protests, many people do not have a deep-down belief in the cause that they are protesting or the cause for which they are assisting ecoterrorism within the boundaries of the country. It is just a cause. It is something for them to do.

□ 1800

Unfortunately what has happened is some people have turned a blind eye, because this destruction, this terrorism, is being activated under the so-called cloak of protecting the environment.

As I said earlier, all of my colleagues here feel strongly about the protection of our environment. Sure we have different debates on how we interpret that issue. But nobody on this floor, I would hope, would condone ecoterrorism in this country. And in the not too distant future, we ought to have people like the National Sierra Club, like Earth First, like the Conservation League, without prompting from the United States Congress, these organizations ought to step forward and actively condemn acts of ecoterrorism to try and forward some type of environmental agenda.

It is a problem in this country and it is a problem that has begun to escalate. It is getting bigger and bigger. They went from putting spikes in a tree to damaging equipment that was sitting on a site. Pretty soon they moved up to burning $13 million buildings in Vail, Colorado, which is within my district. These types of acts to me are dangerous acts. Obviously they do not rise to the level of the horrible terrorism that we saw on September 11, and I intend to spend a good part of my time this evening, or this afternoon, addressing those particular issues.

But it, nonetheless, is a small cancer of its own. It is a cancer that we have to get ahead of. And it is something that we have to have a zero tolerance for in our society.

I urge my colleagues, if you have any constituents out there that share with you any type of support that they are giving to ecoterrorist type of activity, that you actively discourage them, and if any kind of information is shared with you that these individuals are breaking the law, I think you have an obligation to go to the authorities and report your conversation with these ecoterrorists. We have to adopt and every respectable environmental organization in this country ought to adopt a zero tolerance of ecoterrorism. We have seen what happens when so-called terrorism gets taken out of context, when so-called terrorism goes to the extent that it has gone on September 11.

So we need to get on top of this ecoterrorism that we now are seeing within our own borders, our own citizens who have chosen not to work within the framework of the law but to break the law and to flagrantly break the law in such a way as to cause ecoterrorism.

We had a hearing today. We have issued a subpoena. There is an organization out there called ELF, E-L-F.

This organization has a spokesman. This spokesman, I think, is probably one of the most radical American citizens in regards to ecoterrorism. I have asked that that individual be subpoenaed.

Today, the full Committee on Resources, not the subcommittee, but the full Committee on Resources issued a subpoena. We fully intend to serve that subpoena and have that individual appear in front of my subcommittee, and hopefully later on in front of the full committee, to explain on what basis that an individual or a group of individuals or an organization or an association should be allowed to step out and create this type of terrorist act under the guise of protection of the environment.

I am going to go on. I want to proceed from ecoterrorism and make the transition here to the terrorist acts of September 11.

Before I do that, Mr. Speaker, I would be happy to yield to my colleague the gentlewoman from North Carolina (Mrs. CLAYTON).

### RURAL DEVELOPMENT AMENDMENT TO FARM SECURITY ACT OF 2001

Mrs. CLAYTON. I thank the gentleman for yielding. I appreciate it very much. I do understand the importance of the subject and appreciate him allowing me to proceed.

Mr. Speaker, I stand before this body once again to focus attention on the matter of our struggling rural communities and on the need to increase our investment in rural development.

Today, we heard on this floor time after time from Member after Member about the struggles of rural America. We have heard in great detail about the difficulties that our rural communities face and have been called upon to respond accordingly. Many have testified to the fact that when the farm economy of rural America suffers, so too does the rest of America, and that is indeed true. Clearly, agriculture has long played and will continue to play an important role in the well-being of rural America. That is why I support the Farm Security Act of 2001 and also urge my colleagues to pass it. It provides a strong safety net for American agricultural producers and rural America in trying times for the farm economy.

While I do not think that anybody in this body among my colleagues doubts the critical role that agriculture plays in the rural economy, I believe that we must ask ourselves whether agriculture alone can redeem rural America. The statistics that the census has recently provided us indicate that we are losing many of our most productive young people because rural America has very little to offer them. A farm safety net will provide a refuge for our farmers during times of economic hardship and we should do this. This is as it should be. We should do that. But we must ask ourselves, will the farm safety net create nonfarm jobs or a safety net for persons who are not in agriculture? Will the safety net help our rural communities deal with the multibillion-dollar backlog of unfunded infrastructure projects, whether it is water or sewage or roads or telecommunication?

Will this safety net increase the economic livelihood of the workers who have to drive 60 miles round trip to work at a Wal-Mart where they get $6.25 an hour or to the textile person who drives a similar amount and maybe only gets $8, or to a poultry factory? Will it provide running water to the 1 million rural Americans who still, after the remarkable economic boom of the 1990s, do not have running water in their home? We do not now, not in every home. In fact, in rural America we still have a large proportion of Americans without running water. Will it prevent the great hollowing out of rural America that I referred to earlier that is currently taking place once again? And will rural America be a good place for young people to stay and raise their family and have an expectation that they will have a quality of life?

I say with deep, deep regret, and disappointment, but the answer to these questions is no. This Congress must begin thinking of rural America, not just as farmers, we must include our farmers obviously, and they are struggling, who struggle with low commodity prices. We must have them involved. They are central to anything we do. But we must also start thinking about their families, their neighbors, their communities. We must think about rural America as that woman I spoke of, the person who works for the poultry factory or works for the textile factory, if the factory is still there, by the way, and cannot sustain their families. That is a part of the fabric of rural America.

We must do more for rural America. I believe we can start with this farm bill. That is why I am offering an amendment to increase rural development funding in this farm bill by $1 billion over the next 10 years. Will this amendment solve the problems that I have been discussing earlier? Of course, it will not. The answer is no. No one is suggesting that any one bill or any one thing will be the magic bullet that saves rural America. But what I am suggesting is that we need to broaden both our view and our investment in rural America. My amendment is just the first step in doing this.

The boom time of the 1990s that benefitted so much of America never touched many rural areas. When I talk with people back in my district, which is an overwhelmingly rural district, they do not need to be warned about the fact that we may have an economy that may be slipping into recession. You see, they already know that they are in one, because their farmers have low prices, they have seen their textile industry close, they have seen factories indeed promised to come, making decisions not to relocate.

Joining me in offering this amendment are my colleagues, the gentleman from Pennsylvania (Mr. PETERSON), the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Nevada (Mr. GIBBONS). The amendment provides $450 million for rural drinking water infrastructure grants and $450 million for community strategic planning assistance and investment, and $100 million for value-added agricultural market development grants over the next 10 years.

I would like to reiterate once again, this farm bill must serve American farmers. And it does. It does very generously. But it must also serve their families, their neighbors, their communities. It must serve the 90 percent of rural Americans who are not employed in the agricultural economy. The Committee on Agriculture can take a leadership role on this and I beg them to do that. I also beg my colleagues to support my amendment tomorrow.

The term "balance" has come up many times in this debate on the floor about the Committee on Agriculture. I would like to associate myself with the call of my colleagues for a balanced farm bill. The committee bill that we are considering today is a good start. I thank the chairman and the ranking member for their efforts. But I would like to suggest that indeed they can do more, and the Clayton-Peterson-Blumenauer-Gibbons amendment does not imbalance the bill. In fact, it adds more balance. It accepts the principle we set in the committee. We are actually providing a substantial investment. In the end, it simply doubles the amount that we are giving to 90 percent of the people who are in rural America. It provides for producers, but it provides for many other people who are living in rural America across the country whose problems do not stop or end at the field's edge.

I urge my colleagues to reject the notion that a vote for the Clayton-Peterson-Blumenauer-Gibbons amendment is a vote against farmers. I reject the notion that farmers are selfish. I know farmers who care about clean drinking water, farmers who care about infrastructure because they know if their communities in which they are living do not have these grants, their tax base goes up. They also want a viable community that is around them because they want their children and their neighbors to have an opportunity, and they also know so very well what it means to have value-added, to add long-term productivity to their raw commodity.

Mr. Speaker, I urge my colleagues to support this bill and support rural

America. I, again, thank my colleague for yielding.

Mr. McINNIS. Mr. Speaker, at the beginning of my comments, I talked about ecoterrorism in the United States. I want my colleagues to understand that it is the goal of my committee that I chair, the Subcommittee on Forests and Forest Health, which has jurisdiction over some of the properties upon which the crime of ecoterrorism has occurred, that our committee is considering this a priority, and in light of the horrible terrorist act that occurred on September 11, once we restabilize from that situation, our subcommittee intends to aggressively pursue those people who condone or somehow participate in ecoterrorism within the boundaries of our country.

Terrorist acts of any kind, to forward or push forward the agenda of any cause, is improper when utilized in that type of form.

We have wonderful laws in this country, and there are lots of laws, and our Constitution itself provides for things like the freedom of speech. You can walk down and protest, the freedom of protest. There are lots of tools available to those who object to current laws or to those who object to the direction this country is going without you having to resort to breaking a law. That is the key issue here. Whether it is terrorism performed by another country, which we unfortunately saw on September 11, or whether it is ecoterrorism that is performed within our own boundaries.

I just want to remind my colleagues, this is exactly what took place in my district. My district is the Third Congressional District of the State of Colorado. It is the mountains of Colorado. We have up there Vail, Colorado, and in Vail, Colorado, just 3 years ago, we had some terrorists, U.S. citizens, we suspect, and we suspect from an organization called the ELF organization that went up, and this structure is a $13 million structure and it was completely inflamed. They burned that structure. That structure was not built illegally. That structure was not in violation of any local zoning code. It was just in violation of the mindset of a few radical, criminal elements within the boundaries of our country who decided that the only way to address this issue was not to approach the local zoning board, not to approach any elected officials, not to go out and have an open protest at the city center.

□ 1815

Instead, the way to do it is very slyly at night sneak in and put all kinds of fuel in this lodge and burn it to the ground. I wish those people knew how many trees were cut to replace the trees that were burned in this lodge. I wish those people that committed that act of eco-terrorism understood how many jobs were lost. Not jobs of multimillionaires or jobs of executives; these are jobs of people that ran concessionaire shops, or jobs of people, even the maintenance people, that worked in these facilities. They lost their jobs. I hope those eco-terrorists feel real proud of themselves.

But I want people to know, and I want my colleagues to understand, that I intend to continue to pressure our law enforcement agencies to pursue eco-terrorism as actively as they are pursuing other criminal acts against our society. I appreciate the committee's support today. We had only one "no" vote in the committee, in the whole committee, which objected to the issuance of a subpoena to this spokesman for the organization called ELF, which is probably the most radical eco-terrorist organization in the United States.

Now let me transition, because I want to talk for the rest of my time about the horrible cancer that we have discovered and we have suffered since September 11. We actually know that the cancer existed beforehand, but September 11 is obviously where it was made evident.

All of us understand exactly what I am talking about. My comparison to terrorism and cancer, I think, is an analogy which fits perfectly. I know of no cancer, I know of no cancer, ever discovered in the history of mankind that is friendly to the human body. I know of no cancer that has ever been discovered or researched by the medical experts in our country that is recommended for the human body. Cancer is cancer, and it is deadly in many cases.

We know that we have to take an aggressive fight against cancer. You cannot love cancer away. Do not misunderstand me. Love is an important element. It helps build up the psychological strength that you need to fight cancer. You cannot pray cancer away.

Many people, many of your constituents may disagree with me and believe that prayer alone will get rid of that cancer. In my opinion, and I am a strong Christian, in my opinion the Supreme Being that I believe in thinks that a person has to deploy a little self-help; that, sure, prayer is a necessary part of the fight against cancer, but you cannot do it on prayer alone. You have got to go in and aggressively cut that cancer out of there.

That is exactly what we need to do with terrorism. That act of terrorism, no matter what they say, no matter if they try and justify it, justify the terrorist act of September 11, do not buy it for one moment. It is a vicious cancer, and no cancer is good for the human body. And no act of terrorism is good, for not only our society, it is not good for the society of the entire world, regardless of which country you come from.

We need to battle this, and we need to battle it as aggressively as any one of my colleagues would battle cancer within your own body. Not for one moment, if you had cancer, and some of my colleagues have experienced it, not for one moment have you ever found anybody that says, well, the cancer in your body is justified. You had it coming. You deserved that cancer because of an action you took. Even for those people who smoke, we do not say to them, well, you deserve the cancer. We may say, look, you may have contributed to this, but it does not justice the cancer. It is the same thing with this terrorism.

I would ask people as you begin, and I am beginning to see this in newspaper articles, or I am beginning to see it in the commentary and editorial papers, well, the United States, you know, when we sit back and take a look at it, maybe the United States was too aggressive on its foreign policy, or maybe the United States kind of deserved it because they were bullies.

What a bunch of crap; unacceptable crap, in my opinion. Unacceptable. There is no justification, there is no excuse, none, zero, that you can put forward for the kind of atrocities that were performed against this country, that were activated against the people of the world.

Remember, remember, 80 separate countries lost citizens in these terrorist attacks of September 11. Every ethnic race that I know of, every ethnic background that I know of suffered losses as a result of this terrorist act. The Muslim people, people of Islam, the religion of Islam and the Muslim population suffered some horrible losses in this act of terrorism.

This act of terrorism did not discriminate between women and children and mothers and fathers and military officials and policemen and firemen. It did not do any discrimination. It went out and destroyed every human part that it could get its hands on, just as cancer does.

Cancer shows no discrimination. Cancer comes after you, and that is exactly what these terrorists have done. We need to go after this aggressively as our society feels about cancer. And cancer, as we know, to take it on, is a long-term battle, and it requires lots of resources to be able to conquer it.

It is the same thing here. Do not let anybody try and justify or say that the United States somehow deserved or somehow walked into this act of terrorism, this act of barbarism.

Thank goodness we have the leadership team that we have in place today, because, you see, again another analogy to cancer. It is like cancer on the brain. Our President and his team, whether it is Condoleezza Rice, whether it is Colin Powell, whether it is Donald Rumsfeld, his defense team, his team he has at the White House, realizes that when you have got cancer on the brain, you cannot blow the brain out of the body, out of the skull. You have to do very medical, very careful, very focused surgery so as to be able to go into the brain, take the cancer out of the brain, and leave the brain, as much of it intact as is possible.

The White House and our government, and I am very proud of the response that our government so far has undertaken, and that is do not jump the gun; do not go out half-cocked and start blanket bombing everything. Figure out what those targets are. Pick those targets carefully and eliminate them. And do not for one moment again be convinced that anything short of eradication of that cancer is going to cure the cancer.

Can you imagine going into the doctor and the doctor saying, well, we got the cancer, but we left a little of it around because we really did not want to offend the cancer. We did not want to go too deep into it.

You know as well as I know that if you have got cancer and they can get access to it, you want them to cut out every last cell of that cancer. The same thing applies here. We need to cut out every last terrorist cell that we can find in this world, because if we do not, as Tony Blair said yesterday in his remarks, if we do not defeat it, referring to the terrorism, if we do not defeat it, it will defeat us. It is that simple. It is a very clear distinction to make. It is as clear as night and day. We either beat it, or it beats us. We either defeat it, or it defeats us. It is a very simple proposition. You win, or you lose. There is no halfway point, none at all.

In this particular case, the winner takes it all. Remember that song by ABBA, "the winner takes it all." That is exactly what we are facing here with this terrorism. If we do not beat it, it will beat us.

Fortunately, the good people of this country have responded in a very strong manner, and they have shown this President and this government the support that this government feels is necessary to go out and eradicate the terrorist cells that exist, and they have expressed confidence that this administration and this government, that those of us who represent the people of this country, that we will not go out half-cocked and do things that are stupid.

Now, the American people also understand that this is a battle that will take a long time. The American people understand there will be casualties. The American people understand that every action has a reaction; that when we respond and when we begin with the capabilities to eradicate either a bank account or a terrorist cell or some other type of elimination of the threat, that there may be retaliation. How can you get into a battle without the threat of retaliation? Everybody beats on their drums when you threaten to come after them. What other choice do they have?

Now, I feel very strongly that the American people want us to eradicate terrorism, the kind of terrorism that is demonstrated through either eco-terrorism within our own borders or the type of terrorism we saw committed within our borders but by people outside our borders on September 11.

I want to read to you a fascinating article, and I do not usually do this, read text. I like speaking without text. I rarely use notes. These are not my words that I am about to read you. These are the words of a young woman, I would guess she said when she moved to New York City she was 19, so she is somewhere I would say between 19 and 22 or 23 years old.

This article was found in Newsweek, dated October 1, 2001. The October 1 edition. If you have an opportunity to buy a Newsweek, take a look at it and read this article. It is fascinating.

This is a young girl, her name is Rachel Newman from New York City. I do not know her. I have never talked to her. I hope some day I have the privilege to meet her. She is about the same age as my three children. Lori's and my children are out of the home. Two of them just recently graduated from college, they are draft age. I have a 19-year-old girl in college, just about the same age as this Rachel Newman. Let me read the article to you. I know it is tough to listen to somebody who reads, especially on the floor like this. But give the meaning to the words and listen to her philosophy and what has happened to her since she personally witnessed an airplane go into one of those towers.

The article is entitled "The Day the World Changed, I Did Too."

"Just weeks ago, I thought of myself as a musician and a poet. Now I am calling myself a patriot. By Rachel Newman.

"I never thought listening to God Bless America would make me cry, but I guess crisis brings out parts of us we did not know existed. I have thought and felt things in the past several days that I never would have expected to. When I was 19, I moved to New York City to be a musician. The first thing I did was get a tatoo on each hand. One was of a treble cleft, the other was of an insignia for Silver Tone guitars. I did it as a reminder of my commitment to making music, but also to ensure that I would never be able to work for an establishment corporation. I did not want to devote myself to someone else's capitalistic dream.

"If you asked me to describe myself then, I would have told you I was a musician, a poet, an artist, and, on somewhat a political level, a woman, a lesbian, and a Jew. Being an American would not have made my list. It is now 3 years later, and I am a junior at a Manhattan college.

"In my gender and economics class earlier this semester, we discussed the benefits of socialism, which provides for all members of society, versus capitalism, which values the self-interests of business people. My girlfriend and I were so frustrated by the inequality in America that we discussed moving to another country.

"On September 11th, all that changed. I realized I had been taking the freedoms I have here for granted. Now I have an American flag on my backpack, I cheer at the fighter jets as they pass overhead, and I call myself a patriot.

"I had just stepped out of the shower when the first plane crashed into the North Tower of the World Trade Center. I stood looking out the window of my Brooklyn apartment, dumbfounded as the second plane barreled into the South Tower. In that moment, the world as I had known it was redefined.

"The following Monday, my school reopened; and I headed for class. Foolishly thinking that life would 'get back to normal.' When I got off the subway, the first thing I saw were photocopied posters of the missing hanging on the walls of the station. There were color pictures of men and women of every shape and size, race and religion, lying on the beach, playing with their children on the living room floor, or dancing and laughing with husbands, wives or lovers.

☐ 1830

"Once outside, I passed store fronts covered with even more photos. When I finally reached my building, I saw a police barricade that stretched down the block and was draped with posters on both sides. After I learned that my first class had been canceled for a campus forum with the university president, I sat in the courtyard and talked with some other dazed and distraught students. It became clear to me very quickly that people were strongly antihate toward innocent Arab Americans as I was, but they were also antiwar. I am not a violent person. I usually avoid conflict of any kind. I am also not a hateful person. I try to have an open mind and to respect other people's opinion. But when I heard my fellow students saying that they did not want to fight back, despite the terrorists' direct attack on our country, I felt they were confusing revenge with justice.

"I heard my peers say things like, 'This is our own fault for getting involved in everybody else's business.' And, 'This is because we support Israel and we shouldn't be doing that, because they took the land from the people that it belonged to.'

"It made me angry to hear my acquaintances try to justify atrocious terrorist acts. Many of these students don't see the difference in mentality between us, the majority of the people in the world who desire peace, and them. The people who are willing to make themselves into human bombs to destroy thousands of lives. These terrorists despise our very existence. Americans have to be educated about the history of the Middle East. We can't afford to have uninformed opinions, no matter what course of action we think the United States should take.

"I am doing my part. Weeks ago, all I could think of was how to write a good rap. Now I am putting together an informational packet for students on our foreign policy towards the Middle East.

"In an ideal world, pacifism is the only answer. I am not eager to say this, but we do not live in an ideal world. I do not believe that our leaders should be callous or bomb already ravaged countries like Afghanistan. I worry that innocent citizens in that country will have a much different reaction to our fighter jets than I do. Americans may want peace, but terrorists want bloodshed. I have come to accept the idea of a focused war on terrorists as the best way to ensure our country's safety. In the words of Mother Jones, 'What we need to do now is pray for the dead and fight like hell for the living.' "

That was an article by Rachel Newman, and she was 19 when she moved to New York. Obviously from the article she is now about 23 years old. I think it is one of the best pieces that I have read during my entire political career. I hope some day I have an opportunity to meet this person. I think this article is incredible, and I think it describes very accurately what is happening out there for those people who somehow think that these barbarians, that these terrorists, that this cancer is somehow justified.

No matter what our beliefs are, how could we ever imagine, how could we ever believe so strongly that somebody could blindly go without discrimination and hit a tower with such fierceness that people are leaping out of the tower to their death 110 stories down below? There is a picture out there showing a couple holding hands as they leap off the building. How can we possibly look at a country as good and as strong and as wonderful as the United States of America and say that the United States of America and its people deserve this? How could we say that any country in the world deserves an act of barbarism like was carried out in this country on September 11.

Now, I understand, I understand that in our Constitution, and I am proud, frankly, that our Constitution allows freedom of speech. So I do not deny anybody the right to make those statements, but they have an obligation to understand what their statements are. It is kind of like the professor in Amherst, Massachusetts, who, the night before this took place, made a big issue about Amherst was flying, that people in that town were flying their flags too often and they should be restricted from flying their American flags. Mr. Speaker, there are consequences to free speech. You can make it, but do not be upset when people question you, or when people I think who have a fundamental right to come to you and say, how do you justify that? I do not deny these people the right to make that freedom of speech, but I despise the fact that they cut our country short, that they do not realize that the people that carried out this horrible act of barbarism against our country were seeking to undermine the very right that they were exercising, that is, the right of free speech.

Do we think for one moment that these people have human rights in the beliefs that they exercise? Remember, this is not the religion of Islam. Islam does not allow violence, unless you have jihad, which jihad is a description of a battle against an injustice, and even jihad has rules. Jihad requires that you not kill women and children. Jihad says, you do not destroy a soldier who does not have his weapon drawn. Jihad says that you did not destroy buildings; you do not destroy a tree that even has a green leaf on it. All of these principles were violated.

This act of violence was carried out under the cloak of the Muslim population or under the cloak of the Islam-type of religion or under the Koran book, but that is all false. These people had one thing in mind: not to further the belief of Islam, not to further the needs of the Muslim people, but to destroy a society that has been a society of freedom, that has been a society of constitutional rights, the right of movement, the right to own private property, the right of equality. The second that any of us hear someone try and justify this act or somehow support the people that are behind this, take a look at how they treat women. Take a look at their record on human rights. Take a look at what other contributions, positive contributions they have made for society.

Not very long ago, I heard somebody say, well, you at least have to put yourself in their shoes. They believe so deeply in their cause that when they flew those airplanes and they got in those planes, they knew they were going to give their lives in this mission to hit those towers, or to hit the Pentagon. I about fell over. Do we know what the mission of those people were, those terrorists? It was pure and simple. It was to commit suicide in order to destroy other human life, and destroy a society. They did not discriminate. They did not care whether they killed children. They did not care whether they killed mothers. They did not care whether they killed fathers. They did not care whether they killed military, cops, firemen, preachers, Muslim, fellow Muslims, fellow people of their religious beliefs. They did not care. All they wanted to do was kill people, and that was their mission. That is what they gave their life for.

Now, not long after they gave their life to destroy life, there was what, 300-and-some firemen and 200-and-some police officers who ran up the stairs of those towers to meet certain death. They knew they were going to die when they went up those towers. But that was their mission, and that was their duty. What did they give their lives for? They gave their lives to save lives. They gave their lives to go up to people who were injured, who were hurt, who were scared and save their lives. So how can anybody not draw a clear distinction between wholesomeness and cancer? That is exactly what those terrorists are. They are the worst case of cancer our society has ever known.

Fortunately, there is a commitment of our society, there is a commitment from governments all over this world. The coalition that our administration has put together is a strong coalition, and they have one goal in mind: to beat it. Because if we do not beat it, it is going to beat us. As I said earlier in my remarks, this is a very clear decision. In this case, the winner takes it all. We either beat it or it beats us. As Tony Blair, again, as I said earlier in my remarks, Tony Blair said so well yesterday, so well yesterday, that if we do not defeat it, it will defeat us. When we talk about defeating us, look at what America has offered to the world.

There is nothing, in my opinion, to apologize for for being an American. I do not stand in front of anybody and apologize for being a citizen of the United States of America. I have no apologies for the United States of America. This country has fed more people than any other country of the history of the world; and many, many of those people are outside our borders.

This country has done more for other countries, specifically including the country of Afghanistan, and other countries out there, has done more for those countries than any other country in the history of their country. This country has done more to protect the freedom of religions around this world than any other country in the history of the world. There is no other country in the history of the world that allows the types of freedom of speech, freedom of protest, freedom of assembly, freedom of private property than the United States of America. There is no country in the world that has educated more people than the United States of America. There is no country in the world that has made more contributions to the field of medicine and health care than the United States of America. There is no other country in the history of the world that has gone time and time and time again with its military might outside its borders to help its friends and allies throughout the world.

Take a look the next time you are in Europe, see what kind of cemeteries are over there. Take a look at that. Those are American cemeteries over there. Those are young American men, and in today's society, they would be young American men and women, if that conflict were to occur today. We are willing to make sacrifices for the good of the world.

Now, sure, some people may gripe because, well, America does not quite have it right there, and maybe we need some adjustment; but as a whole, we have nothing to apologize about. Now we face an enemy that is spread thin, that has been very effective in its first strike. Remember, they got the first hit. Now, we get to come back. But nonetheless, we have to say, they were fairly effective in the horrible, horrible harm that they did to this Nation. But this Nation will respond, and it will respond in a unified fashion. Unified not only within our borders as reflected by the poll results and so on and just going out on the street and talk about it or listen to people, as reflected by people like Rachel Newman who wrote, as I said earlier, one of the finest articles I have ever seen, but also reflected this uniformed, shoulder-to-shoulder type of attitude is reflected with countries throughout the world, whether it is our good, solid brothers and sisters in the United Kingdom, whether it is our allies in Mexico, in the country of Mexico, our neighbor to the south.

By the way, an interesting thing I would like to bring up, our military recruiters, I had a couple of recruiters tell me that they are actually getting calls out of the country of Mexico, our neighbors to the south, of Mexican citizens who want to come up and join the U.S. military to fight for this country because they believe in this country. Now, that is a good neighbor. Canada to the north. I mean, face it. We are ready for the challenge. We wish we did not have the challenge, just the same as every one of us wishes we would never get cancer. But the fact is, cancer and terrorism have struck. They are both deadly. They both fit in exactly the same description, in the same bowl, and both of them need to be eradicated. This battle will be won by the United States and its allies. It will not be won by the countries that advocate, shelter, or actively participate in acts of terrorism as a cause. It will not work.

Now, what are some of the things that we need to do in this country?

☐ 1845

Mr. Speaker, there are a couple of things that I ask Members to keep in mind as we begin to go through.

First of all, Mr. Speaker, we need to persevere in our support for the Government. That is not to say that our constituents should not have a right, and obviously they have the right, to question what we are doing. That is one of the checks and balances in our system.

But we have to continue to give our support when it is appropriate; and I think it is appropriate, in a maximum capacity right now, frankly, to our administration as we carry out the type of response that is necessary to eradicate the terrorist acts or the terrorists that have done this, propounded this horrible evil upon our country.

But there is another issue we have to address as the Congress of the United States: missile defense. We are absolutely being foolhardy if we think that in the future there is not going to be either an intentional or an accidental missile launch against this country.

I do not believe today that Russia is going to intentionally launch a nuclear missile against the United States. I do not think that today China is going to launch a missile, a nuclear missile, intentionally against the United States. But I do believe the potential for an accidental launch out of either one of those countries could happen.

If Members think the destruction by an aircraft does something, wait until they see what a nuclear weapon does. I do believe that there are countries, and do Members think for one minute if these terrorists had a nuclear weapon instead of an airplane that they would not have used that nuclear weapon? If they had that nuclear weapon, that would have been a nuclear weapon deployed in New York City, not an airplane.

We have people out there who will use nuclear weapons against the United States of America, and we as the Congress have an inherent obligation, an inherent obligation to provide the maximum protection possible for our people from a nuclear missile attack. We can only do that, or a big part of what we can do rests with missile defense.

Mr. Speaker, we have to get on that road. We have tremendous technology. We are almost there. We have almost got it perfected where we can stop incoming missiles into this country. We need to complete those technical studies. We need to deploy in this country a missile defense system. That is critical.

So we talked about a couple of things: one, our perseverance as citizens of this country; two, our support for the administration and our military that is out there; then, our need for a missile defense system.

Now, let me talk about the final issue that I think is critical, and that is, we have to put some of this political correctness aside and we have to talk about the problem at our borders. The fact is, our borders are disorganized, and there are a lot of people who wish harm on this country that are crossing it. In fact, some are probably crossing it as we now speak.

I was told by my good friend, the gentleman from Colorado (Mr. TANCREDO), that there are 250,000 deportation orders out there for people who are in this country now illegally, and they have never even been served. No effort has been made to take these out and get these people out of this country.

Our borders are loose, and the follow-through, not just on the perimeter of the United States but once these people get in, for example, on student visas, we have a huge problem with student visas. What is happening is that a lot of people who get a student visa, which requires one to go to school, they never show up to school. They use that as their passport, the price of admission to get within our borders. Then they melt into society and nobody pursues them. Nobody goes after them.

We have to tighten our borders. I am not saying tighten the borders as to change the history of our country, which welcomes immigration. Our country was built and the greatness of this country was built on immigration. But we have gotten very, very sloppy; and we have an obligation to the people of this country to regulate and to tighten up this ship. We have to get it back in shape. Those borders are demanding attention today.

The resources I believe that are necessary will be appropriated by this Congress, but we have to get out of this era of being politically correct. It is not politically correct, for example, to ask a person too much about their private life, kind of like it used to be. Maybe it is not politically correct to have them go through your underwear when they look at your suitcase at the airport.

Some of these days have gone by. We have to become more realistic. We have to look with a realistic eye, not an idealistic eye but a realistic eye, as to what the threats are and what we need to do, while protecting and respecting the civil liberties granted to us under our Constitution.

I am confident that we can do it; that as a people, as a people, the response we will have as a result of September 11 will in the long run be positive for the entire world. We will represent the Statue of Liberty proudly as she looks out over those waters.

It is an obligation. It is an inherent responsibility of myself and every one of the Members in this Chamber to carry forward this country and the greatness that our forefathers have done. I have no doubt that we will do it.

## THE TERRORIST ATTACK AND TRAGEDY AT THE WORLD TRADE CENTER

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to spend some time this evening talking about the tragedy at the World Trade Center, the terrorist attack.

I do intend to get a little personal with regard to my district, which happens to be very close to New York City. Many of the people who worked in the World Trade Center and who died in the World Trade Center were actually my constituents.

I also would like to talk a little bit this evening about some of the things that we are doing in Congress in response to the terrorist attack, some of the things that we have already done legislatively, and where I think we may go or should go over the next few weeks or the next few months in terms of what we do in Congress to respond to that attack.

I may or may not be joined by other colleagues this evening so I may not use all the time; but, Mr. Speaker, I wanted to say on a personal note, I visited the World Trade Center with President Bush the Friday after September 11, and it was a very devastating scene at the site, at ground zero.

I used to work in New York City in a building known as the Equitable Building. I commuted back and forth to New Jersey, to my district, when I was younger. The Equitable Building is basically a block away from the World Trade Center. If you walk out, you used to be able to see the World Trade Center. Of course, I went to the World Trade Center many times in the course of my work when I worked in downtown Manhattan, so it really was a shock to go to ground zero in Manhattan the Friday after the terrorist attack and to see the devastation.

But I have to say that as upset as I was that day in seeing the devastation and the piles of rubble, I was uplifted by so many volunteers that came from my own State and my own district and from all over the country, really, to try to help out, both initially, in the immediate aftermath of the terrorist attacks, and then, of course, in the days and weeks now that follow.

They were people who were involved in the rescue operations and in clearing the place. It was really an uplifting experience seeing all those people out there working together.

I think when I was standing there on that Friday and the President came by, there were three firemen from Hollywood, Florida, who wanted a chance to shake the President's hand. Of course, I kind of hustled them up so they could shake the President's hand. I really did not have any idea until I got there that day that there were police and fire and emergency rescue workers that were coming from as far away as Florida. There were probably many from even further away, from other parts of the country, or even from other parts of the world, for all I know. It was really, as I said, an uplifting experience to be able to witness all of that in the face of this tragedy.

I wanted to say if I could, Mr. Speaker, that I want my constituents and residents in New Jersey to know how much the people of New York, the leaders in New York, appreciated all the things that New Jersey volunteers did.

My district is actually across the water or across what we call the Raritan Bay. One can actually take a ferry from the World Trade Center area and in the course of maybe half an hour, 40 minutes, reach my district on the other side of Sandy Hook and Raritan Bay.

What we found in the aftermath of the tragedy is that many of the volunteers from my district were helping ferry people back and forth, as well as supplies back and forth to Manhattan on the ferries that traveled back and forth.

Mr. Speaker, we lost probably, in the two counties that I represent, Middlesex and Monmouth Counties, about 200 or so people in the World Trade Center. Needless to say, at this point most of the people have had memorial services and their relatives have reconciled themselves to the fact that their loved ones are not going to return. I have attended many vigils in the district. We also had two forums in the district in the week after September 11. One of them was in Middlesex County and the other was in Monmouth County.

The one in Monmouth County, my home county, where there were the larger percentage of the victims, was actually held in Middletown. Middletown is a suburban community where some of the ferries operate. Middletown lost over 30 people, and probably had more victims of the tragedy than any other municipality, other than New York City itself.

There was an article, Mr. Speaker, in the Washington Post on September 24 that talked about Middletown and the tragedy and how it impacted the people in Middletown. I do not want to read the whole article because it is very lengthy, but I will include it in the RECORD.

Mr. Speaker, I will quote a few things from the article. It is rather sad. I know as time goes on we do not want to dwell on the sorrow, but I do think that because Middletown lost so many people, that I would like to read some sections of the article, because I think it says so much about how people suffered and how they responded.

A lot of the thoughts that were in this article in the Washington Post were expressed at the forum that I had in Middletown within a week or so after the World Trade Center tragedies. Some of it was actually uplifting. When we had the forum at the VFW in Middletown, some of the women that were part of the Ladies Auxiliary at the Veterans of Foreign Wars there, they helped a lot with the forum; and one of them actually wrote a national prayer which I would like to read.

If I could just take a minute to read some of the accounts in the Washington Post, it starts off, "New Jersey Town Becomes Community of Sorrow. Commuter Haven Took Heavy Hit." It is written by Dale Russikoff from the Washington Post, Monday, September 24.

It says, "Middletown, New Jersey. It was the water and the great city just 10 miles across it that drew them here. By train or bus, New York is little more than an hour away, but by far the most romantic commute, an oxymoron in most other towns, is by water. At dawn, people who leave split levels and colonials and ranch homes by the thousands board ferries at Sandy Hook Point, and 45 minutes later look up from laptops and newspapers to see the sun rising behind the majestic Manhattan skyline and the World Trade Center towers, where much of Middletown worked.

"Wall Street money built mansions in places such as Greenwich, Connecticut, and Large Mountain, New York, but in Middletown, New Jersey, as the name implies, they created a suburban ideal for the State's up-and-comers, safe neighborhoods, good schools, strong churches, open spaces, roomy houses with mortgages they didn't choke on.

"So when the Twin Towers fell on September 11, much of Middletown fell with them. The official toll stands at 36, and authorities fear it will reach 50, among the highest, if not the highest, of any town outside New York City. But the aggregate number does not begin to convey the losses."

Mr. Speaker, it goes on to talk about the grieving residents, my grieving residents. It talks on a little bit about the experiences after the tragedy.

It says that more than half of the people who we lost in Middletown ". . . worked for Cantor Fitzgerald," and I am quoting again from the Washington Post, the fabulously successful bond brokerage at the top of the World Trade Center Tower 1 that lost 700 employees.

"For a generation, now, Middletown has been a beacon for the young traders of Cantor Fitz. That was the nickname."

I understand that most of the people that were lost in Cantor Fitzgerald were on the 105th floor, so basically they had no chance to escape. It was where the terrorist plane actually hit, so they did not really have the opportunity to escape.

□ 1900

The last thing I wanted to read from this Washington Post article, it was when we had the forum in Middletown the week after the World Trade Center tragedy. As I said, it was at the VFW. I would like, Mr. Speaker, for my colleagues to understand that Middletown is not only a commuter town, but it also has a military base. Earle Naval Weapons Depot is located there and there are several thousand people that work at the Navy weapons depot. There is a lot of loyalty and pride in Middletown over the fact that Earle is based there and that there is a long tradition of the sailors being there and of people working at the base.

Middletown is also not very far from Fort Monmouth in Monmouth County, which is an Army base that has about 12,000 employees and is the communications and electronics command for the Army.

So we have in Middletown and in Monmouth County and in my entire district, a strong affinity with the military. It was interesting because when I was at the VFW that night in Middletown, even with so many people having died from that town, and even with the military bases being there and people already getting prepared at the base for a potential war against terrorism, many of the people that showed up, and many of them had fought in World War II and Korea and Vietnam, stressed the fact that they wanted us only to go after the terrorists. They did not want bombing and ground troops to go into Afghanistan or some other places unless it was actually going to mean that we were going to get the terrorists and the people responsible, or the people that harbored. They did not just want us to get involved in an indiscriminate war that might impact innocent people.

I was not surprised by that, but I think it needs to be stressed because sometimes in Congress we worry about the nature of our response.

This was the last section from the Washington Post that is sort of on point in this article. It says, "Not all the people of Middletown are comforted by talk of war. Many have children in the military who may soon be in harm's way and several who lost family members in the September 11 attack are horrified to hear Americans calling for people of other countries to die en masse to avenge their loved ones."

Mr. Speaker, I wanted to read this National prayer that I said was composed by the chaplain, Emma Elberfeld. This was a prayer that was basically handed out that evening at the VFW and it says, "Lord, we come to you on bended knee, head bowed and our hearts filled to overflowing with so much grief for the many people who have been injured and killed in our National crisis. We ask you, Lord, to give courage and strength to those who so bravely go to their aid. Although their hearts are heavy and filled with sorrow, we ask you, Lord, to give them the endurance needed to help them through this difficult task.

"Please give us the strength, Lord, to get through each difficult and devastating day that faces each of us in our country. Protect and guide our military that are now being called to duty.

"We ask, Lord, please guide our leaders of this great country in their hour of decision. The burden that has been placed on shoulders during this crisis has been overwhelming. We humbly ask that with Your infinite wisdom, You guide them gently to the right decisions.

"Lastly, Lord, we ask that You allow us all to come together as a Nation. Help us stand tall and united so that we might help each other in our hour of need. Amen."

This is by Emma Elberfeld, chaplain, and Peg Centrella, Americanism chairlady.

Mr. Speaker, I wanted to, if I could, spend a little time, in part, this is for my constituents, talking about some of the responses that we have had here in Congress, how we have dealt with the situation and where I think we should go from here.

I should mention that next Monday I have scheduled in my district a forum on homeland security, because there has been a lot of concern about what Congress will do to secure things at home. Health concerns, for example, the threat of chemical or biological warfare. Also, I have a forum scheduled the following Sunday, I believe October 14, where we are going to talk and stress tolerance because I should explain that my district is very diverse ethnically.

I had a meeting one night in one of the towns that I represent called North Brunswick, which is near New Brunswick where Rutgers University is headquartered. I could count people from 30 different countries of the 40 or so people that came to the forum. They were from such exotic place as Uzbekistan, for example. We have a very high percentage in my district of Asian Americans, of Americans from the Mideast, large Indian populations, South Asian population, Pakistani population, Sri Lanka, and a large Muslim population as well.

There has been a great deal of concern about the fact that we need to be tolerant. That we do not want people who happen to look Arab or Pakistani or from Central Asia that they be targeted and somehow they be seen as at fault for the attack on September 11. I will talk a little bit more about that this evening, although I do not intend to go on too much longer.

As you know, Mr. Speaker, that we passed in the immediate aftermath of the World Trade Center tragedy, we passed a supplemental appropriations bill, of which I think was $40 billion of which half, about $20 billion, has to go to help the victims and the rescue operations that resulted from the World Trade Center tragedy and the Pentagon attack. I want everyone to understand in my district and in New Jersey that a significant amount of that money will go not only to help victims, but also to help the towns and the fire departments and those that provided rescue operations, because the bill, as you can imagine, is rather extensive.

We also, as you know, Mr. Speaker, within a few days after the World Trade Center attack, passed a resolution authorizing the President's use of force. I will say once again and reiterate, as I assume every one of my colleagues feels very strongly, that basically we were authorizing the President to use whatever force was necessary in order to go after these terrorists, to eliminate the terrorist cells and the network, and also to be used against those who harbor or protect or supply the terrorists.

I am 100 percent supportive of that, that everything that needs to be done should be done to make sure that they are rooted out and they do not pose a threat again to the United States or to innocent victims here in the United States.

As I mentioned, myself and the gentleman from New Jersey (Mr. HOLT) who also represents parts of Monmouth and Middlesex Counties, we both visited to the two military bases that we share, Earle Naval Weapons Depot as well as Fort Monmouth, and we saw the state of readiness that they are at.

Earle is the only ammunition depot on the Eastern seaboard that has the capacity to take ammunition by rail, if you will, from the heartland of the United States, and then has direct access to the Atlantic Ocean so that that ammunition can then be transported to ships and naval vessels that would have to go to a theater of war in the Atlantic or over in the Persian Gulf.

Fort Monmouth is the communications and electronics command for the Army. Anything that involves communications or electronics that is supportive of the war effort against terrorism essentially goes through Fort Monmouth. They do all the research and development under CECOM, Communications and Electronics Command, for the Army, but they are also involved in communications in the field for a soldier that is in place in a theater of war.

So one can see how significant these bases are, and myself and Congressman HOLT went to visit. We were very much pleased by what we saw in terms of the state of readiness and everybody being so organized to take part in this response to terrorism, and we will continue to do whatever we can to be supportive of those bases.

Also, Mr. Speaker, the next week after the World Trade Center attack, we came back to Congress and we passed the airline bailout bill, as I call it, and that was very important for my home State of New Jersey, because although we do not have a major airport in my District, we are not very far from Newark Airport and Continental Airlines. Of course, it is a major depot for them and we do have many people that have been laid off and we have the airlines suffering. So that was an important bill.

I did want to say that I think many of my colleagues have pointed out, and particularly last night, we had a special order led by the gentleman from Florida (Mr. HASTINGS) where he talked about his displaced workers legislation. I, for one, and I know many of my Democratic colleagues were very concerned that that airline bailout bill did not provide any kind of benefits or help for workers who had been laid off, of which I have many in my District, and we will continue to agitate that the House leadership, the Republican leadership, needs to bring up a displaced workers bill so that those workers who have been laid off in the airline industry or in any industry that has suffered as a result of the World Trade Center tragedies, that those people who have been laid off would get extended health benefits, extended unemployment benefits and other benefits that are necessary for them to feed their families and to keep going and training to get another job if they cannot go back to their position in the airline industry or in the limousine industry.

For example, I mentioned limousines, because when I had my forum in Middletown, when I approached the VFW that night after the World Trade Center tragedy to have the forum, I noticed a number of limousines that were parked outside. I said, well, what is this, what are the limousines doing here? Then I walked into the forum and realized that these were limousine operators and drivers who had been laid off or who were making 5 or 10 percent of the trips that they used to make because a lot of it was to the airports or to New York City, and they need help, too.

So, even though we did the airline bailout, we need also to look at other industries that have been impacted, and we certainly need to help those displaced workers who have lost their jobs.

The other thing that we need to do in the future, and I know the Democrats in particular have been talking about, the form of an economic stimulus package. Obviously, since I am so close to New York City and have a lot of people that work in New York in the securities industry in New York, in the Stock Exchange, we are very concerned about what is happening there and the economy in general, and we need to provide a package that will stimulate the economy and get us out of this slump that we have been in.

Of course, I, and I know the Democrats have been stressing the need to provide a stimulus package that just does not help the corporations, or just does not help wealthy people, but also helps the average person so that this money gets back into the economy and is spent and helps stimulate the economy.

I wanted to talk a little bit now, if I could, before I end about these two other forums that I do plan to have over the next week or so, the one next Monday on homeland security and the one the following Sunday, I believe, on the issue of tolerance.

Within the Democratic Caucus, we have a Homeland Security Task Force that actually is chaired by one of my colleagues, the gentleman from New Jersey (Mr. MENENDEZ), and they are in the process of putting together a principles and actions on the issue of homeland security. Some people have said to me when I use the term "homeland security," what does that mean? What are you talking about?

Basically, when I have had forums in my District, the issues that I put under the rubric of homeland security have come up quite a bit, and there has been a lot of discussion about it, issues such as what would happen in the event of a chemical or biological attack? Is our water supply secure? Are our nuclear plants, which we have some in New Jersey, secure? These are the kinds of things we need to respond to and deal with, obviously, over the next few weeks.

In addition, there is the whole issue of security with regard to means of transportation other than airlines. I heard Senator BIDEN from the other body speaking on the Senate floor just a few hours ago about Amtrak and about trains. Obviously in New Jersey, we are in the middle of the northeast corridor for Amtrak, the Metroliner, other high speed trains. One train obviously carries a lot more passengers than an airline does, and yet until September 11, I do not think anybody thought much about the security of a train.

In my District, and I am sure it is true all over the country, even to take a Metroliner or a high speed train, you basically walk on with your bags. Nobody checks your bags. If you have a Metroliner, usually they will check your ticket to see if you have a ticket, but there is not the consciousness that you need to worry about security. Well, we need to.

□ 1915

We need to worry about security for all forms of transportation: buses, trains, and other kinds of mass transit.

And the other issue that has come up at the forums which fits under this rubric of homeland security, and there are many, but at the forum that I had in Middlesex County, in Edison, New Jersey, a lot of people talked about emergency management concerns and communications. In other words, how we communicate in the event of a terrorist attack. Do we have the ability to provide information? Most people were watching CNN, but there needs to be an emergency system absent CNN to communicate with people. And there was talk about whether that needs to be done at a State level or at the county level.

These are the kinds of things that come up under the general category of homeland security, and of course they need to be addressed. Hopefully, we will address them here in the Congress over the next few weeks and the next few months.

The last thing I wanted to mention, and I just mentioned having this forum in another week or so on the issue of tolerance, this is very important in my district but I think all over the country because of the diversity of our citizens, and particularly in my district because we have so many citizens that either are Muslim or could look like the stereotype that we have of somebody who comes from the Middle East or South Asia. A lot of my constituents, whether they be Indian, Pakistani, or whatever their religion, have told me they have actually experienced in some cases threats, in some cases slurs, whatever, in the aftermath of the tragedy.

We actually had one person, who was from Milltown, Mr. Hassan from Milltown, in my district, who had moved to Texas to set up a small grocery store a few months before September 11. His wife and his family were still in Milltown. He was actually murdered within a few days after the World Trade Center attack. Most of the information we have seems to indicate that it was a hate crime.

Of course, they brought his body back to my district, to Milltown, and there was a service at the mosque in South Brunswick. I spoke to his widow on the phone. With all the tragedies that we had in my district and all the people that died at the World Trade Center, I think talking to Mrs. Hassan was the most difficult conversation I have had in the last few weeks, if not in the last few years, because she talked about his patriotism and why he came to the United States; because he wanted to live in a free country, and how he believed in America. He was a capitalist, obviously, in the sense he wanted to open up a small business and be successful.

She expressed in such an eloquent way why it was important for us in this country to speak of tolerance and not tag Muslim Americans or Pakistani or Indian Americans as somehow involved in terrorist attacks. That is why I think it is important that we all continue to speak out on the issue of tolerance.

I was very impressed with President Bush, and my colleagues know I do not always agree with President Bush on many things, but I was so impressed with the fact that every day, not only on the day of the tragedy, September 11, but on the Thursday after, when I met him at the White House, on the Friday when we went to the World Trade Center, and when he addressed a joint session of Congress the following week, on every one of those occasions and every occasion I have seen him talk about the tragedies of September 11 he would talk about Muslims and how Islam does not preach violence, and that Muslim Americans should not be tagged and should not be treated any differently because of this World Trade Center attack.

We need to continue to do that. I have to say I was very impressed that in my district we had a number of vigils that I attended. At every one of the vigils that I have attended since September 11 there was a Muslim religious leader present to say a prayer and to offer condolences. And I think that the people organizing those vigils in my district were going out of their way to make sure that there was a Muslim cleric there saying a prayer, to make the point that Islam does not preach violence, and that the people who are of Muslim descent in the district and around the country should in no way be associated with this terrorist attack.

We know, in fact, that many Muslims and people of Mid Eastern or South Asian origin died in the World Trade Center. There were Palestinians, there were Pakistanis, and there were many Indian Americans. And when I went to see the rescue operations, I saw many of those people, either physicians or rescue workers or people involved in voluntary efforts that were from those same groups as well.

It is crucial that we continue to preach tolerance. Hopefully, we could even see some progress in some legislative initiatives, such as the hate crimes legislation that would increase penalties for hate crimes. Maybe we can also, in the aftermath of the World Trade Center attacks, pass legislation that would prohibit racial profiling. These are the kinds of things in a positive way that could be done as a positive response to the World Trade Center attacks in order to preach tolerance and to put this Nation on record legislatively even stronger against any kind of racial or ethnic attacks.

With that, Mr. Speaker, I wanted to end, if I could this evening, with a letter that was sent to me by one of my constituents from Long Branch, which is my hometown. This was at one of the meetings I held. This was a meeting I held with some Long Branch residents in the aftermath of the World Trade Center attacks.

This was sent to me and written by Colleen Rose, who lives at 311 Liberty Street in Long Branch, in my hometown, not far from my congressional office and not far from where I live. She really sums up well the way I feel and the way I think also most of my constituents feel. It is titled, "To the Terrorists That This Concerns:

"It is obvious from your actions that you wanted me to feel the way you do. Well, I am an American. I have choices. I will not be controlled.

"Where you would have my country and those slain seen as victims, I choose to see them as patriots. Americans are not victims.

"Where your actions would have me feel fear, I choose to feel the courage, strength, and comfort of my countrymen around me.

"Where your actions would have me feel terror, I choose to feel pride in the way the people in the Pittsburgh plane crash fought back and downed the plane in the safest place possible, sparing as many lives as possible. And the way our rescue workers go on heedless of the possible injury to themselves.

"Where your actions would have me feel hopeless, I choose to feel great hope and faith in the overwhelming efforts of a Nation and world doing all that it can to come together as one people.

"Where your actions would have me feel powerless, I choose to feel empowered by my own actions in assisting the recovery in any way that I am able.

"Where you would have us cry tears of sorrow, I choose, and have chosen over the past few days, to cry tears of joy for the two rescue workers who exited the wreckage and were not added to the list of casualties, and for the acts of human kindness being expressed on a global scale.

"Where you have sent fire balls through the sky, I choose to light candles as an expression of spirit and solidarity.

"Where you have attempted to cause chaos, I choose to find stability in simple things, like the gifts of a first grade class sending a thousand peanut butter and jelly sandwiches with Hershey kisses taped to the top to the rescue teams.

"Where you have looked to demoralize us, we have chosen as a people to find a depth of national cohesion I had not thought possible.

"Where you would have me feel hate, I choose to give you none of my emotional energy. You get nothing from me, especially not something as strong and powerful as hate. You will be treated like the cancer you are and cut off of the body of humanity to save the greater whole. I hope that this is done with the medical detachment and accuracy of a surgeon cutting out the bad tissue to preserve what is good.

"Where you would have us overreact to your handiwork to prove to the world that we are evil, I would choose to respond and take out only those who would create such a chaos in the future and on other innocents of our global family. I pray my country feels the same way.

"In short, where you have looked to do us a great disservice, we have chosen to do ourselves a great service. We have chosen to take this as a reminder of what we really are. We have chosen to see each other as people, not as colors or races or creeds or majorities or minorities, but as people 'with certain inalienable rights.'.

"We will continue to choose."

Mr. Speaker, I submit for the RECORD the article I referred to earlier from The Washington Post.

[From the Washington Post, Sept. 24, 2001]

### N.J. TOWN BECOMES COMMUNITY OF SORROW

### COMMUTER HAVEN TOOK HEAVY HIT

(By Dale Russakoff)

MIDDLETOWN, N.J.—It was the water, and the great city just 10 miles across, that drew them here. By train or bus, New York is little more than an hour away, but by far the most romantic commute—an oxymoron in most other towns—is by water. At dawn, people would leave split-levels and colonials and ranch homes by the thousands, board ferries at Sandy Point Bay and, 45 minutes later, look up from laptops and newspapers to see the sun rising behind the majestic Manhattan skyline and the World Trade Center towers, where much of Middletown worked.

Wall Street money built mansions in places such as Greenwich, Conn., and Larchmont, N.Y., but in Middletown, as the name implies, it created a suburban ideal for the Street's up-and-comers—safe neighborhoods, good schools, strong churches, open spaces, roomy houses with mortgages they didn't choke on.

And so when the twin towers fell on Sept. 11, much of Middletown fell with them. The official toll stands at 36, and authorities fear it will reach 50—among the highest, if not the highest, of any town outside New York City. But the aggregate number doesn't begin to convey the losses. For that, you have to visit St. Mary's Roman Catholic Church, which lost 26 parishioners. Or the nursery school at Middletown Reformed Church, where five children lost parents. Or the practice last Wednesday night of the Middletown Youth Athletic Association's girls' traveling basketball team, which lost its beloved coach of the last four years. Or the boys' team, on which one player lost his father and another, his mother.

Everyone is grieving for someone they knew by face, if not by name: the neighbor who was always working in his yard on Saturdays, the mother with the beautiful baby in the grocery store line, the father who cheered so loudly on the soccer sidelines, the familiar-looking man on the 6:24 a.m. train or the 7 a.m. ferry.

The Rev. John Dobrosky, the pastor at St. Mary's scarcely sleeps nowadays. He found himself in the epicenter of loss the other day while counseling fifth-graders at the parish school.

"How many of you lost someone close to you? he asked the class of 24 boys and girls in uniforms of light blue shirts and dark pants or skirts. Twelve hands went up, followed by a litany, delivered in young monotones:

Steve's daddy. My dad's best friend. My basketball coach. My baseball coach. My neighbor. Ryan's uncle. Christine's uncle. My best friend's dad. Mrs. Hoey's husband.

The religion teacher showed a visitor a letter she had received, signed by two sixth-grade girls: "I know God loves us. But if he loves us so much, why did he let this happen? I know everything happens for a reason, but how could there be a reason for something this horrible to happen? I guess what I'm trying to say is, will you please explain this to me?"

The same day, Dobrosky visited a parishioner, Eileen Hoey, to give her the grim news that the body of her husband, Pat, had been found in the rubble known to the world as Ground Zero. Pat Hoey, 53, a civil engineer, was executive manager of tunnels, bridges and terminals for the Port Authority of New Your and New Jersey on the 64th floor of the North Tower. He worked 31 years for the Authority, the only employer he'd ever had, and he loved it, said his son Rob, a systems analyst for NEC America in Herndon.

Pat Hoey loved the George Washington Bridge most of all. He led the projects that lit up like a constellation for the millennium celebration last year and rigged it to hold a massive American flag on July 4 and special occasions. He e-mailed pictures of the bridge to his children. "I've got it as the wallpaper on my desk top at work," Rob Hoey said. Last week, the Port Authority hung the huge flag on the George Washington Bridge in Patrick Hoey's honor.

After visiting the Hoeys, Dobrosky collapsed in a chair in the church rectory. "We've seen evil. We've even smelled it," he said, pointing out the window, toward Sandy Point Bay. Amid a spectacularly blue sky, a grayish yellow film had settled just above the tree line. "The cloud has crossed the bay," he said. "Look, it's still there."

There were clouds over Middletown before Sept. 11, but in retrospect, they seem almost see-through. For months, pastors and counselors had been ministering to distraught breadwinners laid off by nearby Lucent Technologies, the once high-flying spinoff of AT&T that went into decline with the high-tech bust. Now the families and friends of Middletown's missing or dead wish their loved ones had been so lucky as to have been laid off before Sept. 11.

More than half of them worked for Cantor Fitzgerald, the fabulously successful bond brokerage at the top of World Trade Center Tower One that lost 700 employees. For a generation now, Middletown has been a beacon for the young traders of "Cantor Fitz." Robert Feeney, 47, who retired in 1998 after 20 years with the firm, said he moved to Middletown in 1983 on the advice of his boss, who then lived here. Then younger people came in, and followed him.

"We all worked hard, always under pressure, in close quarters, and we became a group," Feeney said. "And it was just natural that young couples met and got married, and then the next step was to move to Middletown." From here, they commuted together on New Jersey Transit trains, on the Seastreak ferry or in car pools to Jersey City, where they took underground PATH trains through one of Patrick Hoey's tunnels to the base of the World Trade Center. They lived around the corner from one another, took vacations together, put their children in the same preschools.

"I went to their weddings, their christenings, their children's first communions," Feeney said of his younger colleagues. Now he's going to their wakes.

"Some of these girls are 35 years old with four kids, or 32 with three kids. A few of the kids are just starting grammar schools," he said. "What have they done to these families?"

Middletown, with 70,000 residents, is a town with no center and no downtown. But in its extraordinary grief, it is now a community. St. Mary's set up a 24-hour counseling and prayer center staffed by two employees, and suddenly a flood of volunteers materialized to help keep it running. The Seastreak ferry turned itself into a lifeline, carrying more than 4,000 fleeing people from New York after the attack and ferrying supplies and personnel to the rescue effort ever since. Patrick Hoey's neighbors, including some his family never had met, gathered at his house one night, holding candlelight vigil at his door.

"Some of them said, 'We always saw him in the garden. He waved every time we drove by,' "Rob Hoey said.

Last Wednesday night, the Middletown Youth Athletic Association's all-star girl's basketball team held its first practice without Paul Nimbley, 42, their beloved Coach Paul, who in four years taught them much of what they know about the game, and much about life, too. The girls, 12- and 13-year-olds, were awesome, as usual, sinking shots with nothing but net, spinning and blocking like their heroines on the New York Liberty. These were moves Coach Paul had taught them, they said—moves they practiced with all their hearts, in part because they loved to hear him say, "You're looking really good out there, kid."

He and his wife had five children, and he had a big job at Cantor Fitzgerald, but somehow he always had time for the team. The team has been at his house every night since, making cookies and pasta for his family, taking turns playing with his baby son to spare his wife, Cherri. On Wednesday, in his honor, they made themselves practice, with the support of three assistant coaches, fathers who said he had brought out the best in them as well as their daughters.

"We're going to play for Paul," a tearful Lauren Einecker, 12, said after the practice, her ponytail tied with a sweat band. "He's going to be in our hearts every time we step out on the court," said Shannon Gilmartin, 12, a slip of a point guard.

Off to the side, John Dini, now the team's head coach, was fighting back tears. "They call it terrorism," he said. "But to me, it feels like my heart's been broken."

Not all the people of Middletown are comforted by talk of war. Many have children in the military, who may soon be in harm's way. And several who lost family members in the Sept. 11 attack are horrified to hear Americans calling for people of other countries to die en masse to average their loved ones.

"You don't want a bomb to drop anywhere. You don't want anyone to go through this," said John Pietrunti; whose brother Nicholas, 38, was a back office worker at Cantor Fitzgerald. "I turned on the TV and saw that big banner, 'Operation Infinite Justice,' and it was as if they were talking about a movie. I expected them to say, 'Coming soon.' . . . The way people are talking about retaliation is a disrespect to my brother and to everyone who died there."

All around Middletown are reminders of the simple things that used to define life here, most of all, the lure of the water. It is written in the names of streets: Oceanview Avenue, Seaview Avenue, Bayview Terrace. Nobody has yet gotten used to the new meaning of the water. Anthony Bottone, owner of Bottone Realty Group Inc., showed a residential lot to developers last weekend and found himself saying, "You could build a $500,000 house here and see the New York skyline from the second floor."

"You should have seen the looks I got," he said.

The ferries resumed regular service last Monday, but now they carry more than commuters. Among the travelers are rescue workers, ironworkers, electricians and contractors, all involved in excavating the rubble. There are psychologists and social workers, too, in case passengers need emotional support. Some of last week's commuters were on the 7:55 a.m. ferry from New Jersey on Sept. 11, which reached Wall Street just as the first plane struck. Others had lost up to a dozen friends.

Social worker Aurore Maren rode the ferries all week, and was struck by the commuters' distress. "They're helpless in their sense of loss and they're helpless in their sense there's nothing they can do to stop this from spinning even more wildly out of control," she said.

Maren was struck, also, by something else. As the ferry passed under the Verrazzano Narrows Bridge, opening up that amazing, wide-angle view of the Statue of Liberty and the New York skyline, the commuters did something she'd never seen before. They all turned around in their seats. They couldn't bear to look.

## IMMIGRATION AND OPEN BORDERS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, it is once again my opportunity to address this body about an issue of great concern to me. It is an issue, of course, that I have been dealing with for quite some time. It is an issue that has taken on much more significance after the events of September 11; but it is an issue, nonetheless, that held and should have held our attention before that time. I am talking about the issue of immigration and the fact that this Nation for now at least for decades has embarked upon and embraced a concept that we have referred to often as "open borders."

Amazing as that is to many of our countrymen, there is still a philosophy, it is still a general sort of pattern of discussion in this body and around the country, think tanks, entities like The Wall Street Journal and others, to continually press this concept of "open borders," even in light of all that has happened to us since September 11. It is a dangerous concept. It was dangerous before September 11, and it is dangerous today.

My colleague, the gentleman from New Jersey (Mr. PALLONE), addresses the issue of workers that have been laid off, workers that have been denied jobs; and now, as a result of these horrible events of September 11 have lost their jobs. But let me point out that before September 11, even before the September 11 terrorist attacks, U.S. job cuts announced in 2001 exceeded the 1 million mark.

In this article, they give us a partial list. It goes on for four pages of the companies that had laid off employees, again, even before the attacks on our country on September 11. Lucent Technologies headed the list on this one with 40,000. Since then, I understand, they have announced that another 20,000 people would be laid off. Nortel Networks, 30,000; Motorola, 28,000; Selectron, 20,850; and it goes on to over 1 million Americans having been laid off before September 11.

Now, of course, everyone knows what has happened in America and especially to the airline industry since September 11. Hundreds of thousands of Americans more have been laid off. It is not just of course the men and women who have been laid off in the airline industry directly, it is the thousands, maybe hundreds of thousands that we may be approaching here very soon that have been laid off as a result of the fact that the airline industry is down.

I do not know at this point in time, as of today, as of this moment, what our unemployment rate is; but I will hazard a guess that when it is announced by the Labor Department, the most recent figures will show a significant jump. And I do not think that is much of a task to predict something like that.

□ 1930

I say to my colleagues in this body and I say to the administration, when we are presented with the administration's plans for an economic stimulus package, when presented with the plans to deal with the unemployed, I know I have heard already of plans in the works to extend unemployment compensation to all of these people who have been laid off, and I have heard various other kinds of comments. The gentleman from New Jersey (Mr. PALLONE) talked about doing something with health insurance. All of that is admirable, but why will we not deal with one very basic problem, and that is we have had for almost 4 decades essentially porous borders, borders that really do not exist.

We have faced a flood of immigration that has never before in this Nation's history been paralleled. Nothing we have seen in the Nation's history, not even in the, quote, heyday of immigration in the early part of the 20th century, not even then did we see the kind of numbers that we have seen in the last 3 or 4 decades.

Right now we admit legally into this country about 1 million people a year, and we add to that another quarter of a million that come in under refugee status. But, of course, that is just the legal immigration, which is four times higher on an annual basis than it ever was during the heyday of immigration into this Nation in the early 20th century, the early 1900s. Four times greater. We are looking at four times the number of people coming into the country legally, and who knows how many are coming across our borders illegally; but I would suggest that it is at least that many every single year.

The net gain in population of this Nation as a result of illegal immigration is at least a million. I have seen estimates far higher, of 3 million, 4 million. The INS does not really know and does not really care. The INS is a coconspirator in this immigration flood we have had. The INS considers itself not to be an agency that protects the border, that keeps people out who are not supposed to come here, that finds people who are here illegally and deports them, that finds people who are here even legally and have violated the law under their visa status and deports them. The INS does not consider itself to be an agency designed to do that job I have just described.

Mr. Speaker, the INS considers itself to be, and I quote from an INS official I was debating on the radio in Denver a couple of months ago, and during the question period by the moderator who said to her why does the INS not essentially round up people. She said because that is not our job. She said, Our job is to find ways to legalize these people. Astounding as that might sound to the majority of Americans who are listening, to the people in the INS, that is the culture.

Mr. Speaker, to suggest to them that their responsibility, an equal responsibility at least, is to keep people out of the United States who have not been granted a visa, who are not legally coming here under any sort of immigration status, to suggest to them that that is their role and that they should perhaps do something about the number of people who have come in illegally, we should find them, send them back to their country of origin, we should find an employer who employed them knowing that they are here illegally. Instead of thinking that is their job, they say their job is to essentially help these people find a way into the United States, and once they get here, find a way to make them legal.

This is incredible, Mr. Speaker. It is almost beyond imagination that this is the perception and this is the culture inside the INS.

Almost every single day I am confronted by another horror story that makes this one pale in comparison in terms of the corruption inside the INS, in terms of the culture that exists inside that agency, and of course with the acquiescence of the Congress. I do not for a moment suggest that we have not played a role in this corruption.

We have essentially allowed the INS to do what they do, to abandon their responsibility, to thwart the law. We have allowed them to do so because in this body there has been, I am not so sure it is as prevalent as before September 11, there is a philosophy of open borders. There are a lot of reasons why we have found ourselves in this particular situation.

Some of those reasons are quite political in nature. It is very possible that if we encourage massive immigration from certain areas of the world these people will eventually become citizens of the United States. Certainly their offspring who are conceived and born here in this country, I guess I should just say born in this country, will become citizens of the United States via the way we grant citizenship here, and therefore able to vote.

There is a perception if we can get millions and millions of these people here, keep them here long enough to establish families, they will all become part of one particular party. That is, frankly, why we saw in the last administration a push, if Members remember correctly, to get as many people legalized and citizens awarded so they could vote in the election for the past President.

Well, that is one reason why we have such massive fraud in this whole area of immigration. Another reason is because again it is the culture inside of the INS, and it is abetted by another aspect of our society and that is, of course, businesses, large businesses and small, that employ immigrant workers, some legally here, some illegally here.

Before I go into the numbers that I came across today as a result of having a very interesting and disturbing meeting with two people, American citizens both who have been laid off of their jobs and replaced by foreign workers, H-1B visa recipients, specifically, before I get into that story I want to relate to this body an actual conversation I had last night with someone who chooses to keep his name secret but is involved in the judicial process with regard to immigration.

This person has had a lengthy period of time working in his particular capacity dealing with immigration. He is part of our legal system. He called me to tell me of his great and incomprehensible frustration, the frustration that he feels every single day, recognizing the fact that although our judicial system is set up to address the issue of people who are here illegally or people who violate their status while they are here, and orders are entered to send them back, that it does not happen. These people are not sent back.

Now, could it possibly be true, Mr. Speaker, what this gentleman told me? He said that there are presently almost a quarter of a million people in the

United States who have gone through the system. There has been an adjudication, there has been a determination by a court of law that these people have violated their status. They have violated the law of the land. Either they have overstayed their status under the visa, or they were here doing something that the visa did not allow, or in fact they committed crimes against this country, crimes that had nothing to do with immigration, regular old run-of-the-mill crimes like felonies, like robberies, like murder, like muggings, and that when they go into immigration court, because they are here as an immigrant, because they are here under a visa status, they do not face the same system of justice that an American citizen would face. Mr. Speaker, could this be true?

Mr. Speaker, let me say that the person who told me this should know. I am going to establish that as a fact tonight. I am at least going to make that challenge. I am going to challenge anyone who disagrees with what I have just said, that there are almost a quarter of a million people here in the United States who have been found guilty of a crime.

They are here as guests of the United States under a visa process, a quarter of a million who are wandering around who have never been returned to their country of origin; and the reason is because that duty, that job, that responsibility, is one that we turn over not to the Department of Justice, in a way it is the Department of Justice because its a subset of it, but it is not to the police department, it is not to the regular court system.

They do not come before a Federal, district, or county court. They come before an immigration court. The immigration court can and almost always does when they violate the law say you are going to be deported. We repeal the immigrant's status here. The immigrant's legal status, we withdraw it.

Guess what happens, Mr. Speaker? Again I challenge any of my colleagues here on this floor or in this body to prove me wrong. A quarter of a million of these people have simply been ignored by the INS. They have chosen to simply ignore the situation.

In fact, I am told that many times attorneys for the INS who are supposed to be on our side in these proceedings, they are supposed to come in and give the Government's position, they end up becoming a defense attorney for the plaintiff. Either that, or I am told they are so incompetent, so incapable of actually mounting a prosecution that the whole thing is a farce.

Now I do not think that most people in America understand or know this. I do not think that most of my colleagues in this body know what I am saying tonight. But some do. Some know that it is absolutely true because I was talking to a colleague tonight earlier and I was relating this story. I was saying is this possible. This colleague happens to be a member of the Committee on the Judiciary, and more specifically a member of the Subcommittee on Immigration and Claims.

As is often the case when I get into a discussion like this, I find that I am always being one-upped. When I start telling somebody a story like this, they say, well, listen to this.

This gentleman told me about a conversation he had had with a magistrate in the immigration court because I had indicated if what I said was true and if people could come to the United States, commit crimes and essentially walk away without any kind of punishment because they are in this never-never land of immigration court, it is far better to commit a crime in the United States as an illegal alien than as a citizen of the country.

□ 1945

As a citizen, you will face a judicial process that has some integrity, at least we can hope, and if you violate the law and if you are found guilty and if the judge chooses and a jury agrees, you can go to jail.

In an immigration court, that is not at all the case. In an immigration court, you are oftentimes told, well, you will be deported for this act. But, of course, unless the INS actually takes some part of this, comes in afterwards and says, okay, this person is to be deported, we will see that he or she is deported and we will watch to make sure they do not come back. Unless that happens, you are free to wander the land and do what you want to do. And a quarter of a million people today in this country are in that status, having been adjudicated, having been found guilty of violating their status and are simply walking around the country, free to do what they want to do, because the INS chooses not to deal with it.

I was in the process of telling you about a conversation I had with another Member who said, that is nothing. Listen to this. I heard from a magistrate that something had been happening in his court. When people recognize what I have just described, this scam, and the charade that we call immigration courts, it does not take too long for people to figure out how to work the system. He said that a magistrate told him that before him had come somebody who had been born in the United States, his parents had been born in the United States, his grandparents had been born in the United States. This fellow was a citizen of the United States. He had robbed an old lady, beaten her up, stolen her purse. He was arrested. Evidently not his first offense, by the way.

When he was arrested, he had no identification on him. He said to the arresting officer when asked why he had no identification, he said, "Because I am here illegally. I am not a citizen of this country." They, of course, the arresting officers, took him to a Federal court, to immigration court, at which point the magistrate said, I will give you a choice of either serving time here or returning to your country of origin, which he said was Mexico. Naturally the defendant said, "All right, Judge, I'll go back home. I'll take your severe punishment. I'll go back home."

They put him on a bus, which is, by the way, more than happens most of the time. At least putting this guy on the bus was a step up, because most of the time they turn around and walk away, without any action. But they put him on the bus, they took him to the border and they said, okay, good-bye. His slate was at that point wiped clean. He then went to a phone, called his mother in the United States and said, Mom, bring me down my ID. She dutifully got in the car, drove across the border, brought him his ID. He then, of course, came across the border as the American citizen he was, showed them the material, he came in now under a different name, his own name but as an American citizen. No problem. The slate has been wiped clean. And another travesty occurs.

I am told by the gentleman today that this judge who told him the story said this has happened many times in his courtroom, because, of course, people have found a way to scam the system. It really does not take, quote, the proverbial rocket scientist to figure this out. If it is better to be an illegal alien in this country when you commit a crime, then why not pretend you are an illegal alien to escape justice? Or why not just be an illegal alien and commit the crime? You will not do the time. The gentleman that called me last night went on at great length about the corrupt nature of the system, the fact that time and time again, even when bond is posted by these people.

By the way, he talked about the fact that drug dealers, I mean big-time drug dealers who bring these people in to transport drugs for them, when they get arrested, the drug dealer puts up the bond, it is just a cost of doing business. The individual bonded out never shows up again for the hearing and is never ever looked for by the INS. I say never. In very few cases. The INS will always tell you, well, it is a matter of resources, we have returned this many, but the reality is this, Mr. Speaker, they do not care for the most part.

There are, of course, many people, and I have had them in my office, I have had INS agents come into my office and say, "Look, I'm afraid of telling this story publicly, but, Mr. TANCREDO, you are absolutely right in talking about this and describing the nature of this system. It is corrupt."

There are many, many people who serve in the capacity of enforcement agents who are trying to do their best on the borders, but what they are doing, Mr. Speaker, is trying to hold back the ocean with a sieve. We could not get much attention paid to these kinds of problems up to this point in time. It has been very, very difficult to get anybody to care.

I have talked about it at length on many occasions at this microphone and in the conference and at every opportunity I have had. Up to this point in time, certainly prior to September 11, the response I got was almost uniformly one of, "Well, we really can't get into that issue, we really can't deal with immigration reform because, you know, Congressman, if we do, we're going to be called racists. If we try to stop the flood of immigrants into this country, you've got a whole huge constituency here in the United States that would turn against us."

I say, who here legally supports illegal immigration? And if they do, I do not even want their vote. For the most part, Mr. Speaker, I believe that the vast majority of people in this country, of citizens of this country who came here through the regular process, who are legal citizens of the United States, be they Hispanic or Asian or whatever, they agree with us, that we must do something to stop the flood of illegal immigration into this country. But we have this fear, a fear which has paralyzed this Congress, and we are not over it yet, even after the September 11 events.

Before I get to that, I want to stay focused on this issue of H1B visas, people coming into this country under a visa program called H1B and the incredible fraud that exists there.

I told you that I met earlier today in my office with two people, two people who had been employed, they are part of the statistics in this article. They are just two of the four pages of numbers I have here of people who have been laid off prior to September 11 because of the downturn in the economy. But they were not just laid off because of the downturn in the economy. They were laid off because they were replaced by cheaper labor to do their very same job. They were replaced by people who came here legally under the H1B visa program.

Now, for those people who do not know what we are talking about, Members of the House, perhaps, that do not know what an H1B visa program is, I will explain it simply, it is a visa that allows you to come and work in the United States. Usually it is a white collar job under an H1B. There are various kinds of visas that allow you to come in and take other kinds of jobs, more menial in nature, less skilled jobs, but this one, in particular, I am going to talk about for a few moments is called the H1B visa program.

Recently, the Congress of the United States raised it. In 1998, the Congress of the United States raised the level, the number of H1B visas that we could grant, from 65,000 a year to 115,000 every single year. At that time, Mr. Speaker, industry representatives told Congress that there were not enough Americans with the necessary skills to fill the jobs that were available. Yet government studies, most notably the Department of Labor, rejected the industry's claims of a worker shortage. After months of negotiation, Congress adopted a temporary increase until 2002 when the annual level would supposedly return to 65,000. The 1998 H1B law also provided some protections against wage depression and job loss for American workers. However, they have not taken effect since the government has yet to issue the regulations to implement the safeguards.

Today, despite continuing evidence that there is no high tech labor shortage and with the exception of possible spot shortages, the demand for foreign workers by American technology companies has prompted this body, this Congress, to propose raising substantially annual H1B limits. We were pressured to do so, Mr. Speaker, by businesses and industries which, in turn, came in just recently with these figures.

They told us that they did not have enough American workers to fill the jobs, and that is why we had to go ahead and increase the visas in H1B. Mr. Speaker, I do not know whether they actually lied, but I will say this, that they misrepresented the situation dramatically. Because over and over and over again, we have seen cases where people were laid off of their job and were being paid X number of dollars and were replaced by H1B visa recipients paid less money. It was not a matter of not being able to fill the job, Mr. Speaker. It was an unwillingness to pay the price. And so they, of course, recognizing how the market works in these situations, supply and demand works, they increased the supply and, therefore, the wage rates went down precipitously.

Now, this has become this massive, massive fraud that is lining the pockets of many millions of people around the world, but not the workers in the United States. One of the perpetrators of this fraud, an organization that I believe could be charged with aiding and abetting the fraud, is the American Immigration Lawyers Association. It has perfected the art of exploiting loopholes and technicalities in the law.

They work with what are called body shops that are set up all over the world, India and Pakistan especially, Malaysia. Body shops by the way, Mr. Speaker, that phrase does not relate to any sort of auto work or any other sort of, I guess, any other kind of business. A body shop in this case refers to these organizations like employment agencies. They are set up all over. They bring people in. They give them some sort of fraudulent package of résumés. They construct fraudulent résumés for the people they bring in in India and Pakistan, saying that they have had years of experience in a particular field, which is required under the H1B visa program, to have at least 2 years' experience in the field. So they construct a fraudulent résumé. They put these people through a brief, maybe 6-week course sometimes, and award them diplomas and degrees and whatever, and then put them into the H1B program and they charge these people exorbitant fees. There are interesting articles again here to prove that.

□ 2000

They charge these people exorbitant fees and then promise them jobs in the United States. Some of them get here, of course, are put into the pipeline, sometimes laid off immediately and end up in jobs that have nothing to do with the kind of work they were supposed to be here, that their visa had cleared them for. There are many articles about that, people coming into the United States to be computer technicians, ending up, of course, as menial laborers in many cases. But many, many thousands, in fact hundreds of thousands of other cases of people coming into the United States under H–1B and taking jobs that Americans had, because they will work for less. There is massive, incredible fraud in this entire program.

The fraud in this program, as I say, is rampant. It is widely understood within that community, within the H–1B community, even within the INS itself, that once you get here by an H–1B visa, you will never have to leave. It is sort of the colloquialism in the immigrant community deal with this whole issue of just getting here under H–1B, that you never have to leave. Even if you get laid off, even if you are not working in the kind of job you were originally assigned to, that does not matter, no one is coming after you. Again, it is because the American Immigration Lawyers Association has aided and abetted in this fraud.

Mr. Speaker, we have now accumulated literally millions of people here in the United States who should not be here because they have overstayed their visa or in some other way caused an infraction of the visa. They are not working in the field.

Mr. Speaker, another part of this, of course, is people who come here under an education visa and are supposedly attending school here. I think we have heard about one or more of these particular kinds of individuals came here to learn how to fly. Some of them attended classes; some did not. When we look into that whole arrangement between the schools that were providing this kind of experience and education and the whole issue of visa fraud, I think we are going to be very interestingly surprised.

But the fact is that there are 30 million visas that are allotted annually, 30 million people every year are told they can come into the United States for a certain period of time. These primarily are tourist visas. But then a huge number are in the categories I talked about, work-related or education-related visas.

It is my understanding, and once again I am going to state it as a question. Could this be true? A question posed to me by the individual I talked to last night on the phone, who is actually part of the immigration judicial process, if such a thing actually exists? He told me, and could this be true, Mr. Speaker? He told me that of the 30 million visas awarded annually, about 40 percent are violated annually; 12 million people violate their visa status every year, according to this gentleman.

I pose this as a question. I do not have information in front of me to substantiate it. But I will tell you once again that the individual that talked to me was an individual who should and in fact I believe with all my heart does know. It was not someone at the lower level of the immigration service or judicial process.

Millions of people are here, I think, who have overstayed their visas. I just talked, remember, about the quarter of a million that have already been adjudicated; the 225,000, actually, not quite a quarter million, but that was 1997, so I am sure it is up to a quarter million now, people who have actually gone through the process, been found guilty and not sent back. I am not talking about the millions who are probably here who have never been brought to any sort of court, never found themselves in front of a judge because they overstayed their visa. They just simply stay, and they take jobs.

My friends, especially my friends on the other side of the aisle, talk about the need to do something for the unemployed in the United States. Well, I can tell you what to do, Mr. Speaker. You can cut off illegal immigration. You can eliminate or reduce dramatically H-1B and all of the other visa types that come in here. You can put troops on the border and make sure that people do not come across this border illegally. You can overfly the border. You can use sensors and detectors to protect this Nation, not just from those people who are coming without malicious intent, who are coming simply to improve their lives, of which there are millions, and I certainly understand and empathize, but protect yourself also against the people who come here with evil, malicious, or malicious intent: And there are, unfortunately, far too many of them.

Today in this body, Mr. Speaker, many Members are still reluctant to deal with the issue of immigration reform. Many Members have told me personally that they agree entirely with everything that I say about this issue, but, after all, dealing with it is another thing entirely. It is not politically correct, and it may be politically volatile.

Well, let me tell you, Mr. Speaker, that although there are people in this body who do not get it, who do not understand the nature of this problem or the depth of it, who think they can get by; that we can all get by with ignoring this massive fraud that is perpetrated on this Nation; ignore the incredible problems that come as a result of massive immigration, both legal and illegal; ignore the fact that the crimes that were perpetrated on the 11th were perpetrated by people who came here on visas, who were not American citizens, some of whom, as far as we know right now, were not living up to their visa application guidelines, some, as I understand, who may have overstayed. Who cares? Overstayed your visa? Who cares?

The fact is that all of these people, and the Members of this body, many of them feel that it is too controversial and we cannot deal with it. But let me tell you, Mr. Speaker, that the American public knows the truth of this issue. At least they know the problem with illegal immigration.

Some of what I have said tonight, certainly I was not aware of it even until just recently, from discussions as I say I have had with people who called or other Members of the House. I had no idea how deeply rooted the corruption in the process, in the whole INS structure and immigration system, really is.

But most people know there is something wrong. Although my colleagues in this body may not feel the heat right now, I guarantee you that they will. And they should, because that is the only way change will occur.

In a recent Zogby poll, actually September 27, Zogby International poll, it is a survey of likely voters that shows virtually all segments of American society overwhelmingly feel the country is not doing enough. By wide margins, it says, the public also feels that this lack of control in immigration makes it easier for terrorists to enter the country. And, of course, they are absolutely right.

Moreover, Americans think that a dramatic increase in border control and greater efforts to enforce immigration laws would help reduce the chance of future attacks. They are absolutely right. It would not necessarily guarantee it, it is true. It does not guarantee the fact. If we were able to seal the border tomorrow, it would not guarantee the fact that we would not be subject to another attack, but it would lessen the chance.

To suggest that people can get in even if we try to enforce our immigration laws and therefore we should not enforce immigration laws is like saying, you know, I know there are laws on the books against robbing banks, but people do it, so why do we bother putting the money in the vault? Why not put it on the counter? After all, they are going to rob us anyway. That is about as ludicrous as to suggest we should not try to deal with our borders and close the sieve, because right now people get through.

When asked whether the government was doing enough to control the boarders and screen those allowed into the country, 76 percent said the country was not doing enough, and only 19 percent said the government was doing enough. Those 19 percent were probably people who are here illegally and just told the person calling them up on the phone that they were going to be voting.

While identified conservatives were the most likely to think that not enough was being done, by 83 percent, get this, Mr. Speaker, 74 percent of the liberals and 75 percent of the moderates indicated that enforcement was insufficient. In addition, by a margin of more than two to one, blacks and whites and Hispanics all thought government efforts at border control and the vetting of immigrants were inadequate.

So although this body may not think there is a problem or that dealing with it is politically volatile, Americans do not think there is a problem with dealing with it. They think there is a problem with not dealing with it. They believe and they know, and they are right, Mr. Speaker, that there is a huge problem that we confront as a Nation because of our unwillingness to deal with this concept of immigration control.

Again I stress the fact that it goes across political philosophies. It goes across racial lines. It does not matter if you are black, Hispanic, or Asian or white. They feel the same way about this issue, because they are Americans, just like anybody else; and they are worried, just like anybody else, about their own safety.

And is that not our responsibility, Mr. Speaker? Are we not the ones charged with the responsibility in this body to develop, among other things, plans and proposals and programs to ensure domestic tranquility and provide for the common defense? Is that not our job? And are we not uniquely charged with the responsibility of determining immigration policies?

No State can do it, Mr. Speaker. No matter how inundated that State may be, no matter how difficult it may be for them to deal with it, they cannot establish immigration policy. Only this Federal Government can; and, after it is once established, only the Federal Government can enforce it.

I suggest, Mr. Speaker, that if we ignore this any longer and another event, God forbid, another event of a similar nature as those on September 11 occurs, and occurs as a result of our inability or unwillingness to protect ourselves from people who come here to do us evil, then we are culpable in that event.

I, for one, Mr. Speaker, choose to do everything I can and speak as often as I can and as loudly as I can about the need to control our own borders.

We talk about the defense of the Nation, the defense of the homeland. An agency has been created for that purpose. I suggest, Mr. Speaker, that the defense of the Nation begins with the defense of our borders. I reiterate and repeat, the defense of this Nation begins with the defense of our borders. It is not illogical, it is not immoral, it is not even politically unpopular, as many of my colleagues would think. It is the right thing to do. Americans know it.

What is it going to take, Mr. Speaker, I wonder, for the rest of my colleagues to come to this conclusion?

We have written a bill to deal with terrorism. It got marked up today in the Committee on the Judiciary. As I understand it, although I have not seen the specifics, I am told that every provision we had about immigration control got watered down.

□ 2015

That all attempts on our part to deal with the possibility of terrorism, terrorists coming into the Nation, identifying them, detaining them, deporting them, all of those proposals by the administration got watered down so that we could have a nonpartisan or a bipartisan bill come to the floor. I believe, Mr. Speaker, that I will not be allowed to offer an amendment to that bill. I believe that it will come to this floor with a rule that will prevent me or anyone else from offering some of the amendments to tighten up the borders. I am sickened by this possibility, but I think that that is where we are headed, because no one wants to rock these boats.

Mr. Speaker, I am willing to do so because I cannot imagine doing anything else. It is my job, it is my responsibility to bring to the attention of my colleagues and the American people, to the extent that I am humanly capable of doing so, the dangerous situation we face as a result of our unwillingness to deal with the concept of immigration control. Tell me how we will face our children. Tell me how we will face the future, Mr. Speaker, if another event occurs as a result of our unwillingness to address the issue of immigration control because we fear the political ramifications thereof.

I think, Mr. Speaker, that the only way we will ever change our policies is if the American people rise up in one accord and confront their elected representatives with this issue. Do not be placated by platitudes and do not be assuaged by those people who tell us that we are doing something because we may allow for 7 days of detention of potential terrorists, and that is the whole immigration reform package. Do not listen to it, I say to my colleagues. Demand more.

What are the possibilities? I do not want to think of the possibilities of not acting. Think of the seriousness of our deliberations and of the potential consequences of inaction on this issue. They are more than I wish to deal with. I cannot imagine that we will shrink from this responsibility, but that is what appears to be in the wind, Mr. Speaker. All I can do is come here and beg Members to listen to these arguments and to act on behalf of the people of this country who look to us to keep them secure, to ensure domestic tranquility, and to provide for the common defense.

## THE EFFECTS OF TERRORISM ON EDUCATION POLICY IN AMERICA

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about three important items which definitely overlap: education, reparations and terrorism. As a member of the House and Senate Conference Committee on H.R. 1, the Leave No Child Behind Act, a major initiative of President Bush that probably will come to the floor in the next 10 to 15 days, I would like to emphasize the fact that this legislation focusing on education, which will probably set a tone and establish some basic principles and concepts and procedures and movements for the next 10 years, is very important legislation. It is still important today, despite the pressures that we feel as a result of the tragedy of September 11. In fact, after September 11, education becomes even more important in general; and specifically, as we move toward creating recovery and construction programs, education must play a major role in this process of creating recovery and restructuring and construction programs.

September 11 presented us with a tragic and compelling landmark event. It said to us that terrorism will be a scourge on civilization for a long time. Modern societies are amazingly vulnerable to terrorism. The domino impact of the destruction of the World Trade Center towers overwhelms the mind. How can one event have so many repercussions? How can one event, one destructive, heinous event lead to the collapse of so many life elements of our economy and of our way of looking at certain civil liberties, and a number of other major tenets of our society? One event.

During World War II when targets were picked to cripple the industrial might of Germany, they bombed the oil fields in Romania and they bombed the industrial complex in Hamburg and a number of different targets, they had definitely aimed at crippling the industrial might of Hitler, not any one target ever had that kind of an impact. But in our present society we have constructed, it is so fragile in one sense that a strike at one point can lead to the tremendous repercussions which impact not just my City of New York or the State of New York, but the entire Nation and the economy of the entire world. So I want to highlight the fact that this event let us know that we can have people with cavemen mentalities.

In fact, Osama bin Laden, and I say bin Laden because The New York Times said that he pronounces it as Sadden; their pronunciation guide said it rhymes with Sadden, and I think it is ironic that it rhymes with Sadden, S-A-D-D-E-N. Osama bin Laden is supposed to live in a cave and there are people surrounding him in a cave; but, nevertheless, out of that cave, we do not get a caveman mentality, we do not get an illiterate. We get an evil genius, an evil person with totally no regard for human life who can strike at one of our vulnerable points and cause so much harm. Educated people surround bin Laden; educated people who know how to use computers and know how to communicate all over the world and who are very patient and very well organized, who know how to take advantage of every soft spot in our society; educated people who can only be corralled and only be matched by educated people. We say, well, we have plenty of educated people. We do not need to worry about that. But I want to take a few minutes to examine some of the institutions of our society.

Just as my predecessor was examining INS, I think unfairly in so many ways, but just as he examined INS, I want to examine some of the institutions in our society which are constructed to protect us. Those institutions are run by very well-educated people, run by very well-trained people, scientists, specialists, maybe some geniuses are in the CIA and FBI. So where did we go wrong and what are we as citizens supposed to do?

In my district, I assure my colleagues, we have lost many wonderful human beings. All human life is sacred and every soul that died in the World Trade Center was sacred. I have gone to many memorial services. I experienced firsthand a situation where my daughter-in-law, who worked in the World Trade Center on the 68th floor of the first tower, was supposed to be at work at 9:30 instead of 9 o'clock, her usual time. Because she was due at 9:30, she heard the plane hit the building from the ground. She was not in the building at that time. But for 4 hours, I did not know where she was. We did not know where she was. And the kind of anxiety that I went through, we went through, for 4 hours is just a tiny, tiny portion of the kind of anxiety that others have suffered over these last few weeks.

When we finally found out where she was, I confess, I cried uncontrollably for a while. I found myself crying often uncontrollably for those others who did not get out and for various stories that I hear; and I cry when I realize that probably this great catastrophe could have been avoided. I have the same experience that every other human being has in terms of the loss of immediate people that I know, the loss of heroic firemen and policemen, and I react like everybody else.

But on top of that, as an elected official, I wake up at night and I feel something else. My post-traumatic stress has another element. And I have noted in conversations with some of my colleagues that they are probably feeling the same thing. We are the Government. We are responsible. Therefore, when the gentleman from Missouri (Mr. **GEPHARDT**) stood on the floor and said, we failed to keep our people safe from harm, we have to accept that, in some way, we are failing and have failed.

I am going to have a series of town meetings, not memorial services. Other people are doing that very well, and I have attended those. If people who have lost relatives want to come to town meetings, they certainly are welcome; and we can take time out to deal with their concerns. But I want to have a series of town meetings that are probably very small, because I am not going to take a long time to plan them and look for a big audience; but I want my constituents all over the district to come and talk to me about their reaction to what has happened. I want them to hear that I feel, as a tiny portion of the total apparatus of government, I feel guilty. I want them to hear that I feel that we as Americans have a job to do; we have a new mission in this complicated world, very complex. Our society is far more complex than any nuclear physics apparatus or any ballistic missile apparatus. The society and the functioning of the society like ours is very complex, and it must have well-tuned, well-lubricated institutions which deal with that complexity. I want to talk to them about it and I want them to hear me, and I want to hear from them.

In elections, we often hear our constituents talk endlessly about what have you brought home to the district. How many buildings have you gotten, Federal buildings have you gotten built? How many grants from the Federal Government have you brought home? What benefits directly and concrete can you offer? And the orientation of most of us has to be in the direction of what can I do for my district in a very concrete way.

□ 2030

So who wants, in this situation, to spend time on the floor of the House or in any other way confronting institutions of our government that are not functioning properly and which are not under the jurisdiction of our committees?

I am on the Committee on Education and the Workforce. I am willing to talk to you all day about the Department of Education and the various ramifications of what they have done or not done, but I am not on the Permanent Select Committee on Intelligence. I am not on the Committee on the Judiciary.

Often when I come to the floor and talk about those items, my colleagues do tell me that, Well, you are out of your league. Other folks know more about that. I have been sort of driven away from a discussion of certain items as a result of being reminded that I am not the expert.

Well, I am not the expert, but from now on I intend to be like the child in Hans Christian Anderson's "The Emperor Has No Clothes." Because I am not the expert, I am going to ask the questions that the fresh eye and fresh ear can afford to indulge in. It is very important that I tell my constituents a year from now that I asked all the questions, I sought the answers, I did the best I could, even though these things were not directly under the jurisdiction of my committee.

I am going to ask some questions of the CIA and the FBI. I have done that before, I think 3 or 4 years ago. For several years in a row, several colleagues would join me, or I would join them in using the CIA appropriations as an opportunity to discuss the function of the CIA, so we would always offer an amendment to cut it by 10 percent or 1 percent. We do not know exactly what the budget is, but the New York Times consistently says it is $30 billion plus. So we used to come to the floor. It was an opportunity to talk about various problems.

Mr. Speaker, our amendment got fewer and fewer votes. It was one of those items where I felt a little guilty about discussing it because I am not on the committee and I do not have the expertise, so I retreated. I have not talked about the CIA in several years, but I intend to talk about it tonight.

Education, terrorism, and reparations. The last part of that is reparations. The treatment of the subject of reparations at the World Conference Against Racism in Durbin, South Africa, this past summer is evidence that freedom-loving societies are carrying unnecessary baggage as we seek a more just world. It is as much a part of the dialogue on what our role is and where we go now as we search for the terrorism network and the terrorism, the individuals who guided that network, and we do things that are unusual, and in some cases incurring collateral damage that is unavoidable.

What is our moral mission here? How are we going to justify that? We can justify it only if we reassert the fact that we stand for freedom; we stand for democracy; we stand for the pieces of the Declaration of Independence that people like to push aside. We still believe that everybody has the right to life, liberty, and the pursuit of happiness. We really believe that. We have the right to hoist a flag and march behind that flag and to deal with those perpetrators who are determined to knock down those principles.

We have a right to have as much fervor and as much zeal as anyone else, but we have to understand that the lack of fervor and the lack of zeal makes us more vulnerable. We have not pursued the perfection of our institutions with the right amount of fervor and zeal. Too many of us, Member of Congress, have run away, backed down, as I did: "The CIA is someone else's job; the FBI is someone else's job."

Yet in this calamity that we have just begun to live through, there are critical questions that somebody must answer. The INS was being blamed by the previous speaker, my colleague on the Committee on Education and the Workforce. I know all about H-1B visas and the kinds of things that he was talking about, but his overall thesis was that we were in the present predicament because there are too many people from outside the country being let into the country.

That sounds like something that Sitting Bull might have said, or Chief Joseph. The Native Americans probably had real justification for making that kind of statement: Too many people have been let in the country, and it is our country.

I reject any blanket statement that says that as a nation of immigrants we are at a great disadvantage. We are not at a great disadvantage as a nation of immigrants; we are at a great advantage. President Clinton has often said that diversity, diversity is one of our greatest strengths. As we seek world markets, as we seek the good will of people all over the globe, and as we seek right now these various alliances and coalitions to fight terrorism, our diversity is our greatest advantage.

I recall seeing not too long ago, a few months ago, an old movie, one of those old thrillers. The movie was all about during World War II they were trying to break the German code. In order to do that, they came up with a daring plan in Washington where they went out and recruited ethnic Germans, American Germans who were all put together on an American submarine, and they were put into a situation where they encountered a U-boat. And actually were able to fool, with their tactics, the people in the U-boat, and they took over the U-boat.

The point is that the whole project depended on the recruitment of ethnic Germans, people that we were at war with, but American Germans were Americans first. It is a good example of what is happening in many economic ventures. We have overwhelmed some of our opponents. The Japanese do not really know what has hit them in certain markets because they have very little diversity, but we have diversity which allows us entry into all kinds of markets and situations.

Likewise, if the CIA and the FBI made use of it, that same diversity could help us infiltrate spy rings and infiltrate terrorism rings, and provide better protection for us. At least it could provide us with translators.

One of the real scandals of the present situation is that the FBI was on television and the radio in my city 2 weeks ago advertising for people, they are probably still on but I just have not heard them recently, advertising for folks who could speak Arabic or Farsi. Well, better late than never, but I thought it was strange. We have been fighting an Arab-based terrorist ring for a long time. We knew that when they bombed the barracks in Beirut under Reagan. We knew that when they bombed the barracks in Saudi Arabia. We knew that when they bombed the Cole battleship. Why is it that we are not equipped with a sufficient supply of Arabic translators?

I have heard from the talking heads on television, and I have read in several articles, that this is a real problem; that there were documents and communications that lay there undeciphered, unread, not interpreted, because there were no translators. There were no analysts.

In this great country of ours, we ought to have groups of people who speak practically any language in the world. I went to my staff and asked, in New York City, how many colleges are there where Arabic instruction is provided? New York City has about 20 city universities, 20 colleges and city universities in the system, more than 20, and then there are other colleges; a total of about 40 different higher education institutions. We found only six, only six that had some courses in Arabic, only six. Let us not even go to Farsi, which is what some folks in Afghanistan speak, or Pashtu in Afghanistan, Urdu in Pakistan.

In this great Nation of ours, with 3,000 universities and colleges, more than 3,000, there should not be a single language that we do not teach somewhere. There should not be a single culture that is not being thoroughly explored by some group in one of our great universities or colleges.

But we need to understand our mission. We need to go back and understand that in this global community that we have helped to create, we made the WTO, we did Fast Track and NAFTA, we have argued that the markets of the world belong to us, and therefore we are willing to have an interaction with the rest of the world unlike any ever known before.

If we are going to do that, let us use some of our magnificent resources. We have foundations that are loaded with dollars, foundations which certainly could have programs on culture and languages that they finance in our various universities. I am not talking about a government program or a government initiative; but our universities and colleges and foundations should have an initiative which guarantees that no matter where we go on this globe, we have a body of people who understand the culture and the language of those people.

For the CIA, it becomes an immediate need; for the FBI, it becomes an immediate need. I will submit this article from the New York Times on Wednesday, October 3, in its entirety. I will read some excerpts from it.

Mr. Speaker, this is an article that appears today in the New York Times, Wednesday, October 3, entitled "House Panel Calls for Cultural Revolution in FBI and CIA."

Now, I am still a little reluctant to do too much criticism of these venerated institutions here on the floor because I have had these comments from my colleagues. One colleague said to me that I embarrassed him by, at a time like this, bringing up possible inadequacies in the CIA or FBI. He was embarrassed. His naivete embarrasses me, because here in the New York Times today it shows that there are a lot of people who are members of the intelligence community, very much pro the CIA and the FBI in every way, who are embarrassed and want to see something done.

This is an article by Alison Mitchell:

"The House committee that oversees the Nation's intelligence agencies has called for far-reaching changes in intelligence operations and for an independent investigation into why government did not foresee or prevent the terrorist attacks on New York and Washington. Reflecting the mood since September 11, the House Permanent Select Committee on Intelligence, in a report accompanying a classified intelligence bill expected to be taken up by the House this week, says it is a matter of urgency 'like no other time in our Nation's history' to address the 'many critical problems facing the intelligence agencies.'"

Now, these are people who are friends and protectors of our intelligence agencies talking. This is the committee of responsibility, the House Permanent Select Committee on Intelligence.

"The bill approved by the committee late last week would create an independent 10-member commission to study 'preparedness and performance' of several Federal agencies during and after the September 11 strikes. It would also increase the roughly $30 billion intelligence budget, but the exact dollar sums the bill contains are classified."

There are always increases; $30 billion is not enough, even though that was roughly the amount we had during the Cold War when we had the evil empire of the Soviet Union to battle. But $30 billion is not enough; we need more.

"The committee calls for a cultural revolution inside agencies like the Central Intelligence Agency and the Federal Bureau of Investigation, and a thorough review of the Nation's national security structures."

This is the House committee itself responsible for this. In the past they have been rather soft on the CIA. The man who heads the Permanent Select Committee on Intelligence is the gentleman from Florida (Mr. GOSS). He is a former CIA agent. But here is the problem. In a later paragraph in the same article, we run into the problem: "The House committee chose its words carefully. In the report that accompanies its bill, the committee says it does not in any way lay blame to the dedicated men and women of the U.S. intelligence community for the success of these attacks."

□ 2045

"If blame must be assigned, the blame lies with a government as a whole that did not fully understand nor wanted to appreciate the significance of the new threats to our national security despite the warnings offered by the intelligence community."

How is that for a turn of logic in terms of, no, the agency that is directly responsible is really not responsible? It is the government as a whole. Well, we are right back to me. I am part of the government as a whole. Every Congressman is part of the government as a whole. We are to blame. But we are not going to accept the blame by ourselves. We and the CIA and the FBI, the staff, the policy-making structure, we are all to blame. Do not say that the wonderful dedicated men and women of the U.S. intelligence community cannot be blamed.

When we talk about reform of welfare programs, any mother who deliberately got more food stamps than she should have we put her in jail. We call for maximum responsibility. So why are we running away from maximum responsibility and maximum accountability for people who are in such a critical position?

I will not read the entire article but I do want to complete just a few other choice paragraphs. "The commission would be appointed by the President and congressional leaders; and the commission would examine the performance of several Federal agencies responsible for public safety, law enforcement, national security, and intelligence gathering. It would have subpoena powers and would report back in six months of its formation."

I think it is important to note that our previous speaker who laid a blistering attack against the INS, the INS which brought all of these immigrants in and is not doing a good job to keep people out, he holds them responsible, they are not mentioned in this article. They are not mentioned as an intelligence gathering agency or a national security agency. In fact, repeatedly, it has been noted that in terms of processing the terrorists that have been identified, the INS did its job. But it was a failure of communication between the FBI and the CIA after the INS pinpointed the people were in the country, the failure of communication that resulted in two of them not being apprehended.

"President Bush has already ordered internal reviews of intelligence gathering." President Bush has already ordered internal reviews of intelligence gathering. But the committee said, "If history serves, however, no substantial changes will occur after these internal reviews are completed. The committee believes that major changes are necessary."

Another way to interpret that is the usual response to any embarrassment experienced by the CIA or the FBI is to have an internal review. For the 19 years that I have been here, there have been several internal reviews of the CIA and FBI. Now this committee, this friendly committee is saying, look, we will not go for this. It is not going to result in any major difference. We need the independent investigation. I agree with the committee.

I applaud the fact that they are willing to tell the truth partially, but they are wrong in not assuming that we can hold accountable the CIA and FBI.

Further quoting from this article, "While the intelligence bill is not expected to be controversial, some amendments could prove to be controversial as Congress contends with how much it wants to rethink the limits on covert operations. The House committee focused in its report on the shortage of intelligence analysts and case officers with foreign language skills."

This is where I want to end. "The House committee focused in its report on the shortage of intelligence analysts and case officers with foreign language skills. At the NSA and the CIA, thousands of pieces of data are never analyzed or are analyzed after the fact." It said, "Because there are too few analysts, even fewer with the necessary language skills. Written materials can sit for months and times years before a linguist with proper security clearances and skills can begin the translation."

Mr. Speaker, I want to go back and tell my constituents that we have a $30 billion agency that cannot find and hire linguists and analysts, and that documents which might have uncovered this plot have been sitting there all this time, and we do not want to blame anybody. The brave men of the CIA should not be blamed for allowing a situation like this to take place?

"The committee recommended that intelligence agencies offer bonuses for language proficiency. They are considering creating their own language schools."

We do not to create language schools. There are languages schools out west. The military uses them. They can train anybody in any language. We need to have decision-making at the top that it is important for people to learn certain languages and to send them out there so you will not have a gaping hole in the operations of this magnitude.

"The committee also said that the Nation needed to increase its frontline field officers, clandestined case officers and defense attaches. It said a fresh look should be taken at restructuring the CIA."

Where does education come into all of this? I started by saying I wanted to talk about education. They should have no problem finding the people they need in this great Nation. But I know one of problems they encounter if they find somebody who speaks the language, they have to go through a series of checks in terms of loyalty, et cetera. They find somebody who speaks the language, they may not write English well enough or they may not use computers well enough. They may not be appropriately educated.

We do not have a pool of educated people to draw from for those kind of jobs. We are headed toward a great calamity in the United States of America for a lack of educated people, people with college educations who can part of a pool from which you draw all the professionals you need. There is a teacher shortage of great magnitude. There is a law enforcement shortage. Law enforcement agencies are having trouble recruiting people. There is a shortage in the military in terms of people who are educated enough to operate very sophisticated high tech weaponry. Everywhere there is a shortage of people who are properly educated. So we are back to education. We do not need at this point to say that we have a major crisis created by September 11. And therefore, we should ignore the education bill that is being considered by the Senate and the House at that point or that we should downplay it and not give it the increases that were foreseen before September 11.

In New York City, there is a rush to cut the education budget. First thing they want to cut because we have less revenue coming in, we have a lot of problems. So education is the first agency on the chopping block. That is a primitive, backward reaction and failing to understand where we are.

Our law enforcement agencies, our CIA, our FBI, needs trained people to draw from, from diversified backgrounds. We cannot penetrate certain groups unless we have somebody who looks and acts and has the background and culture of that same group, but America is rich because of immigration. The immigration that has been criticized before has given us practically every religion, every ethnic group, every language in the world. We have to open our institutions to a process that allows these people to come in.

The CIA was sued by women and minorities. The FBI was sued by Hispanics and African-Americans. In the last 5 years, there have been suits brought against them for their discrimination. We are back to my third subject now, reparations.

The World Conference on Racism and how racism is a problem that keeps us from maximizing our resources, our human resources on our maximizing in this country because there are these layers of racism, and racism is worse in the law enforcement community than in any other sector of our society, whether we are talking about local law enforcement, state troopers or the Federal level. Racism is a major problem. We have to confront this and stop carrying the baggage of racism. We have to force the intelligence community to stop being so incestuous, incestuous, and open up so that they have the tools that are needed, the human resources.

Our electronic surveillance systems are magnificent. It can pinpoint people, objects, anywhere in the world, but this incident, this tragedy shows that we have to get down on the ground, and we have to have human beings face-to-face, whether they are agents or assets or people back in the office, analysts, good librarians.

I am a librarian. What they needed in many cases was good librarians to organize the information, librarians who also could speak the language, who would help them recruit people who speak the language. Arrangements could have been made to set up a first class translation system if the decision-makers on the top had considered it important.

So one of the questions I asked, which embarrassed one of my colleagues, the CIA and the FBI, do they have decision-makers who understand the cultures of our enemies? Is there anybody in the high place in the CIA or the FBI who understands the culture of Islam? Or who have a pool of people relating to them that they can rely on to give them up-to-date firsthand ongoing interpretation of what is happening?

Simple questions. I do not think I in any way endanger national security by asking the questions, and I said to myself, well, I may not push anybody to answer it because that might endanger national security, but now, since newspapers and talking heads and everybody is asking the same question, why do we not have people who understand the cultures, people who speak the language? We are asking the obvious questions.

Education would give us a pool of people who are in a position to be trained to take these positions. We cannot ever eliminate racism, but if we had less racism we could develop those diverse groups. Whether it is people who speak Islamic or different colors, whatever, if there was less racism we could make use of our great advantage of diversity which President Clinton so often talked about.

The conference on world racism which talked about reparations was hijacked by some selfish Arabs who forced the issue, twisted the issue and made it part of the conflict between Israel and Palestinians. So there was no real discussion of the ramifications of reparations, but reparations is something that we have to get off the table, an apology for slavery, something to get off the table. We ought to go on and do those things, apologize for slavery, just as the Japanese were asked to apologize and the Germans apologized to the holocaust victims. There have been a lot of apologies to people who have been wronged.

Let us apologize for slavery. Let us talk about reparations in some sensible way. It may mean just the creation of an education system which guarantees the descendents of slaves who were economically disadvantaged will always have the opportunity get the first class education, and by helping them get the first class education, we help to enlarge the pool of people we need.

There was a time when I heard frequently when I was younger in high school. I heard people say that the society only needs so many educated people, and therefore, if you educate too many people, there will be no jobs for educated people. I heard that at one of the colleges. I heard it as early as 10 years ago. People feeling that we have got enough educated people, but the needs have been mushrooming.

One of the characteristics of this very complex modern world of ours is that it needs so many more educated people. You cannot get educated people, of course, by giving more scholarships and fellowships at the college and university level if you do not have the raw material coming up from elementary and secondary schools.

Our problem in this country is not the opportunity for people who make it to college. There are all kinds of benefits, all kinds of opportunities for people who qualify to go to college. The problem is that there are too few among certain groups that are very much needed in this society who are able to qualify for entry into college.

So education, the kind of bill we are considering now, what President Bush chose to call leave no child behind becomes as vital as anything we are doing. The terrorism bill is not more important than the education bill. The stimulus bill that we are talking about, a package to help boost the economy at a time like this, it is not more important than the education bill.

In order for all of these things to work, we have got to have a continuing flow up from the pool of people with good education.

□ 2100

H. G. Wells said, and I often get the quote wrong, I am not sure I have it right, that "civilization is a race between education and chaos." I think I came close to what he said. "Civilization is a race between education and chaos." And it is even more true as our society becomes more complicated.

There are people who can wreck our computer systems and our whole cybernetworks, and we need people who are as smart as they are who are constantly able to have a counteraction and monitor these things. We need large numbers of young people with those kinds of minds. Large numbers. What happened at the World Trade Center showed how vulnerable an attack on a physical facility can be; but Y2K, which I understand, I do not know the details, but I understand we must give credit to the CIA and FBI for stopping some plots related to the sabotage of our whole computer system at the changing of the century. The Y2K problem that we were so concerned about.

Education is relevant today just as it was a few weeks ago. We have just completed a Congressional Black Caucus Annual Legislative Weekend where we come together from all over the country and we talk about certain issues and problems. I serve as the chairman of the Congressional Black Caucus Education Brain Trust. I am going to just read a statement that I made at the opening of our brain trust:

"As we assemble on this historic legislative weekend, we must all resolve that no emergency situation or special event will be allowed to lessen the priority we assign to the education emergency in the African American community. The nature of the critical problems that we presently face reemphasizes the need for America to have the most diverse and best educated population possible. In order to improve their operations and to achieve greater efficiency and excellence, every profession needs more and better educated recruits. Law enforcement and military agencies have a mushrooming need for personnel with information technology know-how. Unless we create and maintain a rapidly expanding pool of high quality students, the effectiveness of the military as well as intelligence operations will continue to be inadequate.

"Our Nation's needs for digital expertise will increase for a long time in the future. Activities similar to the recent terrorist act and other pressures on America will last into the next decade. Our school system has a new challenge and thus will need new resources. Advocates for education must focus intensely on current legislation at every level beginning with President Bush's 'Leave No Child Behind Act,' which is now under consideration. As America marshals its resources to fiercely fight new threats to our way of life, our greatest weapon remains our educated citizens. We shall overcome."

Our educated citizens are our greatest weapon. This bill is not just any other bill. President Bush has led the creation of landmark education legislation. The bipartisan effort that went into this legislation is unprecedented.

There are pieces that I do not like. I do not like the fact that it has a great deal of emphasis on testing. I do not like the fact that it calls for a testing program for students in grades 3 to 8 every year; that there must be a testing program and the results of those tests will be used to judge the effectiveness of the schools. If a school is not doing well, after 2 years it will be put into a probationary program. After 3 years they may choose to reorganize the school, wipe it out and start something new, or send the kids off somewhere else.

It has some real harsh measures. Three years is not long enough. We do not really pass judgment on most projects at 3 years. A school and the process of education is very complicated. In the conference committee we are now trying to ameliorate some of the harshness. But basically that is a feature I do not like.

I do like the fact the President proposed that we double title I funding. Title I funding in 5 years is supposed to go to $17.2 billion. That makes the bill worthwhile. We have some problems between the Senate and the House in terms of overall funding authorization. I like the Senate figure of $32 billion versus the House figure of $23 billion. We can do so much more with the $32 billion in terms of meeting the education crisis that we face.

I propose that we support efforts in this bill to double the funding for school renovation. Unfortunately, the House bill had zero dollars for school repairs, construction or renovation. The Senate bill had $200 million for charter school construction. But since the item of construction is included, it is fair game for discussion, and I am proposing that we accept the charter school construction.

But there is another construction item that we have in operation at this point, and that is a program that is underway, which most Members of Congress do not know about, and that is the program to repair and renovate schools with $1.2 billion that was included in the omnibus appropriations bill last fall. President Clinton signed it on December 21.

H.R. 4577 had a provision for $1.2 billion for school renovation and modernization. I am happy to report, and most people do not know about it so I am taking this time to talk about it, because I want the children of America to celebrate with me, it is a hidden victory, but I am happy to report that the distribution of the $1.2 billion for school repairs and renovation is going forward. I have a list of the amounts of money that each State will get.

New York will get $105 million. You can build a few schools with $105 million. California, of course the largest population, gets $138 million. On and on it goes. It is a small amount of money, $1.2 billion, because we need about $200 billion to rebuild our schools across America; but this was a breakthrough. We persisted. We said our institutions are not working properly. The Department of Education did not support school construction. We took our case straight to the President. And finally, in his last month, we got the President to approve $1.2 billion.

It is a good example of how citizen scrutiny, citizen push makes a difference. Just like the Mothers Against Drunk Driving, MADD, made a big difference with regard to policies on drunk driving. The Million Moms March started us on the road to more reform toward gun safety. We need a citizens group that is watching our law enforcement agencies at the national level. Citizens, ordinary people, should be asking questions about the way the CIA operates and the way the FBI operates. The fine-tuning of these vital institutions, the lubrication, the guarantee that the very best that we can get is occurring in these agencies is a life and death matter. It is a life and death matter.

Another item in the education bill is increased funding for IDEA, special education. The Senate has taken a position that we need to have the funding for special education as a mandatory expenditure off the budget, not competing with other budget priorities in education. I wholeheartedly support that. The Congressional Black Caucus wholeheartedly supports mandatory expenditure of IDEA; that the special education programs should be covered with mandatory expenditures and not part of the regular budget.

We insist that the Federal Government pay for any costs of these new tests. I do not like the test, but if we are to have the tests from grades 3 to 8, the costs should be paid for by the Federal Government, which mandates them.

We support the inclusion of two very effective programs that we helped to create, Community Technology Centers and 21st Century Community Learning Centers, which have afterschool components and Saturday workshop components and summer school components.

We support funding for Teaching Quality Grants, Troops to Teachers, which is a program which allows people in other careers to become teachers with a minimum amount of red tape. We support HBCUs. Historically Black Colleges and Universities should be involved in these teacher recruitment programs, teacher training, teacher orientation, so that there are more minority teachers brought into the education field.

We also support the funding of a special initiative by the information technology industry and the computer industry to assist in establishing functional technology programs in schools. During this period of slow activity within that industry, such goods and services should be provided at a discount rate. An authorization program of this nature, if we authorize it in the education package, it will be eligible for additional funding in the economic stimulus package. I think it would contribute greatly to closing of the digital divide to have those high-tech agencies in the computer industry, in the software industry, who have a lot of idle workers and who are going through a crisis, to have them at this point bring all of our educational institutions up to date at cut rates. Let them do it at very low rates as a contribution, but it also would give them work.

Returning to the Congressional Black Caucus weekend, on Saturday we had a special tech fair, and I talked about the digital divide: "Closing the digital divide, building schools first must be a continuing priority for all of us who welcome the new cyber-civilization and who are determined to rescue the communities and students that are being left behind. Partnerships to promote school construction and education technology are absolute necessities. Uniting labor unions and underserved schools and communities to gain repairs, wiring, and new schools is one kingpin goal of education. Fostering private sector partnerships to assist in carrying the initiatives of the Federal Government forward to practical utilization is a high priority of the Congressional Black Caucus Foundation's Annual Legislative Weekend.

"One of the boldest and most vital proposals of the Congressional Black Caucus during the 106th Congress involves the heart of the national debate on education: funding for school construction. Time and time again, poll after poll, the American people have identified education as our number one priority. And during a recent debate on the floor of the U.S. House of Representatives, more than 70 Members of Congress endorsed the caucus's alternative budget that called for a $10 billion increase over the President's budget for school construction. In a period of unprecedented wealth and opportunity, the caucus believes that this amount should be taken from the $200 billion budget surplus.

"I believe an investment for the future should be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of the U.S. superpower economy. It is the age of information. It is a time of computer and digitalization. It is the era of thousands of high-level vacancies because there are not enough information technology workers. With enlightened budget decisions, we can, at this moment, begin the shaping of the contours of a new cyber-civilization. If we fail to seize this moment, to make investments that will allow a great Nation to surge forward in the creation of this new cyber-civilization, then our children and grandchildren will frown on us and lament the fact that we failed, not because we lacked fiscal resources, but because our very devastating blunder was due to a poverty of vision."

At our decision-makers lunch we had as a guest the honorable Dan Goldin, who is the administrator of NASA. Dan Goldin has visions for where we should go in space. And unlike any other administrator in government, Dan Goldin understands that in order for us to realize our ambitions and our dreams for outerspace, we must have a firm foundation of education which is constantly creating new pools of recruits to go into our various professions.

Dan Goldin pointed out that at NASA there are twice as many people over 60 as there are under 30. The space program faces a critical shortage. If that agency faces a critical shortage, imagine all of our other priority projects and industries where that must be so.

In conclusion, it may be that these three topics do not really relate, but I think that it is time that we put forth the energy to make it merge. We must merge them and understand the complexity of our society.

My message is our institutions are vital. But to keep them functioning properly, they must have the scrutiny of the American people at all times. They must be kept in good tune, well tuned and well lubricated, to do the job they are set up to do.

□ 2115

If they do not do that, it is a life and death matter, and we have just experienced an unfortunate matter where thousands of people died because we in the government could not keep our people safe from harm.

Mr. Speaker, we feel guilty about that, but the important thing is to look forward and make certain that it never happens again.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, October 4.

Mr. NUSSLE, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, October 4.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

H.R. 1860. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

## ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, October 4, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4056. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—RUS Standard for Service Installations at Customer Access Locations—received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4057. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Telecommunications System Construction Contract and Specifications (RIN: 0572–AB41) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4058. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Schedule of Controlled Substances: Placement of Dichloralphenazone Into Schedule IV [DEA 209F] (RIN: 1117–AA59) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (RIN: 3150–AG83) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4061. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4062. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4063. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4064. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4065. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4066. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4067. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4068. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4069. A letter from the Special Assistant, White House Liaison, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4070. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Listed Chemicals: Establishment of Non-Regulated Transactions in Anhydrous Hydrogen Hydrogen Chloride [DEA–156FF] (RIN: 1117–AA43) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Milwaukee Home Run 2001 Hog Rally Fireworks, Milwaukee, WI [CGD09–01–115] (RIN: 2115–AA97) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Nanticoke River, Sharptown, Maryland [CGD05–01–055] (RIN: 2115–AE46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, North Carolina [CGD05–01–054] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Milwaukee River, Milwaukee, WI [CGD09–01–119] (RIN: 2115–AE46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Trail Creek, IN [CGD09–01–003] (RIN: 2115–AE47) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Atchafalaya River, LA [CGD08–01–028] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cheboygan River, MI [CGD09–01–008] (RIN: 2115–AE47) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation: Inner Harbor Navigation Canal, LA [CGD08–01–030] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA [CGD13–99–005] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Port Allen Canal, LA [CGD08-01-027] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Pea Patch Island to Delaware City, Delaware [CGD05-01-053] (RIN: 2115-AE46) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-102, 103, -106, -201, 202, -301, -311, -314, and -315 Series Airplanes [Docket No. 2000-NM-45-AD; Amendment 39-12301; AD 2001-13-19] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 99-NM-371-AD; Amendment 39-12414; AD 2001-17-23] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2001-NM-145-AD; Amendment 39-12422; AD 98-24-02 R1] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 and MD-10 Series Airplanes [Docket No. 2000-NM-149-AD; Amendment 39-12413; AD 2001-17-22] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model 717 Series Airplanes [Docket No. 2001-NM-47-AD; Amendment 39-12412; AD 2001-17-21] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes, and KC-10A and KDC-10 (Military) Airplanes [Docket No. 2000-NM-69-AD; Amendment 39-12410; AD 2001-17-19] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2001-SW-24-AD; Amendment 39-12407; AD 2001-17-16] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2001-NM-261-AD; Amendment 39-12418; AD 2001-17-27] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4090. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Hampton River, Hampton, Virginia [CGD05-01-056] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for the Use of Satellite Data for Studying Local and Regional Phenomena [Docket No. 980608149-1186-02] (RIN: 0648-ZA44) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4092. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Duty to Assist (RIN: 2900-AK69) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1989. A bill to reauthorize various fishery conservation management programs; with an amendment (Rept. 107-227). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 252. Resolution providing for consideration of the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 107-228). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OXLEY (for himself, Mr. LaFalce, Mr. Leach, Mrs. Maloney of New York, Mrs. Roukema, Mr. Bentsen, Ms. Hooley of Oregon, Mr. Bereuter, Mr. Baker, Mr. Bachus, Mr. King, Mrs. Kelly, Mr. Gillmor, Mr. Cantor, Mr. Riley, Mr. LaTourette, Mr. Green of Wisconsin, and Mr. Grucci):

H.R. 3004. A bill to combat the financing of terrorism and other financial crimes, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Crane, Mr. Dreier, Mr. Jefferson, Mr. Tanner, and Mr. Dooley of California):

H.R. 3005. A bill to extend trade authorities procedures with respect to reciprocal trade agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Smith of New Jersey, and Mr. Pitts):

H.R. 3006. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mr. SHUSTER (for himself, Mr. Ehlers, Mr. Hayes, Mr. Boswell, Mr. Peterson of Minnesota, Mr. Lampson, Mr. Otter, Mrs. Kelly, and Mr. Duncan):

H.R. 3007. A bill to provide economic relief to general aviation small business concerns that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Ms. Dunn, and Mr. English):

H.R. 3008. A bill to reauthorize the trade adjustment assistance program under the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. Thomas):

H.R. 3009. A bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 3010. A bill to amend the Trade Act of 1974 to extend the Generalized System of Preferences until December 31, 2002; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. Davis of Illinois, Mr. Pascrell, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Gonzalez, Mrs. Napolitano, Mr. Phelps, Mrs. Jones of Ohio, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Baird, Mr. Ross, Mr. Langevin, Mr. Carson of Oklahoma, Mr. Acevedo-Vila, Mr. Allen, Mr. Kennedy of Rhode Island, Mr. Pallone, Mr. Andrews, Mr. Owens, Mr. Weiner, and Ms. Millender-McDonald):

H.R. 3011. A bill to authorize the Administrator of the Small Business Administration to make loans to certain concerns that suffered economic and other injury as result of the terrorist attacks against the United States that occurred on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. BLUNT:

H.R. 3012. A bill to amend the Internal Revenue Code of 1986 to allow any employer maintaining a defined benefit plan that is not a governmental plan to treat employee contributions as pretax employer contributions if picked up by the employer; to the Committee on Ways and Means.

By Ms. BROWN of Florida:

H.R. 3013. A bill to direct the Secretary of Transportation to take actions to improve security at the maritime borders of the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY of New York (for herself, Mr. Grucci, Mr. Traficant, Mr. Filner, and Mrs. Morella):

H.R. 3014. A bill to amend the Public Health Services Act to require the Director of the National Institutes of Health to expand and intensify research regarding Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

By Ms. SOLIS (for herself, Mr. Borski, Mr. Kucinich, Ms. Lee, Mr. Clement, Mr. Clay, Mr. Filner, Mr. Owens, Ms. Waters, Mr. Nadler, Ms. Watson, Mr. Olver, Mr. Bishop, Mr. Brown of Ohio, Mrs. Christensen, Mr. Wynn, Mr. Davis of Illinois, Mr. Sanders, and Mr. Udall of Colorado):

H.R. 3015. A bill to amend the Internal Revenue Code of 1986 to provide a refund of up to $300 to individuals for payroll taxes paid in 2000; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself and Mr. Dingell):

H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strenghen security at certain nuclear facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. McCarthy of New York, Mrs. Kelly, and Mr. Doyle):

H.R. 3017. A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SAM JOHNSON of Texas (for himself and Mr. Crane):

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. GILMAN:

H. Con. Res. 241. Concurrent resolution expressing the sense of the Congress that trained service dogs should be recognized for their service in the rescue and recovery efforts in the aftermath of the terrorist attacks on the United States on September 11, 2001; to the Committee on Government Reform.

By Mr. STUPAK:

H. Res. 253. A resolution recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced a bill (H.R. 3018) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lauderdale Lady*; which was referred to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. Lee.

H.R. 303: Mr. Matsui.

H.R. 525: Ms. Harman.

H.R. 527: Mrs. Johnson of Connecticut, Mr. Pickering, and Mr. Johnson of Illinois.

H.R. 537: Mr. Diaz-Balart and Mr. Ford.

H.R. 544: Ms. Lee.

H.R. 876: Mr. Rehberg.

H.R. 959: Mr. Waxman.

H.R. 993: Mr. Bereuter.

H.R. 1097: Mr. Petri, Ms. Millender-McDonald, and Mr. Thompson of Mississippi.

H.R. 1108: Ms. Woolsey.

H.R. 1136: Ms. McCollum and Mr. Hall of Texas.

H.R. 1155: Mr. Nussle, Mr. Larsen of Washington, and Mrs. Biggert.

H.R. 1341: Mr. Sununu and Mr. Allen.

H.R. 1383: Mrs. Biggert, Mr. Bereuter, Ms. Hooley of Oregon, Mrs. Myrick, Mr. Langevin, Mr. Faleomavaega, Mr. Moore, and Mr. Watkins.

H.R. 1556: Mr. Bereuter, Mr. Shaw, Mr. Taylor of Mississippi, and Mr. Rogers of Kentucky.

H.R. 1567: Mr. Frank.

H.R. 1609: Mr. Coyne.

H.R. 1780: Mr. McHugh, Mr. Frost, Mr. Reynolds, Mr. Jenkins, Mr. Simmons, Mr. Holden, and Mr. Riley.

H.R. 1782: Mr. Goode.

H.R. 1851: Ms. Lee.

H.R. 1948: Mr. Graham.

H.R. 1979: Mr. Cantor.

H.R. 2117: Mr. Gillmor and Mr. Watt of North Carolina.

H.R. 2157: Mr. Farr of California.

H.R. 2362: Mrs. Thurman, Mr. Dingell, Mr. Meehan, Mr. Smith of New Jersey, Mr. Payne, Mr. Holt, Mr. Menendez, Mr. Engel, Mr. Olver, Mr. Markey, Mr. Toomey, Mr. Capuano, Mr. Delahunt, Mr. Lipinski, and Mr. Neal of Massachusetts.

H.R. 2375: Mr. Upton, Mr. Watt of North Carolina, Mr. Lantos, and Mr. Smith of New Jersey.

H.R. 2482: Ms. Pelosi and Mr. Owens.

H.R. 2485: Mr. Armey.

H.R. 2515: Mr. Shows, Mr. Boucher, Mr. Walden of Oregon, Ms. Hooley of Oregon, Mr. Ose, Mr. Cantor, and Mr. McCrery.

H.R. 2527: Mr. Oberstar and Mr. Ford.

H.R. 2593: Mr. Conyers.

H.R. 2598: Mr. Rush and Ms. Lee

H.R. 2725: Mr. Gibbons, Mr. Larson of Connecticut, and Mr. Maloney of Connecticut.

H.R. 2839: Mrs. Napolitano, Ms. Woolsey, Mr. Owens, Ms. Watson, Mr. Hastings of Florida, Mrs. Christensen, Mr. Payne, and Mr. Lewis of Georgia.

H.R. 2841: Mrs. Clayton, Mr. Frost, Mr. Hayes, Ms. Eddie Bernice Johnson of Texas, and Mrs. Thurman.

H.R. 2895: Mr. Bonior, Mr. Larson of Connecticut, Mr. Platts, Mr. Frank, and Mr. George Miller of California.

H.R. 2896: Mr. Hefley, Mrs. Mink of Hawaii, Mr. Schaffer, and Mr. Bartlett of Maryland.

H.R. 2899: Mr. Gallegly.

H.R. 2917: Mr. Rohrabacher, Mr. Calvert, Mr. Regula, Mr. Kirk, Mr. McNulty, Mr. Putnam, Mr. Isakson, Mr. Walsh, Mr. Everett, Mr. Reyes, Mr. Oxley, Mr. Kolbe, Mr. Shimkus, Mr. Schrock, Mr. Udall of Colorado, Mr. Forbes, Mr. Moran of Virginia, Mr. Honda, Ms. Hart, Mr. Berman, Mrs. Mink of Hawaii, Mr. Hall of Texas, Ms. Berkley, Mr. Gekas, Ms. McCollum, Mr. Price of North Carolina, Mr. Sanders, Mr. Hoeffel, and Ms. McKinney.

H.R. 2932: Mr. Platts, Ms. Brown of Florida, and Mr. English.

H.R. 2942: Mr. English.

H.R. 2955: Mr. McGovern, Mrs. Capps, Mr. Smith of Washington, Mr. Lampson, Mr. Kildee, Mr. Udall of Colorado, Mr. Udall of New Mexico, Ms. Pelosi, Mr. Strickland, Mr. Capuano, Mr. Abercrombie, Mr. Rothman, Mr. Sawyer, Mr. Frost, Mr. Mascara, Mr. Owens, Mr. Deutsch, Mr. Schiff, Mr. Lucas of Kentucky, Mr. Filner, Mr. Stupak, Ms. Harman, Ms. Slaughter, Mr. Jefferson, and Ms. Lee.

H.R. 2965: Mr. Deal of Georgia and Mr. Foley.

H.R. 2970: Mr. Crane.

H.R. 2981: Mr. Blunt, Mr. Rogers of Michigan, Mr. Buyer, Mr. Fossella, Mr. Terry, Mr. Bryant, Mr. Largent, Mr. Shadegg, Mr. Pitts, Ms. Eshoo, Mr. Sawyer, Mr. Deal of Georgia, Mrs. Wilson, Mr. Ganske, Mr. Cox, Mr. Crane, and Mr. Pickering.

H.R. 2998: Mr. Crowley.

H.R. 3003: Mr. Filner, Mr. Clay, and Mr. Bonior.

H.J. Res. 40: Mr. Barcia, Mr. Costello, Mr. Green of Texas, Mr. Hill, Mr. Peterson of Minnesota, Mr. Sandlin, Mr. Hall of Texas, Mr. Borski, Mr. Strickland, and Mr. Neal of Massachusetts.

H.J. Res. 54: Mr. Blunt.

H. Con. Res. 232: Mr. Forbes, Mr. Hansen, Mr. LaTourette, Mr. Sawyer, Mr. Bereuter, Mr. Skelton, Mr. Abercrombie, Mr. Schiff, Ms. Eshoo, Mr. Lipinski, Ms. Slaughter, Ms. Lee, and Mr. Traficant.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2646

Offered By: Mr. Traficant

Amendment No. 66: Page 361, add after line 3 the following:

### TITLE X—REPORTS

**SEC. 1001. ANNUAL REPORT ON IMPORTS OF BEEF AND PORK.**

The Secretary shall submit to the Congress an annual report on the amount of beef and pork that is imported into the United States each calendar year.

H.R. 2883

Offered By: Mr. Goss

Amendment No. 1: Strike the heading of section 306 (page 12, lines 1 and 2) and insert the following:

### SEC. 306. COMMISSION ON NATIONAL SECURITY READINESS.

Page 12, beginning on line 4, strike "Commission on Preparedness and Performance of the Federal Government for the September 11 Acts of Terrorism" and insert "Commission on National Security Readiness".

Page 12, strike lines 9 through 17 and insert the following:

(1) REVIEW.—With respect to the acts of terrorism committed against the United States on September 11, 2001, the Commission shall review the national security readiness of the United States to identify structural impediments to the effective collection, analysis, and sharing of information on national security threats, particularly terrorism. For purposes of the preceding sentence, the scope of the review shall include—

Page 13, line 8, strike "subsection (g)" and insert "subsection (f)".

Page 13, line 11, strike "10" and insert "8".

Page 13, line 13, strike "4" and insert "2".

Page 13, after line 21, insert the following new paragraph and redesignate the succeeding paragraphs accordingly:

(2) QUALIFICATIONS.—(A) A member of the Commission shall have substantial Federal law enforcement, intelligence, or military experience with appropriate security clearance.

(B) A member of the Commission may not be a full-time officer or employee of the United States.

Page 16, beginning on line 5, strike "hold hearings,".

Page 16, beginning on line 8, strike "The Commission" and all that follows through the end of line 9.

Strike paragraph (6) of section 306(e) (page 17, beginning on line 7 through page 19, line 3) and redesignate the succeeding paragraph accordingly).

Page 19, line 10, strike "6 months" and insert "one year".

Page 19, beginning on line 17, by striking "subsection (g)" and insert "subsection (f)".

H.R. 2883

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 2: Page 12, beginning on line 1, strike section 306 (page 12, line 1, through page 19, line 18).

H.R. 2883

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 3: At the end of title IV, page 21, after line 12, insert the following new section:

### SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking "one-half" and inserting "100 percent".

H.R. 2883

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 4: Page 19, line 15, strike the period and insert the following: ", and shall include a comprehensive assessment of security at the borders of the United States with respect to terrorist and narcotic interdiction efforts.".

H.R. 2883

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: At the end of title III (page 19, after line 18), insert the following new section:

### SEC. . COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated in this Act may be provided to a person or entity unless the person or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds authorized to be appropriated in this Act, it is the sense of Congress that recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

H.R. 2883

OFFERED BY: MR. WOLF

AMENDMENT NO. 6: At the end of title III (page 19, after line 18) insert the following new section:

### SEC. 307. IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence, in cooperation with the heads of the departments and agencies of the United States involved, shall implement the recommended changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States contained in the report submitted to the President and the Congress by the National Commission on Terrorism established in section 591 of Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–210).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, if the Director of Central Intelligence determines that one or more of the recommended changes referred to in subsection (a) will not be implemented, the Director shall submit to Congress a report containing a detailed explanation of that determination.

# EXTENSIONS OF REMARKS

## FRED AND JANE MARTINI: A LOVING UNION

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor two very special friends, Fred and Jane Martini of Hampton Township, Michigan, as they prepare to celebrate fifty years of marriage and a loving commitment to each other, their two children, four grandsons and their great-granddaughter. The Martinis' devotion and dedication to all around them has set a high benchmark to which their family, friends and neighbors might aspire.

From the day they were married on October 6, 1951 at St. John's Church in Pinconning, Michigan, Fred and Jane have helped nurture a community of loving persons by setting a beautiful example for all those whose lives they have touched. Their marriage has been blessed with two remarkable children, Cynthia and James. Both parents worked hard to create a good and supportive family environment. While they never lost sight of that priority, the Martinis recognized that they also had a responsibility beyond their family and they somehow managed to find time to give back to their community in untold ways that will long be remembered.

After serving in the U.S. Army Air Corps during World War II, Fred began an extensive and venerable career with Consumers Power Company, retiring after 36 years. In his spare time, Fred was active with the Boy Scouts, taught civil defense, volunteered for the United Way and served as an Elder with Immanuel Lutheran Church. Over the years, Jane held numerous political positions in Hampton Township and in Bay County. She was first elected to the Township Board in 1968 and then spent 18 years as Township Clerk. In fact, during her tenure as Clerk, she registered me allowing me to vote for the first time so many years ago. Throughout her life, Jane has volunteered to serve on many boards and committees, including the Bay County Library Board and the Senior Citizens Advisory Board.

Fred and Jane, however, never forgot about each other, despite their active lifestyles, because a strong marriage not only is a covenant with one another, it serves as a declaration of eternal love. As the Gospel according to John teaches, a person who loves others "knows God for God is Love." The everlasting union shared by Fred and Jane serves as a shining example of the power of love and its capacity to bring us all closer to the warmth and grace of our creator.

Mr. Speaker, I ask my colleagues to join me in congratulating Fred and Jane for achieving a rarely reached milestone of fifty years of marriage. The fullness of their commitment and the bountifulness of their love strengthen us all and we look to them for many more years of happiness.

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## THE 25TH ANNIVERSARY OF OHIODANCE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize OhioDance, Ohio's statewide service organization for dance and movement arts, on their 25th anniversary.

OhioDance has long been dedicated to supporting the diverse and vibrant field of dance in Ohio by providing communication, information, education, cooperation building, and organizational services to the entire state. OhioDance serves a variety of audiences from professional companies and dancers to amateur dancers. They benefit college and university dance departments, dance studios, school and community programs, and dance supporters. OhioDance also provides a quarterly newsletter, dance calender, and directory/recourse guide.

The Ohio Dance Festival is to be held this year on October 19–20 and will prove to be an amazing time for all those in attendance. In conjunction with this year's festival, OhioDance will produce statewide showcases and master classes.

Over the past few years, OhioDance has partnered with countless organizations to promote their goal and affect more Ohio citizens. Recently, they have collaborated with the Ohio Department of Education, the Ohio Arts Council, and K–12 teachers in the development of dance education curriculum.

Mr. Speaker, please join me in celebration on this very special 25th Anniversary of OhioDance. Their admirable mission to spread the art of dance to all Ohio citizens should be commended by all.

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## MEMORIALIZING FALLEN FIREFIGHTERS

SPEECH OF

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WALSH. Madam Speaker, as an original co-sponsor of this legislation, I also rise in support of H.J. Res. 42 sponsored by Congressman CASTLE, which requires each year, the American flags on all Federal office buildings be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland. This modest tribute to our nation's fallen heroes is long overdue.

Roughly 1.2 million men and women serve our country as fire and emergency personnel and, on average, 100 firefighters sacrifice their lives each year. This year has been especially troubling for the fire service with 343 firefighters confirmed missing or dead as a result of the tragic events that unfolded on September 11th in New York City. It has also been a troubling year in Upstate New York as well. In my own Congressional district we lost Maine Firefighter Joe Vargason, who was killed by a drunk driver as he directed traffic at a car fire. Firefighter Vargason had honorably served the Maine community for 22 years prior to his death. Just last week, 19 year old Lairdsville Firefighter Bradley Golden perished during a "live-burn" training exercise in Oneida County, New York in Congressman BOEHLERT's district.

These tragedies remind us all how dangerous the fire fighting profession truly is. Answering 16 million calls a year firefighters young and old, experienced or rookies, are always in harms way. They put their lives' on the line every call to ensure our nation's safety.

The many sacrifices firefighters make remind me of the Baker Fireman's Fountain located in Owego, NY. The fountain was given to the Village of Owego and its firefighters in 1914 by Frank M. Baker as a memorial to his son, George Hobart Baker, who was killed in an automobile accident in 1913. Both men had been members and chief engineers of the Owego Fire Department. This fountain has become a symbol of Tioga County. The fountain depicts a firefighter holding a young baby at a fire scene demonstrating the strength, devotion, and unselfish caring that is a part of all firefighters. It is standing testament to the courage and honor of these brave men and women who are willing to pay the ultimate price for us every time they are called to duty.

Much like the Baker Fireman's Fountain, H.J. Res. 42 will also honor the men and women who are firefighters. Lowering the flag to half-staff each year is a fitting tribute to our nation's heroes. We as a nation are forever in their debt.

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## TRIBUTE TO THE COMMUNITY CHRISTIAN CHURCH, ALTON, ILLINOIS

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Community Christian Church and the Anniversary of its 30 years of service to the community of Alton, Illinois.

The people of the Community Christian Church are truly good Samaritans. They have spent 30 years preaching the word of Christ to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Alton and surrounding areas and participating in other good works. They have helped to feed the hungry, clothe the needy, and have sent missionaries around the world bearing the word of God.

To such people as Robert Brunk and his congregation, the good deeds themselves are their own best rewards. Yet, on this special day, I think it is appropriate that they are recognized for their efforts. They are good Christians and good Americans, and remind us all of the compassion and energy that makes this country great.

To the people of the Community Christian Church, thank you for all your good works over the last three decades; and may God grant you the opportunity to continue doing His work for many years into the future.

## MEMORIALIZING FALLEN FIREFIGHTERS

SPEECH OF

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CASTLE. Madam Speaker, I rise today in strong support of House Joint Resolution 42, the "Fallen Firefighters Act of 2001." As the author of the bill I am proud to be able to help honor our firefighters. This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all federal buildings be lowered to half-staff one day each year on the observance of the National Fallen Firefighters Memorial Service. This year's service will be held this Sunday, October 7 in Emmitsburg, MD, at the National Fallen Firefighters Memorial. President and Mrs. Bush are scheduled to attend the ceremony.

This year's service will be especially emotional in the wake of the terrorist attack on America where hundreds of brave men and women gave their lives to save those of thousands of strangers. I have personally visited the World Trade Center and the Pentagon and continue to be amazed by the work these men and women continue to do on a daily basis—and the work they have done that has saved thousands upon thousands of lives. I continue to be touched as I attend numerous town ceremonies in the wake of the tragedy by the support both for firefighters in our communities and their unwavering dedication to their communities, fellow firefighters, and our country.

Firefighters provide one of the most valuable services imaginable to this country—that of saving lives and safeguarding our precious lands. With integrity, firefighters preserve the safety in the communities they serve with tireless dedication and commitment. These heroes need to be recognized and thanked by all Americans, not just in the wake of this horrible tragedy but to the nearly 1.2 million men and women serve our country as fire and emergency services personnel on a daily basis. Firefighters are our first line of defense in both natural and man made disasters walking into burning buildings and battling forest fires with determination and defiance.

Approximately one-third of our nation's finest suffer debilitating injuries each year making it one of the most dangerous jobs in America. Furthermore, approximately 100 men and women die in the line of duty every year—many are volunteers. Since 1981, every State in America, as well as the District of Columbia and Puerto Rico, has lost firefighters serving in the line of duty. Since 1981, the names of 2,077 fallen fire heroes have been added to the Roll of Honor. Ninety-six men and women who lost their lives in 2000 will be honored in October. This year, the name of Arnold Blankenship, Jr., of Greenwood, DE, will be placed on the 2000 memorial plaque. Sadly, Mr. Blankenship is not the first firefighter in Delaware to be memorialized. He will join H. Thomas Tucker, James Goode, Jr., W. Jack Northam, and Prince A. Mousley, Jr.

Lowering the flag on federal buildings one day a year will remind all Americans of the patriotic service and dedicated efforts of our fire and emergency services personnel. In October 2002, the over 300 firefighters who lost their lives in the attack on America will also be honored at the National Fallen Firefighter Memorial Service, along with 81 of their colleagues who also died in the line of duty during 2001, and sadly that number may grow by the end of the year. It is important for this legislation to be in place to honor all these heroic men and women who have served our communities and our Nation. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America's fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1962, Congress passed a joint resolution honoring America's police officers who died in the line of duty in recognition of their dedicated service to their communities and amended it in 1994 to lower the flag to half staff in memorial. Today, we take the first step in bestowing the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers. I would like to thank all the members who sponsored this legislation and I urge my colleagues to support this legislation and recognize these heroic men and women.

## AIRLINE WORKER RELIEF

SPEECH OF

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Ms. SOLIS. Mr. Speaker, tonight I stand with my congressional colleagues in the House and in the Senate in my support of relief for the thousands of employees that have been or soon will be laid off in the wake of the tragic terrorist attacks of September 11. And, perhaps most importantly, I want to re-emphasize the immediate need for congressional action.

As this body deliberates the form and size of a worker relief package, many working men and women are now searching for new jobs. They are beginning the application process for unemployment benefits. Quite frankly, they are wondering how they are going to buy their groceries, make their house payment, and pay for transportation. All of this, when our economy is at a downturn.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for worker relief. Just as this body acted swiftly to address the needs of the airline industry, we should also move quickly to enact assistance for America's displaced workers.

I would also urge my colleagues to remember all workers that have been displaced in recent weeks. The dramatic decrease in travel and tourism affects not only those workers employed by the airline industry. No. Working men and women in the hospitality industry are facing massive layoffs. The same is true for restaurant workers and thousands of service sector employees. Close to 3 million jobs could be lost.

In recent years, the safety net for these workers has begun to unravel. Passing a relief package for workers displaced by the tragic events of September 11 will give us the opportunity to begin to weave the safety net back together. I will do all that I can to ensure our safety net regains its strength now and maintains its strength in the future. I sincerely hope that my congressional colleagues and the President will do the same.

## DON KRZYSIAK: A POLKA PRINCE

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor Don Krzysiak of Bay City, Michigan, for his induction into the Michigan State Polka Music Hall of Fame and for his many years of celebrating Polish heritage in a town where nearly everyone seems to claim Polish ancestry or at least wishes they could.

Bay City's Polish community is one of the proudest in Michigan, bringing with it a love for good food, good spirits, fellowship, dance and the traditions of a footstomping, lively musical style known as the polka.

When Don and his wife, Lois, opened Krzysiak's House Restaurant in 1979, they created a touchstone for all things Polish for people near and far. From the pacskis to the polka, Don and Lois brought Old World Polish charm to Bay City in the same melting pot style that joined classical European music with folk music to form a uniquely American brand of polka during the Depression Era in the United States.

Over the years, Don has been an active promoter of both Polish heritage and the polka. He has been instrumental in organizing many events, including the Bay Area Polish Tall Ships Festival, a presentation of the Magnificent Mazowsze song and dance ensemble, Polish Cabarets and traditional Polish Wigilia celebrations. He is perhaps most noted for putting together an event on Fat Tuesday in 1999 billed as the "Polka Paczki Party at Krzysiak's House Restaurant," which was covered live by a local television station and received front page coverage from the Bay City

Times. This event is now described in mythic proportions in the local Polish community and throughout the state.

The reasons for Don's induction into the Michigan State Polka Music Hall of Fame, however, go beyond his legendary abilities as a restaurateur and promoter of Polish heritage. He also has a keen ear for the polka and is an expert polka music listener. Don also recently learned to play the stumpf fiddle and he performs at hospitals, nursing homes, and senior sites throughout the year.

Mr. Speaker, I ask my colleagues to join me in congratulating Don Krzysiak on achieving the Michigan Polka Music industry's highest honor and for his many contributions in safeguarding all aspects of Polish heritage for generations to come. I am confident that Don will continue to warm Polish hearts and satisfy the appetites of people of all backgrounds well into the future.

## IN HONOR OF CHESTER J. NOWAK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Chester J. Nowak, United States Army Sergeant, on his years of dedicated military service to our great nation.

Mr. Nowak was born and raised in Cleveland, Ohio and is currently residing in Rocky River. He served selflessly for our country in the Korean War, and was in battle in Northern France, Rhineland, Central Europe, and Ardennes, known as the Bulge. He served in Company L, the 194th Glider Infantry Regiment with the 17th Airborne Division.

His love and true devotion to America is an inspiration to all. He received the Combat Infantry Badge and also the Glider Badge. He was awarded a Purple Heart after he was wounded in Belgium and was awarded a Bronze Star Medal for meritorious achievement in ground operations against the enemy.

Originally, the Republic of Korea offered medals to those veterans that served in Korea between June 25, 1950, the outbreak of hostilities in Korea, to July 27, 1953, the date the armistice was signed. In addition, veterans are eligible if they served on the soil of Korea, in waters adjacent, or in the air above Korea. These medals are a symbol of American freedom, patriotism, democracy, and sacrifice.

Mr. Speaker, please join me in honoring a man that has sacrificed for his nation and has served our country in many capacities, Sergeant Chester J. Nowak. Mr. Nowak is an inspiration to all, and our great country is thankful for his services.

## CONGRATULATING TONY GWYNN ON ANNOUNCEMENT OF HIS RETIREMENT FROM BASEBALL

SPEECH OF

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WALSH. Madam Speaker, I also rise in support of House Resolution 198 sponsored by Representative SUSAN DAVIS honoring Tony Gwynn for his numerous achievements to baseball and his community.

Tony Gwynn has a career batting average of .338 placing him 15th on the all-time leaders list. This amazing feat puts him in company with great Hall of Fame players like Ty Cobb, Rogers Hornsby and Tris Speaker. In fact, he is second, only to Ted Williams amongst players in the Major League after the Second World War. Gwynn's consistent hitting rewarded him with eight Silver Bats for the eight batting titles he has won. Four of these titles came consecutively in the years of 1994-1997.

Gwynn is a 16-time all-star with 3,127 career hits and is seventeenth on the all-time list behind such greats as Hank Aaron and Stan Musial. Gwynn achieved the 3,000 hit milestone faster than all but two players: Ty Cobb and Nap Lajoie. Gwynn's success has not been limited to offense. His incredible defense has earned him five Golden Glove awards in his career.

Gwynn is among the all-time San Diego Padres careers leaders. He is first in batting average, hits, runs batted in and runs. Throughout his career Gwynn's sportsmanship has placed him on a highly respectable list of players that consistently conduct themselves with great dignity. By staying with the Padres, Gwynn has given his fans a consistent and stable hero.

Gwynn, though, is a hero off the field as well. Despite his reluctance to speak on his numerous community service activities, they continue to emerge as amazing acts of selflessness. Gwynn is the first to help out with local baseball clinics for youngsters. He is the principal force behind the Padres' scholarship program. Gwynn's foundation actively serves the needs of physically and sexually-abused children. Tony and his wife, Alicia, also routinely open their home to troubled youth and have paid for numerous funerals for victims of gang violence. Madam Speaker, I believe Tony Gwynn is fully deserving of the honor of this resolution.

## PERSONAL EXPLANATION

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Tuesday, October 2, 2001, the record would reflect that I would have voted:

On Roll 360, HR 169, On Motion to Suspend the Rule and Pass, as Amended, the Notification and Federal Employee Antidiscrimination and Retaliation Act, Yea.

On Roll 361, HJ Res 42, On Motion to Suspend the Rule and Pass, as Amended, the measure Memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland, Yea.

On Roll 362, HR 2904, On Motion To Instruct Conferees, Yea.

I was unable to return to Congress on October 2 due to pressing matters in my district.

## RABBI ISRAEL ZOBERMAN'S THOUGHTS ON THE SEPTEMBER 11TH TRAGEDIES

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. FORBES. Mr. Speaker, people of all faiths and backgrounds all across the nation are still struggling to comprehend the senseless loss of life and destruction of landmarks that occurred on American soil on September 11th. Rabbi Israel Zoberman of the Congregation Beth Chaverim in Virginia Beach, a congregation that draws people from all over the Tidewater area, has sent to me his thoughts on these attacks. Though Rabbi Zoberman has lived and preached in the United States for many years now, he grew up in Israel, and is all too accustomed to living with terrorism as a part of his daily routine. His eloquence might help us all to make sense of these tragedies, and I commend his article to my colleagues' attention.

> So much pain, so many tears. God too is weeping for and with America. We are bowed down by heavy losses knowing that a new, unfamiliar burden has been placed upon us with a new kind of evil in a world gone mad. Yet, in our crushing and humbling sorrow we have touched our most tender humanness, reaching higher national oneness.
>
> We knew of the possibility of a large-scale terrorist attack in the United States, but it is a hard reality to absorb. An empire's icons of pride and security, seemingly so well grounded, were toppled and penetrated, changing our outer and inner landscape. Surely the apocalyptic images of doomsday born of diabolic design will be etched in the collective American memory, of a day the world held its breath and a heartbeat was forever lost. There is an insidious insecurity creeping in with such a shock that only time will ease.
>
> The terrifying cloud of dust and ashes with dazed relatives looking for loved ones had a Holocaust resonance to it, and the devastation's wide scope bore a World War Two signature. Terrorism's essence is to disrupt a normal way of life, assailing us physically, psychologically and spiritually. Their target was our very pluralism and inclusiveness by a merciless enemy threatened by our freedoms and global reach, feeling inadequate and powerless in face of the West's superior technology and incomparable standard of living. The great tragedy befalling us ought to bring appreciation for Israel, America's true ally, in its long struggle against Arab and Muslim fundamentalism, acutely suffering during the past year.
>
> The free world with America's irreplaceable leadership has now gained the

undeterred and deterring resolve to uproot the multi-head monster of international terrorism, not without sacrifice. It should have acted more decisively before but that so sadly and costly is a recurrent theme. A trying time like this has the potential for false patriotism with varied and dangerous extremism, profiling and stereotyping certain religious and ethnic affiliations. Fundamentalism of whatever ilk is irreconcilable with the pluralistic tapestry of the grand American model. The urgency of faith, family and fellowship for support and healing has been highlighted. We reject a culture of death with its terrorists-martyrs' messengers whether in the United States or in the Middle East, as we uphold the sanctity of each human life, reaffirming our democratic values and ideals. However, the need for interfaith and cultural dialogue is more vital than ever.

We are grateful for the many heroic rescuers who died while rushing to help and those who tirelessly search for survivors—they all reflect the true divine presence of inexhaustible goodness, encountering inexhaustible human evil. We take pride in our military with its shining presence in Hampton Roads, poised to defeat civilization's adversaries. An uncertain era has begun even as the American dream, albeit bruised but ever more essential for humanity's survival, lives on. Will a new world order sans terrorism finally emerge out of disorder?

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## ROLL OUT THE BARREL FOR BOB TENBUSCH

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor Bob Tenbusch for his induction into the Michigan State Polka Music Hall of Fame. Michigan is a state whose citizens are proud of their multi-cultural ancestry and who delight in celebrating that diversity with others. The Polish community is one of the proudest in Michigan, bringing with it a passion for good food, good spirits, fellowship, dancing and the traditional foot-stomping, lively music of Poland known as the polka.

When Bob played his first polka tune, he joined a rich musical heritage that traces its origins to European classical music and folk music that later combined to form a uniquely American style during the Depression Era in the United States. Contemporary polka is a melting pot of musical influence from the vast array of immigrants that came to the United States and is representative of the diverse cultural backgrounds of our nation.

Bob's musical career began when he blew his first few notes on the trumpet for his high school band. It didn't take long for the polka to lure Bob on stage with "Big Daddy" Marshall Lackowski. By 1954, Bob struck up his own band, which he called the Melody Makers and who later changed their name to the Michigan Cavaliers. The group was a local favorite in Michigan's Thumb region for many years. In 1974, Bob formed the Golden Stars and eight years later he joined his sons in the Tenbusch Brothers.

In addition to his reputation as a musician, Bob earned kudos for his work on fund-raisers to benefit burn and accident victims and people who lost homes or barns to fire. After 30 years of playing and promoting polka music, Bob has retired from the stage, but he remains an active polka fan and is a member of the Great Lakes Polka Association.

Mr. Speaker, I wish to congratulate Bob Tenbusch on achieving the Michigan Polka Music industry's highest honor. He has truly used the power of the polka to touch hearts and coax even the most reluctant toe-tappers to embrace the liveliness and vibrancy of the polka. I ask my colleagues to join me in expressing gratitude for Bob's generous and spirited trumpet playing and in wishing him many more happy years of musical comraderie.

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## IN MEMORY OF C. DONALD BRADY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great citizen, C. Donald Brady.

Born in Connellsville, Pennsylvania, Mr. Brady was a truly selfless individual. In his spare time he enjoyed canoeing and fly-fishing, but it was his time that he dedicated to others that stands out.

Mr. Brady passed away recently but left in his path a long established pattern of giving. After graduating from high school he gave to his country by joining the Navy and serving four years. Next he gave to his community, serving as a teacher after attending California (Pa.) State Teachers College and West Virginia University. Even after earning a bachelor's degree in education and a masters in education from these universities respectively, he continued to increase his knowledge by studying bacteriology at Indiana (Pa.) State Teachers College. He taught for six years at Firelands High School and then joined the faculty at North Olmsted High School in 1965. Upon retiring as a biology teacher in 1987 he continued his model of giving by rediscovering his youthful joy of playing the clarinet and becoming active in Dixieland music associations.

Mr. Speaker, I ask you to join me in honoring the memory of C. Donald Brady.

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## 174TH ASSAULT HELICOPTER COMPANY 2001 REUNION

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to the 174th Assault Helicopter Company (AHC), Dolphins & Sharks (both pilots and enlisted crew members) who played such an important role during their service in Vietnam and Laos during 1966–1971. They will be gathering once again for their reunion in Fort Walton Beach, Florida on October 5, 6, and 7 of 2001.

The contribution of the 174th AHC to the American war effort is significant and they should be recognized for their valor. The personnel of the 174th AHC were an elite group formed at Fort Benning, Georgia in 1965. The 174th was deployed to Vietnam by U.S. Navy ships in 1966, landing at the Vietnamese port at the City of Qui Nhon. The unit's three primary "homes" in Vietnam were Lane Army Heliport near Qui Nhon (1966; II–Corps), Duc Pho in Quang Ngai Province (1967–1970; I–Corps), and Chu Lai, base camp for the Americal Division (1971; also I–Corps). The 174th flew various models of the UH–1 "Huey" helicopter. The unit served long and proud in Vietnam and saw much combat action in the rice paddies and mountains in the northern half of South Vietnam from 1966 until 1971, and in Laos during Operation Lam Son 719 in 1971.

Representative of the sacrifices of this great country is the proud and gallant record of combat service of the 174th AHC. Members of this company engaged the enemy and these engagements have taken their toll. Sixty members of this special corps of Dolphins and Sharks died gallantly for the cause of freedom. They shall not be forgotten. The 174th AHC has on countless occasions proven its high spirit and "can do" attitude as is so appropriately emblazoned on the Company crest—"Nothing Impossible."

The proud legacy of the 174th remains. They proved that the preservation of freedom required heroic sacrifice. They proved that their loyalty to American ideals and their desire for peace was their first priority. When our country needed them, they answered the call, and served proudly. It is this same spirit of sacrifice and duty that has made this nation great.

As the members of the 174th Assault Helicopter Company gather for their 2001 reunion, I wish to extend a heartfelt "thank you" for their actions in Vietnam and Laos. During this dangerous and uncertain time, we are reminded that in every generation, the world has produced enemies of freedom. The evidence of this fact is clear today after the recent attack on America. The resolve and commitment of those who have fought for freedom throughout our history continues to be the calling of our time.

The proud legacy of the 174th Assault Helicopter Company is the inspiration for today's America and those who will be called to serve. We can never repay them except by promising each other to never forget. God bless the men of the 174th AHC and their families. I hope that their reunion is a success and I wish them well in the future.

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## A TRIBUTE TO THOMAS E. HOBBINS, M.D.

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. CARDIN. Mr. Speaker, on Sunday, September 23, 2001, the City of Baltimore, the State of Maryland, and our nation's health care community lost a valiant pioneer. Dr. Thomas Hobbins was a physician by training, but he made an indelible mark as a health care and human rights activist.

Tom Hobbins harbored a deep and abiding commitment to health care for all. He taught at the University Medical School and served as medical director of the Maryland Sleep Disorders Center in Towson. A board member of the Maryland Citizens' Health Initiative, he fought tirelessly for universal health care coverage for Marylanders. He also served on the front lines against handgun violence, teen smoking, and environmental degradation. He was a member of my health advisory group and I greatly valued his guidance.

Dr. Hobbins' curriculum vitae is filled with memberships, awards, and accolades. But I and my colleagues whom he visited here in Washington will remember him best for his generous spirit, his calm demeanor, and his altruistic approach to public policy matters. Whenever he called my office for an appointment, I could be assured that the subject of his visit would involve his patients' welfare and the common good. Tom Hobbins never once disappointed me. He combined a rare selflessness with a level of grace and serenity that most can only aspire to. It is with a sense of gratitude that I remember Dr. Thomas Hobbins. There are many who have been touched by his good will, and I am proud to count myself among them.

## PROCLAMATION FOR STEVEN FUCALORO

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Steven Fucaloro. This young man has received the Eagle Scout honor from his peers in recognition of his achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Steven and bring the attention of Congress to this successful young man on his day of recognition, Friday, November 2, 2001. Congratulations to Steven and his family.

## "POLKA-BRATION" TIME FOR ELEANORE MAGIERA

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor Eleanore Magiera of Caro, MI, for her induction into the Michigan State Polka Music Hall of Fame. The citizens of our State are proud of their multi-cultural ancestry and delight in celebrating that diversity with others. The Polish community is one of the proudest in Michigan, bringing with it a passion for good food, good spirits, fellowship, dancing and traditional foot-stomping, lively polka music.

First introduced to the polka at an early age, Eleanore became part of a rich musical heritage with origins in European classical music and folk music that later combined to form a uniquely American style during the Depression Era in the United States. Contemporary polka music is a melting pot of musical influences from the vast array of immigrants that came to the United States and is representative of the diverse cultural backgrounds of our Nation.

In 1970, Eleanore and her husband, Frank, helped form the Michigan Polka Boosters Club to promote polka music and dancing. Eleanore was elected secretary-treasurer of the club, and over the years has put out the Michigan Polka News publication. She also organized the State of Michigan Polka Hall of Fame and is currently a member of the Great Lakes Polka Association.

Of course, everyone remembers Eleanore as a disc jockey for "Polka Party" on Sunday afternoons at the Rainbow Bar in Caro. Her enthusiastic, energetic and persistent promotion of the polka has brought smiles and good cheer to thousands of people everywhere. She continues to be active in many efforts to trumpet the qualities of polka music and to ensure its continued popularity among the young and old alike.

Induction into the Michigan State Polka Music Hall of Fame is a great honor bestowed upon those who have upheld the joyful spirit that is at the heart of polka music. Eleanore's hard work and outstanding service on behalf of polka enthusiasts has earned her this nomination, but her passion for the polka has done more than win her accolades. It has spread the love of music and dance to many who otherwise might have missed the opportunity to discover the polka.

Mr. Speaker, I ask my colleagues to join me in congratulating Eleanore Magiera on achieving the Michigan Polka Music industry's highest honor and in expressing gratitude for her spirited promotion of the polka. I am confident she will continue to roll out a barrel of fun for polka lovers near and far.

## SEARCH AND RESCUE DOGS

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. GILMAN. Mr. Speaker, I am introducing H. Con. Res. 241, which recognizes the service of the search and rescue dogs who have been an integral part of the ongoing emergency response efforts in New York, Washington, and Pennsylvania following the tragic events of September 11.

Our Nation has witnessed the valiant courage and selfless sacrifice of our public safety officers as well as ordinary citizens in the wake of these horrendous barbaric terrorist attacks. It should be noted that these search and recovery efforts have been aided by the service of more than 300 specially trained rescue dogs which possess unique sensory abilities that allow them to perform much-needed tasks that cannot be conducted as efficiently by people.

These rescue dogs, working in tandem with their equally courageous handlers, have endured exhaustion, exposure to noxious fumes and active fires, risks from falling debris, and other hazards during the rescue and recovery efforts. Accordingly, we should recognize the contribution of these highly trained canines along with those brave men and women who have risen to the challenge of responding to this tragedy.

H. CON. RES. 241

Whereas thousands of Americans and citizens of other nations perished in the terrorist attacks on the United States on September 11, 2001;

Whereas many police officers, firemen, and other emergency rescue workers also perished or were injured in their heroic efforts to save people at the site of the World Trade Center, in New York, New York, and also worked in the rescue and recovery efforts at the Pentagon outside Washington, D.C., and at the site of the airline crash in Pennsylvania;

Whereas the rescue operations also involved more than 300 trained service dogs that performed rescue and recovery duties, particularly in New York City;

Whereas these dogs performed their duties at serious risk to their health and welfare and suffered injuries during the rescue and recovery process; and

Whereas these dogs were an important component of the larger rescue and recovery efforts: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that—

(1) more than 300 specially trained rescue and recovery dogs were instrumental in the emergency response operations in New York, Pennsylvania, and Virginia in the aftermath of the terrorist attacks on the United States on September 11, 2001;

(2) these dogs have unique sensory abilities that allow them to perform a set of tasks that cannot be conducted as efficiently by people;

(3) these dogs, working in tandem with their handlers, endured exhaustion, exposure to noxious fumes and active fires, risks from falling debris, and other hazards during the rescue and recovery efforts; and

(4) the Nation owes a debt of gratitude for the service given by these dogs.

## PERSONAL EXPLANATION

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 362, I was unable to vote. Had I been present, I would have voted "yes."

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## IN SUPPORT OF H.R. 2946, THE DISPLACED WORKERS RELIEF ACT OF 2001 AND H.R. 2955, THE DISPLACED WORKERS ASSISTANCE ACT

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of immediate relief for the tens of thousands of workers who have lost their jobs as a result of the September 11th terrorist attacks. Since September 11th more than 100,000 airline employees have lost their jobs. Many thousands more workers in industries directly and indirectly affected by the disruption of the airline industry also have been laid off.

Small businesses also have been hit very hard by the September 11th attacks. Many of them lost key customers who constituted the lion's share of their business, as well as key suppliers who enabled them to do business.

The September 11th attacks have radically altered business prospects throughout our country. No community has been spared. While even places thousands of miles from the destruction of September 11th have been severely affected, tourist dependent communities that rely upon the airlines and the hotel industry, like my home town of Miami, have been particularly hard hit.

Unfortunately, it seems clear that we have not yet hit bottom. Many more hard working Americans, through no fault of their own, soon will lose their jobs. Mr. Speaker, all of these workers desperately need our help and they need it now.

Mr. Speaker, the human costs of this economic downturn for many of our fellow Americans are truly staggering. Airline and airport workers, transit workers, employees who work for airline suppliers such as service employees and plane manufacturers, all face common problems and challenges. Their mortgages, rents, and utilities still must be paid. Food must be placed on the table. Children must be clothed. Health care costs must be covered.

While some will get by by depleting their savings, the vast majority of those who have lost their jobs have little or no savings to deplete. All of these workers need a strong, flexible and lasting safety net, the kind that only the Federal government can provide.

With no income coming in and little prospect for prompt re-employment within their chosen field, these displaced workers must search for new jobs while few firms are even hiring. While some will find new positions quickly, many, if not most, will not. Some of this unemployment will be structural as some of these industries will be downsizing permanently. As a result, many workers will have to retrain in a new field or receive additional training in their chosen field simply to get re-employed.

So what is it that these workers need? Just like those workers who qualify for help under the Trade Adjustment Assistance Program, workers who lost their jobs because of the September 11th attacks need extended unemployment and job training benefits (78 weeks instead of 26 weeks). Those workers who would not otherwise qualify for unemployment benefits need the 26 weeks of benefits that H.R. 2946 would provide.

They especially need COBRA continuation coverage, that is, they need to have their COBRA health insurance premiums paid for in full for up to 78 weeks, or until they are re-employed with health insurance coverage, whichever is earlier. Those without COBRA coverage need coverage under Medicaid.

Mr. Speaker, this Congress acted quickly and responsibly to meet the challenges posed by the September 11th attacks. We acted as one to pass the Joint Resolution authorizing the use of United States Armed Forces against those responsible for the attacks against the United States. We heeded the call of all Americans and said: Never again.

We stood shoulder to shoulder with President Bush, our Commander in Chief, firmly united in our resolve to identify and punish all nations, organizations and persons who planned, authorized, committed, or aided the September 11th terrorist attacks, or harbored such organizations or persons. We unanimously passed the $40 billion Emergency Supplemental Appropriations bill to finance some of the tremendous costs of fighting terrorism and of helping and rebuilding the communities devastated by these horrendous attacks. We provided cash assistance and loan guarantees to the airline industry.

Now, Mr. Speaker, we must demonstrate the same resolve, the same commitment on behalf of our workers. Deeds, not just words, are required. All of these hard working, innocent displaced airline workers and their families desperately need our help. We must hear and answer their pleas. They need our help and need it now. We cannot rest until we have met their needs. I urge all of my colleagues to join with me to support H.R. 2946 and H.R. 2955.

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## A TRIBUTE TO FRED McALL

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to Campbell University Coaching Great and my former basketball coach Mr. Fred McCall.

A native of Denver, North Carolina, Coach McCall earned his Bachelor of Arts Degree in 1948 from Lenoir-Rhyne College, where he was a three-sport standout. He was inducted into the Lenoir-Rhyne Athletic Hall of Fame in 1980. Following graduation he earned his master's degree from George Peabody College and then pitched professionally in the Carolina League at Hickory, in the Coastal Plain League at Rocky Mount, and in the Western Carolina League at Newton. A graduate of the Infantry School in Fort Benning, Georgia, he served as an officer during World War II.

Coach McCall joined the Campbell staff in 1953 and served the University with distinction for 33 years. He coached Campbell's basketball team to a 221-104 record in 16 seasons. Coach McCall directed his teams to five state junior college championships in eight years, then led the Fighting Camels through their first eight years of competition on the senior college level.

During his tenure as head coach and director of athletics, McCall coached three Junior College All-Americans–Len Maness, Bob Vernon, and George Lehmann.

In 1954, Coach McCall and Wake Forest Coach Horace "Bones" McKinney began the Campbell Basketball School, which has featured such outstanding sports greats as Coach John Wooden of UCLA. Forty-one years later, the School still ranks as the nation's oldest and largest continually running summer basketball camp.

Coach McCall developed the McCall Rebounder in the late 1950s to teach proper rebounding techniques. The device has been used by coaches in all 50 states and numerous countries worldwide and has been on display at the Basketball Hall of Fame in Springfield, Massachusetts.

Named Tar Heel of the Week by the News and Observer in 1969, Coach McCall resigned his basketball and athletic director duties on January 10, 1969, to accept an appointment as Campbell's Vice-President of Institutional Advancement. He served in that capacity until 1979 when he was named Vice-President for Administration, a position he held until his retirement in 1986.

On June 13, 1994, Coach McCall was honored by being inducted into the North Carolina Sports Hall of Fame.

Coach McCall and his wife, the former Pearle Klutz of Granite Quarry, have three daughters—Janet King, Leah Devlin, and Lisa Singletary—and six grandchildren.

Mr. Speaker, Coach McCall not only taught others and me about basketball; he taught us about life. Coach McCall not only helped make me a better player; he helped to make me a better human being. The life lessons taught to me and countless others by Coach McCall's special brand of coaching are lessons we live by to this day. Coach McCall helped strengthen Campbell University, his community, and his country. On behalf of the people of North Carolina, I rise today to offer our eternal gratitude.

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## THE 25TH ANNIVERSARY OF THE CLEVELAND POLKA ASSOCIATION

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 25th Anniversary of the Cleveland Polka Association, a long-standing organization in the Cleveland community that has brought happiness and fine music to thousands in the Northeastern Ohio area.

As long-time polka all-star Frankie Yanovic put it, Cleveland is a polka town! Originating in 1976, the Cleveland Polka Association has long been dedicated to preserving the polka heritage, and promoting interest in polka events. The CSA has been working diligently to establish close friendships among all those who have a great interest in polka music and dance.

The Cleveland-style polka has its roots in Slovenian folk music, but American musicians have given the polka a style that people of all backgrounds can enjoy. The Cleveland Polka Association devotes their time and energy to upholding great polka lessons, such as "If you can't do the Polka, don't Marry my Daughter", and "In Heaven there is no Beer." They will never really answer the question "Who stole the Kishka?"

Mr. Speaker, please join me in honoring and recognizing the Cleveland Polka Association on their distinguished 25th Anniversary celebration. The polka music will be heard long and far as the CSA celebrates to the melodious tunes into the night.

## BENNY PRILL: POLKA'S "GOLDEN STAR"

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor Benny Prill for his induction into the Michigan State Polka Music Hall of Fame. Michigan is a state whose citizens are proud of their multi-cultural ancestry and who delight in celebrating that diversity with others. The Polish community is one of the proudest in Michigan, bringing with it a love for good food, good spirits, fellowship, dancing and the lively, foot-stomping traditions of the polka.

When Benny was just a toddler, he drove nails into a board to simulate an accordion and in doing so he became part of the rich heritage that all polka music enthusiasts share. Like many musical genres, polka is a mingling of many styles, including European classical music and folk music. During the Depression Era in the United States, a uniquely American style developed that reflected the melting pot musical talents of the many immigrants who came to this country.

Like many polka lovers, Benny was introduced to the music at an early age and quickly developed a passion for it. During his school years, Benny played for weddings, dances, house parties and at many other functions. He was drafted into the army at eighteen and during his enlistment he joined a band called the Drifters. Once back home, Benny went on to play for the Golden Stars and most recently in the Polka Music Sound. Many polka fans have come to know Benny through bus trips he has organized throughout Michigan and Ohio for the promotion of polka music. He also hosts polka dances and is a part-time disc jockey for WKJC–FM in Tawas City.

For Benny and others, polka is more than just a type of music, it is a lifestyle that represents a culture and a warmth of spirit that attracts people from all over the world. Polka fans have their own language, with words such as "tubs" to describe a drum set or "boxman" to describe a concertina or accordion player. Benny has earned a reputation not only as a fine musician, but as someone who honors the customs and traditions of polka music so that future generations also will be able to enjoy it.

Mr. Speaker, I ask my colleagues to join me in congratulating Benny Prill on achieving the Michigan Polka Music industry's highest honor. As a keeper of the polka flame, Benny will ensure that good music and lively dancing will live on for many years and I am confident that he will find even more ways of providing venues for all to enjoy the melodic energy of the polka.

## HONORING MARVIN GREENBERG

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all those who knew him. A man who served his country proudly, and a man who displayed immeasurable love for his work, his community, his life, and his family. It brings me great sadness to report that Marvin Greenberg of Plantation, Florida, passed away on September 24, 2001 at the age of 81.

Marvin Greenberg was born in Brooklyn, New York, where he was raised and attended high school. Upon graduation, he began what was to become a very long, meaningful life as a contributor to both his country and community in a variety of ways.

Before matriculating to college, Marvin was called upon by his country to serve in World War II. As a 1st Lieutenant in the United States Army, Marvin bravely commanded a tank battalion in the European Theatre. For the unwavering valor he showed in battle, Marvin was awarded both the Silver Star Medal and a Purple Heart with two clusters, a testament to his willingness to sacrifice himself for the freedom of our nation.

After returning home from Europe, Marvin attended Pace College and graduated with an accounting degree. Marvin went on to work as a production manager for a Brooklyn-based company, and later became a successful national sales representative for a security company.

In 1983, Marvin moved to Plantation, Florida, where he would remain throughout the rest of his life. It was in Plantation where Marvin became an indispensable member of the community, becoming an avid advocate for those in his condominium community and within the city of Plantation as a whole. Passionate about the importance of equality, Marvin became a frequent visitor before the city council, where he argued for causes including housing, loans, and traffic safety. Marvin would join the Lauderdale West Democratic Club, where he was an active member of the Board for eight years and served dutifully as the President for four. Above all else, Marvin made certain that everyone had a voice, and that it was heard.

Mr. Speaker, Marvin Greenberg was both well-loved and widely respected by all those blessed to have known him. He is survived by his wife, Lee, his brother Irwin, his three children, Phil, Paula, and Ricki, and by his five grandchildren and two great-grandchildren. Marvin selflessly served his country and his family was a source of admiration and great pride. Today we celebrate Marvin's life, which serves as a wonderful example to all who follow in his footsteps.

## LIMITATION ON PER COUNTRY SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS

SPEECH OF

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Ms. ESHOO. Mr. Speaker, I rise in support of this legislation.

In May, the House passed legislation, the Foreign Relations Authorization Act that authorized both the release of the $582 million and a third installment of $244 million. However, two weeks before the House considered the bill, the United States was removed from the U.N. Commission on Human Rights. The House responded by adopting an amendment conditioning the third installment on the U.S. return to the commission. This legislation repeals that amendment and reschedules the untimely repayment of our U.N. dues.

As a delegate of the United Nations and Chair of the Commission on Human Rights, Eleanor Roosevelt once said, "Without the United Nations our country would walk alone, ruled by fear instead of confidence and hope." I believe that the American people want to walk in confidence with the U.N.

The majority of Americans consistently show a readiness to pay U.N. dues in full. Most recently a Zogby poll found that 62 percent of Americans believe that we should pay our delinquent dues. Another poll showed that 53 percent of Americans believe that the U.S. should not hold back dues as a means of pressuring the U.N.

It's regrettable that the U.S. lost its seat on the Human Rights Commission but I firmly believe there will never be an appropriate venue for this country to deny its responsibility. Instead of disengaging ourselves from the U.N., I believe that we should do just the opposite and support it with all our vigor.

I'm proud to support this legislation and I will continue to do all that I can to support full payment of our Nation's U.N. dues.

## TASK FORCE ON MENTORING IN MONTGOMERY COUNTY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mrs. MORELLA. Mr. Speaker, I rise today to congratulate and to express my appreciation for the Montgomery County Task Force on Mentoring on its 10th anniversary. In late 1991, after completing a study, the Montgomery County Human Relations Commission concluded that a broad and determined mentoring program could vastly improve the current situations of the County's young males. Following a September 28, 1991 conference titled "Black Males in Crisis—Is Mentoring a Solution?" the Task Force was founded on December 16, 1991.

Functioning under the core belief, as stated by Jonathan Alter, Senior Editor of Newsweek, that, "no one succeeds in America without some kind of mentor—a parent, teacher, coach, older friend—to offer guidance along the way," the task force has grown into an umbrella organization for dozens of non-profit organizations providing mentorships for high risk youths. Annually the task force helps a significant number of children and young adults within Montgomery County.

Another of the Task Force's core beliefs: "reaching out together as a united community, we will make a difference," should become a mantra for all Americans. Mr. Speaker, please join me in congratulating the Montgomery County Task Force on Mentoring, for their commitment to improving our community.

My thanks to Mr. John Smith, president of the task force and to all of its members for the outstanding and valuable service they provide to the citizens of Montgomery County.

## MOTOR VEHICLE OWNERS' RIGHT TO REPAIR ACT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. TOWNS. Mr. Speaker, on August 2, 2001, I introduced HR 2735, "The Motor Vehicle Owners' Right to Repair Act of 2001" to ensure that all motoring consumers have the freedom of choice of where, how and by whom to have their vehicles repaired, maintained and to choose the parts of their choice. I introduced HR 2735 to offer protection to consumers who will suffer from high, non-competitive prices.

But since the introduction of HR 2735, my state of New York and the United States have been changed forever by the devastating attack of September 11th on American lives, our way of life, and our economic foundations. It is now more important than ever for the passage of HR 2735, which will bring economic relief to consumers and small business.

Since September 11th, many citizens have chosen to drive their vehicles to work, to recreation and to vacation sites, rather than take other means of public transportation. This means that consumers will be spending an ever-increasing amount of time in their vehicles. And, that means that these vehicles will need more repairs and parts replaced.

Another consequence of September 11th is the attack on America's economic foundation. Many businesses will close their doors due to the inability to continue to provide consumer services. Now, more than ever, we in Congress must work to bolster business, not hinder it with the economic chains of monopolies. Passage of HR 2735 will keep the doors open for many in the automotive aftermarket, allowing the domino effect of recovery to continue.

HR 2735 will open the door to motoring consumers who are away from home, whether for business or pleasure, to have unforeseen repairs and parts replaced at the shop of their choice and with the parts of their choice. HR 2735 will allow motoring consumers to dispense with fears of being caught in strange localities or being forced back to dealerships. Consumers will be able to make competitive choices.

For several years, Congress mandated that vehicles come manufactured with a computer system to monitor vehicle emissions. As vehicles have advanced, so have the computer systems installed which now control vital systems such as brakes, ignition, ignition keys, air bags, steering mechanisms and climate control. What began as a clean air measure became an unintended "vehicle in itself" to a repair and parts information monopoly by car manufacturers.

The end result is that motorists have become chained to the car manufacturers and their car dealers in order to have their vehicles repaired and parts replaced. Instead of exercising America's free-market ability to choose the automotive technician, shop and parts of their choice—or even work on the vehicles themselves, this lock-out of information has forced motorists to return to car dealers and forced them in many instances into paying higher, noncompetitive costs. Simple tasks such as having an ignition key duplicated can cost $45 or more.

Passage of HR 2735 is essential to the economic structure of the vehicle independent repair industry, as well as the limited budgets of many consumers and their safety.

Passage of HR 2735 will allow motorists who do not live near car dealerships to have their vehicles quickly and efficiently repaired, without being forced into driving a great distance in a problematic car to a dealership, jeopardizing their safety and that of others. It will allow motorists to work on their vehicles and will allow motorists to save money.

Passage of HR 2735 will empower motorists and will not restrict their choices of repair shops, including the desire of those who wish to go to car dealerships. It will allow motorists to actually own the repair and parts information to their own vehicles and to be the ultimate decisionmakers—instead of the car manufacturers—of their own vehicles.

Now more than ever is the time for Congress to keep consumers and small business sound, not pigeon-holed into unnecessary and expensive monopolies. Freedom to choose and to compete is the American Way.

## POMONA VALLEY WORKSHOP'S 35TH ANNIVERSARY

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. GARY MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of the Pomona Valley Workshop on its 35th Anniversary of dedicated service to individuals with developmental disabilities in Western San Bernardino County and Eastern Los Angeles County.

The Pomona Valley Workshop is one of the largest employers in the city of Montclair and strives to maintain the highest of standards in its provision of traditional and innovative services. As an active member of the local community, the Workshop's efforts to improve the public's understanding of issues which affect persons with disabilities have resulted in strong community support and volunteer efforts.

I salute the Pomona Valley Workshop on the outstanding role it has played in assisting adults with disabilities achieve their highest level of employment and community integration. I wish them continued success in their exemplary endeavors.

## ATTACKS ON SIKHS SUBSIDING—STILL UNDER SIEGE IN INDIA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. TOWNS. Mr. Speaker, I am glad that the attacks on Sikhs and other Americans in the wake of the September 11 attacks have subsided. While there are still some incidents, Sikhs, Muslims, and other Americans are safer now then they were a week or two ago. That is good news.

However, Sikhs continue to be under assault in India. The Indian government holds over 52,000 Sikhs as political prisoners. It has murdered over 250,000 Sikhs since 1984. A few months ago, Indian troops were caught red-handed trying to set fire to a Gurdwara (a Sikh temple), but Sikh and Muslim villagers prevented them from carrying out this atrocity.

This is part of a long pattern of violation of the rights of Sikhs and other minorities by the Indian government. The attacks on Sikhs in America, which are terribly unfortunate and should be condemned by all, have been incidents carried out by individuals. That is a key difference. Much of the problem is that since the Sikhs don't have their own country, Americans and others don't know who they are. This is one more reason why a free Khalistan is essential.

Khalistan is the Sikh homeland which declared its independence from India on October 7, 1987. This week marks Khalistan's independence anniversary. It will also see the annual convention of the Council of Khalistan, the government pro tempore of Khalistan which leads its independence struggle.

Given India's apparent reluctance to cooperate with the United States in our war on terrorism, American support for a free Khalistan and for freedom for the Kashmiris, for predominantly Christian Nagaland, and for all the other nations seeking their freedom is more urgent than ever. We must do what we can to extend the glow of freedom all over the world. We can help that along by maintaining our sanctions on India, by cutting off our aid to India until human rights are respected, and by supporting an internationally-supervised plebiscite on the question of independence for all the nations of South Asia. Our war on terrorism is about preserving freedom. Let's not forget that freedom is universal.

## TRIBUTE TO TY MARBUT AND OTHER YOUNG MONTANA HUNTERS

### HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. REHBERG. Mr. Speaker, hunting in Montana is one of our most popular time-honored traditions. Each fall thousands of Montana men and women traverse our mountains, forests and prairies in pursuant of a wide range of large and small game.

One of the greatest stalwarts of the Second Amendment to the U.S. Constitution is Gary Marbut who is president of the Montana Shooting Sports Association. Gary works tirelessly with the Montana Congressional Delegation to protect our vanishing right to keep and bear arms.

The June 2001 issue of the National Rifle Association's "American Hunter" contains Gary's article "A Kid's First Elk Rifle." It details the strong father and son bonding involved in his son Ty's preparations to hunt elk and get comfortable with the proper rifle. I commend my colleagues to read this article that embodies how hunting and family values are still very much in vogue in Montana.

#### A KID'S FIRST ELK RIFLE

(By Gary Marbut)

Tyrel turned 11 last fall, which means he's old enough to hunt elk when he passes hunter safety. I began thinking what the criteria would be for a good elk rifle for an 11-year-old boy. It would need to be light enough to carry, pack enough punch to take the animal, have suitable accuracy for successful 200-yard shots, and minimal recoil so as not to terrify a young shooter and cause him to flinch.

Fortunately, there are so many choices the real problem is not finding something suitable, but narrowing the field. I first looked at my own collection. A rifle that I've always liked is my Ruger semi-auto carbine in .44 Magnum. This rifle has a clear and wide little 4X scope with the old post reticle.

This seemed the ideal choice for Ty. It has a short stock, much of the recoil is soaked up by the semi-auto action, the .44 Magnum is enough for elk with well-placed shots, and since I hunt elk with a .44 Magnum revolver, we could practice with, carry, and use the same ammo. I would prefer to shoot elk with this rifle under 150 yards, and I did ponder the safety aspect of a semi-auto for a kid's first hunting rifle. However, this rifle had one large added benefit: it is the same size and shape as a Ruger 10/22, and Ty could hone his shooting skills with my 10/22 and cheaper ammo.

The idea was fine until I suggested it to Ty. "Nope," he said. "Nothing magnum. Too much recoil." Kids can be notional, and I didn't want to push him. I wanted his first hunting season to be something he'd anticipate and remember.

So I started asking experienced hunting and shooting friends about how they would solve my problem. What amazed me was how wide-ranging the answers were. Some said to get him some sort of "oh-my-gosh" magnum and let him learn to shoot and pack it. Others advised that a well-placed head shot on elk with a .223 would always take it down. And I heard everything in between.

I finally decided to narrow the field by choosing what I determined was the minimum, fully elk-capable caliber. Admitting a bias for .30-caliber cartridges, I finally chose the .308 Win. for Ty. I found that if I looked hard enough I could find a Remington 700 in a short-stocked, short-barreled youth configuration, and with a synthetic stock. I had a local dealer order it for me and it arrived a few days before Christmas, in just enough time to slap a 6X Weaver scope on it. It did look nice under the tree, and the look on Ty's face when he opened it promised a great hunting season.

Still, there was a lot of work to be done. I belong to the school that believes a person should put a lot of ammo through the gun they'll hunt with before they go hunting. I had hopes of Ty being able to put several hundred rounds through his new rifle before hunting season, but because recoil had been one of my original concerns, and since this youth model was lightweight, there was no way I was going to subject Ty to several hundred rounds of full-house 308.

I ended up handloading some light "plinker" rounds that Ty liked shooting immediately. We practiced until he could place five-round groups of this ammo into a two-inch circle at 100 yards. Spring came around and Ty passed the Montana Hunter Education class, even becoming a junior instructor—quite proud to be the only 11 year-old with that status. A prairie dog shoot later in June allowed him lots of shooting, the two of us going through several gun changes and some 2,000 rounds of ammo in one afternoon alone.

Between the prairie dog shoot and other practice at the Deer Creek Range near Missoula, Ty consumed almost 400 rounds of his light practice ammo over the summer. The next project was selecting the right ammo for his elk hunt. I tested several kinds, but the bullet I finally selected as the best compromise of weight, shape, cost, and performance was the Hornady 165-grain soft-point boat-tail. Backed by Varget powder in Lake City brass, the bullet would run out of Ty's barrel at about 2800 fps and group five shots into about 1¼ inches at 100 yards. I should say that this ammo makes Ty's light rifle kick pretty good—he has never fired a round of it. He's carrying it elk hunting now, and I've promised him that when he shoots at an elk, he won't notice the kick at all.

Ty is 12 now, and though it is currently the second week of elk season in Montana, school has limited the youngster to only two days afield so far. And though we haven't seen any elk, there's lots of good hunting within a two-hour drive of where we live. Soon, we hope to be able to put to the final test, a kid's first elk rifle.

## TRACKING FOREIGN VISITORS AND STUDENTS IS A PROTECTION FOR ALL

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the October 1, 2001, and the October 2, 2001, editorials from the Omaha World-Herald entitled "Loosey-Goosey Borders" and "Loosey-Goosey Borders: II." For many years, this Member has argued that it is critical to U.S. security interests to have our government energetically reform and effectively implement visa control for foreign nationals and to screen those foreign nationals who are seeking to be accepted as legitimate refugees or immigrants. As the October 1st editorial notes, "U.S. law enforcement agencies should know who is entering the country and where they are supposed to be." Sadly, it took the horrific terrorist attacks of September 11, 2001, for the American public to fully understand why that is the case.

[From the Omaha World-Herald, Oct. 1, 2001]

#### LOOSEY-GOOSEY BORDERS

One of the greatest challenges facing the United States now is how to maintain an open, free society while protecting the country from terrorists who exploit that freedom. A key element of the question is the millions of foreigners who enter the United States each year, some of whom have had terror, not touring, on their mind.

In 1998, about 30 million people entered the country on visitors' visas, a form that is relatively easy to obtain, sometimes after only a few routine questions. Then this is what happens: nothing. Once these visitors arrive, the U.S. government washes its hands of them. They are never checked on unless they commit a felony of some kind. In practice, they are free go home or disappear into American life, as they wish.

Many of them never leave. One estimate suggests that half of the 7 million illegal aliens in this country didn't enter illegally but simply overstayed their visas. And the Immigration and Naturalization Service has no idea who they are, where they could be or what they might be up to. Officials say that 16 of the 19 hijacker-terrorists entered the United States on temporary visas as students, workers or tourists.

U.S. borders aren't simply porous, said Mark Krikorian, director of the Center for Immigration studies in Washington; they are, to all intents and purposes, wide open. That is crazy. An open border is an open invitation to terrorism.

First, the painfully obvious. The INS should keep track of all who visit the United States, where they are and when they are required to leave. The act of not leaving should trigger a reaction from INS enforcement officers—perhaps a letter of inquiry, perhaps arrest, depending on the potential threat.

Keeping track of visitors will take a computer system, a reform mandated by Congress in 1996 but abandoned when border states objected to the delays and loss of business. It will mean time lost and, in all likelihood, traffic jams, particularly at busy U.S.-Mexican and U.S.-Canadian borders. But it is vital to check foreign visitors both in and out. Not to do so invites what has happened.

Protecting the United States may require that the embassy and consulate staffs where visas are issued be better trained or enlarged. They are the first line of defense against attack, and they should act positively, checking backgrounds and criminal records of would-be tourists, particularly if the applicant is from a problematic country such as Iran.

The changes needed might also involve modifications in the visa waiver program, by which nationals in 29 friendly countries such as Great Britain and Norway are admitted to this country without the formality of a visa. At the very least, these visitors, too, should be checked in and out via computer. Because the criminal world so highly values stolen or forged passports from waiver countries, more stringent security provisions might be needed.

Foreign visitors shouldn't look at increased scrutiny or security as an accusation or violation of rights. They are, after all, guests, here on sufferance and required to obey the law. Few other countries have been as wide open as the United States in the past, and even fewer are likely to be in the future.

U.S. law enforcement agencies should know who is entering the country and where they are supposed to be. These organizations can then judge potential risks and problems and handle them as the law allows. When the INS keeps closer track of visitors, it isn't intended to harass but to identify, not to accuse but to protect. It's not xenophobia. It's self-defense.

And self-defense, within the context of freedom, has suddenly become of vital importance.

[From the Omaha World-Herald, Oct. 2, 2001]

### LOOSEY-GOOSEY BORDERS: II

As the United States moves to take control of its borders and keep track of foreign nationals entering the country, it is important to change the way student visas are handled, too.

About half a million foreign students enter the country every year, some headed for colleges or universities, some for vocational or language schools. The vast majority of them actually attend school.

Some, however, do not, and disappear into the population. In that category was one Hani Hanjour, who was supposed to study English at Holy Names College in Oakland, Calif. Ten months after he skipped out on his student visa, he and companions hijacked the jet that crashed into the Pentagon.

Hard as it might be to understand, schools are not required to notify the Immigration and Naturalization Service if foreign students fail to appear or drop out. Five years ago, Congress ordered the INS to begin tracking foreign visitors. That was to include students starting in 2003. But in August, a bill was introduced to end the system before it began.

The system would have issued cards with magnetic strips to students. The strips, containing personal information, would have to be swiped through a reader when the student entered the country and the cards would have to be shown to school authorities when they arrived on campus.

Then, campus officials would be required to report changes of address and other information concerning international students.

More than a hundred schools spoke out against the INS plan, as did NAFSA/Association of International Educators, a lobbying group. Many university officials worried that any identification system would discourage international students.

Perhaps it would, but it shouldn't. It is not unreasonable and it should not be intimidating to require foreign students not only to be what they claim—students—but to allow the immigration service to keep track of their whereabouts.

The education lobbying group has seen the light and changed its position. Last month, after the attacks on New York City and Washington, D.C., its spokesman said, "The time for debate on this matter is over, and the time to devise a considered response to terrorism has arrived."

That is a commendable turn-around, one that college and university leaders would do well to emulate. The idea is not to punish foreign students or inconvenience their schools but to protect Americans from terrorists who might enter the country under false pretenses.

The system needs to be put in place yesterday.

## CHAIRMAN OF CITIGROUP, SANDY WEILL, GIVES A HELPING HAND

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 3, 2001*

Mr. TOWNS. Mr. Speaker, I would like to bring to your attention the insightful article from the October 1 edition of USA Today that reflects the philanthropic efforts of corporate America to assist the victims of September 11.

The article illustrates the scope of the corporate philanthropy taking place to help my constituents and all those affected by the attacks. Leading the charge is Citigroup which has set up a $15 million education fund for all the victim's children. CEO and Chairman of Citigroup, Sandy Weill described the mindset of America's corporations, as he talked about the company's employees "not just giving their money but their time and talents" to help the victims.

As we struggle with the grief and new realities before us, I ask that we also look to the compassionate efforts of the individuals and corporate America as a symbol of what makes America great. The efforts of Citigroup and others are not going unnoticed in Washington or across the country and I would ask you all to join me in thanking those who have helped during this time of great need.

[From USA Today, Oct. 1, 2001]

### CORPORATIONS SETTING UP OWN CHARITABLE FOUNDATIONS

(By Julie Appleby)

Restaurateur Waldy Malouf never thought he'd be running a charity. But he has joined a growing number of executives who are doing just that.

In coming weeks, he'll be helping decide how to dole out millions of dollars to families devastated by the attack on the World Trade Center.

And he's not alone.

Some big-name corporations, and a few trade associations, have created their own multimillion-dollar relief funds, determining how, where and to whom to give the money.

As the events of the past weeks have been unprecedented, so, too, are these efforts: Corporations don't generally give direct financial aid to victims.

"We had to take care of our own," says Malouf, co-owner of Beacon Restaurants, which lost 76 employees in the Windows of the World of the World Restaurant in Tower One at the World Trade Center.

He and his business partners spent a whirlwind week creating the Windows of Hope Family Relief Fund, aimed at helping the families of food-service workers killed in the collapse of the towers. Without such a fund, Malouf feared that bus boys and waitresses would be overlooked in the outpouring of support for other victims.

Such efforts are generally being overseen by top business executives, many of whom have served on the boards of charitable organizations.

Philanthropy experts caution that this planning to give direct aid—rather than funneling money through private foundations or established relief groups—face challenges.

"The danger is that companies may be amateurs in running effective relief funds," says Kirk Hanson, who has studied philanthropy for 20 years and heads an ethics center at Santa Clara University in California. "They will need to look to experts in relief to ensure the money is spent wisely."

Who, for example, will oversee the funds and provide an accounting of the monies spent? (Funds that obtain charity tax status will report itemized details to the IRS, but not all are seeking that status.)

Which victims will get money and how much? Will the money go only to families of those who died, or could the definition grow to include the injured or the unemployed?

Publicly traded companies may face opposition from shareholders about how money is distributed.

"This is one of the thorniest problems of disaster relief," Hanson says. "Any charity engaged in direct aid has to struggle with the definition of who is needy."

Which is what Malouf and other firms wrestled with last week.

"There are a lot of legal and moral and ethical issues that come up that you have to grapple with," says Malouf.

One example: Three carpenters were working in the Windows on the World Restaurant when the attacks occurred. All three died.

The relief fund, however, is designed to help restaurant workers. Would the carpenters' families be eligible?

"In that case, we know the families, and we probably will help. They might not have been washing dishes, but they were working on the restaurant," Malouf says.

Malouf and other executives say they are either hiring administrators to run the funds or relying on to executives, many of whom have served charitable organizations.

"It's more difficult (to run a fund), but we've always had a philosophy that we have talented executives who can be helpful in working on a lot of things other than business, giving not just of their money, but of their time and talents," says Sandy Weill, chairman and CEO of Citigroup.

His company, which already supports charities and student programs through its foundation, plans to run its own $15 million scholarship fund to help children who lost parents in any of the attacks, including the one on the Pentagon.

"We'll sit down with the appropriate people and come up with (eligibility) criteria that will be simple, that people can understand," Weill says. "I don't think it's rocket science."

Many of the companies that have established funds have earmarked them for specific purposes.

Morgan Stanley has set aside $10 million to aid the families of its own employees who were injured, missing or killed in the World Trade Center, along with families of missing rescue workers.

The National Association of Realtors has raised $2.5 million to help the families of victims from any of the attacks make rent or mortgage payments.

"The money is targeted for families who have lost a breadwinner as a result of the tragedy and might be in jeopardy of missing housing payments, spokesman Steve Cook says.

Money will be given out on a first-come, first-served basis in Massachusetts, Connecticut, New York, New Jersey, Maryland, Virginia and Washington, D.C.

At DaimlerChrysler, executives are pondering whether they want to turn over their $10 million children support fund to an outside organization to manage.

"You need people who have expertise in the endeavor," spokesman Dennis Fitzgibbons says.

At Alcoa, where a $2 million relief fund has been set up, executives won't rush to fund anything immediately, preferring to wait to see where the greatest needs are, spokesman Bob Slagle says.

"We believe we are capable of sorting through some of these difficult issues and really making a different," Slagle says.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 4, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 5

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for September.
1334, Longworth Building

### OCTOBER 9

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine effective responses to the threat of bioterrorism.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy; and the nomination of Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.
SR–253

### OCTOBER 10

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine bus and truck security and hazardous materials licensing.
SR–253

10 a.m.
Environment and Public Works
To hold hearings to review the Federal Emergency Management Agency's response to the September 11, 2001 attacks on the Pentagon and the World Trade Center.
SD–406

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine new priorities and new challenges for the Federal Bureau of Investigation.
SD–226

Health, Education, Labor, and Pensions
Business meeting to consider S. 1379, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; S. 727, to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; proposed legislation with respect to mental health and terrorism, proposed legislation with respect to cancer screening; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; and the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.
SD–430

2 p.m.
Judiciary
To hold hearings on the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy.
SD–226

### OCTOBER 11

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, and Fisheries Subcommittee
To hold hearings to examine the role of the Coast Guard and the National Oceanic and Atmospheric Administration in strengthening security against maritime threats.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the needs of fire services in reponding to terrorism.
SR–253

### OCTOBER 12

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the state of the tourism industry.
SR–253

### OCTOBER 16

2:30 p.m.
Veterans' Affairs
To hold hearings to examine the Department of Veterans Affairs's Fourth Mission—caring for veterans, servicemembers, and the public following conflicts and crises.
SR–418

### OCTOBER 17

10 a.m.
Joint Economic Committee
To hold hearings to examine monetary policy in the context of the current economic situation.
Room to be announced

### OCTOBER 18

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine genetic nondiscrimination.
SD–430

### OCTOBER 23

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the drug OxyContin.
SD–430

### OCTOBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

## POSTPONEMENTS

### OCTOBER 5

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the economic security of working Americans and those out of work.
SD–430

# SENATE—*Thursday, October 4, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Bishop Eddie Long, of the New Birth Missionary Baptist Church, Decatur, GA.

## PRAYER

The guest Chaplain, Bishop Eddie Long, offered the following prayer:

Father we bless You and we honor You for the unconditional love You show to us. We bless You for the mercy You have bestowed upon us and for the overflowing grace given us each day. Father, allow us this day to have the courage of David as we face those who wish to destroy our moral fabric.

O Lord, bless this Senate to have the patience of Your servant, Job, as they carve out a rational solution to eradicating the harshness of terrorism. We ask You to move now throughout these hallowed walls and use these men and women to rid our world of the evil scourge of terrorism. We pray now for the President of these United States. Give him wisdom and understanding. Let him have the endurance of a lion as he bears the ultimate weight of providing for our national security; grace him with the tenderness of a lamb as he nurtures our Nation from the wounds inflicted by the barbaric. We also pray for the commanders and the soldiers who may be sent into harm's way.

We also pray, Father, for the families of those who lost their lives as a result of the horrific acts which took place on September 11. Lord, we further our prayer for those who were wounded on that day and for the souls of those who exited this life. We pray Your grace on the rescue workers who have not ceased their efforts to bring normalcy back to our Nation. It is our prayer, Lord, that as we, the United States, seek Your face, You will truly hear from heaven and that You will comfort us in Your miraculous way; that You will wipe the tears from this Nation's eyes and that You surely will heal our land. We offer this prayer up to You, understanding we are hard-pressed on every side but not crushed, perplexed but not in despair; persecuted but not abandoned; struck down but not destroyed.

In Jesus' name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 4, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

## SCHEDULE

Mr. REID. Madam President, this morning the Senate will resume consideration of the motion to proceed on the aviation security bill. There is every hope that sometime today we can begin consideration of that bill.

As I mentioned yesterday, there has been significant progress made on a number of different issues, not the least of which is the tremendous work done by the Judiciary Committee. Senator HATCH, working under the chairmanship of Senator LEAHY until about 3 this morning, I understand, completed their overall work in reaching an agreement on the antiterrorism legislation. It is very important that has been accomplished. It has taken tremendous time of that committee. They have worked literally night and day.

My former press secretary's husband works on that committee. I had the good fortune of being able to go to a long-scheduled dinner with him last Saturday. He had to change clothes in the car. He had been working all night Friday and Saturday. The staffs work very hard.

In spite of that and all the work they have done, the Judiciary Committee today is going to meet and report out an appeals judge from the State of New York, a district court judge from Mississippi, up to 15 U.S. attorneys, one Assistant Attorney General, and the Director of the U.S. Marshal's Service. They are going to have a hearing today dealing with a circuit court judge from Louisiana, two judges from Oklahoma, a district court judge from Kentucky, a district court judge from Nebraska. I am very happy to say that a professor from the University of Nevada-Las Vegas Law School is going to be, I hope, reported out of that committee soon. There will be a hearing on him today, Jay Bybee, to be Assistant Attorney General for the Office of Legal Counsel.

Next week they have already scheduled a long awaited hearing on John Walters to be the Director of the Office of National Drug Policy Control. They are going to have a hearing on October 16 on Tom Sansometti, and then on October 18 they are going to have a hearing on another circuit judge and 5 district court judges.

I say this because the Judiciary Committee is overwhelmed with work, and in spite of that we are moving at a very rapid pace. When Senator LEAHY became chairman of the Judiciary Committee, there had not been any judges reported out. That had been 6 months this year. We have done this much work already this year, which I think is significant.

During the first year of President Clinton's Presidency, it is my recollection—I do not have that before me—we had three circuit court judges during that entire year. We are going to surpass that this year quite easily.

This morning at 8, Senator BYRD called a meeting. Of course with him was the ranking member of the Appropriations Committee. He met with the 13 subcommittee chairs and the ranking members to talk about how we would move forward on appropriations bills. We now have the numbers, and we are going to move forward as rapidly as possible.

We still have five bills that have not received Senate action. Seven of them have received Senate action and we are waiting to complete a conference with the House. Under Senate rules, the only way we can move to other matters is by unanimous consent.

I have been in consultation with the majority leader, and as a result of the work done by the Judiciary Committee in arriving at final numbers, it is now appropriate we do things today other than be in morning business. We have work in the Senate that needs to be done and that can be done, in spite of the fact there is a motion to proceed on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this aviation security bill, which is so important.

## UNANIMOUS CONSENT REQUEST—H.R. 2506

Mr. REID. I ask unanimous consent that the Senate now proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, reserving the right to object, I admonish the body that we are ready to go forward and, as the distinguished assistant majority leader points out, we ought to be using the time available to conduct other business, if we cannot go forward with the airline security bill. I have been talking with Senator McCAIN to coordinate this effort. While the managers' amendment is yet to be finalized, we have other amendments. It seems to me we could get some kind of agreement with respect to relevant amendments and consider these measures. It would not be time wasted.

This procedure of moving to another bill puts airport security in limbo. We are not having votes tomorrow or Monday, and certainly not on the weekend.

Reagan National is up and running again, and we have shuttles going to New York and Boston and otherwise, but the holdup in ensuring the security of our airports is now on the part of the Senate.

Mr. REID. I say to the chairman of the Commerce Committee, who has worked so hard on this issue and is our leader on this issue, the Senator is right. Once we get agreement to be able to proceed to this bill, which we wanted to do yesterday, of course, we could do that. In the meantime, whether it is an hour, 2 hours, or 3 hours, whatever Senator LEAHY could do would be time well spent.

Once there is any agreement that has been reached by the Senator from South Carolina with the minority, we would be happy to immediately move off of that.

The point we are making, I say to my friend from South Carolina, there is no need we be in morning business all day. We have things to do. The Senator can be assured that once there is any agreement on this vital legislation, airport security, we will get off of this. I have spoken with Senator LEAHY. He agrees. The Senator does not have to worry; We want to keep full focus on this legislation.

Mr. HOLLINGS. I thank the distinguished leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object to the unanimous consent request.

Mr. REID. Madam President, I am very disappointed. We need to move forward on this legislation. We had an objection yesterday on airport security. Now we have one on this appropriations bill. We have worked so well these past 3 weeks together. We need to continue. That is the reason I went through the list of work we are doing on the judges. We are working as hard as we can. We have been consulting with the majority leader and assistant minority leader on how to move forward. We are doing our level best to do that.

I am very disappointed there has been an objection by the minority to moving forward on an unfinished appropriations bill. It is too bad. I would, of course, ask we go to the Agriculture appropriations bill, but there would be the same objection, so that is a waste of the Senate's time. That is too bad.

The President has reached out to the majority in the Senate. We have done our best to work with the President. I am very disappointed. I am confident the President would like us to move forward on these appropriations bills. I think the President himself knows how hard we are working on these nominations. As I said, if you compare what we have done to the early years of the Clinton administration, we are doing just fine.

Madam President, this is not payback time for the fact that we didn't get many of our judges approved. This is not payback time. We are working through the process as quickly as we can. These judges have been nominated in an appropriate fashion. A lot of them were late getting here, but we are moving through them as quickly as we can. I think it is unfortunate we cannot move forward on these appropriations bills.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## AVIATION SECURITY ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to consideration of S. 1447, a bill to improve the aviation security, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. REID. Will the Senator withhold for a unanimous consent?

Mr. THOMAS. Certainly.

Mr. REID. It is my understanding the minority is having a party conference. If I could ask my friend, for the next hour or so perhaps we should go into morning business. Any objection to that?

Mr. THOMAS. No objection.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent until the hour of 11:30 today we be in a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PRIORITIZING

Mr. THOMAS. Madam President, I say to my friend from Nevada, all Members are anxious to move forward with this airport security bill. Unfortunately, the impediment basically has been the threat to bring up amendments that are unrelated. This ought to be held to moving that. There will be a conference going on designed to come to an agreement with regard to this bill. Hopefully, we will be back on the floor with it today.

I am pleased to hear the Judiciary Committee is finally moving on the judges. We have a total of 6 that have been confirmed. There are 107 vacancies; that is a 12½-percent vacancy. The total of nominees not yet dealt with is almost 50, 49. We certainly have an obligation to move forward on that issue.

I hope as we are working through all the items that are of such priority that we can set some priorities and take those that obviously are most important, those that deal with terrorism, those that deal with security. They have to be the highest priority. Those that deal with the economy have to be priorities. And of course we have to do our normal duties. I have been talking about this for several weeks. We have not moved very quickly.

Hopefully we will be able to come back to this bill very soon today.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Madam President, we are in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KERRY. I ask unanimous consent I be permitted to proceed for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NATIONAL SECURITY

Mr. KERRY. Madam President, as one of the original authors and cosponsors of the Aviation Security Act, I take a moment to underscore where the Senate finds itself at this moment, which I find distressing and deeply frustrating and less than an adequate response to the compelling requests made by the President of the United States a few days ago in a joint session of Congress. Only a few days ago, the Senate came together with the House to listen to the President describe a war, to describe the most compelling circumstances this Nation has faced certainly since Pearl Harbor, and perhaps in its history in the context of the nature of the attack on New York City and the Pentagon.

There is a danger in raising the level of rhetoric and not meeting it with the actions that the American public understand are required of a nation facing urgent circumstances. It is extraordinary to me that the Senate is in gridlock. That is where we are, essentially, stopped cold in our capacity, not just to do the Airport Security Act and let the Senate vote its will, whatever that may be—I don't know what the outcome will be—but let the democratic process of the Senate work. Rather than trying to hold it up completely, to subject it to some kind of prenegotiation that appears to be impossible when we even have meetings canceled and there is no negotiating going on.

We tried to go forward on the foreign ops bill. I cannot think of a bill, second to the Department of Defense authorization we just passed a few days ago, that is more important in the context of the circumstances in which we find ourselves. But we are not even permitted to proceed forward with that because, essentially, once again politics and ideology are rearing their heads with a stubbornness that suggests that a few Members of the Senate are unwilling to allow the entire Senate to work its will. What an incredible display at a time when the world is watching the greatest deliberative body, and the greatest nation on the face of this planet with its democracy, try to work effectively to respond to these needs. What is even more incredible to me is that common sense tells us what the realities are with respect to airport security and, I might add, rail security in this country.

We woke up this morning to the news that an airliner apparently has exploded and gone down over the Black Sea, a Russian airliner. We do not know yet to a certainty that it is terrorism, but we do know the early indicators of an eye witness report from the pilot in another aircraft is that he saw it explode and saw it disintegrate and go down into the sea. And Russian President Putin has said it appears as if there is some act of terrorism.

Leaving that aside, we have promised the American people we are going to provide them, not with a level of security, not with some sort of half-breed sense that we have arrived at a notion of what is acceptable, but we are going to provide the best security, the fullest level of security we are capable of imagining, that is well within the reach of this country and well within our capacity to afford.

I might add, what we are suggesting we want to provide to Americans, in terms of security, they have already suggested they are willing to pay for several times over. This is not a question of cost. It is not a question of our inability to afford this. It is a question of politics, ideology.

We have some in the Senate who do not like the idea that there might be more Federal employees, that there might be more people who might join a union even, that there might be more people who somehow might not have their political point of view but who nevertheless might perform an important function for our country. When I was in the military, what I learned about, sort of a hierarchy and about authority and about training and management, is that there is a brilliant effectiveness to the chain of command and to the manner in which a Federal entity is organized or a law enforcement entity is organized.

I do not think anybody in this body would suggest we ought to be contracting out the responsibilities of the Border Patrol, or contracting out the responsibilities of the Immigration and Naturalization Service, or contracting out the security of the Capitol, the security of the White House, or the security of a number of other efforts. But they are prepared to contract out to the lowest bidder, with unskilled workers, the security of Americans flying, notwithstanding everything we have learned. That is just unacceptable. It is unacceptable.

I hear all kinds of excuses being made: There are transition problems; you might have contractors quit in the meantime. First of all, at a time of high unemployment and rising unemployment, I think common sense would tell us most of those contractors would leap at the opportunity to have a better-paid job and to get more training and they will stick on the job because they will be part of an important security corps of the United States of America and they would want to be part of that. And, incidentally, they would want to be part of it because they would then have the possibility of having benefits they do not get today, which is one of the reasons we have employees, notwithstanding all of their best efforts and all of their best intentions, who are, many of them, simply not fully enough trained or prepared to do the job they are being asked to do. It is not their fault, but it is the nature of the pay scale.

If you were to compare the difference between the civilian nuclear industry and the military nuclear industry—i.e., the U.S. Navy on ships—we have not had major incidents on ships of the U.S. Navy. We have had Navy ships running nuclear reactors, and highly successfully, for years now: Submarines, aircraft carriers, cruisers, and others. But the military has an unlimited human personnel capacity for redundancy, for certitude in the human checks, and therefore is capable of providing a kind of safety net that you cannot provide in the private sector because the private sector is always thinking about the shareholders, the return on investment, the cashflow, and the capacity to do it. So you do not get that kind of redundancy often unless it is required.

The same thing is true of the checking of the security process of people boarding aircraft. Moreover, we have now learned that this is something more than just a job, significantly more than just a job. It is part of the national security framework of our country. It is the way in which we will prevent a plane from being used as a bomb or a plane from simply being blown up, or passengers from being terrorized in some form or another. Passengers deserve the greatest sense of safety in traveling.

For those who are concerned about the economy, there is not one of us who has not been visited in the last weeks by members of the auto rental industry, restaurant industry, travel industry, hotels, and countless mayors who are concerned about the flow of tourist traffic to their cities. We need to get Americans to believe in the level of safety that their Government is providing for them.

It is extraordinary to me. We have been through this period of time where government has been so denigrated. We have had a long debate in this Senate with people arguing so forcefully the adage: It is not the Government's money, it is your money and you deserve a refund. But at the same time, you know, they are incapable of doing without the very people who have put on displays of courage that have been absolutely extraordinary over these last week. That was government people, paid by government money, who ran into those buildings to save lives in New York. It has been government people paid by government money who have saved so many people in the course of these weeks. It has been government people paid by government money who organized and managed people who have been homeless, people who searched for their loved ones, people who needed some kind of comfort. It has been a government display, if you will, of the effectiveness of money well spent when we invest it properly.

The same thing is true of airport security. I want to just highlight the differences between what is being proposed by those of us who think we need to have a Federal structure versus what the administration has currently offered. With respect to turnover, we raise the wages. We raise the wages to a level that would put the employees on a Federal civil pay scale. That means you will attract more qualified people and you will have a right to be able to raise the standards and raise the demands of performance, which is precisely what the American people want.

Under the administration's current proposal, they will only increase the wages and benefits if the legislation specifically mandates a living wage and health benefits for the employees. So there is no demand that the wages be raised. They want to leave it to the lowest bid process unless somehow there is a specific statement to the contrary.

With respect to training, we create a stepped scale based on management responsibilities and seniority so there is an incentive within the structure for people to assume management responsibilities, to become supervisors and to actually supervise with something more than 3 months on the job. Currently the turnover rate at Atlanta airport, Hartsfield Airport in Atlanta, is 400 percent. The turnover in New York, Boston, and Los Angeles ranges between 100 percent and 200 percent, 300 percent —extraordinary turnover rates.

You can't expect somebody to be on the job at low pay and be able to provide the kind of skill necessary to read the x-ray machine properly, to profile a person, to see suspect activity, or even to make the kind of personal searches necessary when that is needed.

Under the administration's current offer, the wage scale and the management decisions are left to the low bid contractor. Secretary Mineta was in front of our committee just the other day. I asked him specifically: Mr. Secretary, isn't it true that all of these companies are basically in a position where they take on the lowest bid, and it is a bid process that encourages low bids so that they can survive? He said yes. Jane Garvey said yes. That is precisely what the current proposal will continue.

It is simply impossible to build more rail, or gain the kind of efficiency, or gain the kind of accountability and manage this process effectively if we are not prepared to have a Federal civil service structure for these employees.

I might add that while the Europeans have a slightly amalgamated system, they have wage laws and they have labor laws that we do not have that guarantee the kind of pay structures and accountability structures which we are seeking in our approach.

While there is a distinction, it is really a distinction without a difference because in the end they have achieved the kind of Federal vision and the kind of employee quality which they have been able to attract as a consequence of the ingredients they put together.

For instance, Belgium has an hourly pay of $14 to $15, they have health benefits, and they have a turnover rate of less than 4 percent. The Netherlands: $7.50 an hour; England $8 an hour; in France, they receive an extra month's pay for each 12 months of work, and less than a 50-percent turnover rate plus health benefits.

We are looking at an extraordinary difference between what European countries are able to do as they face these kinds of terrorism, and they have much stricter standards than we have for a longer period of time.

It is imperative that we in the Senate get about the business of responding properly to the demands we face with respect to the security of our airports.

It seems to me that the transitional issues are easy to work out. It is certainly, first of all, normal to assume that those people who are under contract now will still be under contract. If they breach it, I think the full wrath of the Government and the American people would be ready to come down on them, not to mention the lawsuits for breach of contract, and not to mention the loss of jobs for all the employees.

Those transitional problems that are being conjured up simply don't hold up to scrutiny. The American public knows that if we had a Federal civil service corps which we could put under homeland defense, or where we could put it under the Defense Department, if the Department of Transportation is uncomfortable with it, what better an area for the security of our airports?

There is no distinction between providing security for our borders with the Border Patrol on the ground and providing security for our air traffic and for those people who fly through the air across those borders. It is the same concept. I think most people in the country understand that.

I hope the Senate is going to quickly get enough business of paying attention to this issue and resolving it today. It has been 3 weeks now. One would have thought this would have been one of the first things we would have done almost by edict and that it would have initially been on the table.

We have seen the extraordinary process of sort of back and forth going on now as to whether or not we ought to do it. I don't think this enters into the realm of politics. I don't think security has a label of Democrat or Republican on it. It has a common sense label.

What is the best way to guarantee that you are going to have security in an airport? If you have a whole bunch of different companies, each of which bid, even if you have the Federal standards, even if you have Federal supervision, they are hired by private sector entities. They belong in one airport to one group and in another airport to another group. You don't get the esprit de corps. You don't get the horizontal and vertical accountability and management that you get by having the civil service standard. That is why we have an INS. That is why we have a Border Patrol. That is why we have an ATF. That is why we have all of these other entities that are either State or Federal law enforcement entities, because they guarantee the capacity of the chain of command, they guarantee accountability, they guarantee the training, and they guarantee ultimately that we will give the American people the security they need.

I want to add one other thing. It is not on this bill. I think we have to pass this bill rapidly. There is a whole different group within the Senate who, because of their opposition to trains, Amtrak, ports and so forth, somehow have a cloudy view of what we may need to do to provide security for our rails. But there is absolutely no distinction whatsoever between those who get on an airplane and travel and those who get on a train and travel. In point of fact, there are more people in a tunnel at one time on two trains passing in that tunnel than there are on several 747s in the sky at the same moment—thousands of people. We have already seen what a fire in a tunnel can do in Baltimore. We have tunnels up and down the east coast. We have bridges. All of these, if we are indeed facing the kind of long-term threat that people have talked about—and we believe we are—need to have adequate security.

I was recently abroad, and I got on a train. I went through the exact same security procedures to get on that train as I do in an airport under the strictest examination—interview, examination of ID, and thorough inspection and screening of your bags. You can walk down to Union Station, go to any train station in America, and pile on with a bag. You can get off at any station and leave your bag on the train. Nobody will know the difference.

We have an absolute responsibility in the Senate to be rapid in resolving this question of train security just as we are trying to resolve this question of airline security.

A lot of these ideas have been around for a long time. We have always had the ugly head of bureaucracy raising its objections for one reason or another against common sense. We are not even looking for the amount of money that almost every poll in the country has said the American people are prepared to spend. Ask anybody. Ask any of the families in New York, or in Washington, or any part of this country who suffered a loss on September 11, what they would be willing to pay on any ticket to guarantee that they knew their loved ones were safe. We are talking about a few dollars per ticket to be able to guarantee that we have the strongest capacity and never again have an incident in the air, certainly because we weren't prepared to do what was necessary.

There is no more urgent business before the Senate today. I hope the Senate will quickly restore itself as it was in the last few weeks to be able to discard ideology, discard politics, and discard sort of the baggage of past years to be able to find the unity and the common sense that have guided us these days and which have made the Nation proud. We need to do what provides the greatest level of security in our country, and that means a Federal system of screeners, and most of those people responsible for access to our aircraft and other forms of travel.

I yield the floor.

## MILLIKEN JOINS HALL OF FAME FOR TEXTILES

Mr. HELMS. Madam President, on September 10, Roger Milliken, a distinguished American, was inducted as a charter member of the Textile Hall of Fame in Lowell, MA.

Roger Milliken has long been a leader in the textile industry and his induction as a charter member of the Textile Hall of Fame was well-deserved. But Roger Milliken is far more than an outstanding American industry leader. He is a true patriot, and his love of country constantly manifests itself in countless ways.

Roger Milliken's genuine commitment to the health of the American economy is unfailing and unyielding. It is typical of his nature and his fidelity to his country that he used the occasion of his induction into the Textile Hall of Fame to sound a warning about the continuing erosion of the U.S. manufacturing base—and the hollowing-out of the U.S. economy—by the displacement of solid manufacturing jobs in America to low-wage paying countries all over the world.

You see, Roger Milliken has steadfastly supported keeping American manufacturing strong but too often, his wise counsel has gone unheeded by the so-called "trade experts."

But make no mistake, in the name of globalization, our trade policy is, in fact, encouraging overproduction, as subsidized foreign industries flood the global market and bring prices in this country below the cost of domestic production.

The economic threat has been eating away at our manufacturing base slowly but surely. In this year alone, the malignancy will result in the loss of 1 million American manufacturing jobs. In the U.S. textile industry, more than 600,000 jobs have been lost since NAFTA and the Uruguay Round's Agreement on Textiles and Clothing became effective in 1995.

Sadly, precious little attention is being paid to the real victims of this trade policy: the small towns and medium-sized cities throughout America devastated by plant closings and job losses. The textile and apparel industry in the South is only one part of the tragedy. The same can be said of the auto industry, the steel industry, and even the high-tech semiconductor industry in California.

Roger Milliken's eloquent statement on behalf of American manufacturing rings clear, and it merits the attention of the Senate. I therefore ask that excerpts from the Milliken statement—entitled "The Wealth of Nations: U.S. Manufacturing in Serious Trouble" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### THE WEALTH OF NATIONS: U.S. MANUFACTURING IN SERIOUS TROUBLE

(By Roger Milliken)

Today almost all of the manufacturing industries in the United States are in serious trouble. I would like to take this time and this place to light a fire of debate on the serious consequences of that statement on the future of our country. . . .

Thanks to Thomas Edison's invention of the electric light, our industry learned in World War I that textile machinery could run at night as well as during 12-hour daytime-only shifts.

At the end of that war, we found ourselves with 18 million spindles in place north of the Mason-Dixon line and 18 million spindles south of the Mason-Dixon line, all of which could be run around the clock. Our production capacity had been doubled.

Seventy years later, 1990, after a long period of fair competition, we found ourselves with 18 million modernized, surviving spindles in the South and 800,000 in the North, producing more products and higher quality than the 36 million spindles after World War I.

Today we are told that during that period the U.S. went from an agrarian economy to an industrial economy and that we are now similarly transitioning to an information-based economy.

As I see it, the main thing wrong with that comparison is that in the first transition our country did not lose either the farms or the products of those farms. In fact, agricultural production increased as new technologies were introduced. Today, our country continues to produce a surplus of agricultural goods.

During the current transition, the U.S. is losing both its manufacturing plants and the products manufactured in them, as well as the jobs they provide—thus putting at risk our leadership position as the strongest manufacturing economy in the world.

#### GLOBALIZATION'S FATAL FLAWS

Our founding fathers, specifically Alexander Hamilton, understood the importance of manufacturing. The second act of the First Congress imposed tariffs on manufactured goods from abroad. This encouraged our new nation, and its people, to develop our own manufacturing base rather than merely exporting low-value raw materials to our former colonial masters and importing back from them the high value-added finished goods. . . .

Now as our country stands alone as the world's last remaining superpower, we in textiles and almost all of U.S. manufacturing find ourselves at risk of losing what our forefathers fought so hard to create. This is neither necessary nor wise.

. . . At the current rate, we may end this decade with as few as seven economically viable manufacturing industries remaining in America.

A recent survey of manufacturing revealed that 36 of our 44 existing manufacturing industries had an adverse balance of trade and had cut substantial numbers of jobs this year. The hemorrhage continues.

All U.S. manufacturing employment is shrinking at a pace which will eliminate 1 million high-paying, middle-class jobs this year alone. This is four times what we lost in the year 2000. Actual employment levels in our vitally important manufacturing sector have already fallen to levels last seen in 1963.

We are in an era of so-called globalization, and everyone talks about the new economy. We have been lured into thinking that the negative aspects of these trends are both unstoppable and inexorable.

Isn't it our leaders' responsibility to ensure that this country and its people survive this period strong and prosperous?

A fatal flaw of the current idea of globalization is the lack of recognition that subsidized global production creates a strong incentive to create overproduction that outstrips global demand.

A further flaw is the lack of recognition that in emerging economies the people and manufacturing production workers are not paid enough to buy what they make. Instead, the fruits of their labor are subsidized and shipped to the United States, which serves as the market of first and last resort.

In the process, our standard of living is undermined, and both political and economic instability is increased. . . .

Mounting consumer debt helped fuel the boom of the 1990s. Despite strong productivity growth, the 80 percent of our country's wage earners and their families who work for others have not seen an increase in their real income over the past 20 years.

As increase in purchasing power stagnated because of the massive shifts of good, well-paying jobs to low-cost emerging economies, we continued our growth of consumer spending, but we did it on credit. Consequently, the American consumers have been spending more than their earnings at the expense of savings. The result is that we are consuming a billion dollars more in manufactured goods each day than we produce. These facts are a prescription for social, political and economic unrest.

Our manufacturing base is being eroded as dollars are diverted from wealth creation to wealth consumption. If economic history has any lesson for us, it is that a nation's well-being is determined by what it produces, not by how much it consumes.

#### ALTAR OF FREE AND UNFETTERED TRADE

While technologies always present new opportunities and challenges, globalism is not a new idea. It was born around the time of Columbus, and most of world politics has been about how to control it ever since. Past and present administrations in Washington seem to think globalization is something new for which the lessons of history are irrelevant.

George Santayana is quoted as saying, "Those who can't remember the past are condemned to repeat it."

A Spanish leader in 1675 bragged about Spain's trade deficit, asserting "all the world's manufacturing serves her and she serves nobody." However, when its gold and silver ran out, Spain found that its industrial development had withered; it had only debts to show for its orgy of manufactured imports and consumption. That Spanish empire collapsed, and those countries who had expanded their manufacturing capabilities by selling to Spain were the new world powers.

Thus it also was with the later demise of the Dutch empire and subsequently the great British Empire, "upon which the sun never set."

Beguiled by the siren songs of banking, insurance, shipping and services, they ultimately surrendered their world pre-eminence as nations. The Spanish, Dutch and British had all neglected their nations' manufacturing bases.

Could this happen to the U.S.A.? Or more to the point, is it happening?

I believe the process is already under way, and if we continue sacrificing our manufacturing base on the altar of free and unfettered trade, we will go the way of others.

I believe it is happening because our leaders in Washington remain unconcerned about our near three trillion dollars of accumulated debt flowing from the dramatic growth of our adverse balance of trade. In the span of the last dozen years, we have gone from being the world's largest creditor nation to being its largest debtor nation. And no end and no limits are in sight. . . .

Lester Thurow, of MIT fame, in his book "The Future of Capitalism" (1996) said: "If there is one rule of international economics, it is that no country can run a large trade deficit forever. Trade deficits need to be financed, and it is simply impossible to borrow enough to keep up with the compound interest. Yet all the world trade, especially that on the Pacific Rim, depends upon most of this world being able to run trade surpluses with the United States that will allow them to pay for their trade deficits with Japan. When the lending to America stops, and it will stop, what happens to current world trade flows?"

### BANKRUPTING RACE TO THE BOTTOM

I believe that in a world where the American standard of living, as well as power, is being daily challenged, our political leaders in Washington must defend the economic base upon which Americans depend for their security and their livelihoods.

Our leaders cannot expect to keep the public trust if they abdicate their responsibilities to the electorate by making decisions to placate bankers and Wall Street-pressured corporate managers who exhibit diminishing national concerns.

Everyone forgets that when Adam Smith called his seminal work on economics "The Wealth of Nations," he was arguing against the notion that trade was the source of national wealth when, to the contrary, he was arguing that domestic manufacturing was the true source of national wealth.

In his hierarchy of economic activity, agriculture came first because of the need to feed the people; a strong domestic manufacturing base was second as the core of national growth; trade was rated third in importance, and was to be used only to acquire resources or luxuries not available at home.

Smith understood that those nations who focus on trade to the neglect of domestic manufacturing industry may be enriching themselves but may also be doing the country great harm.

"The beginning of wisdom on trade, and indeed all economic policy, is to understand that the purposes of a national economy are to enrich all its people, to strengthen its families, its communities and thereby stabilize society. The economy should serve us, not the other way around."

My friend the late Sir James Goldsmith understood this imperative. He also understood that the U.S. economy—and the world economy itself—cannot be returned to a sustainable course unless we redress the recent massive global imbalances between consumption and growing overproduction. He recognized that only one basic approach to globalization could accomplish this goal.

He proposed that the United States make clear to its trading partners, and its own multinational companies, that if their products are to be sold in the United States, they must be made substantially in the United States.

As Sir James argued: "America should use its matchless market power to ensure that foreign and American corporations become good corporate citizens of the United States. They should bring us their capital and their technologies and invest in the U.S.A. This would require them to hire workers in the U.S., pay American wages, pay U.S. taxes, preserve the environment, ensure human rights, and compete on the level playing field that does exist among the 50 states. . . ."

They should be reminded that since the American market is by far the most important in the world, entry is not a right, but a privilege. In other words, there should be a price and a reward for doing business in the United States—making meaningful, long-term contributions to America's continued security and prosperity, and preserving the global environment.

Only then can we make sure we are engaging our people in a race to the top, in living standards; economic stability; quality of life; and personal security—not in a bankrupting race to the bottom. . . .

## ORDER OF BUSINESS

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, just for purposes of making an announcement, there have been a number of Senators who have contacted Senator DASCHLE and myself asking about next week's schedule. We will have a Tuesday morning vote. So everyone should understand that.

The PRESIDING OFFICER. The Senator from Illinois.

## THE AVIATION SECURITY BILL

Mr. DURBIN. First, Madam President, I ask unanimous consent to be added as a cosponsor of S. 1447, the Aviation Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AFTER SEPTEMBER 11

Mr. DURBIN. Madam President, since September 11 there has been such a flood of emotions in America over the events of that day. I think all of us have been transformed by the experience and transformed by some of our fellow Americans and what they have said and what they have done.

Some of the things that have been written are extraordinary. In just one moment, I am going to submit for the RECORD one that I think is exceptional, a piece from the BusinessWeek magazine of October 1, 2001, by a writer named Bruce Nussbaum entitled, "Real Masters Of The Universe." I will not read the entire article, but I will submit it for the RECORD. I would like to quote a few sentences from it. He said some things with which I agree and I think help to put our experience into some perspective:

> A subtle shift in the American zeitgeist took place on Sept. 11. It's hard to define, and it may not last. But on the day of the World Trade Center cataclysm, the country changed. Big, beefy working-class guys became heroes once again, replacing the telegenic financial analysts and techno-billionaires who once had held the Nation in thrall. Uniforms and public service became "in." Real sacrifice and real courage were on graphic display.
>
> Maybe it was the class reversals that were so revealing. Men and women making 40 grand a year working for the city responding—risking their own lives—to save investment bankers and traders making 10 times that amount. And dying by the hundreds for their effort. The image of self-sacrifice by civil servants in uniform was simply breathtaking.
>
> For Americans conditioned in the '90s to think of oneself first, to be rich above all else, to accumulate all the good material things, to take safety and security for granted, this was a new reality. So was the contrast of genuine bravery to the faux values of reality TV shows such as Survivor.

He concludes:

> Tragedy has the power to transform us. But rarely is the transformation permanent. People and societies revert back to the norm. But what is the "norm" for America? Where are this nation's true values? Have we stripped too much away in recent years in order to make us lean and mean for the race to riches? It is hard to look at the images of the World Trade Center rescue again and again. At least once, however, we should look at what the rescuers are teaching us, about what matters—and who.

Madam President, I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Oct. 1, 2001]

### REAL MASTERS OF THE UNIVERSE

(By Bruce Nussbaum)

A subtle shift in the American zeitgeist took place on Sept. 11. It's hard to define, and it may not last. But on the day of the World Trade Center cataclysm, the country changed. Big, beefy working-class guys became heroes once again, replacing the telegenic financial analysts and techno-billionaires who once had held the nation in thrall. Uniforms and public service became "in." Real sacrifice and real courage were on graphic display.

Maybe it was the class reversals that were so revealing. Men and women making 40 grand a year working for the city responding—risking their own lives—to save investment bankers and traders making 10 times that amount. And dying by the hundreds for the effort. The image of self-sacrifice by civil servants in uniform was simply breathtaking.

For Americans conditioned in the '90s to think of oneself first, to be rich above all else, to accumulate all the good material things, to take safety and security for granted, this was a new reality. So was the contrast of genuine bravery to the faux values of reality TV shows such as Survivor.

### SEA OF FLAGS

Noteworthy, too, was America's quick return to family, community, church, and patriotism in the aftermath of the tragedy. People became polite and generous to one another without prodding. On that day and the days that followed, they told their wives and husbands and children and parents and significant others they loved them. And the flags, the sea of flags that appeared out of nowhere and spread everywhere, worn by business-suited managers and eyebrow-pierced, tattooed teenagers. As if by magic, city taxicabs, building canopies, and nearly every truck in sight were flying flags.

The offerings of food, money, and blood were overwhelming. The generosity was unsurpassed in our memories. But the manner in which perfect strangers went out of their way to help one another in all kinds of situations was most amazing. To the surprise of its residents, New York became a small-town community. The day-to-day antagonisms among the citizenry melted away.

The rush to church, synagogue, and, yes, mosque was equally unusual. People returned to their religious ceremonies and congregations in huge numbers for support and guidance. The overflow at the doors demonstrated that many who had not visited in years showed up to participate in the familiar and comforting liturgies of their childhoods. They joined with their neighbors in mourning.

### LESSONS TAUGHT

It was, for a moment, an old America peeking out from behind the new, me-now America. We saw a glimpse of a country of shared values, not competing interest groups; of common cause, not hateful opposition. There were a few exceptions: Jerry Falwell declaring we brought the death and destruction down on ourselves because of homosexuality, abortion, and the American Civil Liberties Union. A silly, stupid comment to be dismissed in light of the comity of the day—but an extremist remark nonetheless made in the name of God. How sad.

Tragedy has the power to transform us. But rarely is the transformation permanent. People and societies revert back to the norm. But what is the "norm" for America? Where are this nation's true values? Have we stripped too much away in recent years in order to make us lean and mean for the race to riches? It is hard to look at the images of the World Trade Center rescue again and again. At least once, however, we should look at what the rescuers are teaching us, about what matters—and who.

**Mr. DURBIN.** I recall a few days after this tragedy making a telephone call to a friend of mine, a very successful business executive in Chicago, just to ask him how things were going. He said to me on the phone what this article said. He said: The roaring nineties are over. We are going into a new era.

As this article says, he believes it is an era that focuses on a lot of other things, whether it is family, community, and church, values that all of us hold dear, and certainly a new respect for this great Nation, which has been symbolized by the sea of flags that you see in every community across Illinois and across the Nation.

It is a time of testing for this country, and we will rise to that challenge, I am certain. We will count our friends.

Madam President, I would like to also make a part of the RECORD—I will ask for consent in a moment—one of the most amazing speeches that I have read. It is a speech by someone who is not an American but who commented on our experience and then pledged his alliance, his friendship, and his solidarity to help us in our effort. I refer to British Prime Minister Tony Blair, who gave an exceptional speech on solidarity with the United States in our war on terrorism. But it was much more than that. It was a call to united international action to work for democracy, prosperity, and freedom.

Out of this tragedy, Prime Minister Blair sees an opportunity to remake our world and to reflect the values we hold dear. His inspiring call is for a progressive vision of the future where the world community, as a community, works for economic growth and social justice, and to end regional conflicts. We, in the United States, have been too caught up in dealing with our immediate crisis, from time to time, to see that this is, as Prime Minister Blair says, "a moment to seize."

Madam President, I ask unanimous consent that Prime Minister Blair's entire speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### SPEECH BY BRITISH PRIME MINISTER TONY BLAIR

In retrospect, the Millennium marked only a moment in time. It was the events of September 11 that marked a turning point in history, where we confront the dangers of the future and assess the choices facing humankind.

It was a tragedy. An act of evil. From this nation, goes our deepest sympathy and prayers for the victims and our profound solidarity with the American people.

We were with you at the first. We will stay with you to the last.

Just two weeks ago, in New York, after the church service I met some of the families of the British victims.

It was in many ways a very British occasion. Tea and biscuits. It was raining outside. Around the edge of the room, strangers making small talk, trying to be normal people in an abnormal situation.

And as you crossed the room, you felt the longing and sadness; hands clutching photos of sons and daughters, wives and husbands; imploring you to believe them when they said there was still an outside chance of their loved ones being found alive, when you knew in truth that all hope was gone.

And then a middle-aged mother looks you in the eyes and tells you her only son has died, and asks you: why?

I tell you: you do not feel like the most powerful person in the country at times like that.

Because there is no answer. There is no justification for their pain. Their son did nothing wrong. The woman, seven months pregnant, whose child will never know its father, did nothing wrong.

They don't want revenge. They want something better in memory of their loved ones.

I believe their memorial can and should be greater than simply the punishment of the guilty. It is that out of the shadow of this evil, should emerge lasting good: destruction of the machinery of terrorism wherever it is found; hope amongst all nations of a new beginning where we seek to resolve differences in a calm and ordered way; greater understanding between nations and between faiths; and above all justice and prosperity for the poor and dispossessed, so that people everywhere can see the chance of a better future through the hard work and creative power of the free citizen, not the violence and savagery of the fanatic.

I know that here in Britain people are anxious, even a little frightened. I understand that. People know we must act but they worry what might follow.

They worry about the economy and talk of recession.

And, of course there are dangers; it is a new situation. But the fundamentals of the US, British and European economies are strong.

Every reasonable measure of internal security is being undertaken.

Our way of life is a great deal stronger and will last a great deal longer than the actions of fanatics, small in number and now facing a unified world against them.

People should have confidence.

This is a battle with only one outcome: our victory not theirs.

What happened on 11 September was without parallel in the bloody history of terrorism.

Within a few hours, up to 7000 people were annihilated, the commercial centre of New York was reduced to rubble and in Washington and Pennsylvania further death and horror on an unimaginable scale. Let no one say this was a blow for Islam when the blood of innocent Muslims was shed along with those of the Christian, Jewish and other faiths around the world.

We know those responsible. In Afghanistan are scores of training camps for the export of terror. Chief amongst the sponsors and organisers is Usama Bin Laden.

He is supported, shielded and given succour by the Taliban regime.

Two days before the 11 September attacks, Masood, the leader of the opposition Northern Alliance, was assassinated by two suicide bombers. Both were linked to Bin Laden. Some may call that coincidence. I call it payment—payment in the currency these people deal in: blood.

Be in no doubt: Bin Laden and his people organised this atrocity. The Taliban aid and abet him. He will not desist from further acts of terror. They will not stop helping him.

Whatever the dangers of the action we take, the dangers of inaction are far, far greater.

Look for a moment at the Taliban regime. It is undemocratic. That goes without saying.

There is no sport allowed, or television or photography. No art or culture is permitted. All other faiths, all other interpretations of Islam are ruthlessly suppressed. Those who practice their faith are imprisoned. Women are treated in a way almost too revolting to be credible. First driven out of university; girls not allowed to go to school; no legal rights; unable to go out of doors without a man. Those that disobey are stoned.

There is now no contact permitted with western agencies, even those delivering food. The people live in abject poverty. It is a regime founded on fear and funded on the drugs trade. The biggest drugs hoard in the world is in Afghanistan, controlled by the Taliban. Ninety per cent of the heroin on British streets originates in Afghanistan.

The arms the Taliban are buying today are paid for with the lives of young British people buying their drugs on British streets.

That is another part of their regime that we should seek to destroy.

So what do we do?

Don't overreact some say. We aren't.

We haven't lashed out. No missiles on the first night just for effect.

Don't kill innocent people. We are not the ones who waged war on the innocent. We seek the guilty.

Look for a diplomatic solution. There is no diplomacy with Bin Laden or the Taliban regime.

State an ultimatum and get their response. We stated the ultimatum; they haven't responded.

Understand the causes of terror. Yes, we should try, but let there be no moral ambiguity about this: nothing could ever justify the events of 11 September, and it is to turn justice on its head to pretend it could.

The action we take will be proportionate; targeted; we will do all we humanly can to avoid civilian casualties. But understand what we are dealing with. Listen to the calls of those passengers on the planes. Think of the children on them, told they were going to die.

Think of the cruelty beyond our comprehension as amongst the screams and the anguish of the innocent, those hijackers drove at full throttle planes laden with fuel into buildings where tens of thousands worked.

They have no moral inhibition on the slaughter of the innocent. If they could have murdered not 7,000 but 70,000 does anyone doubt they would have done so and rejoiced in it?

There is no compromise possible with such people, no meeting of minds, no point of understanding with such terror.

Just a choice: defeat it or be defeated by it. And defeat it we must.

Any action taken will be against the terrorist network of Bin Laden.

As for the Taliban, they can surrender the terrorists; or face the consequences and again in any action the aim will be to eliminate their military hardware, cut off their finances, disrupt their supplies, target their troops, not civilians. We will put a trap around the regime.

I say to the Taliban: surrender the terrorists; or surrender power. It's your choice.

We will take action at every level, national and international, in the UN, in G8, in the EU, in NATO, in every regional grouping in the world, to strike at international terrorism wherever it exists.

For the first time, the UN security council has imposed mandatory obligations on all UN members to cut off terrorist financing and end safe havens for terrorists.

Those that finance terror, those who launder their money, those that cover their tracks are every bit as guilty as the fanatic who commits the final act.

Here in this country and in other nations round the world, laws will be changed, not to deny basic liberties but to prevent their abuse and protect the most basic liberty of all: freedom from terror. New extradition laws will be introduced; new rules to ensure asylum is not a front for terrorist entry. This country is proud of its tradition in giving asylum to those fleeing tyranny. We will always do so. But we have a duty to protect the system from abuse.

It must be overhauled radically so that from now on, those who abide by the rules get help and those that don't, can no longer play the system to gain unfair advantage over others.

Round the world, 11 September is bringing Governments and people to reflect, consider and change. And in this process, amidst all the talk of war and action, there is another dimension appearing.

There is a coming together. The power of community is asserting itself. We are realising how fragile are our frontiers in the face of the world's new challenges.

Today conflicts rarely stay within national boundaries.

Today a tremor in one financial market is repeated in the markets of the world.

Today confidence is global; either its presence or its absence.

Today the threat is chaos; because for people with work to do, family life to balance, mortgages to pay, careers to further, pensions to provide, the yearning is for order and stability and if it doesn't exist elsewhere, it is unlikely to exist here.

I have long believed this interdependence defines the new world we live in.

People say: we are only acting because it's the USA that was attacked. Double standards, they say. But when Milosevic embarked on the ethnic cleansing of Muslims in Kosovo, we acted.

The sceptics said it was pointless, we'd make matters worse, we'd make Milosevic stronger and look what happened, we won, the refugees went home, the policies of ethnic cleansing were reversed and one of the great dictators of the last century, will see justice in this century..

And I tell you if Rwanda happened again today as it did in 1993, when a million people were slaughtered in cold blood, we would have a moral duty to act there also. We were there in Sierra Leone when a murderous group of gangsters threatened its democratically elected Government and people.

And we as a country should, and I as Prime Minister do, give thanks for the brilliance, dedication and sheer professionalism of the British Armed Forces.

We can't do it all. Neither can the Americans.

But the power of the international community could, together, if it chose to.

It could, with our help, sort out the blight that is the continuing conflict in the Democratic Republic of the Congo, where three million people have died through war or famine in the last decade.

A Partnership for Africa, between the developed and developing world based around the New African Initiative, is there to be done if we find the will.

On our side: provide more aid, untied to trade; write off debt; help with good governance and infrastructure; training to the soldiers, with UN blessing, in conflict resolution; encouraging investment; and access to our markets so that we practise the free trade we are so fond of preaching.

But it's a deal: on the African side: true democracy, no more excuses for dictatorship, abuses of human rights; no tolerance of bad governance, from the endemic corruption of some states, to the activities of Mr Mugabe's henchmen in Zimbabwe. Proper commercial, legal and financial systems.

The will, with our help, to broker agreements for peace and provide troops to police them.

The state of Africa is a scar on the conscience of the world. But if the world as a community focused on it, we could heal it. And if we don't, it will become deeper and angrier.

We could defeat climate change if we chose to. Kyoto is right. We will implement it and call upon all other nations to do so.

But it's only a start. With imagination, we could use or find the technologies that create energy without destroying our planet; we could provide work and trade without deforestation.

If humankind was able, finally, to make industrial progress without the factory conditions of the 19th Century; surely we have the wit and will to develop economically without despoiling the very environment we depend upon. And if we wanted to, we could breathe new life into the Middle East Peace Process and we must.

The state of Israel must be given recognition by all; freed from terror; know that it is accepted as part of the future of the Middle East not its very existence under threat. The Palestinians must have justice, the chance to prosper and in their own land, as equal partners with Israel in that future.

We know that. It is the only way, just as we know in our own peace process, in Northern Ireland, there will be no unification of Ireland except by consent—and there will be no return to the days of unionist or Protestant supremacy because those days have no place in the modern world. So the unionists must accept justice and equality for nationalists.

The Republicans must show they have given up violence—not just a ceasefire but weapons put beyond use. And not only the Republicans, but those people who call themselves Loyalists, but who by acts of terrorism, sully the name of the United Kingdom.

We know this also. The values we believe in should shine through what we do in Afghanistan.

To the Afghan people we make this commitment. The conflict will not be the end. We will not walk away, as the outside world has done so many times before.

If the Taliban regime changes, we will work with you to make sure its successor is one that is broad-based, that unites all ethnic groups, and that offers some way out of the miserable poverty that is your present existence.

And, more than ever now, with every bit as much thought and planning, we will assemble a humanitarian coalition alongside the military coalition so that inside and outside Afghanistan, the refugees, millions on the move even before September 11, are given shelter, food and help during the winter months.

The world community must show as much its capacity for compassion as for force.

The critics will say: but how can the world be a community? Nations act in their own self-interest. Of course they do. But what is the lesson of the financial markets, climate change, international terrorism, nuclear proliferation or world trade? It is that our self-interest and our mutual interests are today inextricably woven together.

This is the politics of globalisation.

I realise why people protest against globalisation.

We watch aspects of it with trepidation. We feel powerless, as if we were now pushed to and fro by forces far beyond our control.

But there's a risk that political leaders, faced with street demonstrations, pander to the argument rather than answer it. The demonstrators are right to say there's injustice, poverty, environmental degradation.

But globalisation is a fact and, by and large, it is driven by people.

Not just in finance, but in communication, in technology, increasingly in culture, in recreation. In the world of the internet, information technology and TV, there will be globalisation. And in trade, the problem is not there's too much of it; on the contrary there's too little of it.

The issue is not how to stop globalisation.

The issue is how we use the power of community to combine it with justice. If globalisation works only for the benefit of the few, then it will fail and will deserve to fail.

But if we follow the principles that have served us so well at home—that power, wealth and opportunity must be in the hands of the many, not the few—if we make that our guiding light for the global economy, then it will be a force for good and an international movement that we should take pride in leading.

Because the alternative to globalisation is isolation.

Confronted by this reality, round the world, nations are instinctively drawing together. In Quebec, all the countries of North and South America deciding to make one huge free trade area, rivalling Europe.

In Asia. In Europe, the most integrated grouping of all, we are now 15 nations. Another 12 countries negotiating to join, and more beyond that.

A new relationship between Russia and Europe is beginning.

And will not India and China, each with three times as many citizens as the whole of the EU put together, once their economies have developed sufficiently as they will do, not reconfigure entirely the geopolitics of the world and in our lifetime?

That is why, with 60 per cent of our trade dependent on Europe, three million jobs tied up with Europe, much of our political weight engaged in Europe, it would be a fundamental denial of our true national interest to turn our backs on Europe.

We will never let that happen.

For 50 years, Britain has, uncharacteristically, followed not led in Europe. At each and every step.

There are debates central to our future coming up: how we reform European economic policy; how we take forward European defence; how we fight organised crime and terrorism.

Britain needs its voice strong in Europe and bluntly Europe needs a strong Britain, rock solid in our alliance with the USA, yet determined to play its full part in shaping Europe's destiny.

We should only be part of the single currency if the economic conditions are met. They are not window-dressing for a political decision. They are fundamental. But if they are met, we should join, and if met in this parliament, we should have the courage of our argument, to ask the British people for their consent in this Parliament.

Europe is not a threat to Britain. Europe is an opportunity.

It is in taking the best of the Anglo-Saxon and European models of development that Britain's hope of a prosperous future lies. The American spirit of enterprise; the European spirit of solidarity. We have, here also, an opportunity. Not just to build bridges politically, but economically.

What is the answer to the current crisis? Not isolationism but the world coming together with America as a community.

What is the answer to Britain's relations with Europe? Not opting out, but being leading members of a community in which, in alliance with others, we gain strength.

What is the answer to Britain's future? Not each person for themselves, but working together as a community to ensure that everyone, not just the privileged few get the chance to succeed.

This is an extraordinary moment for progressive politics.

Our values are the right ones for this age: the power of community, solidarity, the collective ability to further the individual's interests.

People ask me if I think ideology is dead. My answer is:

In the sense of rigid forms of economic and social theory, yes.

The 20th century killed those ideologies and their passing causes little regret. But, in the sense of a governing idea in politics, based on values, no. The governing idea of modern social democracy is community. Founded on the principles of social justice. That people should rise according to merit not birth; that the test of any decent society is not the contentment of the wealthy and strong, but the commitment to the poor and weak.

But values aren't enough. The mantle of leadership comes at a price: the courage to learn and change; to show how values that stand for all ages, can be applied in a way relevant to each age.

Our politics only succeed when the realism is as clear as the idealism.

This party's strength today comes from the journey of change and learning we have made.

We learnt that however much we strive for peace, we need strong defence capability where a peaceful approach fails.

We learnt that equality is about equal worth, not equal outcomes.

Today our idea of society is shaped around mutual responsibility; a deal, an agreement between citizens not a one-way gift, from the well-off to the dependent.

Our economic and social policy today owes as much to the liberal social democratic tradition of Lloyd George, Keynes and Beveridge as to the socialist principles of the 1945 Government.

Just over a decade ago, people asked if Labour could ever win again. Today they ask the same question of the Opposition. Painful though that journey of change has been, it has been worth it, every stage of the way.

On this journey, the values have never changed. The aims haven't. Our aims would be instantly recognisable to every Labour leader from Keir Hardie onwards. But the means do change.

The journey hasn't ended. It never ends. The next stage for New Labour is not backwards; it is renewing ourselves again. Just after the election, an old colleague of mine said: "Come on Tony, now we've won again, can't we drop all this New Labour and do what we believe in?"

I said: "It's worse than you think. I really do believe in it."

We didn't revolutionise British economic policy—Bank of England independence, tough spending rules—for some managerial reason or as a clever wheeze to steal Tory clothes.

We did it because the victims of economic incompetence—15 per cent interest rates, 3m unemployed—are hard-working families. They are the ones—and even more so, now—with tough times ahead—that the economy should be run for, not speculators, or currency dealers or senior executives whose pay packets don't seem to bear any resemblance to the performance of their companies.

Economic competence is the pre-condition of social justice.

We have legislated for fairness at work, like the minimum wage which people struggled a century for. But we won't give up the essential flexibility of our economy or our commitment to enterprise.

Why? Because in a world leaving behind mass production, where technology revolutionises not just companies but whole industries, almost overnight, enterprise creates the jobs people depend on.

We have boosted pensions, child benefit, family incomes. We will do more. But our number one priority for spending is and will remain education.

Why? Because in the new markets countries like Britain can only create wealth by brain power not low wages and sweatshop labour.

We have cut youth unemployment by 75 per cent.

By more than any government before us. But we refuse to pay benefit to those who refuse to work. Why? Because the welfare that works is welfare that helps people to help themselves.

The graffiti, the vandalism, the burnt out cars, the street corner drug dealers, the teenage mugger just graduating from the minor school of crime: we're not old fashioned or right-wing to take action against this social menace.

We're standing up for the people we represent, who play by the rules and have a right to expect others to do the same.

And especially at this time let us say: we celebrate the diversity in our country, get strength from the cultures and races that go to make up Britain today; and racist abuse and racist attacks have no place in the Britain we believe in.

All these policies are linked by a common thread of principle.

Now with this second term, our duty is not to sit back and bask in it. It is across the board, in competition policy, enterprise, pensions, criminal justice, the civil service and of course public services, to go still further in the journey of change. All for the same reason: to allow us to deliver social justice in the modern world.

Public services are the power of community in action.

They are social justice made real. The child with a good education flourishes. The child given a poor education lives with it for the rest of their life. How much talent and ability and potential do we waste? How many children never know not just the earning power of a good education but the joy of art and culture and the stretching of imagination and horizons which true education brings? Poor education is a personal tragedy and national scandal.

Yet even now, with all the progress of recent years, a quarter of 11-year-olds fail their basic tests and almost a half of 16 year olds don't get five decent GCSEs.

The NHS meant that for succeeding generations, anxiety was lifted from their shoulders. For millions who get superb treatment still, the NHS remains the ultimate symbol of social justice.

But for every patient waiting in pain, that can't get treatment for cancer or a heart condition or in desperation ends up paying for their operation, that patient's suffering is the ultimate social injustice.

And the demands on the system are ever greater. Children need to be better and better educated.

People live longer. There is a vast array of new treatment available.

And expectations are higher. This is a consumer age. People don't take what they're given. They demand more.

We're not alone in this. All round the world governments are struggling with the same problems.

So what is the solution? Yes, public services need more money. We are putting in the largest ever increases in NHS, education and transport spending in the next few years; and on the police too. We will keep to those spending plans. And I say in all honesty to the country: if we want that to continue and the choice is between investment and tax cuts, then investment must come first.

There is a simple truth we all know. For decades there has been chronic under-investment in British public services. Our historic mission is to put that right; and the historic shift represented by the election of June 7 was that investment to provide quality public services for all comprehensively defeated short-term tax cuts for the few.

We need better pay and conditions for the staff; better incentives for recruitment; and for retention. We're getting them and recruitment is rising.

This year, for the first time in nearly a decade, public sector pay will rise faster than private sector pay.

And we are the only major government in Europe this year to be increasing public spending on health and education as a percentage of our national income.

This Party believes in public services; believes in the ethos of public service; and believes in the dedication the vast majority of public servants show; and the proof of it is that we're spending more, hiring more and paying more than ever before.

Public servants don't do it for money or glory. They do it because they find fulfilment in a child well taught or a patient well cared-for; or a community made safer and we salute them for it.

All that is true. But this is also true.

That often they work in systems and structures that are hopelessly old fashioned or even worse, work against the very goals they aim for.

There are schools, with exactly the same social intake. One does well; the other badly.

There are hospitals with exactly the same patient mix. One performs well; the other badly.

Without reform, more money and pay won't succeed.

First, we need a national framework of accountability, inspection; and minimum standards of delivery.

Second, within that framework, we need to free up local leaders to be able to innovate, develop and be creative.

Third, there should be far greater flexibility in the terms and conditions of employment of public servants.

Fourth, there has to be choice for the user of public services and the ability, where provision of the service fails, to have an alternative provider.

If schools want to develop or specialise in a particular area; or hire classroom assistants or computer professionals as well as teachers, let them. If in a Primary Care Trust, doctors can provide minor surgery or physiotherapists see patients otherwise referred to a consultant, let them.

There are too many old demarcations, especially between nurses, doctors and consultants; too little use of the potential of new technology; too much bureaucracy, too many outdated practices, too great an adherence to the way we've always done it rather than the way public servants would like to do it if they got the time to think and the freedom to act.

It's not reform that is the enemy of public services. It's the status quo.

Part of that reform programme is partnership with the private or voluntary sector.

Let's get one thing clear. Nobody is talking about privatising the NHS or schools.

Nobody believes the private sector is a panacea.

There are great examples of public service and poor examples. There are excellent private sector companies and poor ones. There are areas where the private sector has worked well; and areas where, as with parts of the railways, it's been a disaster.

Where the private sector is used, it should not make a profit simply by cutting the wages and conditions of its staff.

But where the private sector can help lever in vital capital investment, where it helps raise standards, where it improves the public service as a public service, then to set up some dogmatic barrier to using it, is to let down the very people who most need our public services to improve.

This programme of reform is huge: in the NHS, education, including student finance,—we have to find a better way to combine state funding and student contributions criminal justice; and transport.

I regard it as being as important for the country as Clause IV's reform was for the Party, and obviously far more important for the lives of the people we serve.

And it is a vital test for the modern Labour Party

If people lose faith in public services, be under no illusion as to what will happen.

There is a different approach waiting in the wings. Cut public spending drastically; let those that can afford to, buy their own services; and those that can't, will depend on a demoralised, sink public service. That would be a denial of social justice on a massive scale.

It would be contrary to the very basis of community.

So this is a battle of values. Let's have that battle but not amongst ourselves. The real fight is between those who believe in strong public services and those who don't.

That's the fight worth having.

In all of this, at home and abroad, the same beliefs throughout: that we are a community of people, whose self-interest and mutual interest at crucial points merge, and that it is through a sense of justice that community is born and nurtured.

And what does this concept of justice consist of?

Fairness, people all of equal worth, of course. But also reason and tolerance. Justice has no favourites; not amongst nations, peoples or faiths.

When we act to bring to account those that committed the atrocity of September 11, we do so, not out of bloodlust.

We do so because it is just. We do not act against Islam. The true followers of Islam are our brothers and sisters in this struggle. Bin Laden is no more obedient to the proper teaching of the Koran than those Crusaders of the 12th century who pillaged and murdered, represented the teaching of the Gospel.

It is time the west confronted its ignorance of Islam. Jews, Muslims and Christians are all children of Abraham.

This is the moment to bring the faiths closer together in understanding of our common values and heritage, a source of unity and strength.

It is time also for parts of Islam to confront prejudice against America and not only Islam but parts of western societies too.

America has its faults as a society, as we have ours.

But I think of the Union of America born out of the defeat of slavery.

I think of its Constitution, with its inalienable rights granted to every citizen still a model for the world.

I think of a black man, born in poverty, who became chief of their armed forces and is now secretary of state Colin Powell and I wonder frankly whether such a thing could have happened here.

I think of the Statue of Liberty and how many refugees, migrants and the impoverished passed its light and felt that if not for them, for their children, a new world could indeed be theirs.

I think of a country where people who do well, don't have questions asked about their accent, their class, their beginnings but have admiration for what they have done and the success they've achieved.

I think of those New Yorkers I met, still in shock, but resolute; the fire fighters and police, mourning their comrades but still head held high.

I think of all this and I reflect: yes, America has its faults, but it is a free country, a democracy, it is our ally and some of the reaction to September 11 betrays a hatred of America that shames those that feel it.

So I believe this is a fight for freedom. And I want to make it a fight for justice too. Justice not only to punish the guilty. But justice to bring those same values of democracy and freedom to people round the world.

And I mean: freedom, not only in the narrow sense of personal liberty but in the broader sense of each individual having the economic and social freedom to develop their potential to the full. That is what community means, founded on the equal worth of all.

The starving, the wretched, the dispossessed, the ignorant, those living in want and squalor from the deserts of Northern Africa to the slums of Gaza, to the mountain ranges of Afghanistan: they too are our cause.

This is a moment to seize. The Kaleidoscope has been shaken. The pieces are in flux. Soon they will settle again. Before they do, let us re-order this world around us.

Today, humankind has the science and technology to destroy itself or to provide prosperity to all. Yet science can't make that choice for us. Only the moral power of a world acting as a community, can.

"By the strength of our common endeavour we achieve more together than we can alone".

For those people who lost their lives on September 11 and those that mourn them; now is the time for the strength to build that community. Let that be their memorial.

## ACTIVATING GUARD AND RESERVE UNITS

Mr. DURBIN. Madam President, one of the other things I did just a few days ago—and I hope my colleagues will consider doing the same—was to visit some of the Guard and Reserve units that are being activated.

When I asked for the opportunity to go to Scott Air Force Base in Belleville, just to spend a few moments with the men and women of the 126th Air Guard Refueling Wing, I wasn't certain whether they would consider this a colossal waste of time to have to have some political figure come and drop by. Exactly the opposite happened.

It was an important experience for me, and I also think for many of them, just to come by, have a few kind words, and to really thank them for the sacrifice they have shown for this country.

This is an Air Guard unit that has been activated many times. It was originally based at O'Hare and now is at Scott Air Force Base. They refuel planes and are very important to any military effort of the United States. There were about 340 members of this unit, men and women, who have joined the military, understanding their lives would be on the line. To go through the crowd there and meet each one of them, to talk for a few moments about their hometowns and their families, baseball, and so many other things that are just part of American life, was so refreshing and encouraging and, in a way, inspiring—spending that time with them and General Kessler, who is their commanding officer at Scott Air Force Base.

Theirs is a unit that has been activated, in part. And I am sure others will be as well. The 182nd Airlift Wing in Peoria is also a unit that is likely to be mobilized—the 183rd Air National Guard Fighter Wing in Springfield, the 954th Air Reserve Support Unit out of Scott Air Force Base, the 182nd Air National Guard Security Forces, the 126th Air National Guard Security Forces, and the 183 National Guard Security Forces out of Springfield.

The one thing they raised to me—and I think at least bears some comment in this Chamber—was their concern about their families once they left. That is a natural feeling. It is one we ought to remind ourselves of, that we have passed laws to protect these men and women in uniform who are activated so that they can return to their jobs without any loss of status, and also to help them in some financial circumstances.

But beyond the laws, and beyond the Federal commitment, beyond the political speeches, I hope that every community across the United States will offer a helping hand to the families of those in the Guard and Reserve who are now called on to serve our country, as well as the active-duty men and women who are in harm's way at this moment in service to our Nation.

Many times, as I went around Illinois, people would say: Senator, what can I do? I have given blood. I have sent my check in. The President has said to embrace my family. I did it; I do it every day. Is there anything more I can do? Think about the families of the men and women in uniform in your community who just may need a helping hand or a word of encouragement of perhaps a little more. That is something every one of us should do.

## TRANSPORTATION SECURITY

Mr. DURBIN. I would like to address this issue of aviation security, which has been addressed on the floor by my colleague from Massachusetts, Senator KERRY. I note that Senator TORRICELLI is also in the Chamber. We were in a meeting yesterday to discuss security transportation security, not just aviation security. There are many of us served by Amtrak who believe that George Warrington, the CEO of Amtrak, has given us fair notice that he needs additional resources to make certain that Amtrak continues to be one of the safest ways to travel in America.

I believe there are over 600 Amtrak stations across this country. They are putting in place the kind of security we want, to make certain that no terrorist will see a target of opportunity in the metroliners or Amtrak trains that crisscross America.

I am happy, as I have noted at the beginning of my statement, to be a cosponsor of S. 1447 on aviation security. There are many provisions that I think are excellent. I am happy to join Senator HOLLINGS and so many others, on a bipartisan basis, to support the bill. But we would be remiss to believe that passing a bill on aviation security takes care of our obligation, our responsibility. Beyond that, we have to look to the traveling public and other vulnerabilities.

I agree with my colleagues who also have Amtrak service that we need to give to Amtrak the resources and the authority to make certain they can upgrade their security and take a look at a lot of their vulnerable infrastructure.

In this Chamber yesterday, Senator TORRICELLI talked about some of the tunnels. George Warrington of Amtrak has brought this to my attention. Many of these tunnels date back to the Civil War in their construction.

They do not have adequate safety in the tunnels so that if anything occurred, the people on the train would be in a very perilous situation. As these trains pass in the tunnels, literally hundreds if not thousands of passengers are trusting that we are doing everything we should do for the security of their transportation. I don't think we are doing enough. In fact, I believe we should include in this aviation security bill the authorization for Amtrak to receive additional funds for security.

I am troubled—I have to say this with some regret—that a lot of my colleagues in the Senate who have had a very negative view of Amtrak as a governmental function are translating that into a reluctance to address these security and safety measures. I am not one of them. If we take a look at the annual expenditure for transportation at the Federal level, we spend roughly $33 billion a year on highways, $12 billion a year on airports—before the crisis—and about $500 million a year on Amtrak. Anyone in the State of Illinois and in many States across the Nation knows that if we are going to have a balanced transportation system, we need all three. We need aviation, good highway transportation and mass transit, and a national rail passenger corporation such as Amtrak.

It is no surprise to me, as I have been on the trains more often since September 11 than before, that more and more Americans are turning there.

We have an obligation to protect them, not to wait until there is an accident or something worse. I hope my colleagues will reconsider their opposition to Amtrak security authorization and appropriations. We should do it, and we should do it now without question.

Our commitment should be to every American to make their transportation as safe as humanly possible.

Let me address the aviation security issue for a minute. Yesterday, in my office I had representatives of the three major international corporations involved in aviation airport screening and security. They told me an interesting story. For those who may not be aware, until this moment in time, we have given to the airlines the responsibility to contract out the security and screening stations at the airports. We have found, as we have looked into it, that going to the lowest bidder in some circumstances meant that you didn't have an employee who was adequately compensated or trained.

I will quickly add that in my hometown of Springfield, IL, and many airports I have visited, the people working the screening equipment are doing an extraordinarily good job. Any one of us who has been through an airport at any time in the past few years knows that too often you have found at those security stations employees who were not taking it seriously.

Examine the analysis from the GAO, and it turns out that the turnover in some of the airports is 100 percent a year, 200 percent a year and, in the worst case, over 400 percent a year. The employees come and go if they are given an opportunity to take a job at Cinnabon or anywhere else in the airport. They are quickly gone from the screening stations. We have not taken this responsibility seriously, nor have the airlines.

Now we face a new day. The private contractors who came to me yesterday said that it is a different world altogether overseas. In fact, one of them noted the fact that in Israel it is a private company that handles the security at the airport with certification by the Government and supervision by the Government, as is the case in many European capitals. I don't know if we can safely move in our own minds from what we see today with these same companies to a model using those companies in a different context.

When I asked Secretary Mineta last week to describe for me how this might work, the details were still forthcoming. That left me a little bit cold. Many of my colleagues share the belief that the safest way to address this, as we do in the bill, is to say that we will federalize the security and safety at airports. This bill goes beyond the screening station and talks about the responsibility under this bill. Let me quote from it on the security operations:

> The administrator shall establish and enforce rules to improve the fiscal security of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies, automobile parking facilities, access and transition areas at airports served by other means of ground or water transportation.

The important thing is that this bill goes far beyond the screening stations at the airports. I believe if we are going to maintain safety at airports and on our airplanes, it has to be a secure environment. That means we are not only conscious and sensitive to what passengers bring onto airplanes but every single person who has contact with an airplane. A caterer, a clean-up crew, refueling personnel, someone who is a mechanic coming on board, or baggage handlers, all of them have to be supervised to make certain that those airplanes are secure. This bill does it. It does it through federalization.

I think we should view the safety of our airports and airplanes as matters of national security. After September 11, we can do no less.

I hope we enact this legislation and do it very quickly so that we can have in place a system that will help to restore confidence in the flying public.

I am happy to report in my own personal experience more and more people are returning to airports. I am glad that is the case.

## FIGHTING TERRORISM

Mr. DURBIN. As a member of the Judiciary and Intelligence Committees, we have had a number of requests from the administration for new authority to collect information to fight terrorism. You will find that the vast majority of requests by the administration will be honored in the bill we will consider this week or next.

We will say to FBI and the CIA, other law enforcement agencies: Here are new tools for you to fight terrorism.

We should give to it them because we need to provide them what is necessary to protect our Nation. Certainly we need to keep our laws up to pace with the changes in technology so that when communications are moving by e-mail or through the use of cell telephones, we give to law enforcement the authority and the opportunity to make certain they have access to them.

I am concerned, as are many on the Judiciary Committee, that it isn't just a question of the new authority to collect information but a more fundamental question: Do these agencies of law enforcement have the infrastructure and the capacity to collect, process, evaluate, and distribute this information?

It was only a few weeks ago that the Senate Judiciary Committee had its first oversight hearing in 20 years on the FBI.

The information that came to us suggests that FBI computer capabilities are archaic, that no successful business in America could operate with the computers we have given to the premier law enforcement agency in America. Is there any doubt in anyone's mind that computer capability is as important, if not more important, than additional authorization in the law to collect information?

Things are being done. A man by the name of Bob Dies left the IBM Corporation and came to the Department of Justice to modernize their computer systems. I trust him. I believe he has a good mind. He can help us out of this terrible situation into modern computer technology.

When I sat down with Mr. Dies yesterday and asked him the problems he ran into, he gave me an example. We know there is software available that would allow us to see the coordinates of any location in America, cross streets in the city of Boston or the city of Chicago, and then with this software, with concentric circles, see all of the important surrounding structures, the buildings, the hospitals, whether there is any type of nuclear facilities or electric substations, all within that region. Think of how valuable that is when we are fighting terrorism.

If they receive a notice at the FBI that there has been an explosion at a certain location, by using this software they can immediately see before them all of the potential targets and all of the worrisome areas around that explosion. That seems to be an obvious tool. Wouldn't you assume the FBI already had it? They don't. They don't have access to it because when Mr. Dies said he wanted to buy this software for the FBI—and they were excited about receiving it—he was told: First you have to draw up, under Federal procurement laws, a request with specific elements in it as to what you want in this software, and then we have to have it put out for bid. We think in about a year we can get it for you.

The average American can go right now and buy the software off the shelf. It is absolutely unforgivable that that basic tool and so many others are being denied to the FBI and other law enforcement agencies because of the bureaucratic mess we have in procurement in this Nation.

I am working at this moment on legislation that will allow an exception to our procurement laws in areas of national need and national emergency. We should have a certification process that will allow us to step back from this morass of bureaucracy and get to the point of bringing modern computers into the FBI so that all the names and all the tips and all the information collected can be processed, formulated, evaluated, and distributed so that the names of suspects can be given to the Federal Aviation Administration and, in turn, given to all of the airlines so that they can do their job when people apply for a ticket.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The time for morning business has expired.

Mr. DURBIN. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I hope that during the course of considering antiterrorism legislation we don't stop short of giving new authority to collect information but also give to the FBI, CIA, and other Federal law enforcement agencies the infrastructure to use that information. We need to create an extraordinary process for extraordinary times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as in morning business and, after I have completed, Senator TORRICELLI be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROBLEMS WITH THE FBI

Mr. KERRY. Mr. President, I thank the Senator from Illinois for his comments. He could not be more correct about the problems with the FBI. In fact, the FBI had a lot of information regarding the potential of the events on September 11 4 and 5 years ago, I have learned, in certain compartments. Regrettably, just because of the compartmentalization and the process, that information was never adequately followed up on, as I think we will learn over the course of the next few months. We regret that.

There needs to be an enormous amount of work done in the coordination of the processing of information between the CIA and the FBI. The FBI, obviously, has been much more focused on prosecuting crimes after they happen and not necessarily on taking information and evaluating it in the context of a crime that may happen. The

CIA has been much more involved in the processing of information. Their human intelligence component in the CIA has been so devastated in the last 10, 15 years, that we are light years behind where we ought to be.

I will correct my colleague. We had the security chief from El Al in yesterday with Senator HOLLINGS. He said that every facet of airline security is in fact Government managed at this point—in fact, the employees. I don't know if that was an older process or what. Yesterday, El Al gave us a clear description of how they are doing it now. It is entirely managed by the Government, which is precisely what we are suggesting ought to happen here.

(The remarks of Mr. KERRY pertaining to the introduction of S. 1499 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for his courtesy in allowing me to step in front of him to introduce this legislation.

The PRESIDING OFFICER. The Senator from New Jersey.

## ESTABLISHING A BOARD OF INQUIRY

Mr. TORRICELLI. Mr. President, when this Chamber was new and Members of the Senate were gathering in their first years, they were confronted with the reality of a civil war which had consumed over 860,000 lives and the rebuilding of our Republic. Even with those daunting tasks, there was a recognition that somehow the institutions of our Government had failed to deal with the crisis, to avert the struggle.

Even in that atmosphere, those who preceded us created a board of inquiry as to the reasons of the war and how it was executed and what might lie ahead for the country.

That civil war debate created a foundation which through two centuries has created a consistent pattern for this Congress. In times of national trouble or trauma, part of dealing with the realities of our problems and preparing for the future required a dispassionate analysis of the problem.

While survivors were still being taken out of the North Atlantic from the sinking of the *Titanic*, a board of inquiry met to determine the failures of maritime safety.

Three weeks after the Japanese attack on Pearl Harbor, a board of inquiry began to examine why our Nation was not prepared and how the institutions of our country had failed to respond to the looming threat and the reality of the attack.

In the ensuing years, we returned again and again to this trusted form of analysis that allowed our people to trust a result and the Congress to prepare to avoid the same circumstances in the future: a commission that was formed after the assassination of President Kennedy and the board that convened after the *Challenger* accident.

In each of these instances, I have no doubt a Senator rose and said it is difficult to deal with examining the reasons for the war of 1861 because our time is consumed with the reality of the situation. How can one deal with the reality of the situation if we do not know the reasons for the problem?

How can we simply give more resources to the same institutions, more power to those institutions if we doubted they had the ability or used those powers or resources properly in the first instance? Indeed, one can only imagine when President Roosevelt required a board of inquiry on preparedness and the response to Pearl Harbor how admirals and generals, scrambling to defend the Nation and execute the war, must have felt about diverting resources to deal with the inquiry.

It was recognized by those who sat in these chairs before us, as we should recognize now, that the credibility of the institutions involved, the confidence in their leadership, a dispassionate, removed analysis of their powers is a foundation before implementing a new policy to avert the same problems.

A number of my colleagues are joining with me in the coming days in introducing legislation to create a board of inquiry regarding the terrorist attacks of September 11. It is my intention to offer it as an amendment to legislation that is currently working its way through the Senate dealing with this tragedy.

As the Senate properly responds to the administration's request for more power in Federal institutions, the people need to know how those institutions use the power they possess and to restore confidence in those institutions as they execute these powers.

The Senate properly allocates billions of dollars more for national security and law enforcement and the protection of our people. People of our country justifiably will want to know, as antiterrorist activities in the last 5 years increased by 300 percent, why that money was not sufficient or why it failed to protect our country.

It speaks well of this Congress that we are willing to do so much to protect our country, to avert a future terrorist attack, but I have 3,000 families in New Jersey who have a husband or a mother or a wife or a child who will never come home. Of the 6,500 potentially dead victims of the New York attack alone, and the hundreds of families in Virginia, the families of New Jersey are going to want to know not simply what are we doing in the future, but what happened in the past.

How did an intelligence community that is larger financially than the military establishments of our largest rivals fail to uncover the intentions of these terrorists? How did all of our technology prove unable to intercept their communications? How, with all of the interceptions that have taken place, were we unable to analyze the information and predict the attack? How, indeed, in law enforcement, given the presence of these same terrorist organizations in previous attacks from the same locations on the same target, were we unable to infiltrate these organizations?

It may well be that there is a good explanation for each of these failures. Indeed, it may prove that everything that was humanly possible was done to the fullest extent conceivable. It may be there are institutional failures and conflicts, so that all the money conceivable will not prevent a future attack if powers are not properly distributed or the proper people do not have authority or there are breakdowns in command or communication.

I cannot predict any of these answers, but what is important is neither can anyone else in this Congress or the administration because without some analysis, as we have done throughout our country's history, we will never know. Indeed, if we fail to have a board of inquiry in the midst of this crisis about these circumstances, I believe history will instruct us it will be the first time in the history of the Republic that the Government did not hold itself accountable and subject to analysis when our American people have faced a crisis of this magnitude.

The people deserve an answer. The Government should hold itself accountable, and only a board of inquiry, independent of the Congress and the Executive, has the credibility to do it.

Dealing with the issue of accountability for the past, I want to, for a moment, deal with prevention in the future. This Senate is rightfully responding to the problem of the hijackings by comprehensive legislation dealing with airline security. It is only right and proper we should do so. Our Nation is dependent on the airlines. The economic contagion from this tragedy has affected every State in our Union. Cynics will decry that we are simply closing the barn door, but indeed there is no choice but to do so lest terrorists travel through that barn door again.

What is significant is it is not adequate to respond to these terrorist attacks, enhancing the security of our people, by responding in one dimension. It is unlikely these terrorists or others who would conspire with them, or act in concert with their actions, will respond again in the same manner by the same mode as the last terrorist attacks. If indeed the bin Laden organization is responsible, the history of their actions suggests each time they strike they strike in a different mode, in a different method, sometimes in a different place.

Obviously, I support this airline security legislation but it is not enough. From our reservoirs to our powerplants to other modes of transportation, we need to secure the Nation. It needs to be more comprehensive.

The PRESIDING OFFICER. The Senator's time in morning business has expired.

Mr. TORRICELLI. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Many of my colleagues have joined me in insisting the Airline Security Act also include rail security. We do so for the following reason: In my State alone, nearly a quarter of a million people ride railroads every day, many of them through old tunnels. The tunnels under the Hudson River were built between 1911 and 1920. As this photograph illustrates, they are largely without ventilation. This is a single fan to exhaust smoke from a fire in a two and a half mile tunnel.

Every Amtrak Metroliner, if fully loaded, under the Hudson River or the Baltimore tunnels, or even the approaches to Washington, DC, carries 2,000 passengers, more than three times the number of people on a 747. The tunnels do not have ventilation and they do not have escapes.

As this second photograph illustrates, under the East River of New York and under the Hudson River, a single spiral staircase serves to exit 500 to 2,000 passengers. The same spiral staircase would be used for firefighters getting to the train. It is obviously not adequate.

Last August, before these attacks occurred, the New York State Commission said it was a disaster waiting to happen. Those are not the only problems. We need police officers on Amtrak trains. We need to screen luggage. We need to ensure that switching mechanisms are safeguarded and secure. This Congress will do a good deed for the American people if indeed we secure our airlines, but it is unlikely we would be so fortunate that terrorists will choose this same method and mode for the next attack.

Securing Amtrak and commuter trains is essential. The legislation we will offer, $3.2 billion, will secure the tunnels, hire police officers, assure screening, and bring our train transportation network to the same new high standards as our aircraft.

It is essential. It is timely, and I hope my colleagues around the country understand those of us in the Northeast and the great metropolitan areas of Los Angeles, Chicago, Miami, and Boston cannot yield on this point, not with hundreds of thousands of commuters having their lives depending upon it every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

## AVIATION SECURITY

Mr. ROCKEFELLER. Mr. President, the day of September 11 has been eloquently described by the preceding speaker, Senator TORRICELLI. Its consequences are unknown. In fact, one of the great questions none of us can answer at this point is: What are the unintended consequences of what will follow this attack over a period of weeks and months?

However, this is not our purpose. Our purpose is to get an aviation security bill done. That is why this Senator from West Virginia chooses to speak.

I wish to make a couple of very clear points. We have not yet passed an aviation security bill. There were those who said, no, you cannot work on the aviation industry's financial condition until you have done an aviation security bill. That was an understandable argument, as well as those who talk about people who have lost their jobs. There really was not much point in doing an aviation security bill if there weren't any airplanes flying. That had to be done as a first order of business.

They are flying. They have picked up a modest amount of business. It has increased about 7 percent in the last week, but they are still in a very bad position, even with the money we gave them after forcing them to ground all of their airplanes for a period of time.

In any event, that and the loan guarantees part is done and so now we move on to aviation security, which we ought to do. One could say, well, that is a fairly easy subject. We could go ahead and do that promptly and without much fuss.

That is not quite the case. There is a lot involved, which is serious, which is complex, a lot of back and forth about which is the best agency to do this or that and how do people feel about it, what are the costs involved.

That being said, the Department of Transportation, under President Bush's leadership, immediately after September 11, took some very strong steps with respect to our airports and our airlines. Within days, Congress sent, as I have indicated, its strong support with an emergency financial package that, in fact, included $3 billion, still unknown to most people, for airport security. That was included to be used at the discretion of the President, which was fine. Most of that has been used for sky marshals and other items. Urgent aviation security efforts are already in place. The money is there. Now we are talking about a bill for a broader aviation security purpose.

In the few weeks that have passed since September 11, a large group has been working around the clock through a lot of very contentious issues, not easy issues, to try to resolve what should be in an aviation security bill that would best serve the Nation, not just in the next months but in the coming years. One can say, therefore, that the Aviation Security Act is a result of these efforts. It is not finally worked out. There was to be a meeting this morning with the Secretary of Transportation. He was called to the White House. There are still details pending. That is not the point. We are on it and moving at the point, for those who come down to speak on it, because we want this done if at all possible this week, with the American people knowing that aviation security is at the top of our legislative agenda.

I am very proud to have joined Senator HOLLINGS, Senator McCAIN, Senator HUTCHINSON as original cosponsors, and I rise in strong support of the managers' amendment because we have been working closely with Senator LOTT and Senator DASCHLE. I can report there is broad bipartisan support within this body on both sides of the aisle as to what we ought to do. That has come through in meetings and compromises. That is a very important fact and bodes well for the bill.

The truth is, the horrific attacks of September 11 do reflect broad intelligence and other failures.

## EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, if the Senator will yield, I ask unanimous consent that the morning hour be extended for 1 hour, until 12:30, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. The fault of these attacks clearly lies with those who perpetrated them, but the failures are all our shared responsibilities. There is no way to get away from that.

On the other hand, they are also a shared opportunity. I have long argued and made many speeches that we have a habit in the Congress, and to some extent in our country, of taking aviation for granted, knowing very little about its details, complaining when we are delayed but not making the effort to understand what aviation entails, what happens when passenger traffic doubles—as everybody knew would happen before September 11, and which I believe will come to be true again. This is an opportunity, this horrible tragedy, to set a number of accounts straight in terms of the way we secure our airports.

We have to develop, we have to fund, we have to implement a better and changed way of providing security—particularly true after September 11. Had it never happened, we still should have been doing it. Instead, we were concentrating on air traffic control, runways, matters of this sort that are tremendously important, but we were not focused on security. That has to change. The Aviation Security Act gives us the chance to do exactly that.

First and foremost, the bill restores the basic responsibility for security to its rightful place. That is with Federal law enforcement rather than with the airlines and the airports, which can neither afford it nor do it properly. This is not a question of private security companies. There is absolutely no other segment of American life in which we need national security contracted out to the private sector. Until last month, the airports' private security companies had in fact managed to ensure that ours was the safest system in the world. Let that be said. It always has been, always will be. But there is public concern that if there is an accident, it will be of a very large nature; if there is terrorism in our future, it will be of a very large nature. We have to begin to think about all things more seriously. We want the safest system in the world. We have the safest system in the world, but it has to be a lot better.

Law enforcement has to be fulfilled by the Federal Government. Everybody agrees on that, both sides of the aisle. The Bush administration is working on that, leaning towards that. We owe it to the American people to take profitability out of aviation safety altogether.

This bill, still subject to some details that have to be worked out—but that is good, that is not bad; we are moving—creates a new Deputy Secretary for Transportation Security, with ultimate responsibility for interagency aviation security, and expands the air marshal program to provide armed, expert marshals on both domestic and international flights, and increases Federal law enforcement for airport perimeter and for air traffic control facilities—not just getting in and out of airports but the complete perimeter of the airport. Screening will also be monitored as it has never been monitored before by armed Federal law enforcement. It will be conducted in virtually all cases by a Federal screening workforce.

When you walk into a small airport, you will see uniforms, pistols, screeners who, like everybody else in this country, are going to have to be trained more or less from ground zero because the training is insufficient, the turnover is horrendous. It is a national embarrassment. The whole level of training will have to be raised very dramatically in urban and in rural airports. In rural airports there is a possibility, where there are five or six flights a day, you don't need full-time security. There we would have deputized local police officers who are federally trained at the highest levels and who are federally funded. So there is no net difference, no first and second class airport. It is a question of making sure the rural airports have the security they need. We will be sure of that.

On board the aircraft, the bill requires strengthening cockpit doors. We had a fascinating discussion at length with El Al. They have a double set of doors with space in between so if even a hijacker were able to get through one, he or she probably could not possibly get through the second. That, obviously, would take reconfiguration, would take some time, and it would take some costs. We have to do what is necessary. Does a pilot come out of a cockpit, for example, to use the lavatory? I am not for that. I think lavatories ought to be inside the cockpit. A cockpit should be absolutely inviolate—nobody gets in. If nobody gets in, there will be no more hijackings. El Al has not had any, and I don't expect them to. Even flight attendants will not have keys to be able to get into the cockpit. No one will be able to access the plane's controls other than the pilot.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. ROCKEFELLER. I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. It will take some time. People should understand that. We cannot take a workforce without sufficient training and upgrade it in a day, in a month. You don't quickly reconfigure airplanes in the way we will have to with sky marshals, through cockpit arrangements. It will take time. People need to understand that. If they want airport security totally now, we can give them a lot of that, but we cannot give it all to them immediately; it will take time. The federalization will give people confidence this will be done at the highest level.

We have anti-hijack training for pilots and flight attendants. We propose to pay for this with passenger security fees, authorizing DOT to reimburse airports for the costs incurred by them since September 11. Most have no idea that is coming, but it is. We will help them pay their costs. We will give airports temporary flexibility to pay for their security responsibilities under the AIP program. They can't do that now. We will give them that flexibility. They can pay for security equipment and infrastructure, but they cannot pay for any direct expenditures such as salaries and the rest.

It will be a very good bill.

We are looking at security with biometric and hand-retina recognition devices. As the bill comes before us and as we debate it, there can be no higher order of magnitude for our Senate concentration than this bill as it emerges.

I strongly urge my colleagues to support it.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just over 2 weeks ago I came to this floor and talked about the 20-year history of aviation security. I did so for a simple reason. There has been a very clear pattern on this issue over the last 20 years. Again and again there has been a tragedy in the sky. Again and again there has been widespread public outrage. Again and again there has been widespread agreement on what needs to be done to improve aviation security. Again and again the real reforms weren't implemented because of political infighting.

I come to the floor of the Senate today to say that this time it really has to be different. This time the Senate needs to come together on a bipartisan basis and make sure these changes are actually implemented. I wanted to make this appeal for bipartisanship because that is what Chairman HOLLINGS—I see my friend Senator MCCAIN on the floor as well—and Senator MCCAIN are trying to do in the Senate Commerce Committee with the legislation that we would like to have taken up.

I happen to believe that, as a result of the determination and the persistence of Chairman HOLLINGS and Senator MCCAIN, we are now talking about legislation that will bring new accountability on this aviation security issue. The bill is not about political ideology. The Hollings-McCain legislation is about accountability—about ensuring that the Federal Government on a national security issue is accountable. Nobody in the Senate would ever think about subcontracting out our national security. But that is regrettably what has happened in the aviation sector for so many years.

I went back through some of the history almost 2 weeks ago on the floor of the Senate. It started really after the Pan Am Flight 103 bombing over Lockerbie in 1988. We saw it again after the TWA Flight 800 crashed near Long Island. In each case Presidential commissions were established, and there was unanimity about what needed to be done, with the General Accounting Office and the Department of Transportation inspector general outlining the vulnerabilities and then political infighting started.

I am very hopeful the Senate will support the bipartisan effort being led by Chairman HOLLINGS and Senator MCCAIN. I have felt for way too long that there isn't enough bipartisanship on important issues of today. Senator

SMITH and I are trying to do it in our home State of Oregon. I think Chairman HOLLINGS and Senator MCCAIN are trying to do it in this Chamber with this legislation.

If we don't get this done, I fear we will be back on the floor of this body in 6 months or a year with Senator after Senator taking their turn once again in a procession of floor speeches about how sorry and upset the Senate is that another tragedy has occurred—that another tragedy occurred because the Senate failed to act promptly to put in place the safeguards that I have documented on the floor of this Senate and that have been called for now repeatedly in the last 20 years.

I am hopeful that in the hours ahead—I appreciate what Chairman HOLLINGS and Senator MCCAIN are trying to do—we can deal with the additional issues that are outstanding and get this legislation reported.

Let me touch on two other matters. The second issue I would like to mention is this: The rule and the procedures that are going to be set out will define what the aviation industry is all about for years and years to come. I am talking now about the rule that is going to be set in place with respect to loans and loan guarantees that are going to go a long way in determining whether there is real competition in the airline sector, affordable prices, and whether places in rural Nebraska and rural Oregon are serviced. I have outlined what I think are six or seven key principles that ought to govern how those loans and loan guarantees are made.

What concerns me is that those decisions are being made behind closed doors. They are being made outside the public debate. There is considerable discussion about whether the large airlines may, in fact, have an agenda that will crush the small airlines. I am very hopeful that Members of this body will weigh in between now and Saturday with the Office of Management and Budget as they make the rules that are going to govern these loans and loan guarantees.

One last point: Something that I and Senator SMITH are together on is the pride in our State and our citizens. A number of Oregonians, strong-willed people in our State, are mounting an operation that they call Flight for Freedom, answering the national call for all of us to get on with our lives and come to the aid of those hurt in the attacks of September 11. In a show of solidarity with their fellow Americans, more than 700 Oregonians are making the statement this weekend by heading to the hotels and Broadway shows and restaurants in New York City that are fighting for economic survival in the aftermath of the attack. With Oregonians' Flight for Freedom, the people of my State are standing shoulder to shoulder with the citizens of New York in an effort to make clear that no terrorist can break the American spirit.

I congratulate Sho Dozono and the other organizers and participants in Oregon's Flight for Freedom for their generous efforts. I urge all Americans to follow their example. Oregonians are showing this weekend that we are going to stand against terrorism by reaching out to fellow citizens and enjoying what American life has to offer in our centers of commerce across this great Nation. Because of these kinds of efforts, we can send a message that terrorists can't extinguish the American spirit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Oregon for his kind words about the work we have done together on the Commerce Committee on other issues. It has been a distinct honor for me to have the benefit of the relationship we developed over the years. I am very grateful for his involvement in issues such as Internet tax, aviation, and many others. I believe he is correct in that we have been able to display from time to time the degree of cooperation working together on common goals about which I think the American people are very pleased.

If you believe the latest polls, Americans have never been more pleased at the way we have been performing in a bipartisan fashion. I thank the Senator from Oregon for his kind words.

I wish to take a couple of minutes to talk about where we are and where we need to go on airport security and airline security. I am sure all of us by now know that a Russian airliner was shot down a few hours ago. They are not exactly sure why. But I think that may, at least in the minds of some of us, emphasize the need for us to proceed with whatever measures we can take to ensure safety but also as importantly to restore confidence in the American people in their ability to utilize air transportation in America in as safe a manner as possible.

There is no doubt that there are millions of Americans who are still either concerned about or afraid of flying on commercial airlines. We need to move forward with this legislation.

What is hanging it up? One is there is a disagreement between sponsors of the bill, Senator HOLLINGS, myself, Senator HUTCHISON, Senator ROCKEFELLER, and the administration on the issue of federalization of employees. There are different approaches. But I think we can at least have serious negotiations and come to some agreement. I believe that is not only possible but probable.

The second point is the concern about the addition of nongermane amendments to the legislation—whether it be Amtrak, whether it be on the so-called Carnahan amendment which extends unemployment benefits and other benefits to people whose lives were affected by the shutdown of the airlines.

I think all of us are in sympathy with those individuals, all of them, particularly those at National Airport, who had a more extended period of unemployment as a direct result of an order of the Federal Government. I am not sure how a conservative or liberal could argue the point that since it was a Government action it would be hard for us to not justify some assistance to those people whose lives were directly affected.

As we all know, hundreds of thousands or so of airline employees' lives are affected by layoffs that the major airlines have already announced. So there is a significant problem out there. But I would make a strong case that this is an airline/airport security bill. This is to improve aviation security. It is not a bill for unemployment compensation or any other. This legislation is directly tailored to aviation security and airline safety.

Last week, we passed a bill to give financial relief to the airlines. That was what it was about. That is for what it was tailored. We did not add extraneous amendments.

So I have to say to my colleagues that I think it is not the time to add that to an aviation security bill, especially in light of the fact that we all know within a week or two we are going to take up a stimulus package. Clearly, that issue would be addressed in some shape or form when the stimulus package is considered.

So I intend to oppose any nongermane amendment to this legislation. I believe there are at least 41 of us, if not 51 of us, who would object, so therefore we would not have the bill become bogged down in extended debate.

Those who insist on putting a nongermane amendment on an aviation security bill would then be responsible for preventing passage of a bill that has to do with aviation security.

So I hope those Members who are concerned and committed to assisting those whose lives have been severely disrupted by the shutdown of the airlines—we are in complete sympathy with them and we intend to act. And we intend to negotiate a reasonable package that would provide some benefits and compensation, depending on how directly their lives were affected, et cetera—something that, by the way, we would have to have a lot of facts and figures about, too. But to put it on this bill would be obfuscation, delay, and prevention of us acting to ensure the safety and security of airlines and airline passengers throughout America.

So I want to make that perfectly clear, that we should not have any amendment, no matter how virtuous it may be, on an airport and airline security bill.

I hope we can move forward with this bill. There are a lot of Members who want to talk about it. There are not too many amendments. We could get this thing done today if we could move forward on it and have some agreement.

I also remind my colleagues that we are in negotiation and will continue to try to work with the administration. We also have to work with the Members of the House on this legislation as well. But for us to delay because we have our own pet agendas, our own specific priorities, and not act as speedily as possible to restore confidence on the part of the American people in their ability to get on an airline is somewhat of an abrogation of our responsibilities.

I am pleased that Senator HOLLINGS, the distinguished chairman of the committee, has also pledged to oppose any nongermane amendments as well.

So, Mr. President, I really want to emphasize that we need to move forward. I think it would be wrong of us to go into the weekend without doing so, at least making some progress. We are prepared to do so, and I hope we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to discuss for a little bit the airline issue. I thank my friend from Arizona for the work he has done on this issue. Certainly, security in flying is an issue on which all of us want to move forward. So this is not a failure to act.

Some people have said we are holding it up, it is slow, and so on. I do not think that is the case at all. I think what is the case is that this is a very important issue. This is an issue that could be done in several ways. I think there is a legitimate effort to try to ensure that we think it through enough to come up with a process that would most likely achieve the goals that we have; that is, of course, safety and security on airlines.

There are a number of different issues that need to be talked about, but I do not think there is a soul in this body who does not want to move forward on airline security. It is the security issue of the moment.

There needs to be some major changes in the process. We have had security for some time. We have a higher security level now, I believe, than we did before September 11. I happen to have been in Wyoming three times since then and have found that there is security. There are armed people in Dulles, for example—more security. Is it enough? Probably not. We probably need to do it better and more professionally. And that is what this is all about.

But I do want to make the point that I think you will see airline passenger numbers going up. There is more security than there has been in the past, but we need to change the process. And we need to do it as quickly as we possibly can.

We need to have more experienced people there, particularly in baggage examination. We need to do it so that we do not develop a long-term Federal bureaucracy. That is an opinion that some do not share. But, nevertheless, in order to achieve the goals we want, we have to make some changes. And even though I would like to see it done in the next 15 minutes, and move out of here, I must say, I am glad that we are taking the time to examine these issues and to come up with what we think is the best solution, even if it takes a little longer.

As I say, we now have substantially more security than we did have. In some of the smaller States, the National Guard has been made available to help, and so on. One of the puzzles, of course, is to find the proper agency. I don't know that it is a puzzle, but it is a challenge to find the proper agency to supervise and be responsible for airline security. Many believe—and I am one of those who think it—that it ought to be a law enforcement agency and not really belong in the FAA. Those people have responsibilities, but law enforcement is not one of those responsibilities. So that is one of the issues.

I see my friend from Texas is in the Chamber. She has been very involved in this issue. I yield my time to her.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate very much the Senator from Wyoming, who has also been working on this issue, coming forward.

I see the Senator from Montana in the Chamber; he is a very important part of the negotiations on this issue.

The bottom line is, we want to go to the bill. The American people expect us to pass a bill to securitize the airplanes and the airports in this country. What is holding us up is people who want to offer extraneous amendments. Some of them I agree with; some of them I do not.

But the point is, we cannot put every amendment, on any different subject, on the security bill and pass it. We have legitimate disagreements on how to best securitize our aviation system.

Let us go to the bill and start talking about those differences because I think we can work them out. I believe we are 90 percent there. There are a few things on which we are going to continue to negotiate, but we need to be on the bill. We cannot go to the bill if we are worried about having extraneous amendments, whether it is on employee problems and benefits or whether it is on Amtrak security—all of which I think are very legitimate issues. I want to add security to Amtrak, as long as we add security for the entire system and not just one part of the system.

But the bottom line is, we have an aviation security package that is a very good first step forward, where we would put sky marshals in the air, where we would secure the cockpit, where we would have better trained and equipped screeners, where we would have better equipment. All of these things must be done. And we can do it this week if we can get to the bill.

I urge my colleagues not to have process drag us down. The Senate has a bill before it that is good, solid legislation. We are working with Democrats and Republicans and with the administration to make sure we do what we do well, correctly, and give the flying public the confidence that when they get on an airplane, they are going to be safe.

If we can do that, it will be the beginning of rebuilding our economy. If we can secure the airlines so people will come back and fly, then more of those people who have been laid off by the airline industry will be called back to work.

The travel industry will be uplifted. We will have people staying in hotels. We will have people renting cars, employed in the airports, and in the shops. These are the things that will stimulate our economy.

We are talking about a stimulus package, which I hope we will look at next week. That is very important. We can stimulate the economy with an aviation security package. We can put people back to work in the aviation industry and stop the domino effect to our economy caused by layoffs in the airline industry because people are not coming back to fly.

I appreciate the cooperation we are getting. Senator HOLLINGS, Senator ROCKEFELLER, Senator MCCAIN, and I have worked well together to try to get a consensus. We are very close. If we can go to the bill and if people will agree not to offer amendments that delay the ability for us to consider relevant amendments, we can work it out this week and send something to the House and hopefully go to the President and do the very important part of the stimulus package, and that is to beef up the aviation industry.

I thank my colleague from Wyoming, and I certainly thank my colleague from Montana, who has been a very important part of the aviation subcommittee, working to put something together that all of us will be able to support.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Texas who has worked very hard on aviation matters. We are moving forward. No one is seeking to hold up this bill. All of us agree aviation security is something that needs to be done and needs to be done very soon.

The Senator from Montana has been a part of this committee and has worked very hard. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my good friend from Wyoming.

When we examine this issue, we find several approaches we have to take a look at. We do want to move forward on it because there is a sense of urgency, if not in this body, in America.

Last weekend when I was in Montana, that is what they discussed: How do we travel; how do we know we are safe; and the anger they feel because of the events on September 11. Whatever was important to us on September 10, by September 12 it was not important anymore.

Now we have before us the very important issue of airport security and this legislation. Let's talk about the areas of concern: intelligence and passenger lists, who is in charge of those, who can better manage those; security at airports on the perimeter, the total facility, the check-in area, the departure gate, the cargo, which includes baggage and how they handle baggage, and the tremendous tonnage of air freight that moves through each airport and each facility every year; how do we secure the area where the aircraft are parked; and finally, and most importantly, the security of the aircraft.

We had an opportunity to visit with the security people who are in charge of passenger safety and security for El Al. It is a Government-owned airline by the country of Israel. If there is one thing of which the Israeli people are apprised and aware, it is terrorism. How do they handle this? Granted, their domestic air transportation isn't as great as the system we find here in the United States. However, in principle, it has to be the same heightened awareness of security before we see load factors going from what they are running, around 40, 45 percent now, to 70, 75 percent, and profitability of the airlines. Air transportation is one of those linchpins of the American economy, our ability to move.

El Al has 31 airplanes. Living in a very volatile region of the world, the areas of responsibility to which I referred are very important to them. They have 7,000 employees, 1,500 of whom are employed in the security part of their operation. They do nothing but security. They secure the areas I previously enumerated: intelligence and passenger lists, the airport facility, the check-in area, departure gate, cargo, aircraft area, and aircraft.

They have been pretty successful in the last 20 years. They have not had a hijacking or anything such as that, operating in an area of the world that is very volatile.

They have one man who is in charge of security in all of these areas. He doesn't operate the airport, the runways, the luggage, the people who handle luggage, the people who handle cargo. He handles security. They have accountability and responsibility.

That is what the American public wants us to do. In this legislation, there has to be a strong, bright line of accountability and responsibility to one agency or one area of government.

I have proposed an amendment. It has very strong bipartisan support. The amendment would give that responsibility to the Department of Justice. Not that the Department of Transportation is not efficient and would not be dedicated to passenger safety and security, not that the FAA could not do it, but we do not need a convoluted and nondistinct line of responsibility or accountability.

The American public are telling us Justice does it best, with the confidence in the Federal Bureau of Investigation, in the Federal marshal system. We have a model right in front of us, as those folks are responsible for the security of our Federal buildings, the movement of Federal prisoners. They understand secure areas and danger points. However the Attorney General wants to do it matters not to me. It is that we have a bright line of authority and accountability and responsibility.

Mr. REID. Will my friend yield for a question?

Mr. BURNS. Certainly.

Mr. REID. I say to my friend from Montana, I was speaking earlier today to the chairman of the committee, Senator HOLLINGS. He, too, thought that perhaps there should be some other entity other than the Department of Transportation that would supervise and control this. He suggested, for example,—I know there is a dispute as to whether or not they should be federalized, but he suggested maybe the Department of Defense. I say to my friend, in the form of a question, I think the Senator's suggestion is worth consideration. I think it is not a bad idea.

Maybe the Department of Justice, which has wide law enforcement responsibilities already, could do this. But the question I ask my friend—my friend from Texas, the junior Senator from Texas, who was here in the Chamber saying we should get to the bill and get some of this stuff decided. I agree with her; we should get on the bill. But I say to my friend from Montana, the minority is holding up the bill. I think the issue the Senator is talking about as to who should supervise, whether it should be federalized or not—we should get to the floor and offer amendments.

I think the Senator's idea is good. I will not do this now because it is inappropriate, but if I offered a unanimous consent agreement now that we would go to the bill immediately, would the Senator allow me to do that?

Mr. BURNS. How loaded was that? I think there are still disagreements among leadership. I could not do that personally. If it were in my power—which it is not—I am a soldier around here and everybody in the world is smarter than I am—I am ready to go to the bill. I would offer my amendment and we would vote on it, and we would win or lose and we would go on down the trail.

Mr. REID. I am not going to offer a unanimous consent at this time because, as the Senator has indicated, leadership on his side perhaps doesn't agree. I hope the Senator, with the persuasive nature that he has in his down-home, homespun, very persistent and persuasive way, would be able to talk to his side and let us get to this bill. There are some things that I would like to offer as an amendment on the bill. The Senator from Montana agrees, and I agree, that airport security is something we should fasten onto quickly. We should get to the bill. If there is something somebody doesn't like in the way of an amendment—and people are not complaining about the underlying bill, but if there is an amendment someone doesn't like, vote it up or down.

I hope today we can get to the bill. I appreciate the courtesy of my friend from Montana for yielding.

Mr. BURNS. I thank my friend from Nevada.

Mr. REID. The only thing I will say, the Senator mentioned he is one of the soldiers. If I were going to war, I would not mind having the Senator from Montana with me.

Mr. BURNS. I thank the Senator for that. I feel the same way about him. I want to reiterate that I think we can complete this bill today. I don't know whether or not we are in session tomorrow, but I think we can get it done. I am not sure if we have an agreement with the folks on the House side. That is another important piece of this puzzle that we have to solve in the next 2 or 3 days in order to move this legislation to the President's desk.

I am sure the President wants a piece of legislation that he can sign, which gives him the direction and also allows him the flexibility to provide the safety and security for the American people. He is basically the ultimate director of how this will work. What I am saying is that I think the American people are watching this very closely.

Yesterday, we had a hearing on border security. Nobody is more in tune than I am as far as border security. The Senator from Nevada understands the Western States and how big they are. We have just a little under 4,000 miles of border with our friends in Canada, with cultures that are similar, and no language barrier; and 25 percent of that border is my State of Montana. We have farmers who farm both in Montana and in Canada. So for the movement of livestock, and for farm machinery, and farm chemicals, and everything it takes to make a farm or ranch go, it is important that we have not only secure borders but also borders that are flexible enough to allow movement of commerce and to get the job done for those people who live on the border. There are ranches that lay on both sides, part in Canada and part in the United States. No, we don't have a lot of ports and the gates are rusted open. Nine times out of 10 they set out a red cone and it says: The gate is closed. You can go 100 yards on either side of the gate of entry and go in unnoticed, undetected. So we understand that, too.

To conclude my statement, Mr. President, even though there is a sense of urgency for the passage of airport security, I think there is also a feeling in the United States—even though we are working in this highly charged environment because of the events of September 11—that we do it right. I think we can do it right. We also can be accountable to the American people for whom we are doing this legislation. It is for their benefit, their movement, and for the safety of this country. I appreciate the attention of the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. REID. Mr. President, I ask unanimous consent—and this has been cleared with the minority—that the Senate stand in recess until 2:30 p.m. this day.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:29 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from New York.

## TRANSPORTATION SECURITY

Mrs. CLINTON. Mr. President, I come to the Chamber to discuss further the need for transportation security that encompasses not only our airlines but also our rail lines and our ports. Others with their own experiences and perspectives have already spoken to these issues and I am sure will continue to do so because as we address these critical needs of transportation security, it is imperative we look at all the means of transportation our people require and that we found to be particularly important in responding to the events of September 11.

I want to focus my remarks on Amtrak and our rail transportation system. I think anyone who followed the events of September 11 is well aware that Amtrak played a critical and essential role in responding to this national disaster. We know that without Amtrak being able to respond, New York would have been cut off. The natural flow of commerce and passengers between Boston and Washington, the busiest rail corridor in our country, would have been severely undermined. We know, too, that Amtrak did its part to make sure people not only could reach their destinations but, for example, those who had planned to fly by air when our air system was shut down, their tickets were honored and they were part of the continuing and increasing flow of people and goods that demonstrated that America was still moving.

Ridership on Amtrak has been up 17 percent across the Nation and certainly in the Northeast corridor, which was so devastated by the attack on the Pentagon, the closure of our airports, the attack in New York City, the continued, until thankfully today, closure of our Washington National Airport. We know that Amtrak's increase here was up by 30 percent.

How do we make sure this critical mode of transportation is safe and secure in the future? We cannot be in a position of looking backwards. We have to look forward and say, what do we need to do to make sure our transportation system is redundant and safe? I believe we have to focus, as we look at transportation security, on ensuring that our thousands and thousands of rail passengers are safe.

I am grateful Amtrak has come forward with a specific plan to address the needs of those passengers. We need, for example, more police officers on our trains, more canine units to inspect the trains, more power and switch upgrades to ensure they absolutely run without any delay or disruption.

In New York, we have immediate safety concerns which demand we act now, not later—hopefully in time to make sure we are always moving—and, if there is any natural or other disaster, that we keep our people moving.

I want to bring to the attention of my colleagues some specific safety concerns. Anyone who has ever been on a train in or out of New York knows, I assume, that there are four tunnels under the East River and two tunnels under the Hudson River that serve as vital links between New York City and the surrounding area and the rest of America.

These tunnels were built in 1910, and now almost a century later they have not undergone any serious security upgrade. Under today's regulations, the tunnels would never be allowed to be constructed in the same shape in which they currently exist.

Penn Station in New York City is the busiest railroad station in the United States. More than 500,000 passengers, from all parts of our Nation, on more than 750 trains pass through Penn Station each day. As many as 300,000 commuters pass through the East River tunnels on the Long Island Railroad trains each day. So these tunnels are essential to our national railroad network and to the moving of people who commute every day in and out of New York City. The tunnels are so essential that we must turn our attention to ensuring they are safe for the hundreds of thousands of people who use them every single day.

If for some reason a train were to become incapacitated in one of our tunnels, the only means of escape would be through one of two antiquated spiral staircases on either side of the river or by walking in the dark almost 2 miles out of the tunnels. These are also the only routes by which firefighters and other emergency workers can get into the tunnels.

I have a picture, and it shows a narrow 10-flight spiral staircase which serves as the evacuation route for passengers as well as the means for rescue workers to enter the tunnels. I can barely even imagine what the situation would be like under the ground, under the rivers, if some kind of disaster were to occur, with passengers and crew trying to move up this narrow spiral staircase and rescue workers trying to move down; or, in the alternative, people being, in some instances, carried or trying to get out on their own going 2 miles in whatever conditions existed at the time.

I bring this to the attention of my colleagues because I think it is imperative, as we look at transportation security, that we do not turn our backs on the hundreds of thousands of people every single day who use our railroads. I fully support adding air marshals on our flights. I support federalizing the inspection that passengers and cargo and luggage must go through, and I support doing everything we humanly can think of that will guarantee to the American public we are doing all that can be imagined to make our airlines safe.

I also want to be able to stand in front of the people in my State who rely on these trains to get to and from work, who rely on these trains to commute, who travel out of New York City, and people all over our country who similarly rely on our trains, that they also will be secure. We don't want to leave any American out of our security efforts. This is an opportunity to do right what is required, what we now know will prepare America for any future problems.

The airline security bill, which I hope we will be considering soon, calls for the creation of a Deputy Secretary of Transportation Security who will be responsible for the day-to-day operations of all modes of transportation. I applaud this provision. I think it is long overdue. It certainly will be a strong endorsement of the kind of broad-based security required for our millions of airline passengers, for those who use our ports, for those who come in and out of our transportation network, and for the 20 million passengers who rode Amtrak last year.

Over a week ago—it is hard to keep track of time in the last weeks—40 of our colleagues took the train to New York City. I am so grateful. For some, it was the first time they had been on the train. It was fun to see their surprise and enjoyment provided by the ride to and from New York City. They were, in a sense, following in the footsteps of the hundreds of thousands of people who either have used trains out of necessity or out of choice for years or who were forced to use trains in the wake of September 11. And, thank goodness, the trains were there.

I cannot even begin to calculate the economic and psychological costs we would have suffered had we been totally shut off. We could not have moved people as easily as we did if Amtrak had not responded as well as it did in putting on additional equipment and personnel.

I hope my colleagues will remember this picture of this spiral staircase. I hope they will think about everyone they have ever known who perhaps has been a passenger, as I have been many times on these trains, through these tunnels. I hope they will join in the commitment we must make to every single American that we will guarantee the highest possible level of security for all transportation. It is the least we can do. I look forward to working with my colleagues to make sure it happens.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator leaves the Chamber, I appreciate the invitation from her and Senator SCHUMER to travel to New York. Having traveled on the train on a number of occasions, I have always enjoyed it. That day it was not a time of enjoyment but a time for learning. It is a trip I will never forget. We have seen and understand a little bit better the devastation, the hardship, and the sorrow of the people of New York.

I express publicly my appreciation and the appreciation of the people of Nevada for the great work the Senator has done representing the State of New York in these events following September 11. What a pleasure it is to serve with her in the Senate.

## EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate stand in a period of morning business until 4 o'clock today, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

## AVIATION SECURITY

Mr. THOMAS. Mr. President, I will talk about where we are with regard to aviation security. I appreciate very much the comments of the Senator from New York and her information about railroad security. I certainly agree with her that we have to look at all our transportation systems and, indeed, we have an opportunity to look at it all. If it is different in different parts of the country. Of course, we don't have to have Amtrak trains in Wyoming. Nevertheless, I fully understand the importance of railroads.

I raise the question of how we complete the work before the Senate. Hopefully we will have back this afternoon a bill to improve aviation security. It is called the Aviation Security Act, and it has been developed for that very purpose. It has to do with the Deputy Administrator for Aviation Security. It has to do with the Aviation Security Coordinating Council. It has to do with training and improving flight deck integrity.

This bill is an aviation bill. We have a number of things on which we have not quite yet come together on this bill, but I think our challenge is to pass this bill. I don't think there is anyone who would argue on the point of the Senator from New York that we need to do that and we need to get to railroads, but I guess there is a question as to whether those issues will hold up doing what we want to do with regard to aviation. That is the question before the Senate. Hopefully, it will be resolved shortly so we can move forward.

Obviously, there are unique aspects to airlines and airports. There needs to be changes made in their operation. And there have been. We have already made a great deal of progress in terms of security. There is a great deal more to make. I hope that not only this issue but other issues that have been suggested become a part of this air security bill could be handled on a free standing bill so we move this bill as soon as it is possible to do that.

We have before the Senate that challenge. There is no question about the safety aspect of other modes. We have not come together on this one yet. There is a difference of view as to the proper agency to do this work, whether it ought to be a law enforcement agency, whether it ought to be the FAA. There are fairly strong feelings about that. But that has not been resolved.

There are questions as to staffing and what supervision and criteria will be required in order to have people who are, indeed, qualified to do the kind of work that is necessary to be done, and whether or not these persons ought to be supervised by a law enforcement agency of the Federal Government, which I happen to think is probably the better way to do it, and do some contracting so we can move more quickly.

We do have questions and problems. We are talking about that now. I am hopeful we can settle a couple of those disputes. One is the idea of bringing in other issues into this bill through amendments and changes that would then require the same kind of consideration, or whether we can move this package, designed for airline security and aircraft safety, and turn to the others that are equally as important. Which is the better way?

There are other fairly unrelated issues having to do with health care, unemployment compensation, all of which are very important, but they are not part of this issue and not part of the considerations.

I am hopeful we can deal with these issues as they come forward. We are slowed by the idea of bringing more and more issues into the same base bill when it is designed to be specifically oriented toward airline safety. I suggest we move with this bill and come in as soon as possible with the other issues that are equally important, but we not hold this waiting to try to make other proposals fit into this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

## RAIL SERVICE SECURITY

Mr. CARPER. Mr. President, I rise today during this period of time when we are discussing the need for additional security for airports and airliners to again voice my strong support for the measures included in the legislation that is soon to be before us.

Having said that, I also observe that this country has shown it is pretty good at fighting the last war in preparing to fight the next war. Those of us who are students of the history of World War I know that World War II was a lot different from World War I, and we only have to think of the Maginot Line to know how different it was. Korea was different from World War II; Vietnam was different from Korea; the Persian Gulf was different from Vietnam.

We are now struggling in this war against terrorism to make sure the kinds of tragedies that occurred on September 11 do not occur again, and we should do that. If we look back at the history of the last several years with respect to terrorism, we had the bombing of the World Trade Center in 1993, the bombing of two U.S. embassies in East Africa in 1998, the bombing of the U.S.S. *Cole* last year as it was at anchor, and now the use of our own aircraft as guided missiles to be used against the Pentagon and the World Trade Center.

Now as we prepare this fight against terrorism to fight the last war, to make sure no other hijacked aircraft can be flown into other targets, we need to remember there is a different element to this war, a different front to this war, and it is not just airplanes; it is not just airlines; it is not just airports.

As the Presiding Officer knows, I travel to my State of Delaware most mornings and nights on the train. We are mindful of trains in our State. We do not have a commercial airport. We use Philadelphia or BWI for most of our commercial flights. A lot of people take the train. It is not just in Delaware. It is a lot of folks up and down the Northeast corridor; indeed, a lot of people around the country.

During a given day, we have people who get on the trains in my State and some head south toward Washington and others head North toward New York City where they work or go for business or pleasure.

In order to get into New York City, a train has to go through tunnels. There is a network of tunnels underneath New York City, underneath the waterways. Some of those tunnels are used by Amtrak, some are used by New Jersey Transit, some by the Long Island Railroad. Amtrak is a minority user of those tunnels.

All told, I understand between 300,000 and 400,000 people a day ride trains, whether they are intercity passenger rail trains of Amtrak or commuter rails, transit trains—between 300,000 to 400,000 people a day go through those tunnels into New York City.

Those tunnels were built during the Great Depression, between World War I and World War II. We have tunnels that are even older than that around Baltimore and indeed right here in our Nation's Capital, some of which go back to the administration, not of FDR, but of President Grant.

I would like to stand before you and say each of those tunnels through which trains pass carrying hundreds of thousands of people every day is not a target for terrorists, but if they were, they are tunnels that are well ventilated, well lit, there are adequate provisions to detect those who might want to do damage to the tunnels or to people who use the trains. Unfortunately, that is not the case. The tunnels are not well ventilated. They are not well lit. They are not tunnels with good surveillance that would enable security officers to detect the movements of suspicious persons or materiel.

As we prepare to fight the last war that grew out of the tragedies of September 11, I hope we will not forget those hundreds of thousands of people who are in those tunnels every day going in and out of New York City. I hope we will not forget the thousands of people who are in those tunnels every day beneath this city and beneath Baltimore.

I am told, as far as passenger capacity aboard airplanes is concerned, there are about 150 people who can be seated aboard a 727 jetliner. The new Acela Express trains carry over 200 people. I am told the seating capacity aboard a 737 is roughly 150 people. The Metroliners that go up and down the Northeast corridor carry 225 people. A 747 aircraft can seat maybe 400 people. A conventional train, the Acela regional trains that go up and down the Northeast corridor, can seat up to 500 people. And a new 767 airliner can carry as many as 500 people. The Auto Train that goes from Lorton, VA, to Sanford, FL, near Disney World, carries 500 people and some 600 cars.

My hope and my fervent prayer is that nothing ever happens to any of those people on any of the airliners again or any of the trains I talked about or the other commuter trains that work their way through the Northeast corridor and the cities around the country. I hope that is the case.

That may not be the case. As we prepare to fight this next war, we need to keep in mind the Achilles heel with respect to security of passenger rail.

A package has been put together addressing some of our biggest concerns for the safety of folks who are using trains. I will tell my colleagues one of the reasons I think this is important.

Think back to what happened on September 11. One of the first things that happened was the airplanes that were ready to take off did not take off, and those in the air were ordered to land. As that happened, in the Northeast corridor Amtrak kept working.

The first trains heading north from here pull out at 3:30 a.m. The first trains coming out of New York City heading south pull out at 3:30 a.m. As aircraft were downed across the country, Amtrak was running and carrying hundreds of people. When people could not get out of Montreal, Amtrak made provisions to get them where they needed to go in the United States. When O'Hare and Los Angeles shut down and the Postal Service was grounded, Amtrak carried over 200,000 carloads of mail, I am told.

When people and planes around this country—Raleigh and Pittsburgh—were grounded, Amtrak stepped in to move emergency personnel and equipment from one end of the country to the other where it was needed.

My colleagues know the two Senators from Delaware are big supporters of passenger rail service. We think that is an important component of our national transportation policy.

This is not an effort during this time of distress and fear to try to obtain extra funding for passenger rail service, although some suggest this is an appropriate time to do that. Instead, what we have in mind is to try to strategically pick a handful of items that need to be fixed in order to ensure, just as we are making travel for airline passengers safer, that we simultaneously make travel for rail passengers safer.

What we are proposing to do is to rehabilitate those seven tunnels that go into Manhattan. We have, as was said earlier, old tunnels in Baltimore and in Washington as well. They all have the same problems. They need to be fixed, and we ought to get started fixing them.

I have been riding trains lately that have Amtrak police officers on them. They are working extra shifts. They are working doubles. They are working a lot of extra hours. They cannot continue to do that forever. We need additional Amtrak police officers to meet the security burdens that are placed on them. We are going to have sky marshals on aircraft, and we ought to. We ought to have, in many cases, Amtrak police officers on our trains. We do not have enough of them to go around.

More people are taking the train these days. It is not just here; it is the Texas Eagle, trains out on the west coast. It is trains all over the United States. It is the Acela Express trains, the Metroliners, conventional trains in the corridor and conventional trains all over the country. More people are riding rail, and my guess is more people will ride rail as we go forward. We need to make sure they are safe.

In addition to more police officers, we need more canine and we need training for those officers who are going to be using the dogs. We need video equipment that allows Amtrak to monitor sensitive points along rail lines. We can do that remotely. We can do it effectively. It makes sense. We can use, and ought to have some beefing up of, the aerial inspections that are available to use with Amtrak. We can do it by day; we can do it by night.

Some people have said to this Senator and to Senator BIDEN and others that they support making travel by rail safer; that it sounds like a good idea. But what they also say is this is not the time and place to do that.

I say to my friends and colleagues who have made the offer of supporting legislation like this sometime further down the line, we have heard similar promises, literally, right in this Chamber about a year ago. We are now doing something for passenger rail further down the line, and we are a year further down the line. That which was supposed to have been done has not been done.

What was supposed to have been done was the creation of high-speed rail corridors in places all around the country. It makes no sense to put people on an airplane to fly 150 miles, 200 miles in densely populated corridors where they could as efficiently, or more efficiently, take a train. That would make easier the security job, the safety job of the people running the airports. We ought to do that.

We have not come back and addressed that question raised a year ago to enable us to work with State and local governments to create high-speed rail corridors. That is another issue. We are not going to talk about that. We are going to stay away from that. This is a different argument, but this is the right day, and this is the right place, to raise that argument.

Passenger rail utilization is up probably 30 to 40 percent since September 11. Any number of the trains I have ridden in the corridor, every seat is full—Acela Express, Metroliners, conventional trains as well. We are seeing a similar kind of jump in ridership around the country. A lot of the people riding those trains used to fly airplanes. They are now on a train because they feel safer, maybe because it is more convenient.

I want to make sure they feel safer, not just continue to feel safer but to make sure they are safer because we will take right now the kind of steps to protect their safety, just as we are taking steps to protect the safety of those who would fly in their 727s, 737s, 747s, or 767s.

This is the time, this is the place, this is the legislation on which we should debate these issues and we should approve them. We should affirm them and we should put these safety precautions in place for passengers on rail as we do the passengers of airlines.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN of S. 1504 are printed in today's RECORD pertaining to the introduction under "Introduction of Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized in morning business on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AIRPORT SECURITY

Mr. DORGAN. Let me ask a question in the largely empty Senate on a Thursday afternoon. It is now 4:05. We came to the Senate this week dealing with Defense authorization at a time when defense is critically important to this country. This country was attacked. Thousands of Americans tragically were killed by mass murderers who committed the most heinous crime that any of us have ever seen.

The issue of defense at a moment when we are sending American men and women who wear our country's uniform into harm's way is a very important issue. Our first order of business in dealing with the Defense authorization bill in the Senate was to have to vote on cloture to shut off debate so we could complete this bill.

What does that say about our priorities? We had a cloture vote, we got through that, we finished that bill, finally, and now it is Thursday at 4:05 in the afternoon, and the subject is airport security. When those commercial airliners hit the Trade Towers in New York, and that commercial airliner hit the Pentagon, it is something that none of us will ever forget—the image of the airplanes hitting the Trade Towers in New York, seeing the fire at the Pentagon, seeing the crater dug into the ground in Pennsylvania by the United Airlines jet. When all of that happened, immediately the FAA shut down all air service in the United States. Every single airplane was ordered grounded. All commercial airlines flying and private airplanes flying in this country were ordered grounded and, as I understand it, moved to the nearest airport they could find.

At that moment of that day, September 11, the only thing in the skies over Washington, New York, and other parts of the country were F-16s, armed, flying combat missions over American cities.

Our commercial airlines were ordered grounded. None flew for a number of days. And then commercial airlines were allowed to come back with added security and they began to fly once again.

What has happened in this country is people have not been coming back to the airports to use commercial air service because they are concerned about the issue of security. Last week I boarded an airplane and flew to North Dakota for the weekend and came back. I appreciate the air service. I appreciate the added security at the airports. I hope all Americans will understand a substantial amount is being done in this country to try to make sure we will not see airplane hijackings once again. It is important.

But the Congress is moving to do more with an airport security bill that we have been considering for a number of days on the floor of the Senate, but we cannot move forward. The issue of the Congress of the United States to put sky marshals on virtually every flight in this country, hiring a lot of sky marshals to say to the American people, when you fly, someone will fly with you, a sky marshal, trained and armed and ready to take over that plane if needed. That is an important message to the American people.

When you fly, you will go through baggage screening that is not haphazard as it is in some airports but screening by somebody who is trained and following procedures. When you fly, that the airport perimeter, at airports in this country, will be a perimeter that is guarded, in which law enforcement understands what is happening around that airport perimeter.

When you fly in the future, you will be on an airplane in which someone is not going to be able to get through that cockpit door because it is a hardened cockpit, as it is on some carriers overseas. All of these things relate to the question, Do we provide confidence to the American people that we have taken the steps as a country to protect ourselves against hijackers?

So we bring a bill to the floor of the Senate, largely agreed to, negotiated over a long period of time—and it is now Thursday at 10 minutes after 4—and we have a motion to proceed to the bill on airline and airport security, a motion to proceed to the bill that we cannot advance. There is a filibuster on the motion to proceed.

There is something fundamentally wrong with that. The last thing in the world you would expect, in my judgment, is stalling on a motion to proceed to the airport security bill in the Congress in the aftermath of the September 11 tragedy.

If there are things people object to, if there are things they do not like in this bill, things they want to change—if they have heartache about something, let the bill come to the floor and offer an amendment. Just offer it, grab a microphone, stand up, and have at it. We will be here. We do not have to go anyplace real soon. There is nothing, in my judgment, that has a higher priority than this at the moment.

If we do not get people back in the air, if we do not get commerce going again in this country—business travelers and travelers for vacations, pleasure travelers and so forth—if we do not have people back in the air, we will not have a commercial aviation system left in this country. They are hemorrhaging in red ink, and we did a bill to try to provide some support for that, but that bill only lasts a very short period of time. We must give people confidence that when they get on an airplane, they are not going to have substantial risk of hijacking, that the security procedures in place are going to protect them. We must give them that confidence. That is what this legislation is about, and it is just unfathomable to me that there is nothing happening here because we have an objection on the motion to proceed.

My colleague from Nevada, Senator REID, said if you will not agree to go to the airport security bill, we have five appropriations bills that should have been done by October 1 but we did not get them done. Let's have an appropriations bill on the floor this afternoon. Let's work on that. We can be here until midnight. Hard work is not something that is a stranger to most people in this Chamber.

Do you know what? We have five appropriations bills that should have been done already, and we cannot get one to the floor of the Senate today because when the Senator from Nevada makes a unanimous consent request—if you will not go to airport security, then let's go to an appropriations bill—and the words "I object" are heard.

So who is objecting, and for what purpose? And how does it advance this country's public policy interests, in a range of critically important issues—notably airport security, which I think ought to rank near the top, given what happened on September 11? How does it advance this country's interest to shut this place down?—just stop it. It doesn't seem to me to be the mood that ought to exist.

Post-September 11, we have had a period unprecedented, at least in my judgment, here in the Congress. President Bush came to speak to a joint session. I thought he gave a strong and powerful speech. I thought he spoke for this country, saying this country is unified, this country has one voice. That is a voice of determination saying to the rest of the world that what happened in this country was a heinous act of mass murder. We will find those who did it, and we will punish them, and we will take all steps necessary to prevent that sort of thing from happening again in America.

One part of that, and I must say a very important part of that, is dealing with security in the area of commercial airlines and commercial aviation. This legislation dealing with sky marshals, airport screening, perimeter law enforcement, hardening of the cockpit, and so many other issues—the appointment of an Assistant Secretary of Transportation whose sole authority it is to deal with security—all of that is in this legislation. So, on Thursday afternoon we sit in a spooky quiet Chamber because somehow this cooperation is not there.

I am not here just to point my finger. I haven't named anybody or talked about sides here. All I say is those who say "I object" when we say at least let's move to the motion to proceed to the airport security bill, when they say "I object," I think they retard rather than advance this country's interests on something so important and so timely and so necessary at this moment.

The reason I wanted to speak beyond the piece of legislation I introduced here is to say how disappointed I am this afternoon. I think many of my colleagues feel the same way. I am not angry about it, I am just disappointed. This is not what we should do. We know how to do good public policy. We do good public policy by getting together and getting the best of what everybody has to offer, not the worst of each. If you have an objection, if you have a burr under your saddle someplace about something, if you are cranky about something, got up on the wrong side of the bed, didn't have sugar in your cereal, good for you. That doesn't mean you have to hold up the whole place. If you have a problem with something, come offer an amendment. These microphones work at every single desk. Come offer an amendment, and if you have enough support, you are going to win, and God bless you, that is the way life is here in the Senate.

I understand people say we have a right to use the rules and the rules allow us to object to a motion to proceed. That is true, absolutely the case. But there are times, unusual times, in my judgment, in this country, when the American people do not want to see business at usual; when what the American people want to see is cooperation and people coming here to say, we know we have a problem, and when this country has a problem, we are one; we are going to work together and solve it.

That doesn't mean every voice has to be singing exactly the same note. Someone said when everyone in the room is thinking the same thing, nobody is thinking very much. I am not asking for a unison of thought, but I am asking that we decide to take some action in this Congress. This is the opposite of action, and it is not the best of what Congress has to offer the American people so soon after the tragedy that occurred on September 11.

I express my disappointment as only one Member of the Senate. But I hope very much others will join and we will begin next week—the Senate has no votes tomorrow, and Monday is Columbus Day. The Senate will not have votes on Monday. My hope is when we come back Tuesday, we will see a series of actions on the part of the Senate with a new determination to cooperate, to say, yes, let's do these things. We know they need to get done; let's do them. Bring up the airport security bill, offer some amendments, agree to some limitation on time on debate. If you don't want to do that, that is fine, but it seems to me it makes sense to get these things done. Bring the appropriations bills up. Let's get these done. Let's work in a spirit of cooperation.

I am not saying one side is bad and the other side is good. I am saying all of us are on the same side. There is only one side in America at this point, and that is the side of trying to get the right thing done at the right time for the American people.

I yield the floor, and I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

## BIPARTISAN RESPONSE TO THE CRISIS

Mr. NELSON of Florida. I was so inspired by the comments of the Senator from North Dakota that I felt compelled to rise to offer my additional comments to the thoughts the Senator from North Dakota has offered.

I have gone home each weekend and heard my people respond that they are so proud that they have seen a unanimity of purpose, a unity of leadership, unity of the executive and legislative branches of Government, and they are so proud that they have seen bipartisanship as America has responded to the crisis we now face.

In the midst of that unity and that bipartisanship, we have seen swift action on a number of pieces of legislation:

First of all, the emergency supplemental that would appropriate $20 billion to respond to the terrorists and another $10 billion to respond to the crisis in New York;

Then, as the Senator pointed out, the quick action on the financial package for the airlines so that we can get people back into the air and help shore up this major component of our economy.

But in the midst of all this unity, I think that partisanship and ideological rigidity is beginning to raise its ugly head again, for as the Senator from North Dakota has pointed out, there was an objection offered last week when we needed to pass a Department of Defense authorization bill that held it up some 5 days more. Finally, we got an agreement after a tortuous process of trying to explain to others that you couldn't load down the Department of Defense authorization bill with everybody's agenda, that you had to keep it pure and address the defense needs of this country, particularly at a time such as this.

We came to a point yesterday late in the day where the majority leader—and I believe the minority leader—wanted to agree to the unanimous consent request of the majority leader to proceed on this airline security bill, and yet there were objections—perhaps for some partisan reasons, perhaps for some ideological reasons, perhaps for some parochial reasons. But as so eloquently pointed out by the Senator from North Dakota, are we forgetting what is in the interest of the country, which is to get the American public flying again, and to help all of these myriad of industries that are dependent upon a healthy airline industry with lots of passengers?

My State is clearly one that is so desperately affected by the lack of airline travel and its spillover into the hotels, restaurants, and the visitor attractions. You can go on with car rental companies, on and on.

The majority leader, our wonderful leader, Senator DASCHLE—I think with the concurrence of the minority leader certainly in wanting to be there—wants a bill that would put sky marshals on the planes, that would strengthen the cockpit doors, that would have enhanced and federalized screening of passengers, that would help train the crews for anti-hijacking procedures, that would require background checks on those who are not citizens who want to learn to fly in our flight schools, and all of those things that are unanimously embraced in this country and that we want to pass.

As so adequately pointed out by the Senator from North Dakota, it is 4:25 on Thursday and we can't proceed to the bill. We can't even proceed to the motion to proceed because it is going to be filibustered.

We will pass the motion to proceed next Tuesday. But then there are 30 hours of debate on the motion to proceed before we can ever get to the airline security bill unless people will come to their senses as to what is in the national interest, putting aside their partisan concerns, putting aside their parochial concerns, and coming together again in what has been a bright, shining moment for America in the unity and bipartisanship that has been displayed in the last 3 weeks.

I was sufficiently moved by the comments of the Senator from North Dakota that I wanted—I thank him for taking my place in the chair as the Presiding Officer—to offer these remarks.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 1506 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

## RAIL SECURITY

Mr. CORZINE. Mr. President, I rise today to speak with strong support for an amendment that I know my colleague from Delaware, the senior Senator, JOE BIDEN, will be offering which deals with the issue of rail transportation up and down the east coast—actually across the country, an amendment that provides about $3 billion to enhance the security of our rail transportation network.

This happens to be an amendment that I think fits extraordinarily well and is extraordinarily important in providing a comprehensive security package for our transportation network in this country.

The tragic events of recent weeks have focused attention on our need to improve the safety and soundness of our transportation network, in particular our airlines. I congratulate the leaders of the Senate, our majority leader, TOM DASCHLE, and the minority leader, TRENT LOTT, along with Senators HOLLINGS and MCCAIN, for their outstanding work to bring forward a package that I believe our Nation is asking for, is demanding: that we recognize we need to improve the safety of our aviation system in this country.

We need to be a little more forward looking. We need to think outside just the events that have occurred to what could occur and where the next tragedies might very well occur.

While we are tightening aviation security, we need to address problems that may very well exist in other parts of our transportation system.

Just yesterday we experienced a serious problem in our country's bus network. Fortunately, it was not of the same tragic proportions, but we saw, once again, a criminal taking over a bus and attacking the driver, leading to the death of five innocent passengers.

We have a vulnerable transportation system in this country. Unfortunately, our rail system may be the most vulnerable. That is why we need the Biden initiative, hopefully with a number of Senators from across the country supporting it. We need to address this issue before a problem occurs.

Talk about proportionality. In fiscal year 2000, Amtrak provided ridership for 22.5 million folks. Out of New York City, there were 8.5 million boardings. It is an enormous contributor to the transportation system in this country. It is an important one.

We learned that it is complementary to our transportation system as we saw the shutdown of Reagan National and we saw the aftermath of the events.

It is not just passenger traffic. Freight traffic feeds one of the most important ports in our country, the New York-New Jersey port. Up and down the east coast, there is tremendous interconnectivity of our society through rail traffic. This is one of our most vulnerable spots, and I think it needs to be addressed on an emergency basis. I think a lot of my colleagues do, and that is why we are so impassioned about the need to address this now in this time when we are looking at various needs for security.

When you ride Amtrak, which a number of Senators did when they visited ground zero a couple of weeks ago, and as a number of us do regularly, you do not have to go through any security checkpoints before boarding, no metal detectors, no x-ray machines to check luggage, and there are very few security officers. Someone can just walk on a train and put a bag in the storage bins. One does not even have to be suicidal to accomplish destruction.

Indications are that security on trains is light. Under these circumstances, we have been very fortunate, in my view, to have avoided a major terrorist attack on our Nation's rail system. It is not just a Northeast corridor problem. It is a problem across the country where we have heavy rail traffic.

It is time to improve that security now. We need to think ahead to what could be a major disaster, a human tragedy for our country. That is why the Biden initiative, and the initiative of so many of us, is so important.

This amendment will provide the resources to substantially improve the security of the Nation's passenger rail system—not just in the Northeast but the Nation's rail transportation system. Funds could be used for a variety of purposes, including hiring more police officers, improving training and security personnel, purchase of security cameras, and the establishment of special emergency response teams that can respond instantly if we have a problem on our rails. It could provide helicopters to check the track coverage to make sure we are not being attacked before an event.

There are a number of things we need to do on a commonsense basis to make sure we are more secure in our rail traffic, to make sure our economy continues to roll and provide the freight connections with which Amtrak and rail across our country use to service our economy. We ought to do this now and not wait for a problem to occur.

It is also important—and this is absolutely more clear every day—Mr. President, I encourage you to come to New York, New Jersey, and try to commute across the various forms of transportation under the Hudson River or over it and see the 1½ to 2 hour lines that are taking place because of the breakdown, obviously, of the path tunnel that went into the World Trade Center. There were 50,000 riders one way each day on that pathway, and now they are looking for other ways to get into the city.

With the entry level of the Holland Tunnel now stopped because of security reasons, there is an absolute need for us to understand that these are important security chokepoints, risk points in our transportation network.

A lot of these tunnels are extraordinarily dated and, by the way, not just the ones in New York and New Jersey, but Baltimore, Washington, and other places across the country are not up to scale for the 21st century. In fact, some of them are not up to scale for the 20th century.

The ones in Baltimore were put in place in the 1870s. The tunnels under the Hudson River were built in the early 1900s when we had the Pennsylvania railroad. They have gone through different ownerships and struggles to stay current.

If a terrorist were to attack the ones I know best under the Hudson River, there are two exits in a tunnel that is the better part of 6 or 7 miles long. Lousy ventilation was put in place, as I said, in the early 1900s, and a narrow passageway virtually makes it impossible to evacuate.

On an average day there are 100,000 passengers who go through that tunnel. It is not just Amtrak, but it is the New Jersey transit, which is one of the vital links to have a connected economy in the metropolitan New York-New Jersey-Connecticut area.

I stress that it is not only New York-New Jersey. We have similar issues in the Baltimore tunnels, and, frankly, they have a tunnel in Washington that runs right next to the Capitol Building. There are enormous risks and inefficiencies that occur here.

We have a safety issue for sure. All one has to do is watch grade B movies of days in the West, as we might have seen in South Dakota, where people blew up bridges or blew up tunnels to know it does not take a genius to figure out that these are places where security measures need to be taken and attended to.

I hope my friends in the Senate will realize this is not about porkbarrel spending. This is a serious concern for literally millions of folks who are involved in our rail transportation system.

Finally, this is a vital economic link for this country. There is an enormous amount of freight traffic up and down the east coast. There is in other parts of the country as well, and our friends need to have protection to make sure those links stay in place. If we are ever going to worry about where the status of our economy is and how we are going to keep it thriving, get it back on the right track, now is the time to be thinking about that. That is why I think we have to make sure we move on these issues with regard to rail transportation at the same time we are talking about aviation.

There is the old saying: Fool us once, shame on you; fool us twice, shame on us. Frankly, I think we are in that position. That is why I feel so strongly about support of the initiative that a number of us are taking under the leadership of Senator BIDEN, and I hope we will move that forward. Economic reasons for sure, but when you want to think about the safety of the people of America, we do not need another September 11 to produce movement on things where we know there are problems.

As a matter of fact, the traffic has increased over 40 percent in that Northeast corridor since September 11 because a lot of people believe it is an alternative to air transportation. I hope we will move on this bill, move on it quickly, so we are looking after our citizens in a prospective way, not in a reactive way.

For all of these reasons, I strongly urge my colleagues to support the Biden amendment when it is presented. I hope to come back and speak to this again and make sure people forcefully understand this is a need that has to be addressed now, not after the fact. I appreciate the attention of the Senate, and I hope we will all be attentive to the needs of what I think are important rail safety issues, as well as our aviation safety.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Idaho.

## RESOLVING DIFFERENCES

Mr. CRAIG. Mr. President, this afternoon I want to speak to the issue that many of my colleagues have spoken about. For the first time since September 11, I have heard an interesting word used by the majority leader of the Senate, the word "obstruction."

I am disappointed Senator DASCHLE has decided that is a word he needs to use to express his concern about where we are in the Senate at this moment.

What I will say this afternoon to the majority leader is there is an awful lot about trying to get the work product we are going to offer to the American people next week right correct, well done, before we bring it to the floor. For example, if Senator DASCHLE had suggested we bring the antiterrorism package to the floor yesterday, we would not have had a completed product. Somebody would have had to stand up and object and say, wait a moment, TOM, somehow you have the cart before the horse.

If we spend another 24 hours on it, maybe we can resolve our differences. You know what happened in that 24-hour period? Differences were resolved. The Senate stood in a bipartisan way last night and crafted an antiterrorism package, and the House voted out of committee unanimously in a bipartisan way to resolve it.

There is not a great deal of difference between that and the airport safety package that came to the floor without clear instructions and a bipartisan unity that would have led us to resolve it in the correct fashion. Many of our colleagues were lining up, and rightfully so, to offer a variety of amendments that could have taken us well into next week, substantially changed the character of an airport safety package, and sent a very confusing message to the American public. The public has a right to be concerned at this moment because current airport safety failed us on September 11. They want to make darn sure that whatever we do this time we get it right.

In getting it right, my guess is the first question you would ask is, Are you going to use the old model that failed us on September 11 and throw more money at it and throw more people at it, or are you going to think differently? Are you going to step out of that box and look at something new that really is an awful lot about law enforcement and a lot less about hiring the cheapest kind of personnel you can get to fill what is required by the FAA? That really is the debate that is going on behind the closed doors that the majority leader has not been willing to expose to the American people this afternoon. He has simply stood on this floor, wrung his hands, and used the word "obstruction."

Let me say what is going on in the back rooms at this moment: The White House, the Secretary of Transportation, the chairman of the Commerce Committee, the ranking member of the Commerce Committee, and a good many others are trying to craft a final product that is a hybrid, that is out of the box, that is different, that is unique, that we can bring to the floor next Tuesday and show to the American people we can get it right and they will, from that day forward, as this new product gets implemented, have the kind of airport security they want, demand, and are going to require of their government.

Is it more of a model of law enforcement, maybe like the U.S. Marshals Service that has a cadre of professionals that allows contracting out but does so with very strict parameters? The White House has said they do not want to federalize all of it. They recognize you cannot make all of these people Federal employees and expect the best product, but if you do, then you have to change the character of the way you hire a Federal employee, and you have to allow hiring and you have to allow firing. You have to be able to proscribe and demand and inspect and make sure the end product, the inability to penetrate security at all of our Nation's airports, is absolute.

I suggest to the majority leader the reason we are not debating this issue on the floor this afternoon is not a matter of obstruction; it is a matter of getting it right before it is brought to the floor. It is an awful lot more about airport security in the long term because we only have one more bite at this apple. If we get it wrong this time, shame on us.

We heard the Senator from New Jersey talk about a very important issue: rebuilding the infrastructure of the rail delivery system of the east coast. Should it be a part of airport security or should it be a part of an infrastructure bill that has long been needed that addresses the refurbishing of a very antiquated rail system? How much money is it going to cost? Should we rush to judgment and spend a few billion dollars more when we are on the verge of spending beyond what we now have available to spend?

September 11 awakened us to a great many needs, but it does not mean we do them all overnight or we spend hundreds of billions of dollars into deficit to accommodate it. It says, though, that we have some immediate needs. One of the most immediate is airport security.

While Americans are beginning to return to our airports because they know security has been substantially heightened, what we are going to offer them in the package that is brought to the floor next week is a new model that creates a new paradigm of thinking, that clearly allows the American people to see on an annual basis, as we review it, as it is implemented by this administration, an airport security system that has the integrity not to allow the penetration, not to allow a September 11 to ever happen again in this country, and to say to them, as I should as a policymaker in a legitimate way, we have offered the best product available to guarantee security and a sense of well-being when one steps on an airliner at any airport in this country.

So should we be rushing now to get it out or should we be trying to do it right?

Our President spoke about being calm, about missiles or bombs not flying the day after September 11, about going out and finding out where the enemy is, building coalitions and doing it in a progressive, constructive way that forever would rid this world of terrorism. He preached calmness and he asked us to unite. The kind of divisive word, "obstruction," that I heard this afternoon does not serve this body well. It does not bring us together. It divides us. It divides Members along a line that says: there is somebody for something and somebody against something.

I suggest there isn't anything that we can all be unanimously for at this moment because there are very legitimate questions about the integrity of the proposal and how it will work and who will manage it—FAA? Department of Transportation? Department of Justice? Is it a transportation issue? Is it a law enforcement issue? They are reasonable questions to be asked, not after the fact but before the fact, before you get to the floor, before you have a final product, so we can stand united, together, as the American people are expecting in this time of national crisis, and not to divide along party lines.

As a result of that need that I think is critical and that my leader thinks is critical, we had to say: Wait a moment; back off for just a little bit. Let's finish that product and let the chairman of the committee, who has worked hard and had a good idea, and the ranking member and the White House, and others, come together.

It is true there was a bill and the bill they tried to present and bring forward yesterday afternoon had not been before the committee, had not had hearings, had not worked the process. I understand that. We all understand that. It is a time of urgency. But in that urgency, in the very critical character of what we do, we cannot do it wrong. We cannot rush to judgment and load it down with everything else, including social agendas, unemployment agendas, a whole infrastructure, transportation system for Amtrak. That is for another day and another issue. Darned important, yes. We need time to debate it on the floor. Let the committee work its will.

I am not going to suggest I understand exactly how any of these systems ought to work. I understand when we take our time and involve all of our colleagues and use the process appropriately, we produce better public policy.

Clearly, the White House engaged us yesterday in a much more direct way with some examples of things they believed were necessary that were not in the bill, that the leader was trying to bring to the floor, that he now accuses us of having obstructed. Mr. Leader, of course you speak out as you wish, but I will suggest that come next Tuesday or Wednesday we will have a better product. We will be more united. We will stand together as the American people ask. We will craft out of a box, out of the old failed paradigm, a new product, and we will be able to turn to the American people and say, in the collective best thinking of the U.S. Congress, the President of the United States, the Secretary of Transportation, and all of the experts we could assemble, we are creating an airport security system in this Nation that will work.

Following that, I hope we can move to antiterrorism and the kind of package that was crafted in an unhurried but aggressive environment which the House voted out unanimously last night from their committee, and Senators came around yesterday evening in final draft to say that is a product that will work, that will give the FBI, that will give other law enforcement agencies in our country the kind of seamless web and communications system that allows them to know what the right hand is doing for the left hand, and vice versa, and the ability to track in a modern, electronic way those who might be brewing ill will for our Nation and our Nation's citizens.

Let us stand together in this Nation's time of need. "Obstruction" is not a constructive word. It is not the glue we need. My guess is, getting it right is what we are about and what the American people expect.

For tomorrow, for Saturday, and for Monday, our work is all about getting an airport security bill right. When we do, then we can turn to the American people and say we are putting in place a security system second to none. And from that, we can suggest the skies of America and America's air carriers are safer than they have ever been. That is our goal. It is our charge. Frankly, it is our responsibility. We are up to it in a bipartisan fashion with the whole Senate speaking as one voice. Next week we will be prepared to do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

## TRIBUTE TO MARION EIN LEWIN

Mr. DASCHLE. Mr. President, today I want to pay tribute to Marion Ein Lewin, a prominent health policy analyst and the long-time director of the highly regarded Robert Wood Johnson Health Policy Fellowship program. Marion is retiring from the fellowship program this year, after 14 years of dedicated service during which she guided and mentored scores of health care professionals from around the United States who took time off from their careers to participate in the policymaking process in Washington, DC. Her mixture of warmth, wisdom, and compassion will be sorely missed by future RWJ fellows and by the Members of Congress and the administration offices who have had the good fortune to work with Marion and the top-notch fellows she has overseen.

For almost 30 years, the RWJ Health Policy Fellowship program has selected a small group of leaders in America's academic health centers to participate in the development of America's health policy. RWJ Fellows come to Washington understanding health care delivery, and, during an extensive training program, they supplement their health care expertise with lessons about health policy and the process to develop that policy. This training and the unique opportunities created by working on the health staffs of Members of Congress and in the Executive Branch have allowed RWJ Fellows to participate in every major health care debate over the last 25 years.

Marion Ein Lewin has served as the guiding light for the last 14 classes of RWJ Fellows. As teacher, mentor and policy analyst, Marion has helped new Fellows understand the history and opportunities of health policy. She has introduced Fellows to the most important health policy thinkers in the country. The greatest testament to her extraordinary impact is the warmth and fondness departing Fellows feel for her.

Appropriately, Marion's experience in health policy began in a Member's office. She served as the Legislative Assistant for Health for Congressman James H. Scheuer (D-NY), where she helped develop legislation and performed all the activities of a Congressional staffer.

Though Marion is known for her grace and warmth, she has made substantial contributions to the annals of American health policy. Marion's broad experience in health policy was bolstered by stints at the American Enterprise Institute and the National Health Policy Forum. She became director of the AEI Center for Health Policy Research before joining the Institute of Medicine. While at AEI, Marion edited five texts on health policy.

During her 14 years on the staff of the Institute of Medicine, Marion served as the study director for three IOM reports on critical issues ranging from improving Medicare, to the impact of information on the development of health policy, to the status of safety net providers. While at the IOM, she also directed the Pew Health Policy Fellowship.

Now, after 14 years, Marion Ein Lewin has decided to leave her pivotal role in the Robert Wood Johnson Fellowship. Her influence upon the 85 Fellows who served during her tenure is indelible. She has overseen the transformation of academic faculty into reasonable facsimiles of congressional health LAs. Fellows have provided my staff and me incalculable assistance over the years, and I know other Members of Congress and the administration share my appreciation. Marion's guidance has enabled these Fellows to make these valuable contributions as we seek to improve the healthcare system in our country.

Through the dint of her long service and extraordinary knowledge of health policy, Marion has come to personify the Fellowship and its values. It is hard to imagine the Robert Wood Johnson Health Policy Fellowship without Marion Ein Lewin. Mr. President, I ask my Senate colleagues to join me in congratulating Marion and the Robert Wood Johnson Program on their many successes, and sending a heartfelt thank you for her many years of dedicated service. Marion has made a genuine difference in health care. We wish her well and expect her to continue her good work as she enters this new phase in her life.

## IN SUPPORT OF THE UNITED STATES

Mr. HELMS. Mr. President, I am grateful to President Chen Shui-bian and Ambassador C.J. Chen of the Republic of China on Taiwan for their support of the United States in the aftermath of the September 11 attacks on New York and Washington.

Taiwan was one of the first countries to declare its unequivocal support and cooperation with the United States, and deserves our gratitude for its firm stand with us.

In offering us whatever we need to combat worldwide terrorism, Taiwan has demonstrated its unity with America during our time of grief. During this period of turmoil and anxiety, I remind my colleagues that Taiwan will mark its National Day on October 10.

In recent years Taiwan has sought to return to the United Nations. I believe we should give Taiwan our support. The Republic of China on Taiwan is a democracy guaranteeing rights to all its citizens; it is one of the most important economic entities in the world; and despite its small population, 23 million people, Taiwan has financial resources surpassing those of many western countries.

Sadly, the international community accords Taiwan less recognition than many other non-state entities, including the terrorist Palestine Liberation Organization.

As the people of Taiwan, the East Asian region's leading free market democracy, celebrate their National Day on October 10, we should commend them for their successes and encourage other nations to support Taiwan's participation and membership in international organizations.

## COMMON SENSE ON FIFTY CALIBER WEAPONS

Mr. LEVIN. Mr. President, long-range fifty caliber sniper weapons are among the most powerful firearms legally available. According to a rifle catalogue cited in a 1999 report by minority staff on the House Government Reform committee, one manufacturer touted his product's ability to "wreck several million dollars' worth of jet aircraft with one or two dollars' worth of cartridge." Some fifty caliber ammunition is even capable of piercing several inches of metal or exploding on impact.

These weapons are not only powerful, but they're accurate. According to the Government Reform staff report, the most common fifty caliber weapon can accurately hit targets a mile away and can inflict damage to targets more than four miles away.

Despite these facts, long-range fifty caliber weapons are less regulated than handguns. Buyers must simply be 18 years old and submit to a Federal background check. In addition, there is no Federal minimum age for possessing a fifty caliber weapon and no regulation on second-hand sales.

Given the facts on fifty caliber weapons, I'm pleased that Senator FEINSTEIN has introduced a bill, which I have cosponsored, that would change the way they're regulated. Senator FEINSTEIN's bill would ensure that fifty caliber weapons could only be legally purchased though licensed dealers. Her bill would also ensure that they could not be purchased second-hand. Buyers would have to fill out license transfer applications with the ATF, supply fingerprints and submit to a detailed FBI criminal background check. By any measure Senator FEINSTEIN's bill makes sense and I urge my colleagues to join me in cosponsoring the bill.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 13, 2001 in San Antonio, TX. According to police, a 39-year-old man was attacked because the suspect thought he was a homosexual. The victim had stopped in a park to look at some rocks when a man with a knife came up behind him. The man held the victim in a bear hug before stabbing him in the chest with a knife that he described as a three-inch Buck knife. The suspect allegedly called him anti-gay names as he stabbed him.

I believe the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## HISPANIC HERITAGE MONTH 2001

Mr. DURBIN. Mr. President, I rise to celebrate our Nation's 33rd Hispanic Heritage Month, which commemorates Hispanic Americans and their contributions to the strength of our Nation in the past, present, and future.

Congress started the tradition of Hispanic Heritage Month in 1968 with the National Hispanic Heritage Week, and expanded the annual celebration to a month-long event in 1989. This year, the month follows the terrorist attacks on our country on September 11. More than ever, it is essential to take this opportunity to recognize the many hardworking Hispanic Americans who have helped make our country great and will continue to do so throughout our future. Our country stands united, with Americans of Central and South American descent standing alongside Americans with roots from all over the world.

There are many shining examples of Hispanic Americans who have stood up for our country and communities in times of war and peace. Ancestors of present-day Hispanics sacrificed or risked their lives throughout the many years of North American history that led to our country's beginning. Hispanic Americans have served the United States in every war since World War I. Many Hispanic American service members have earned distinction in our military, such as Emilio A. De La Garza, who entered the U.S. Marine Corps in Illinois and was awarded the Medal of Honor, America's highest decoration for valor.

In Silvis, IL, there is a monument to eight heroes of Mexican-American descent who gave their lives in defense of this nation. The street the monument is on was once called Second Street USA, but it is now called Hero Street USA. The street's name honors 84 men from the 22 families on one small block of this street participated in World War II, Korea and Vietnam. Many of them grew up on this street, some working for the railroad as their fathers did in Mexico. Today the street serves as a remembrance of those who courageously served our country.

Other Hispanic Americans stand up for their communities on a daily basis. Whether serving in our town councils, fire departments, or police departments, they are always working to advance our safety and quality of life. These local heroes include Raymond Orozco, who led the Chicago Fire Department with distinction until his recent retirement, and Jaime Gonzalez, the first Hispanic police officer in Elgin, IL.

Hispanic Americans also have enhanced our national prosperity and will continue to play an important role in our economy. A study by the National Academy of Sciences found that the Latino community contributes about $10 billion to the U.S. economy per year. According to the Census, Hispanics owned about 1.2 million nonfarm businesses in 1997, employing over 1.3 million people and generating $186.3 billion in business. The Small Business Administration tells us that minority and women-owned businesses are the most rapidly growing segments of the business community, and the number of Hispanic-owned businesses has increased by over 600 percent over the past 20 years. Female Latino-owned businesses are growing faster than any other segment of business owners. According to the Center for Women's Business Research, two-thirds of Latina entrepreneurs came into business ownership not by purchasing, inheriting or acquiring a business, but by starting their own. These are women like Chicagoan Sonia Archer, who, while raising a child, founded a home-based business marketing discounted legal services for people who cannot afford attorneys' fees. Stories like Sonia's illustrate how Hispanic Americans bring great innovation and success to our economy.

A wide array of talented Hispanic Americans enrich arts and athletics in our country. In the literary world, Sandra Cisneros brings us powerful, eloquent stories of young women growing up in communities in Chicago, or on the Mexican border, that are full of challenges and beauty. Tito Puente, known as "El Rey" or The King of Mambo, delighted audiences around the world with his musical gifts, using the timbal, vibraphone, trap drums, conga drums, claves, piano, saxophone, and clarinet. Hispanic Americans have also brought tremendous talent to America's pastime: baseball. Among the earlier figures was Roberto Clemente, who played right-field for the Pittsburgh Pirates from 1955 to 1972, and won four National League batting titles, twelve Golden Glove awards, and the title of National League's Most Valuable Player in 1966. Then there is Nomar Garciaparra, who in 1997 set several rookie records during what Baseball Weekly called the greatest rookie season in history. Today we have Sammy Sosa, who is outfielder for the Chicago Cubs and the only player in the history of baseball to hit 60 home runs in each of three different seasons.

As we take time to reflect upon the strength Hispanic Americans bring to our country, we must also remember that many Latinos face challenges in our society. Fair and equal treatment of all Americans is a cornerstone of our society and our political system. Unfortunately, despite great progress, the struggle for civil rights and equal treatment under the law continues today for many citizens, including our fellow Hispanic Americans.

A time of national crisis reminds us that we must unite against hate and bigotry. I support several key bills that would bring us closer to this goal. First, I hope to see passage of the Local Law Enforcement Enhancement Act of 2001, also known as the hate crimes bill. Among other things, this legislation would expand current Federal protections against hate crimes based on race, religion, and national origin; authorize grants for programs designed to combat and prevent hate crimes; and enable the Federal Government to assist State and local law enforcement in investigating and prosecuting hate crimes. I have also introduced the Reasonable Search Standards Act, which would prohibit United States Customs Service personnel working at our borders and in our airports from searching or detaining individuals solely based on their race, religion, gender, national origin, or sexual orientation. Finally, I am cosponsoring the End Racial Profiling Act, which would make profiling by any law enforcement agent or agency a crime prosecutable in any State court of general jurisdiction or in a District Court of the United States; and would require Federal, State, and local law enforcement agencies receiving Federal grants to maintain adequate policies and procedures designed to eliminate racial profiling. I believe these measures take important steps toward preventing discrimination and violence based on race and ethnicity.

There are currently 31.5 million Hispanic Americans living in the United States, and Hispanic Americans comprise 35 percent of the population under the age of 18. Sadly, only 57 percent of Latino students complete high school and only 10.6 percent earn a bachelor's degree. We can do better. This year Congress has worked with the administration to facilitate real education reform based on high standards and meaningful accountability measures. As we work to raise the bar for students and teachers, we must also ensure that schools across the country have adequate resources to hire and train teachers and principals, help all students attain fluency in English, integrate technology effectively in the classroom, and provide children with enriching after-school activities. I support the 21st Century Higher Education Initiative, which will substantially expand college opportunity through student aid, early intervention efforts, and more resources to strengthen minority-serving institutions. I also introduced the Children's Adjustment, Relief, and Education, CARE, Act to enable immigrant children to fulfill their potential and pursue higher education on the same terms as other children.

According to the 2000 Census, 60 percent of Latinos in this Nation are natives of the United States. Whether Hispanic Americans were born here or moved to our country later in life, most of them feel the impact of immigration policy. Many live in immigrant families or communities, and many, like most Americans, have strong memories of or connections to our immigrant heritage. I support reforming immigration laws to ensure the due process rights of immigrants, so that they are guaranteed fairness in our courts and are not unnecessarily detained for indefinite periods. We also need to enhance the efficiency and accountability of the Immigration and Naturalization Service. Finally, it is essential to protect the safety of our Nation's immigrants and their due process rights at our borders, while enforcing our immigration laws and protecting our national security.

Hispanic Heritage Month in 2001 gives us an opportunity to deepen our understanding, appreciation, and common bonds with each other. It also gives us pause, reminding us of the American ideals we must continue to fight for. The challenges that we face in Congress and our Nation are not insurmountable. Together, we can stand up for the rights of all Americans, including our Hispanic American friends. And together, we can recognize how our diverse cultures and talents contribute to our collective strength as Americans.

## ADDITIONAL STATEMENTS

### TRIBUTE TO REV. DR. WILLIAM D. WATLEY

• Mr. CORZINE. Mr. President, I want to bring to the attention of my colleagues a great man in the State of New Jersey, Reverend Doctor William D. Watley.

Reverend Watley is a man of integrity who is committed to the spiritual, mental, social, and economic well being of his congregation and the residents of the City of Newark.

Reverend Watley has dedicated his life to his ministry. As Pastor of the St. James A.M.E. Church in Newark, he ensures that everyone has a voice and gives hope to those who feel they have no hope. Under his leadership, St. James A.M.E. Church has reached out to the community and established numerous programs, including a soup kitchen that feed over 1,000 people per week, a clothing program, and a drug and alcohol abuse program. Reverend Watley is also an outstanding advocate for children and families. His vision was to start a state of the art preparatory school in the heart of Newark, preparing students mentally, physically, and spiritually for the challenges ahead. His dream realized, St. James Prep opens its doors every day stressing academic excellence and social responsibility.

Reverend Watley is a true American, one who believes that all people should have access to America's promise. One of his many gifts is the ability to bring people together to work for a common cause. Reverend Watley is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

This week, Reverend Watley celebrates 17 wonderful years of pastoral ministry at the St. James A.M.E. Church in Newark, NJ where over 3,000 people attend services each Sunday, and where I have frequently joined with the congregation in being spiritually uplifted by Reverend Watley's message of hope. Under his expert guidance, St. James A.M.E. Church has experienced enormous growth and is a warm congregation filled with joy and love.

Reverend Watley has been a true friend to me. I admire him for his leadership in and outside the walls of his church. He is a role model for all of us. I can boldly say that the State of New Jersey is a better place because of the leadership of Reverend Doctor William D. Watley and I am a better man today because of my friendship with him. It is an honor for me to bring him to your attention.•

### RECOGNITION OF MISSOURI STATE REPRESENTATIVE LINDA BARTELSMEYER

• Mr. BOND. Mr. President, I rise today to recognize the contributions Missouri State Representative Linda Bartelsmeyer has made to her community, State and nation.

Missouri State Representative Linda Bartelsmeyer is a native of Southwest Missouri and is serving her fourth term in the Missouri Legislature representing Barry, Lawrence and Newton counties. This year, during the annual conference, she will have the distinct honor of becoming President for the 2001-2002 National Organization for Women Legislators. The National Order of Women Legislators is the oldest and largest bipartisan organization of its kind, created in part to kindle and promote a spirit of helpfulness among present and former women State legislators. Missouri State Representative Linda Bartelsmeyer has devoted her life to public service by actively serving on the local, State and national levels for 27 years. She has led by example and proved be an outstanding citizen. I am privileged to call on the United States Senate to recognize her outstanding accomplishments.•

### A SPECIAL POEM

• Ms. MIKULSKI. Mr. President, I rise to share a special poem with my colleagues. Ethel A. Smith is a friend and poet from the city of Baltimore. She is a former activist, who wrote poems for various Baltimore newsletters. She is now 93 years old and continues to write poems. She wrote the following poem to express how moved she was by the tragic events of September 11, 2001. Like so many Americans, she is drawing on her strong faith, family, and community to help at this difficult time.

I ask that the poem be printed in the RECORD.

The poem follows:

#### TURN BACK TO GOD

(By Ethel Smith)

Turn back
Turn back
To God
Dear friends
He will not turn you away.

Come back
Come back
To God
Everyone
We have wandered to far away.
Then fall on your knees and pray.

Come back
Come back
To the church of your choice
Then ask that Faith take sway.

Oh! Come back
Come back
Come back
Dear friends
Let not your prayers e'er cease.

Come back
Come back
To God
Everyone
To pray for our country and peace.

Then while you are praying for God's blessings
On our land that we love so true
Let us pray and ask God
For his blessings
On other lands
Caught in this war too.

We also pray
Dear Father
For the thousands that have lost their life
and lie beneath all the rubble
While their families await in strife.

Have mercy on each and every one of us
Dear Father
As the suffering continues from the terrorist attack
on September 11, 2001.

Amen.•

### ALASKAN SMOKEJUMPER: MR. DAVID LISTON

• Mr. MURKOWSKI. Mr. President, life as a smokejumper is not glamorous with huge financial benefits or personal recognition. Smokejumping is a dangerous job undertaken by those with a strong spirit who simply love what they do fighting forest fires.

My home state of Alaska, and the states of many of my colleagues, have been struck by the wrath of forest fires. We often forget the men and women who bravely enter the ring of fire to battle the often times insurmountable flames. These courageous firefighters, known in the industry as smokejumpers, parachute out from DC-3 airplanes as they fly low over acres of intense smoke and flames shooting up from the forest canopy. On top of the physical and emotional danger related to smokejumping, work-related injuries such as broken bones, burns and chainsaw gashes are common but occasionally smokejumping claims the life of one of its own.

Twenty-eight-year-old Bureau of Land Management-Alaska smokejumper David J. Liston loved firefighting, and he died doing what he loved. During a refresher jump April 29, 2000 in Fort Wainwright, Alaska, David's parachute and the back-up chute failed to open. David was returning to work after his honeymoon in Mexico with new wife Kristin; the two were married 21 days earlier, on April 8.

Mr. President, David's dedication to firefighting will be remembered on October 7 by President George W. Bush and First Lady Laura Bush at a Memorial Service at the National Fallen Firefighters Memorial in Emmitsburg, Maryland. David's name will be inscribed on a plaque at the memorial, along with the names of 100 other firefighters who died in 2000. Sadly, after the service, the memorial will bear the names of 2,181 firefighters from 38 states and Puerto Rico. Each family, including David's, will be presented with an American flag that has been flown over the nation's Capitol.

None of us can thank firefighters enough for the work they do everyday. The heroism and bravery we witnessed in the firefighters in New York City, at the Pentagon and in Pennsylvania on September 11, remind us of the courage America's firefighters must embrace daily. Their selflessness and their desire to help others is to be commended, and we always need to remember those, like David Liston, for their service and determination to get the job done.•

## EXCELLENCE IN PHYSICAL FITNESS

• Mr. CRAPO. Mr. President, I rise today to commend the students and faculty at three exemplary elementary schools in the great State of Idaho—Oakley Elementary in Oakley, Ucon Elementary in Idaho Falls, and Oakwood Elementary in Preston. The students' demonstrated excellence in physical fitness has earned them recognition by the President of the United States for their efforts to improve their physical well-being and raise awareness for this important issue. Obesity among American youth has doubled in the past 10 years, and not only is this unhealthy by itself but can also lead to other physical ailments later in life, such as high blood pressure, type two diabetes, or cardiovascular disease.

Oakley, Ucon, and Oakwood Elementary schools were named “State Champion” schools by the President's Council on Physical Fitness and Sports and selected based on their outstanding achievement in the President's Challenge Physical Activity and Fitness Awards Program.

I commend these students and their teachers for their commitment to physical fitness. Good habits need to start at a young age and I hope that these students' healthy behaviors will continue throughout their lives.•

## TEXAS A&M/CORPS OF CADETS 125TH ANNIVERSARY

• Mrs. HUTCHISON. Mr. President, I rise today to recognize with pleasure Texas A&M University on its 125th anniversary. Texas A&M, one of our Nation's finest institutions of higher education, was opened on October 4, 1876 as the Agriculture and Mechanical College of Texas. From its roots of agriculture and engineering, A&M has grown into a world class university that is a leader in university research and development. It also offers an amazing 383 degree-granting programs. Although the university is justifiably proud of its academic reputation, A&M is especially proud of its famous Corps of Cadets.

For 125 years, A&M's Corps of Cadets have provided our State and country with leaders in the military, government and business. Texas A&M has the largest cadet corps outside the U.S. military academies and commissions more officers in all four branches of service than any other university military program. Former cadets have served in every military conflict, from the Indian Wars to Desert Storm. During World War II, 54,000 Aggies served as officers, more than any other school, including the service academies. They have always answered our Nation's call, and they have always met the challenge. Although only a small percentage of Texas A&M's student population, members of the Corps of Cadets are the keepers of the many famous traditions at A&M that contribute to the unique culture and spirit that is “Aggieland.” Today, former cadets serve in leadership and frontline forces throughout our military services and will help lead our Nation to success in this 21st century war against terrorism.

Although the military has seen technology move from horse and rifle to spacecraft and lasers, the foundations of our military, leadership and teamwork, remain the same. These traits are the bedrock of the Corps and of Texas A&M University and explain the success of the University and its graduates. During this most difficult time in our Nation's history, we are all learning the value and strength of A&M's Corps of Cadets motto, Per Unitatem Vis—Through Unity, Strength.

On behalf of my colleagues in the United States Senate, and with just and lasting pride, I offer heartfelt appreciation and respect to all the current and former members of the illustrious Texas A&M University Corps of Cadets. I also wish all Aggies around the world a Happy 125th Anniversary.•

## MEASURES READ THE FIRST TIME

The following bills were read the first time

S. 1499. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4293. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Columbia; to the Committee on Appropriations.

EC–4294. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification for Fiscal Year 2002; to the Committee on Foreign Relations.

EC–4295. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Wage and Hour Division, received on October 3, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4296. A communication from the Director, Office of Regulations Management, Board of Veterans Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Board of Veterans Appeals: Rules of Practice-Subpoenas” (RIN2900–AJ58) received on October 3, 2001; to the Committee on Veterans' Affairs.

EC–4297. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Annual Report on Veterans' Employment in the Federal Government for Fiscal Year 2000 ; to the Committee on Veterans' Affairs.

EC–4298. A communication from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “Business Loan Program and Office of Hearings and Appeals” (RIN3245–AE51) received on October 3, 2001; to the Committee on Small Business and Entrepreneurship.

EC–4299. A communication from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled “Microloan Program” (RIN3245–AE73) received on October 3, 2001; to the Committee on Small Business and Entrepreneurship.

EC–4300. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the 1989 Exxon Valdez oil spill; to the Committee on Energy and Natural Resources.

EC–4301. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Maryland Regulatory Program” (MD–050–FOR) received on October 2, 2001; to the Committee on Energy and Natural Resources.

EC–4302. A communication from the District of Columbia Auditor, transmitting, a report entitled “Audit of the Peoples Counsel Agency Fund for Fiscal Year 2000”; to the Committee on Governmental Affairs.

EC–4303. A communication from the District of Columbia Auditor, transmitting, a report entitled "Audit of the Public Service Commission Agency Fund for Fiscal Year 2000"; to the Committee on Governmental Affairs.

EC-4304. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National School Lunch Program and School Breakfast Program: Alternatives to Standard Application and Meal Counting Procedures" (RIN0584-AC25) received on October 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4305. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Unlimited Tolerance Exemptions; Correction and Reopening of Comment Period" (FRL6803-8) received on October 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4306. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sethoxydim; Pesticide Tolerances for Emergency Exemptions" (FRL6802-3) received on October 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4307. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenthion, Methidathion , Naled, Phorate, and Profenofos; Tolerance Revocations" (FRL6795-8) received on October 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4308. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Modification of Area No. 3 Handling Regulation" (Doc. No. FV01-948-1FR) received on October 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4309. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements" (Doc. No. FV01-928-1FIR) received on October 3, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4310. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Change to the Handling Regulation for Producer Field-Packed Tomatoes" (Doc. No. FV01-966-1FIR) received on October 3, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4311. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit (Texas and States Other Than Florida, California, and Arizona); Grade Standards" (Doc. No. FV-00-304) received on October 3, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4312. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Indian and Pakistan: Lifting of Sanctions, Removal of Indian and Pakistani Entities, and Revision in License Review Policy" (RIN0694-AC50) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4313. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revision to SEMAP Lease-Up Indicator" (RIN2577-AC21) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4314. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program-Fiscal Year 2002" (FR-4680-N-02) received on October 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4315. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions Nondiscrimination Requirements—Nondiscrimination in Advertising" (12 CFR Section 701.31(d)) received on October 3, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4316. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (12 CFR Part 707) received on October 3, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4317. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report of the Strategic Plan which covers the period from Fiscal Year 2001 through Fiscal Year 2002; to the Committee on Finance.

EC-4318. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Pharmaceutical—Accrual of Medicaid Rebate Liability" (UIL0461.01-10) received on October 1, 2001; to the Committee on Finance.

EC-4319. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the federal Unemployment Trust Fund; to the Committee on Finance.

EC-4320. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Preferential Treatment of Brassieres Under the United States-Caribbean Basin Trade Partnership Act" (RIN1515-AC89) received on October 2, 2001; to the Committee on Finance.

EC-4321. A communication from the Regulations Coordinator, Administration for Children and Families, transmitting, pursuant to law, the report of a rule entitled "Individual Development Accounts" (RIN0970-AC08) received on October 3, 2001; to the Committee on Finance.

EC-4322. A communication from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Requirements for the Recredentialing of Medicare and Choice Organization Providers" (RIN0938-AK41) received on October 3, 2001; to the Committee on Finance.

EC-4323. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled Modification of the Medicaid Upper Payment Limit Transition Period for Impatient Hospital Services, Outpatient Hospital Services, Nursing Facility Services, Intermediate Care Facilities for the Mentally Retarded, and Clinic Services" (RIN0938-AK89) received on October 3, 2001; to the Committee on Finance.

EC-4324. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Replacement of Reasonable Change Methodology by Fee Schedules for Parental and Enternal Nutrients, Equipment, and Supplies" (RIN0938-AJ00) received on October 3, 2001; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 838: A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children. (Rept. No. 107-79).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 164: A resolution designating October 19, 2001, as "National Mammography Day."

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1465: A bill to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S.J. Res. 18: A joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. Con. Res. 74: A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

By Mr. LEAHY for the Committee on the Judiciary.

Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second Circuit.

Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Michael W. Mosman, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

John W. Suthers, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

John L. Brownlee, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Todd Peterson Graves, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

Terrell Lee Harris, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Steven M. Colloton, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Gregory Gordon Lockhart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Jay B. Stephens, of Virginia, to be Associate Attorney General.

Benigno G. Reyna, of Texas, to be Director of the United States Marshals Service.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. BOND, Mr. SCHUMER, Mr. BINGAMAN, Mr. INOUYE, Mr. WELLSTONE, Mr. SARBANES, Mr. AKAKA, Mr. HARKIN, Mr. REED, Mrs . CLINTON, Mr. DURBIN, Mr. CLELAND, Mr. KENNEDY, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr. DASCHLE, Mrs. LINCOLN, Mr. EDWARDS, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mr. HOLLINGS, Ms. SNOWE, Mr. LEAHY, Mr. CORZINE, Mr. LEVIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. ALLEN, Mrs. MURRAY, Mr. JOHNSON, Mr. NELSON of Florida, Mr. BIDEN, Ms. COLLINS, Mr. ENZI, Mr. BURNS, and Mr. CRAPO):

S. 1499. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; read the first time.

By Mr. KYL (for himself and Mr. MILLER):

S. 1500. A bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mrs. CLINTON):

S. 1501. A bill to consolidate in a single independent agency in the Executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mrs. LINCOLN, Mr. CHAFEE , Mr. BAYH, and Ms. SNOWE):

S. 1502. A bill to amend the internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DEWINE, Ms. LANDRIEU, Ms. SNOWE, Mr. BREAUX, Mr. BOND, Mr. LEVIN, Mr. CRAIG, and Mr. GRAHAM):

S. 1503. A bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. BREAUX):

S. 1504. A bill to extend the moratorium enacted by the Internet Tax Freedom Act through June 30, 2002; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. ALLEN, Mr. INOUYE, and Mr. KERRY):

S. 1505. A bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1506. A bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation; to the Committee on Armed Services.

By Ms. COLLINS:

S. 1507. A bill to provide for small business growth and worker assistance, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. REED, and Mr. TORRICELLI):

S. 1508. A bill to increase the preparedness of the United States to respond to a biological or chemical weapons attack; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1509. A bill to establish a grant program to enable rural police departments to gain access to the various crime-fighting, investigatory, and information-sharing resources available on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. LEAHY, Mr. HATCH, Mr. GRAHAM, Mr. SHELBY, and Mr. SARBANES):

S. 1510. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; read the first time.

By Mr. SPECTER:

S.J. Res. 24. A joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BINGAMAN, Mr. HATCH, Mr. HUTCHINSON, and Mr. REID):

S. Res. 168. A resolution congratulating and honoring Cal Ripken, Jr. for his amazing and storybook career as a player for the Baltimore Orioles and thanking him for his contributions to baseball, the State of Maryland, and the United States; considered and agreed to.

By Mr. HARKIN (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Mr. ALLEN, Mr. HELMS, Mr. CORZINE, Ms. SNOWE, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. Con. Res. 75. A concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to public safety officers killed or seriously injured as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, and to those who participated in the search, rescue and recovery efforts in the aftermath of those attacks; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. ALLEN, Mr. WARNER, Mrs. CLINTON, and Mr. SCHUMER):

S. Con. Res. 76. A concurrent resolution honoring the law enforcement officers, firefighters, emergency rescue personnel, and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

### S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

### S. 267

At the request of Mr. AKAKA, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 615

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 615, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 905

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 952

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 969

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1163

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1163, a bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1262

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Iowa (Mr. HARKIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. CONRAD), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1262, a bill to make improvements in mathematics and science education, and for other purposes.

S. 1269

At the request of Mr. BREAUX, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1269, a bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

S. 1271

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United states Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1296

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1296, a bill to provide for the protection of the due process rights of United States citizens (including United States servicemembers) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes.

S. 1327

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1327, a bill to amend title 49, United States Code, to provide emergency Secretarial authority to resolve airline labor disputes.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1447

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1465

At the request of Mr. BROWNBACK, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Tennessee (Mr. FRIST), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New Jersey (Mr. TORRICELLI), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Virginia (Mr. ALLEN), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1465, a bill to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

S. 1478

At the request of Mr. SANTORUM, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1478, a bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 161

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S.Res. 161, a resolution designating October 17, 2001, as a "Day of National Concern About Young People and Gun Violence."

S. RES. 164

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S.Res. 164, a resolution designating October 19, 2001, as "National Mammography Day."

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S.Con.Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. BOND, Mr. SCHUMER, Mr. BINGAMAN, Mr. INOUYE, Mr. WELLSTONE, Mr. SARBANES, Mr. AKAKA, Mr. HARKIN, Mr. REED, Mrs. CLINTON, Mr. DURBIN, Mr. CLELAND, Mr. KENNEDY, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr. DASCHLE, Mrs. LINCOLN, Mr. EDWARDS, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mr. HOLLINGS, Ms. SNOWE, Mr. LEAHY, Mr. CORZINE, Mr. LEVIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. ALLEN, Mrs. MURRAY, Mr. JOHNSON, Mr. NELSON of Florida, Mr. BIDEN, Ms. COLLINS, Mr. ENZI, Mr. BURNS, and Mr. CRAPO):

S. 1499. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; read the first time.

Mr. KERRY. Mr. President, I am introducing today, together with Senator BOND, the ranking member of the Committee on Small Business and Entrepreneurship, and 26 of my colleagues, including Senators WELLSTONE, HARKIN, CLELAND, LIEBERMAN, EDWARDS, CARNAHAN, LEVIN, SNOWE, SCHUMER, CLINTON, DASCHLE, BINGAMAN, INOUYE, SARBANES, AKAKA, REED of Rhode Island, DURBIN, KENNEDY, GRASSLEY, TORRICELLI, LINCOLN, ROCKEFELLER, HOLLINGS, LEAHY, CORZINE, CANTWELL, LANDRIEU, ALLEN, MURRAY, and JOHNSON, the American Small Business Emergency Relief and Recovery Act of 2001.

This is emergency legislation to help small businesses that have been impacted as a consequence of the attacks that took place on September 11. Thousands of small businesses employing millions of Americans are suffering significantly as a consequence of what has happened. Many of these companies may not survive. But these businesses are the engine of our economy and we need to act to help them.

This bill is the product of bipartisan work on our committee. I thank Senator BOND for cosponsoring it and for working with us. It includes input from many sources, much of which was gathered through a combination of about 30 meetings and conference calls with small business trade associations, contractors, subcontractors, small business lenders, and small business consultants.

Of course, I think we have all learned firsthand a lot from the small business owners who have told us their personal stories of healthy businesses—up until September 11—which have simply taken a nosedive as a consequence of the tragic events.

Our airport small businesses, our taxi drivers, small hotels and restaurants, small suppliers, travel agents, crop dusters, charter bus companies, and many others have called to explain their plight. For example, there is a woman in my State who started a travel agency 26 years ago in a suburb of Boston. She has six employees. She is hanging on now only through personal savings because they have zero business all of a sudden. The agency has virtually no incoming sales, and has had to refund commissions on all canceled vacation packages, cruises and airline tickets that had generated income over the past 6 months.

Yesterday, I met with a fellow who does a lot of business out in North Dakota. Senator CONRAD introduced us. They were doing 20,000 sales a day. They went down to two sales a day for a period of time. They are now back up to about 10,000. But the problem is that banks are withholding the lines of credit for many of these companies, and we want them to survive.

In New York where more than 14,000 businesses inside and around ground zero have been impacted, there's the story of Sydmore Sportswear just four blocks from where the World Trade Center once stood. Joseph Pinkas, who's owned the small business for 20 years owes $100,000 to his suppliers, and revenues are down 65 percent. "We don't know where our customers are going to come from," he said in an AP story. "I'm worried about the future, about survival. I don't sleep at night." Other businesses in the area are filled with dust and debris, and their phones are dead.

Small businesses doing business with the Federal government have also felt the impact of the attacks on September 11, 2001. Small business contractors, because of very real and legitimate security concerns, have experienced a dramatic increase in costs for work in and around Federal government facilities. We have heard reports of small businesses being denied access to their equipment on military bases, waiting for hours each day to enter government facilities and being limited in the hours they can work on their contracts. Once again, let me stress, these security precautions are very necessary, but they are having a dramatic impact on our small businesses. Many small businesses, particularly those performing government contracts, operate on a tight profit margin, so when the contract takes longer to complete, or rented equipment goes unused or can not be returned, unanticipated costs are incurred.

Let me cite the situation faced by Dave Krueger, president of AS Horner Construction, Inc. out of Albuquerque, NM. Dave is currently doing work on a Federal contract at an Air Force facility pouring concrete parking aprons. Immediately after the attack, his company was locked out of the facility for nearly two weeks and currently have limited hours to access the construction site. Dave estimates that this will result in cost increases of at least 10 to 15 percent, meaning he will take a loss on this contract.

Such situations cannot go unresolved. Small businesses are far too important, not just to our national economy, but to our national defense as well. Small business are a vital component of our national supply chain and essential to our national security interests.

This act was designed to mitigate bankruptcies, business closures, and layoffs related to the attacks. It also addresses the shrinking availability of credit and venture capital to small businesses through traditional lenders and investors, which has been exacerbated by the attacks. It includes changes in SBA's main non-disaster lending and venture capital programs in order to encourage borrowing and lending for new and expanding small businesses that might otherwise be reluctant to start or expand their businesses in the post-September 11 economy.

This legislation addresses three categories of small businesses:

One, small businesses directly affected because they are physically located in or near the buildings or areas attacked or closed for security measures, or are located in national airports. For example, a brokerage firm located in one of the World Trade Center Towers or an independent souvenir shop in the Reagan National Airport or the Miami International Airport. These businesses will be eligible for SBA's economic injury disaster loans, under more favorable terms, such as deferring the payments and forgiving the interest on these loans for two years, as well as increasing the loan caps and extending the deadline for applying for disaster loans to one year.

Small businesses not physically damaged or destroyed or in the vicinity of such businesses, but directly or indirectly affected because they are a supplier, service provider or complementary industry, especially the financial, hospitality, travel and tour industries. For example, a tour company in Hawaii or Rhode Island that has had hardly any sales since the attacks because the average occupancy at its client hotels has dropped to 10 percent. These businesses are eligible for 7(a) loans, tailored to be easier to qualify for, to have lower interest rates, and to offer the option of deferring the principal payments for 1 year.

Small businesses in need of capital and investment financing, procurement assistance or management counseling in the economic aftermath of September 11. These businesses will have access to a variety of SBA's programs with incentive features, such as waiving the borrower's fee for a regular 7(a) loan for working capital or a 504 loan to buy equipment to increase productivity and beat the competition, or cut energy consumption and utility costs.

Mr. President, history has taught us that, during an economic down turn, lenders become increasingly reluctant to lend to small businesses. From our contact with lenders, we know loan committees decided days after the attacks to clamp down on loans to small businesses. And to make matters worse, lenders are already calling in existing loans. One example is a woman who owns a manufacturing businesses in Quincy, MA, whose bank called her loan and credit line. She's never missed a payment. Where is she going to come up with more than $1 million? If her business closes, 40 jobs are lost, her contribution to the tax base is lost, and she's out of a job. It is critical to keep credit available to small businesses.

In addition to getting credit into the hands of small businesses, it is important to make sure they have access to counseling and training to run their businesses better, deal with the volatile market, and adjust to the changing times. Providing access to such counseling helps protect our investment in their loans because a stronger business is more likely to repay its loans. This legislation increases funding for the Small Business Development Centers, with an emphasis on New York and Virginia, as well as the volunteer Service Corps of Retired Executives, the Women's Business Centers, and SBA's microlending experts.

To help alleviate the unfortunate situations related to delayed Federal contracts, my legislation includes provisions to help expedite the claims of small business contractors applying for equitable adjustments to their contracts. The goal of this provision, simply, is to help offset the unanticipated and temporary costs of the increased security at Federal Government facilities. Additionally, it establishes a $100 million fund under the control of the Small Business Administration to ensure that no contracting agency has to pay out of previously allocated funds the increased costs of existing contracts because of the security measures implemented as a result of the September 11th attacks.

I have confidence in our economy. The attacks may have arrested one of our financial centers momentarily and robbed families and businesses of thousands of brilliant and hard-working folks who helped make our country prosperous, but our economic foundation is strong. We have world-class universities, we have a great work force made up of people with an amazing work ethic, our banks are strong, we have a reliable infrastructure for communications, energy and transport, and the dollar is holding up.

Now is not the time to pull back on investing in our economy, particularly in small-business development and growth. The SBA is doing a good job with the tools it has, but we need to improve those tools and give SBA more resources to deal with the scope of the problems faced by small businesses in the aftermath of September 11th. This legislation does just that. I urge my colleagues to support this bill, and the Senate to act quickly so that this emergency help is available very soon.

Mr. President, Senator AKAKA could not be present to voice his support for this bill and concern for the small businesses in Hawaii, so I ask unanimous consent that his statement be included in the RECORD. I also ask unanimous consent that a letter of support and the bill be printed in the RECORD.

In addition to this legislation that I am introducing today, there are a series of tax items that we believe fall into the category of stimulus, but they are not within the jurisdiction of our committee. As a member of the Finance Committee, I am going to encourage our committee to embrace these. One would be an increase in expensing, so that you can deduct an expense up to $24,000 of the cost of qualifying property; and we would encourage that increase and expensing to encourage greater business investment, and we want that expensing allowance increased to a higher amount.

In addition, I have several times introduced—and I will reintroduce—a zero capital gains tax for those companies with capitalization up to $200 million or $300 million in new capitalization in the critical technologies or entrepreneurial businesses, where we would most respond to the creation of the high-value-added jobs or some of the technology fixes that will exist for security, for instance, or for national defense and other things that we need to do with respect to the battle against terrorism.

Third would be changes in depreciation. There are a number of proposals for changes to depreciation rules. We would support some, such as changing the depreciation schedule for computer hardware from 5 years to 3, software from 3 years to 2, or several other proposals.

Mr. President, there are a number of these tax proposals which the Small Business Committee will refer to the Finance Committee and to our colleagues with hopes that we can embrace them as a component of the stimulus package because they will have a stimulus effect and a long-term beneficial effect on our economy.

Small businesses, as we all know, small businesses represent 99 percent of all employers, provide 75 percent of all net new jobs and contribute significantly to our economy. Every single company on the stock exchange today began as a small business. Some of them, such as Callaway Golf, Federal Express, Intel, and many others, got help through the Small Business Administration's loans or venture capital.

The Federal Government helped provide the impetus for those companies. We have many times over repaid the Federal Treasury the entire budget of the Small Business Administration and its lending programs through the taxes paid by the success stories of our investments.

I encourage my colleagues to embrace this emergency relief act, the

American Small Business Emergency Relief and Recovery Act, and these emergency tax measures, as a way of encouraging further business growth and development.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Community Reinvestment Corporation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMUNITY
REINVESTMENT COALITION,
*Washington, DC, October 2, 2001.*

Hon. JOHN F. KERRY,
*Chairman, Committee on Small Business and Entrepreneurship, Washington, DC.*

DEAR CHAIRMAN KERRY: The National Community Reinvestment Coalition (NCRC) strongly supports the American Small Business Emergency Relief and Recovery Act of 2001 as essential to the efforts of lending institutions, community organizations and local public agencies to help small businesses directly and indirectly impacted by the September 11th terrorist attacks. NCRC and our 800+ member organizations community groups and local public agencies around the country also commend your leadership on this legislative measure and pledge to promote this bill via our membership and through our policy initiatives.

In today's new enterprise marketplace, entrepreneurs have surged into small businesses ownership in record numbers. Their impact on U.S. growth and productivity is evident.

America's 25.5 million small businesses represent more than 99 percent of our nation's employers. They employ 51 percent of the private sector workforce and create over 80 percent of all the net new jobs in the United States.

In 2000, there were 612,400 new employer firms, an increase of 4.3 percent from 1999. Small business bankruptcies decreased by 14.8 percent between 1999 and 2000, to the lowest level in over 20 years. And the business failure index also decreased by 1.7 percent since, 1999.

Small businesses' income increased 7.2 percent, rising from 595.2 billion in 1998 to $638.2 billion in 1999. They represent 96 percent of all exporters of goods and generate more than half of the nation's gross domestic product.

Today, however, hardship and economic adversity have stricken the small business marketplace as a result of the September 11th attacks. NCRC commends the Small Business Administration (SBA) for acting quickly to help entrepreneurs deal with the aftermath of the attacks. Unfortunately, SBA's authority is limited under the Disaster Loan Program guidelines. SBA may only provide assistance in declared disaster areas' contiguous communities.

What will happen to the gift basket service whose sole distribution source was a florist in one of the World Trade Center towers? What will happen to the small catering business that has had to lay off staff as a result of banquet cancellations and no new bookings? And what will happen to the independent souvenir store in Ronald Reagan International Airport and other airports, given current lack of traffic in the terminals?

Your American Small Business Emergency Relief and Recovery Act of 2001 is key to the recovery efforts. If enacted, it will help small business entrepreneurs drive the American economy. NCRC has long championed the role of small businesses in growing and expanding our economy. Since our inception in 1990, we have led the charge to bring equal access to credit and capital to all emerging market sectors. One highly successful capacity-building initiative is the SBA/NCRC partnership on the CommunityExpress program.

CommunityExpress is part of SBA's initiative to spur economic development and job creation in under-served communities. The program combines SBA loan guarantees, targeted lending by select banks, and technical assistance from local NCRC membes. The key to CommunityExpress is that it provides small business entrepreneurs with technical and managerial assistance before and after the loan is made.

The SBA/NCRC cooperative effort has led to the rapid growth of the loan program from a level of just over $2 million in Fall 1999 to over $42 million in loans as of September 2001. Of the 439 loans to date, women and minority entrepreneurs have been the greatest beneficiaries, as nearly 56 percent of the loans have gone to women and 52 percent of loans have gone to minorities. The average size of a CommunityExpress loan is $96,527 with 61 loans between $200,000 and $250,000.

Your leadership has paved the way to support small businesses in the wake of the September 11th tragedy. NCRC pledges to continue support your efforts and to help entrepreneurs in low- and moderate-income areas through CommunityExpress and other initiatives.

We thank you for your continuing efforts. We look forward to working with you and your outstanding staff during the course of the 107th Congress—and beyond.

Yours sincerely,

JOHN TAYLOR,
*President and CEO.*

Mr. BOND. Mr. President, I rise today to express my strong support for the American Small Business Emergency Relief and Recovery Act of 2001. I thank Senator JOHN KERRY for introducing this bill, and I am pleased to be its principal cosponsor. In this period immediately following the September 11 terrorist attacks on the World Trade Center and the Pentagon, I urge all my colleagues to review this bill closely. Its prompt passage will provide important tools to small businesses that were directly and indirectly harmed by the terrorist attacks.

As the ranking member of the Committee on Small Business and Entrepreneurship, I receive on a daily basis pleas for help from small business in Missouri and across the Nation: small restaurants who have lost much of their business due to the fall off in business travel; local flight schools that have been grounded as a result of the recent terrorist attacks; and Main Street retailers who are struggling to survive in the slowing economy. Clearly, we in Congress must act and act soon to help our Nation's small businesses.

In response to these urgent calls for help, yesterday, I introduced the Small Business Leads to Economic Recovery Act of 2001 (S. 1493), which is designed to provide effective economic stimulus in three distinct but complementary ways: increasing access to capital for the Nation's small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation's largest consumers, the Federal Government, to shop with small business in America.

The Kerry-Bond bill goes to the heart of the problem by addressing the access to capital barriers now confronting small businesses. This bill is a bipartisan collaboration between Senator KERRY and me and our staffs of the Committee on Small Business and Entrepreneurship. We have worked together to devise one-time modifications to the SBA Disaster Relief, 7(a) and 504 Loan Programs because the traditional approach to disaster relief will not address the critical needs of thousands of small businesses located at or around the World Trade Center, the Pentagon and in strategic locations throughout the United States.

In New York City, it may be a year or more before many of the small businesses destroyed or shut down by the terrorist attacks can reopen their doors for business. Small firms near the Pentagon, such as those at the Reagan National Airport or Crystal City, Virginia, are also shut down or barely operating. And there are small businesses throughout the United States that have been shut down for national security concerns. For example, General Aviation aircraft remain grounded, closing all flight schools and other small businesses dependent on single engine aircraft.

Regular small business disaster loans fall short of providing effective disaster relief to help these small businesses. Therefore, our bill will allow small businesses to defer for up to two years repayment of principal and interest on their SBA disaster relief loans. Interest that would otherwise accrue during the deferment period would be forgiven. The thrust of this essential new ingredient is to allow the small businesses to get back on their feet without jeopardizing their credit or driving them into bankruptcy.

Small enterprises located in the presidentially declared disaster areas surrounding the World Trade Center and the Pentagon are not the only businesses experiencing extreme hardship as a direct result of the terrorist attacks of September 11. Nationwide, thousands of small businesses are unable to conduct business or are operating at a bare-minimum level. Tens of thousands of jobs are at risk of being lost as small businesses weather the fall out from the September 11 attacks.

The Kerry-Bond bill provides a special financial tool to assist small businesses as they deal with these significant business disruptions. Small businesses in need of working capital would be able to obtain SBA-guaranteed "Emergency Relief Loans" from their banks to help them during this period. Fees normally paid by the borrower to the SBA would be eliminated, and the SBA would guarantee 95 percent of the loan. A key feature of the bill is the authorization for banks to defer repayment of principal for up to one year.

My colleagues and I have been hearing time and time again during the last three weeks since the terrorist attacks that small businesses are experiencing significant hardship. The downturn in business activity, however, was clearly underway prior to September 11. The downturn was further exacerbated by the terrorist attacks.

Historically, when our economy slows or turns into a recession, the strength of the small business sector helps to right our economic ship, with small businesses leading the nation to economic recovery. Today, small businesses employ 58 percent of the U.S. workforce and create 75 percent of the net new jobs. Clearly, we cannot afford to ignore America's small businesses as we consider measures to stimulate our economy.

The Kerry-Bond bill would provide for changes in the SBA 7(a) Guaranteed Business Loan Program and the 504 Certified Development Company Loan Program to stimulate lending to small businesses that are most likely to grow and add new employees. These enhancements to the SBA's 7(a) and 504 loan programs are to extend for one year. They are designed to make the program more affordable during the period when the economy is weak and banks have tightened their underwriting requirements for small business loans.

Specifically, when the economy is slowing, it is normal for banks to raise the bar for obtaining commercial loans. However, making it harder for small businesses to survive is the wrong reaction to a slowing economy. By making these one-year adjustments to the 7(a) and 504 loans to make them more affordable to borrowers and lenders, we will be working against history's rules governing a slowing economy, thereby adding a stimulus for small businesses. Essentially, we will be providing a counter-cyclical action in the face of a slow economy with the express purpose of accelerating the recovery.

The SBA has a very effective infrastructure for providing management assistance to small businesses located nationwide. The Small Business Development Center (SBDC), SCORE, Women's Business Center and Microloan programs provide much needed counseling to small businesses that are struggling or facing problems in their start-up phase. With the U.S. economy under unusual stress, many segments of the small business community are today unable to cope with daily management issues.

The Kerry-Bond bill would authorize expansions in these programs so that the SBDCs, the SCORE chapters and the Women's Business Centers are positioned to address the needs of a large influx of small businesses looking for help. Our bill would create special authorizations for each program to provide assistance tailored to the needs of small businesses following the September 11 terrorist attacks. In addition, the bill would increase the authorization levels by the following amounts: SBDC program $25 million, SCORE $2 million, Women's Business Centers, $2 million, and Microloan technical assistance, $5 million.

In order to measure the impact of the terrorist attacks on small businesses and the effectiveness of the Federal response to provide assistance, the Kerry-Bond bill directs the Office of Advocacy at the SBA to submit annual studies to the Congress for the next five years outlining its findings. Specifically, each annual report should include information and data on bankruptcies and business failures, job losses, and the impact of the assistance to the adversely affected small businesses. $500,000 annually is authorized for the Office of Advocacy to carry out this important five year project.

The American Small Business Emergency Relief and Recovery Act of 2001 is important legislation that is needed to help the many struggling small businesses. I am pleased to join Senator KERRY and my colleagues who are cosponsoring the bill in urging an early debate on this bill. Swift passage will very helpful to the long-term survival of many of American's small businesses.

Mr. BINGAMAN. Mr. President, I rise today in extremely strong support of S. 1499, the American Small Business Emergency Relief and Protection Act, and I am pleased to be an original cosponsor of the legislation. In the aftermath of the attacks on New York City and the Pentagon on September 11, we were right I believe, to focus our attention on the loss of human life and the enormous tragedy that had affected our entire Nation. From my perspective, there would have been something callous about calculating economic impact when there was so much visible pain and suffering going on around us.

But as time has passed, there is an economic reality that must be addressed in a coherent and effective fashion. The increasingly negative economic reports we face cannot be ignored as they have immediate and tangible effects on the people and communities of our country. Over the last week or so the administration, along with key Members of Congress, have discussed the creation of an economic stimulus plan that is designed to pull our country and our economy back on track and back to where it belongs. Although this plan has yet to be solidified, it will provide Americans with a stable and secure foundation upon which public confidence can grow again, economic growth can expand again, and business productivity can increase again.

The bipartisan legislation that was introduced today by Senator KERRY will complement this economic stimulus package by giving substantial assistance to the small businesses that were either directly affected by the events on September 11 or subsequently affected by the ripple that has spread across the United States. Senator KERRY has very wisely taken an approach that looks not only at the small businesses that were in the immediate areas of the attack and thus suffered as a result of the damage or closures, but also those businesses—supplier firms, contractors, and so on—that have suffered indirectly as a result of the initial destruction. These businesses will now have the opportunity to obtain a number of benefits not previously available under current legislation. In brief, the legislation: expands and facilities access for small business to the SBA Disaster Loan Program; offers incentives that allows business to use the 7(a) and 504 Loan Programs; provides additional funds to the SCORE and SBDC Programs, and; increases outreach done by SBA to small businesses in need of management consulting.

Let me provide some context to this effort. From where I sit, no sector of the economy is as vital, dynamic, and creative as small business. If you read the paper or listen to the news, you know that there has been an entrepreneurial explosion in the United States over the last decade, and that this explosion has significantly impacted every region in the country. According to the latest estimates, there are at least 24 million full time small businesses in the United States at this time, employing millions of Americans. Make no mistake about it, these businesses drive the U.S. economy, as they are the ones that fire innovation, provide jobs, and create wealth for the country as a whole. When we talk about the knowledge economy, we are talking about small business. When we talk about energy and risk-taking, we are talking about small business. When we talk about the "creative destruction" that enhances our over-all competitiveness and pushes our country forward, we are talking about small business.

Small business represents the best of the United States, and from where I sit we should always make sure it has everything it needs to make a go of it. In my State of New Mexico, there are nearly 40,000 small businesses, over half owned by women and minorities. These entities employ nearly 60 percent of the individuals that are now working in my state and generate billions of dollars in revenue. New Mexico depends on small business for its continued economic welfare, and I am committed to helping them succeed in good times and in bad.

It is never easy to start a small business or earn a profit, but it has gotten significantly harder recently. Many small businesses were already teetering on the brink as a result of the economic downturn, but in number of cases, conditions have become unmanageable as a result of the September 11 events and the recession. It is time to recognize that these folks need some help. This legislation does that. It shows that the Congress cares about what has happened and will do everything in its power to put things back on track again. It accepts the fact that these folks are not experiencing a normal business cycle downturn, and that they can't wait for the next upturn for things to get better. They need some assistance, and they need it now.

As far as I am concerned, it would be a good fit to have this specific legislation in the economic stimulus package being put together at this time. However, given how far down the road the negotiations over that package are, I doubt if that is possible. If this is indeed the case, I think it is imperative absolutely imperative, that this legislation be passed by both the Senate and the House, and then signed by the President as soon as possible. If we are looking for stability and confidence to be re-established in the United States, small business is a good place to start. It is time to act, and I urge my colleagues on both sides of the aisle to support this bill.

Mr. AKAKA. Mr. President, I am pleased to join my colleagues from Massachusetts, Mr. KERRY, and Missouri, Mr. BOND, as an original cosponsor of the American Small Business Emergency Relief and Protection Act of 2001.

As our Nation grieves for the victims and honors the rescuers, the American people stand with President Bush and support his assurance that our response to this terrible event and our pursuit of justice will be "calm and resolute." The challenge and responsibility we all share in the aftermath of September 11 is to return to work, carry on with business, bolster our economy, and restore public confidence in the freedom of movement which we enjoy.

We have already begun to repair the damage, enhance airline security, strengthen our national security, and fight terrorism. We have acted to support the airline industry in this difficult time. Now, legislation is needed to support small businesses as they face increasing challenges.

It has been twenty-three days since the disaster and millions of workers and small businesses nationwide in a variety of industries have felt the economic aftershock of these events. Hawaii's hospitality industry has been hit particularly hard by the significant decrease in business and leisure travelers who are staying close to home. Airlines are having to adjust to the reduced number of travelers, while hotels are dealing with low occupancy rates due to the cancellation or postponement of planned trips to Hawaii. Since the airports reopened, domestic visitor arrivals in Hawaii have decreased by 31 percent compared to the same time period last year. Comparing international arrivals during the period from September 15–25 for 2000 and 2001, reveals a 65 percent decrease in visitors. Restaurants, hospitality services, shopping centers, and other tourism-related businesses are also being affected by the lack of visitors. The Hawaii Department of Labor and Industrial Relations reports that unemployment claims for the week of September 17 were double the weekly average. It is estimated that 80 percent of these claims are tourism related.

Hawaii is not alone in experiencing a downturn in tourist and business travel. Popular visitor destinations across the country, including Washington, DC, Florida, and Las Vegas have also endured sharp drops in visitors. The losses to airlines, hotels, restaurants, and other small businesses are already in the billions of dollars. The economic repercussions extend to all fifty states, as the economic decline impacts the lives of millions of people.

While I am confident that Hawaii's and our Nation's tourism industry can withstand this downturn in the economy, action is necessary to help preserve existing jobs and support the economy during this difficult time. Further job reductions will have significant spillover effects on the economy.

The legislation is aimed at alleviating the economic strain on small businesses by providing crucial access to credit. By expanding the application eligibility of the Small Business Administration's Disaster Loan programs to event-based instead of location-based criteria, many more struggling companies in all 50 states will be able to obtain the assistance they need. For example, small companies which provide hospitality or travel services would be eligible. Many others in a wide range of industries would be permitted to apply for assistance. The measure would also create incentives for small businesses to utilize the non-disaster relief loan programs. The incentives would encourage wary individuals and companies to borrow and lend to establish and expand small businesses in the current economic environment.

I thank my colleagues from Massachusetts and Missouri for introducing this legislation and ask my colleagues to join in supporting this essential measure to assist small businesses in the aftermath of the heinous attacks of September 11.

By Mr. KYL (for himself and Mr. MILLER):

S. 1500. A bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes; to the Committee on Finance.

Mr. KYL. Mr. President, today I rise to introduce critical legislation that will help restore confidence in our country's ailing travel and tourism industry as well as serve as an immediate stimulus to our economy in general.

As recent economic data have confirmed, our economy was ailing before the terrorist attacks on Tuesday, September, 11, but few were talking about emergency measures to stimulate it. What is different after September 11 is the downward spiral of the economy, led by the travel industry.

Proposals for stimulating the economy have centered on traditional arguments as to whether we should focus more on stimulating business investment, consumer demand, or infrastructure. Eager for a bipartisan approach, members of Congress and President Bush appear agreeable to splitting the difference and doing a little of each. To me, that's a political solution and it ignores the emergency created in the aftermath of September 11.

I believe that we need to rethink what has happened to our economy to arrive at the stimulus legislation that attacks the major problem, and, therefore, will do the most overall good.

Before September 11, our economy was ailing for precisely the reasons Federal Reserve Chairman Alan Greenspan articulated, a lack of business investment. The terrorist attacks have made the general situation worse and caused an absolute emergency in certain sectors of the economy. Although I certainly agree that Congress should stimulate business investment and shore up consumer expectations, for example, by making our recent tax law permanent, cutting capital gains taxes, eliminating corporate AMT and accelerating our outdated cost recovery periods, I contend that our first focus should be directly on the sector hardest hit by these events.

To illustrate my point, an analogy is useful. Our economy had a bad case of the flu before September 11. Reducing interest rates, providing tax relief, and cutting regulatory burdens were all part of the antibiotic medicine needed to get the economy healthy again. During the economy's rehabilitation period, however, it sustained a major trauma. Under these circumstances, what should be a first priority, another dose of flue medication, or treatment applied directly to the gaping wound?

I believe that we must focus an emergency economic stimulus on the sector that has been most harmed: our travel industry. If we are to prevent thousands of bankruptcies, hundreds of thousands of lost jobs, as well as numerous indirect consequences to the rest of the economy, it is essential that we provide some immediate help to the travel industry.

Accordingly, I am introducing legislation that seeks to treat this emergency economic situation or wound before it spreads an infection throughout the entire economy. Elements of my legislation include: Providing a temporary $500 tax credit per person ($1,000 for a couple filing jointly) for personal travel expenses for travel originating in and within the United States. This will help encourage Americans to resume their normal travel habits. Unlike general rebate checks to taxpayers, a tax credit conditioned on travel expenses ensures that the money is spent on a specific activity, in this case an activity that will generate positive economic ripples throughout the entire American economy. It will also help create confidence and encourage Americans to get back on airplanes.

Since business travel expenses are already deductible, temporarily restoring full deductibility for all business entertainment expenses, including meals, that are now subject to a 50 percent limitation, would help bring back the backbone of the travel industry, the business traveler.

Finally, in order to provide tax relief to those travel-related businesses most hurt by the terrorist attacks, Congress should allow these companies to "carry back" their losses incurred after September 11, for a temporary period of three additional years, a total, temporary, "carry back" period of five years. This will allow companies that have been profitable until September 11, but then lost money in excess of the past two years' amount of profit, to offset previous years' profit. Without this relief, many companies will go bankrupt, solely due to the terrorist attacks.

To be quick and temporary, the credit should be available for expenses incurred before December 31, 2001. The travel could occur later.

This legislation meets the criteria set forth by President Bush and the chairman of the Finance Committee. By definition, the relief would be temporary. The revenue loss attributable to this legislation for 2001 should occur no later than 2002 and so there would not be a long-term, negative drag on our federal budget. In fact, I believe that it would help ensure a positive, long-term budgetary position by getting America moving and doing business again. As for the need to stimulate consumer spending, providing consumers with incentives to travel is clearly a demand-driven idea. I also contend that it will help stem the retrenchment in business investment that the economy is experiencing in the travel industry and many related industries. Finally, travel is not a partisan issue, it is one of the most bipartisan of all issues.

As Secretary O' Neill said before the Finance Committee on October 3, "The medicine has to work and be worth the cost." Without airline travel, collateral consequences to related industries will be substantial. Of all the competing proposals I can think of, none more directly affects the major cause of the problem in our economy.

So there it is. Our economy has sustained a specific trauma. We need a quick and focused response to this emergency condition. the "Travel America Now Act" provides the right medicine for the most acute problem. I urge my colleagues to join me and support this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 1500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Travel America Now Act of 2001".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Prior to September 11, 2001, more than 19,000,000 Americans were employed in travel and travel-related jobs, with an estimated annual payroll of $171,500,000,000.

(2) In recent years, the travel and tourism industry has grown to be the third largest industry in the United States as measured by retail sales, with over $582,000,000,000 in expenditures, generating over $99,600,000,000 in Federal, State, and local tax revenues in 2000.

(3) In 2000, the travel and tourism industry created a $14,000,000,000 balance of trade surplus for the United States.

(4) The travel and tourism industry and all levels of government are working together to ensure that, following the horrific terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, travel is safe and secure, and that confidence among travelers is maintained.

(5) Urgent, short-term measures are necessary to keep working people working and to generate cash flow to assist the travel and tourism industry in its ongoing efforts to retain its economic footing.

(6) Increased consumer spending on travel and tourism is essential to revitalizing the United States economy.

(7) The American public should be encouraged to travel for personal, as well as business, reasons as a means of keeping working people working and generating cash flow that can help stimulate a rebound in the Nation's economy.

### SEC. 3. PERSONAL TRAVEL CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

### "SEC. 25C. PERSONAL TRAVEL CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified personal travel expenses which are paid or incurred by the taxpayer on or after the date of the enactment of this section and before January 1, 2002.

"(b) MAXIMUM CREDIT.—The credit allowed to a taxpayer under subsection (a) for any taxable year shall not exceed $500 ($1,000, in the case of a joint return).

"(c) QUALIFIED PERSONAL TRAVEL EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified personal travel expenses' means reasonable expenses in connection with a qualifying personal trip for—

"(A) travel by aircraft, rail, watercraft, or motor vehicle, and

"(B) lodging while away from home at any commercial lodging facility.

Such term does not include expenses for meals, entertainment, amusement, or recreation.

"(2) QUALIFYING PERSONAL TRIP.—

"(A) IN GENERAL.—The term 'qualifying personal trip' means travel within the United States—

"(i) the farthest destination of which is at least 100 miles from the taxpayer's residence,

"(ii) involves an overnight stay at a commercial lodging facility and

"(iii) which is taken on or after the date of the enactment of this section.

"(B) ONLY PERSONAL TRAVEL INCLUDED.—Such term shall not include travel if, without regard to this section, any expenses in connection with such travel are deductible in connection with a trade or business or activity for the production of income.

"(3) COMMERCIAL LODGING FACILITY.—The term 'commercial lodging facility' includes any hotel, motel, resort, rooming house, or campground.

"(d) SPECIAL RULES.—

"(1) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(2) EXPENSES MUST BE SUBSTANTIATED.—No credit shall be allowed by subsection (a) unless the taxpayer substantiates by adequate records or by sufficient evidence corroborating the taxpayer's own statement the amount of the expenses described in subsection (c)(1).

"(e) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 26 the following new item:

"Sec. 25C. Personal travel credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

### SEC. 4. TEMPORARY INCREASE IN DEDUCTION FOR BUSINESS MEALS AND ENTERTAINMENT.

(a) IN GENERAL.—Subsection (n) of section 274 of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(4) TEMPORARY INCREASE IN LIMITATION.—With respect to any expense or item paid or incurred on or after the date of the enactment of this paragraph and before January 1, 2002, paragraph (1) shall be applied by substituting '100 percent' for '50 percent'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 5. NET OPERATING LOSS CARRYBACK FOR TRAVEL AND TOURISM INDUSTRY.**

(a) IN GENERAL.—Paragraph (1) of section 172(b) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) TRAVEL AND TOURISM INDUSTRY LOSSES.—In the case of a taxpayer which has a travel or tourism loss (as defined in subsection (j)) for a taxable year that includes any portion of the period beginning on or after September 12, 2001, and ending before January 1, 2002, such travel or tourism loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.".

(b) SPECIAL RULES FOR TRAVEL AND TOURISM INDUSTRY LOSSES.—Section 172 of the Internal Revenue Code of 1986 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) RULES RELATING TO TRAVEL AND TOURISM INDUSTRY LOSSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'travel or tourism loss' means the lesser of—

"(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to the travel or tourism businesses are taken into account, or

"(B) the amount of the net operating loss for such taxable year.

"(2) TRAVEL OR TOURISM BUSINESS.—The term 'travel or tourism business' includes the active conduct of a trade or business directly related to travel or tourism, including—

"(A) the provision of commercial transportation (including rentals) or lodging,

"(B) the operation of airports or other transportation facilities or the provision of services or the sale of merchandise within such facilities,

"(C) the provision of services as a travel agent,

"(D) the operation of convention, trade show, or entertainment facilities, and

"(E) the provision of other services as specified by the Secretary.

"(3) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a travel or tourism loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

"(4) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

"(5) RELATED TAXPAYERS.—Under regulations prescribed by the Secretary and at the election of a taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) with respect to a travel or tourism loss, such loss may be credited against the taxable income earned during the 5-year carryback period by any member of a controlled group of corporations (as defined in section 1563(a)) of which the taxpayer is a component or additional member within the meaning of section 1563(b).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending before, on, or after the date of the enactment of this Act.

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By Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mrs. CLINTON):

S. 1501. A bill to consolidate in a single independent agency in the Executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Government Affairs.

Mr. DURBIN. Mr. President, today I am introducing legislation that would replace the current fragmented Federal food safety system with a single agency responsible for all Federal food safety activities, the Safe Food Act of 2001. I am pleased to be joined by Senators TORRICELLI, MIKULSKI, and CLINTON in this important effort.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world. However, we can do better. Foodborne illnesses and hazards are still a significant problem that cannot be passively dismissed.

The Centers for Disease Control and Prevention, CDC, estimate that as many as 76 million people will suffer from food poisoning this year. Of those individuals, approximately 325,000 will be hospitalized, and more than 5,000 will die. The Department of Health and Human Services, HHS, also predicts that foodborne illnesses and deaths will increase 10–15 percent over the next decade. With emerging pathogens, an aging population with a growing number of people at high risk for foodborne illnesses, broader distribution patterns, an increasing volume of food imports, and changing consumption patterns, this situation is not likely to improve without decisive action.

Foodborne illnesses are not only a safety concern for our citizens. They are also a costly problem for the Nation. In terms of medical costs and productivity losses, foodborne illness costs the Nation up to $37 billion annually.

American consumers spend more than $617 billion annually on food, of which about $511 billion is spent on foods grown on U.S. farms. Our ability to ensure that our food supply is safe, and to react rapidly to potential threats to food safety is critical not only for public health, but also to the vitality of both domestic and rural economies and international trade.

Many of you have probably followed the stories about the European food crises, dioxin contamination of Belgian food, foot-and-mouth disease in the United Kingdom, and mad cow disease spreading to 13 European countries, as well as to Asia. While these diseases have thankfully not reached the United States, they do cause American consumers concern and remind us that food safety fears are global.

Today, food moves through a global marketplace. This was not the case in the early 1900s when the first Federal food safety agencies were created. Throughout this century, Congress responded by adding layer upon layer, agency upon agency, to answer the pressing food safety needs of the day. That's how the Federal food safety system got to the point where it is today. And again as we face increasing pressures on food safety, the Federal Government must respond. But we must respond not only to these pressures but also to the highly fragmented nature of the Federal food safety structure.

Fragmentation of our food safety system is a burden that must be changed to protect the public health from these increasing pressures. Currently, there are at least 12 different Federal agencies and 35 different laws governing food safety. With overlapping jurisdictions, Federal agencies often lack accountability on food safety-related issues.

The General Accounting Office, GAO, has also been unequivocal in its recommendation for consolidation of Federal food safety programs. Over the past two years, GAO has issued numerous reports on topics such as food recalls, food safety inspections, and the transport of animal feeds. Each of these reports highlight the current fragmentation and inconsistent organization of the various agencies involved in food safety oversight. In August 1999, GAO testified that a "single independent food safety agency administering a unified, risk-based food safety system is the preferred approach . . ." to food safety oversight. Also, in a May 25, 1994 report, GAO cites that its testimony in support of a unified, risk-based food safety system "is based on over 60 reports and studies issued over the last 25 years by GAO, agency Inspectors General, and others." The Appendix to the 1994 GAO report lists 49 reports since 1977, 9 USDA Office of Inspector General reports since 1986, 1 HHS Office of Inspector General report in 1991, and 15 reports and studies by Congress, scientific organizations, and others since 1981.

The National Academy of Sciences, NAS, has also concluded that the current fragmented food safety system is less than adequate to meet America's food safety needs. In August 1998, the NAS released a report recommending the establishment of a "unified and central framework" for managing Federal food safety programs. They instructed that the unified system should be "one that is headed by a single official and which has the responsibility and control of resources for all Federal food safety activities."

I agree with the recommendations of both the GAO and the NAS. A single food safety agency is needed to replace the current, fragmented system. My proposed legislation would combine the functions of USDA's Food Safety and Inspection Service, FDA's Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine, the Department of Commerce's Seafood Inspection Program, and the food safety functions of other Federal agencies. This agency would be funded with the combined budgets from these consolidated agencies.

Following the events of September 11, we are more keenly focused on how varied aspects of America's homeland security, including our Nation's food supply, may be vulnerable to attack. Our Federal food safety system must be able to prevent potential food hazards from reaching the public. A single food safety agency will help ensure that we have a cohesive process to address all ongoing and emerging threats to food safety.

With overlapping jurisdictions, Federal agencies many times lack accountability on food safety-related issues. There are simply too many cooks in the kitchen. A single agency would help focus our policy and improve enforcement of food safety and inspection laws.

Over 20 years ago, the Senate Committee on Governmental Affairs advised that consolidation is essential to avoid conflicts of interest and overlapping jurisdictions. This 1977 report stated, "While we support the recent efforts of FDA and USDA to improve coordination between the agencies, periodic meetings will not be enough to overcome [these] problems."

It's time to move forward. Let's stop discussing the need to consolidate and instead take steps to make consolidation happen. Let us create what only makes sense, a single food safety agency!

A single agency with uniform food safety standards and regulations based on food hazards would provide an easier framework for implementing U.S. standards in an international context. When our own agencies don't have uniform safety and inspection standards for all potentially hazardous foods, the establishment of uniform international standards will be next to impossible.

Research could be better coordinated within a single agency than among multiple programs. Currently, Federal funding for food safety research is spread over at least 20 Federal agencies, and coordination among those agencies is ad hoc at best.

New technologies to improve food safety could be approved more rapidly with one food safety agency. Currently, food safety technologies must go through multiple agencies for approval, often adding years of delay.

Food recalls are on the rise. In fact, at the end of August 2001, FSIS reported that there have been over fifty recalls of meat and poultry products throughout the Nation this year alone. Under these serious circumstances, it is important to move beyond short-term solutions to major food safety problems. A single food safety and inspection agency could more easily work toward long-term solutions to the frustrating and potentially life-threatening issue of food safety.

In this era of limited budgets, it is our responsibility to modernize and streamline the food safety system. The U.S. simply cannot afford to continue operating multiple systems. This is not about more regulation, a super agency, or increased bureaucracy. It is about common sense and more effective marshaling of our existing Federal resources.

Together, we can bring the various agencies together to eliminate the overlap and confusion that have, unfortunately, at times characterized our food safety efforts. We need action, not simply reaction. I encourage my colleagues to join me in this effort to consolidate the food safety and inspection functions of numerous agencies and offices into a single food safety agency.

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By Mr. JEFFORDS (for himself, Mrs. LINCOLN, Mr. CHAFEE, Mr. BAYH, and Ms. SNOWE):

S. 1502. A bill to amend the internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs for COBRA continuation coverage, and for other purposes; to the Committee on Finance.

Mr. JEFFORD. Mr. President, as President Bush said yesterday, regarding the need for an economic stimulus package: "one person laid off is one person too many." I strongly agree. Today, I'm pleased to join with Senator LINCOLN and my other colleagues in introducing the COBRA Plus Act of 2001. This legislation will help those who've lost their jobs in the aftermath of the terrorist acts of September 11 keep health insurance coverage for themselves and their families as they seek new employment.

As we in Congress work with the administration to develop an economic stimulus package, it needs to reflect the three themes spelled out by Secretary O'Neill. The package must restore consumer confidence. For with the restoration of confidence, the American people will again begin buying our Nation's goods and services. We must also support increased business investment. Business investment is what creates new jobs and is the engine of our economy. And finally, and I think most importantly, we must help those individual Americans who lost their jobs as a consequence of the terrorist bombings of September 11.

COBRA provides an existing mechanism to allow these laid-off workers the opportunity to keep their health insurance while they seek new employment. Under COBRA, an employer with 20 or more employees must provide those employees and their families the option of continuing their coverage under the employer's group health insurance plan in the case of losing their job. The employer is not required to pay for this coverage; instead, the individual can be required to pay up to 102 percent of the premium.

For all of its strengths, COBRA has some significant deficiencies. While it allows those who've lost their job to keep their health insurance coverage, it requires them to pay the entire premium at a time when they have no income. The high cost of COBRA is the major reason cited for the fact that only 18 percent of eligible enrollees utilize their coverage option. The COBRA Plus Act of 2001 solves this problem. It provides a 50-percent subsidy for the individual's health insurance premium, not to exceed a total of $110 per month for single coverage and $290 per month for family coverage. This subsidy would be a refundable tax credit, which means it is available regardless of one's tax liability, and the credit could be advanced directly on a monthly basis to the individual's employer or health insurance plan.

The credit would be available for a period not to exceed 9 months and the credit must be used to purchase COBRA coverage. The credit would be available for 2 years beginning January 1, 2002 and it would sunset on December 31, 2003. While the Joint Committee on Taxation has not released a cost estimate, rough informal estimates are that the legislation will cost between $3.3 billion and $5 billion per year and it would more than double the number of individuals utilizing COBRA at any one time from the current level of $2.5 million to $6 million.

Vermont's motto of "Freedom and Unity" captures the sense of individual responsibility and shared community that are the twin goals of the COBRA Plus Act of 2001. First, by giving unemployed workers access to additional financial resources, it will significantly increase the number of Americans who take advantage of COBRA's health insurance coverage option. And second, by relying on the tax code, the credit will go directly to individuals and eliminate the need to create a new Federal program.

In my home State of Vermont, as is the case across the country, these recent events have put the security of a well-paid job with health insurance coverage at risk. It is important that we here in Congress help to restore confidence in the fundamental strength of our Nation's economy. Americans should know that they will still have productive jobs with health insurance coverage for their families now and into the future. I believe that the enactment of this legislation will be an important strand in strengthening the fabric of our society as we move forward in addressing the terrible acts of September 11.

Mr. CHAFEE. Mr. President, I am pleased to join Senators JEFFORDS, LINCOLN, SNOWE, and BAYH today in introducing the COBRA Plus Act of 2001.

The COBRA Plus Act of 2001 will provide a tax credit to help offset the costs of COBRA health insurance for unemployed workers. This is particularly important due to the challenges that our economy faces and the number of individuals who have lost or will lose their jobs as a result of the terrorist attacks on September 11. Specifically, this bill will help unemployed individuals keep their health insurance coverage by subsidizing their COBRA premiums through an individual tax credit.

According to the Congressional Research Service, it is estimated that 4.7 million Americans are enrolled in COBRA health plans at any given moment. With average annual COBRA insurance costing over $6,000, many individuals opt not to participate and therefore join the ranks of the 39 million uninsured in this country. A recent survey indicated that less than 20 percent of those eligible for COBRA insurance actually took advantage of the insurance. Without a premium subsidy such as the one offered in this bill, COBRA insurance is cost-prohibitive. The goal of this legislation is to decrease the number of uninsured individuals by providing an incentive to use COBRA insurance. This legislation will hopefully increase the number of COBRA users to at least six million.

.While I am deeply saddened by the events that led to the introduction of this bill, I am heartened that we are able to provide a way for individuals to retain their health insurance.

I commend Senator JEFFORDS for his leadership on this issue, and am hopeful that it will get signed into law in the near future to assist our nation's displaced workers.

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By Mr. ROCKEFELLER (for himself, Mr. DEWINE, Ms. LANDRIEU, Ms. SNOWE, Mr. BREAUX, Mr. BOND, Mr. LEVIN, Mr. CRAIG, and Mr. GRAHAM):

S. 1503. A bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am proud to join with Senators DEWINE LANDRIEU, SNOWE, BREAUX, BOND, and LEVIN to introduce bipartisan legislation which includes President Bush's initiative to reauthorize and increase funding for the Promoting Safe and Stable Families Program. The President's initiative increases funding to help abused and neglected children by $200 million. He knows this group of vulnerable children deserves our attention, even in this most challenging of times in American history. These children face their own form of terror in their own homes, at the hands of their own parents. It is a horrible circumstance that we know something about how to address—and address it we must.

Our legislation also includes the President's initiative to start a new program to provide mentoring services to the more than 2 million children whose parents are in prison. These children are at high-risk and they too, deserve our support.

This bill includes the President's initiative to provide $5,000 in education vouchers to teens who age out of foster care so they have incentives to continue their education. This final program suggested by President Bush means a great deal to me because in 1999, I worked closely with the late Senator John Chafee to develop a new program to help teenagers from the foster care system. Senator Chafee passed away that fall, but I was proud to work with a bipartisan group to enact the foster care legislation that meant so much to him. It is one important piece of Senator John Chafee's remarkable legacy of leadership for children and families.

Senator DEWINE and I added a small, but important provision to help adoption agencies, like Catholic Charities and others, finding permanent homes for children with special needs. On January 23, 2001, the U.S. Department of Health and Human Services issued a new policy announcement which changed current practice for children with special needs. We need a legislative clarification to ensure that children with special needs who are voluntarily relinquished to private, nonprofit adoption agencies can still receive the adoption assistance they need and deserve.

In the Senate, there is a long, strong tradition of bipartisanship on child welfare issues. Over recent years we have made real progress. In 1993, working with Senator BOND and others we created a new program to invest in prevention and treatment. In 1997, another bipartisan group worked long and hard on the Adoption and Safe Families Act. This act significantly revised child welfare policy. It said for the first time in Federal law that a child's safety and health are paramount, and every child deserve a safe, permanent home. In this act, thanks to the leadership of Senator DEWINE we clarified "reasonable efforts" to focus more concern and attention on the needs of the child.

The Promoting Safe and Stable Families Act was part of that historic agreement, and it must be reauthorized this year or we will lose the funding that exists in the budget baseline, and, more importantly, children and families will lose needed services and support. The Safe and Stable Families Program provides a range of services including promoting adoptions and post-adoption support, family support to avoid placements and neglect, family preservation, and time-limited reunification for children who return home from foster care. Each is a necessary piece. This program is one of the major funding resources for adoption.

Almost daily and far too often we read tragic stories about abuse and neglect in our newspapers. Such reports are disturbing and disheartening. But the untold story is the progress that is being made thanks to new policy and new investments which is why I believe so strongly that we must continue those investments and progress by enacting the President's initiative.

In 1996, 28,000 children were adopted from the foster care system. In 2000, nearly 50,000 were adopted from foster care.

I am proud to report that my State of West Virginia is one of many States that is increasing the number of adoptions. But almost 100,000 children nationwide are still waiting for adoption which is why the increase in Safe and Stable Families is crucial. With the $200 million increase included in our legislation, we will make the commitment to invest a minimum of $100 million in adoption promotion and the adoption support.

Victimization rates are slowly declining. In 1993, the children victimization rate was 15.3 per 1,000 children. In 1999, the child victimization rate was 11.8 per 1,000 children. The 1999 rate is the lowest rate since we started collecting this data in 1990.

In some States within a year or two, there will be more children receiving adoption assistance and subsidized guardianship payments than in the foster care system, and that is a major shift and historic progress towards the fundamental goal of permanency for vulnerable children.

These are encouraging trends, but there are still 581,0001 children in foster care and about one million substantiated cases of abuse or neglect each year. We are making progress, but we should and must do more for the most vulnerable children in our country.

Since September 11, 2001, our world has changed. We face new challenges for recovery, national security and combating terrorism. We must focus on this immediate threat, but we also must remember those vulnerable children who are at risk of abuse and neglect in their own homes. The Senate has a long tradition of working hard, and doing the right thing, usually as one of the last orders of business to help such children. I urge my colleagues to join me in supporting President Bush's initiative. Delivering on this promise truly will help ensure that no children is left behind as the President eloquently insisted in his campaign and in his State of the Union address.

Remembering our commitment to vulnerable children is one clear way to emphasize how our country is unique and strong. In the midst of challenge and terror, we should remember our youngest victims, too. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Promoting Safe and Stable Families Amendments Act of 2001".

(b) REFERENCES IN ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in act; table of contents.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

Sec. 101. Findings and purpose.
Sec. 102. Definition of family support services.
Sec. 103. Reallotments.
Sec. 104. Payments to States.
Sec. 105. Evaluations.
Sec. 106. Authorization of appropriations; reservation of certain amounts.
Sec. 107. State court improvements.

Subtitle B—Mentoring Children of Incarcerated Parents

Sec. 121. Grants for programs for mentoring children of incarcerated parents.

TITLE II—FOSTER CARE, ADOPTION ASSISTANCE, AND INDEPENDENT LIVING

Sec. 201. Elimination of opt-out provision for State requirement to conduct criminal background check on prospective foster or adoptive parents.
Sec. 202. Eligibility for adoption assistance payment of special needs children voluntarily relinquished to private nonprofit agencies.
Sec. 203. Educational and training vouchers for youths aging out of foster care.

TITLE III—EFFECTIVE DATES

Sec. 301. Effective dates.

## TITLE I—PROMOTING SAFE AND STABLE FAMILIES

## Subtitle A—Grants to States for Promoting Safe and Stable Families

### SEC. 101. FINDINGS AND PURPOSE.

Section 430 (42 U.S.C. 629) is amended to read as follows:

**"SEC. 430. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—Congress finds that there is a continuing urgent need to protect children and to strengthen families as demonstrated by the following:

"(1) Family support programs directed at specific vulnerable populations have had positive effects on parents and children. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

"(2) Family preservation programs have been shown to provide extensive and intensive services to families in crisis.

"(3) The time lines established by the Adoption and Safe Families Act of 1997 have made the prompt availability of services to address family problems (and in particular the prompt availability of appropriate services and treatment addressing substance abuse) an important factor in successful family reunification.

"(4) The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for post-adoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.

"(b) PURPOSE.—The purpose of this program is to enable States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to accomplish the following objectives:

"(1) To prevent child maltreatment among families at risk through the provision of supportive family services.

"(2) To assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively.

"(3) To address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the requirements of the Adoption and Safe Families Act of 1997.

"(4) To support adoptive families by providing support services as necessary so that the families can make a lifetime commitment to their children.".

### SEC. 102. DEFINITION OF FAMILY SUPPORT SERVICES.

Section 431(a)(2) (42 U.S.C. 629a(a)(2)) is amended by inserting "to strengthen parental relationships and promote healthy marriages," after "environment,".

### SEC. 103. REALLOTMENTS.

Section 433 (42 U.S.C. 629c) is amended by adding at the end the following new subsection:

"(d) REALLOTMENTS.—The amount of any allotment to a State under this section for any fiscal year that the State certifies to the Secretary will not be required for carrying out the State plan under section 432 shall be available for reallotment for such fiscal year using the allotment methodology specified in this section. Any amount so reallotted to a State shall be deemed part of that State's allotment under this section for that fiscal year.".

### SEC. 104. PAYMENTS TO STATES.

(a) IN GENERAL.—Section 434(a) (42 U.S.C. 629d(a)) is amended—

(1) by striking paragraph (2);

(2) by striking all that precedes subparagraph (A) and inserting the following:

"(a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by adjusting the left margins accordingly.

(b) CONFORMING AMENDMENTS.—Section 434(b) (42 U.S.C. 629d(b)) is amended—

(1) in paragraph (1)—

(A) by striking "paragraph (1) or (2)(B) of"; and

(B) by striking "described in this subpart" and inserting "under the State plan under section 432"; and

(2) in paragraph (2), by striking "subsection (a)(1)" and inserting "subsection (a)".

### SEC. 105. EVALUATIONS.

Section 435 (42 U.S.C. 629e) is amended—

(1) in the heading, by inserting "**; research; technical assistance**" before the period; and

(2) by adding at the end the following new subsections:

"(c) RESEARCH.—The Secretary shall give priority consideration to the following topics for research and evaluation under this subsection, using rigorous evaluation methodologies where feasible:

"(1) Promising program models in the service categories specified in section 430(b), particularly time-limited reunification services and post-adoption services.

"(2) Multidisciplinary service models designed to address parental substance abuse and to reduce the impact of such abuse on children.

"(3) The efficacy of approaches directed at families with specific problems and with children of specific age ranges.

"(4) The outcomes of adoptions finalized after enactment of the Adoption and Safe Families Act of 1997.

"(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance that helps States to—

"(1) identify families with specific risk characteristics for intervention;

"(2) develop treatment models that address the needs of families at risk, particularly families with substance abuse issues;

"(3) implement programs with well articulated theories of how the intervention will result in desired changes among families at risk;

"(4) establish mechanisms to ensure that service provision matches the treatment model; and

"(5) establish mechanisms to ensure that post-adoption services meet the needs of the individual families and develop models to reduce the disruption rates of adoption.".

### SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) IN GENERAL.—Subpart 2 of part B of title IV (42 U.S.C. 629 et seq.) is amended by adding at the end the following new section:

### "SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this subpart (other than section 438) $505,000,000 for each of fiscal years 2002 through 2006.

"(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount specified for each fiscal year under subsection (a), the Secretary shall reserve amounts for use as follows:

"(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve $15,000,000 for fiscal year 2002, and $20,000,000 for each of fiscal years 2003 through 2006, for expenditure by the Secretary—

"(A) for research, training, and technical assistance costs related to the program under this subpart (other than section 438), including expenditures for research of not less than $9,000,000 for fiscal year 2002, and not less than $14,000,000 for each of fiscal years 2003 through 2006; and

"(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as such State programs.

"(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve $20,000,000 for grants under section 437.

"(3) INDIAN TRIBES.—The Secretary shall reserve 2 percent for allotment to Indian tribes in accordance with section 433(a).".

(b) CONFORMING AMENDMENTS.—Section 433 is amended—

(1) in subsection (a), by striking "section 430(d)(3)" and inserting "section 436(b)(3)";

(2) in subsection (b)—

(A) by striking "section 430(b)" and inserting "section 436(a)"; and

(B) by striking "section 430(d)" and inserting "section 436(b)"; and

(3) in subsection (c)—

(A) by striking "section 430(b)" and inserting "section 436(a)"; and

(B) by striking "section 430(d)" and inserting "section 436(b)".

### SEC. 107. STATE COURT IMPROVEMENTS.

(a) RELOCATION AND REDESIGNATION.—

(1) IN GENERAL.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is relocated and redesignated as section 437 of the Social Security Act.

(2) CONFORMING AMENDMENTS.—Section 437, as relocated and redesignated under paragraph (1), is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "of title IV of the Social Security Act"; and

(ii) in paragraph (1)(A), by striking "of title IV of such Act"; and

(B) in subsection (c)(2), by striking "section 430(d)(2) of the Social Security Act" and inserting "section 436(b)(2)".

(b) SCOPE OF ACTIVITIES.—

(1) Section 437(a)(2) (as so relocated and redesignated) is amended—

(A) by striking "changes" and inserting "improvements"; and

(B) by inserting before the period "in order to promote more timely court actions that provide for the safety of children in foster care and expedite the placement of such children in appropriate permanent settings".

(2) Section 437(c)(1) (as so relocated and redesignated) is amended in the matter preceding subparagraph (A) by inserting "and improvement" after "assessment".

(c) ALLOTMENTS.—Section 437(c)(1) (as so relocated and redesignated) is amended by striking all that follows "shall be entitled to payment," and inserting "for each of fiscal years 2002 through 2006, from amounts reserved pursuant to section 436(b)(2), of an amount equal to the sum of $85,000 plus the amount described in paragraph (2) for such fiscal year.".

(d) FEDERAL SHARE.—Section 437(d) (as so relocated and redesignated) is amended—

(1) by striking the heading and inserting "FEDERAL SHARE.—"; and

(2) by striking "to pay—" and all that follows and inserting "to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.".

## Subtitle B—Mentoring Children of Incarcerated Parents

### SEC. 121. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF INCARCERATED PARENTS.

Subpart 2 of part B of title IV (42 U.S.C. 629 et seq.), as amended by sections 106 and 107, is amended by adding at the end the following new section:

### "SEC. 438. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF INCARCERATED PARENTS.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress makes the following findings:

"(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in a Federal or State correctional facility.

"(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

"(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative. Only 10 percent of incarcerated mothers and 2 percent of incarcerated fathers in State facilities report that their child or children are in foster care.

"(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, or prior separations. As a result, children of an incarcerated parent often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

"(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

"(2) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to local governments in areas with substantial numbers of children of incarcerated parents to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of incarcerated parents.

"(b) DEFINITIONS.—In this section:

"(1) CHILDREN OF INCARCERATED PARENTS.—The term 'children of incarcerated parents' means a child, 1 or both of whose parents are incarcerated in a Federal or State correctional facility. Such term shall be deemed to include any child who is in an ongoing mentoring relationship in a program under this section at the time of the release of the child's parent or parents from a correctional facility, for purposes of continued participation in the program.

"(2) MENTORING.—The term 'mentoring' means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

"(3) MENTORING SERVICES.—The term 'mentoring services' means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

"(c) PROGRAM AUTHORIZED.—From the amount appropriated under subsection (g) for a fiscal year that remains after the application of subsection (g)(2), the Secretary shall make grants under this section for each of fiscal years 2002 through 2006 to local governments in areas that have significant numbers of children of incarcerated parents and that submit applications meeting the requirements of this section, including—

"(1) two-thirds of such amount in grants in amounts of up to $5,000,000 each; and

"(2) one-third of such amount in grants in amounts of up to $10,000,000 each.

"(d) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, the mayor or other chief executive officer of a city, council of governments, or other unit of local government shall submit to the Secretary an application containing the following:

"(1) PROGRAM DESIGN.—A description of the proposed local program, including—

"(A) a list of local public and private organizations and entities that will participate in the mentoring network;

"(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

"(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

"(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors (which methods shall include criminal background checks on such individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

"(E) such other information as the Secretary may require.

"(2) COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.—A demonstration that, in developing and implementing the program, the local government will, to the extent feasible and appropriate—

"(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

"(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

"(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

"(3) EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate in the program on an equal basis.

"(4) SUPPLEMENTATION ASSURANCE.—An assurance that Federal funds provided to the local government under this section will not be used to supplant Federal or non-Federal funds for existing services and activities that promote the purpose of this section.

"(5) BIENNIAL PROGRAM REPORT.—An agreement that the local government will submit to the Secretary, after the second year of funding of a program under this section and every second year thereafter, a report containing the following:

"(A) A description of the grant requirements used by the local government to award grant funds.

"(B) The measurable goals and outcomes expected by the programs receiving assistance under the local government program (and in later reports, the extent to which such goals and outcomes were achieved).

"(C) A description of the services provided by programs receiving assistance under the local government program.

"(D) The number of children and families served.

"(E) Such other such information as the Secretary may require.

"(6) RECORDS, REPORTS, AND AUDITS.—An agreement that the local government will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

"(7) EVALUATION.—An agreement that the local government will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary with access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

"(8) EXTENT OF LOCAL-STATE COOPERATION.—A statement as to whether, and the extent to which, the State government has undertaken to provide support to and to cooperate with the local program.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

"(A) 80 percent for the first fiscal year for which the grant is awarded;

"(B) 60 percent for the second such fiscal year;

"(C) 40 percent for the third such fiscal year; and

"(D) 20 percent for each succeeding fiscal year.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

"(f) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall take into consideration—

"(1) the experience, qualifications, and capacity of local governments and networks of organizations to effectively carry out a mentoring program under this section;

"(2) the comparative severity of need for mentoring services in given local areas, taking into consideration data on the numbers of children (and in particular of low-income children) with an incarcerated parent (or parents) in such areas;

"(3) whether, and the extent to which, the State government has undertaken to support and cooperate with the local mentoring program;

"(4) evidence of consultation with existing youth and family service programs, as appropriate; and

"(5) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section—

"(A) $67,000,000 for fiscal year 2002; and

"(B) such sums as may be necessary for each of fiscal years 2003 through 2006.

"(2) RESERVATION.—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs carried out under this section.".

## TITLE II—FOSTER CARE, ADOPTION ASSISTANCE, AND INDEPENDENT LIVING

### SEC. 201. ELIMINATION OF OPT-OUT PROVISION FOR STATE REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECK ON PROSPECTIVE FOSTER OR ADOPTIVE PARENTS.

Section 471(a)(20) (42 U.S.C. 671(a)(20) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) by striking "(A) unless an election provided for in subparagraph (B) is made with respect to the State,";

(3) by striking subparagraph (B);

(4) by striking "(i)" and inserting "(A)"; and

(5) by striking "(ii)" and inserting "(B)".

### SEC. 202. ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENT OF SPECIAL NEEDS CHILDREN VOLUNTARILY RELINQUISHED TO PRIVATE NONPROFIT AGENCIES.

Section 473(a)(2) (42 U.S.C. 673(a)(2)) is amended—

(1) in subparagraph (A)(i), by striking "either pursuant" and all that follows through "July 16, 1996))" and inserting "pursuant to a voluntary relinquishment to, or a voluntary placement agreement with, a public or nonprofit private agency,"; and

(2) in subparagraph (B)(i), by striking "agreement was entered into" and inserting "relinquishment occurred, agreement was entered into,".

### SEC. 203. EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.

(a) PURPOSE.—Section 477(a) (42 U.S.C. 677(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.".

(b) EDUCATIONAL AND TRAINING VOUCHERS.—Section 477 (42 U.S.C. 677) is amended by adding at the end the following new subsection:

"(i) EDUCATIONAL AND TRAINING VOUCHERS.—The following conditions shall apply to a State educational and training voucher program under this section:

"(1) Vouchers under the program shall be available to youths otherwise eligible for services under the State program under this section.

"(2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 shall be considered to be youths otherwise eligible for services under the State program under this section.

"(3) A youth participating in the voucher program on the date the youth attains age 21 shall remain eligible until the youth attains age 23, as long as the youth is enrolled in a full-time postsecondary education or training program and is making satisfactory progress toward completion of that program.

"(4) The voucher or vouchers provided for an individual under this section—

"(A) shall be available for the cost of attendance at an institution of higher education, as defined in section 102 of the Higher Education Act of 1965; and

"(B) shall not exceed the lesser of $5,000 per year or the total cost of attendance, as defined in section 472 of that Act.

"(5)(A) Subject to subparagraphs (B) and (C), the amount of a voucher under this section shall be disregarded for purposes of determining the recipient's eligibility for, or the amount of, any other Federal or federally supported assistance.

"(B) The total amount of educational assistance to a youth under this section and under other Federal and federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965.

"(C) The State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal or federally supported programs.

"(6) The program shall be coordinated with other appropriate education and training programs.".

(c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C. 677(b)(3)) is amended by adding at the end the following new subparagraph:

"(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use—

"(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and federally supported programs does not exceed the limitation specified in subsection (i)(5)(B); and "(ii) to avoid duplication of benefits under this and any other Federal or federally supported benefit program in accordance with subsection (i)(5)(C).".

(d) INCREASED AUTHORIZATIONS OF APPROPRIATIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated to the Secretary for each fiscal year—

"(1) $140,000,000, which shall be available for all purposes under this section; and

"(2) an additional $60,000,000, which shall be available for payments to States for education and training vouchers for youths who age out of foster care, to assist such youths to develop skills necessary to lead independent and productive lives.".

(e) ALLOTMENTS TO STATES.—Section 477(c) (42 U.S.C. 677(c)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) IN GENERAL.—From the amount specified in subsection (h)" and inserting "(1) GENERAL PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(1)"; and

(B) by striking "which bears the same ratio and all that follows through the period" and inserting "which bears the ratio equal to the State foster care ratio, as adjusted in accordance with paragraph (2)."; and

(2) by adding at the end the following new paragraphs:

"(3) VOUCHER PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount that bears the ratio to such amount equal to the State foster care ratio.

"(4) STATE FOSTER CARE RATIO.—In this subsection, the term 'State foster care ratio' means the ratio of the number of children in foster care in the State in the most recent fiscal year for which such information is available to the total number of children in foster care in all States for such most recent fiscal year.".

(f) PAYMENTS TO STATES.—Section 474(a)(4) (42 U.S.C. 674(a)(4)) is amended to read as follows:

"(4) an amount equal to—

"(A) with respect to amounts for expenditures in accordance with the State application approved under section 477(b) (including any amounts expended in accordance with an amendment that meets the requirements of section 477(b)(5)), the sum of—

"(i) the lesser of—

"(I) 80 percent of the amounts expended by the State during the quarter to carry out programs for the purposes described in subsection (h)(1); or

"(II) the amount allotted to the State under section 477(c)(1) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for such purposes for all prior quarters in the fiscal year; and

"(ii) the lesser of—

"(I) 80 percent of the amounts expended by the State during the quarter to carry out programs for the purposes described in subsection (h)(2); or

"(II) the amount allotted to the State under section 477(c)(3) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for such purposes for all prior quarters in the fiscal year;

reduced by

"(B) the total amount of any penalties assessed against the State under section 477(e) for such fiscal year.".

## TITLE III—EFFECTIVE DATES

### SEC. 301. EFFECTIVE DATES.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amendments made by this Act take effect October 1, 2001.

(b) ELIMINATION OF OPT-OUT PROVISION FOR CRIMINAL BACKGROUND CHECKS.—Subject to subsection (d), the amendments made by section 201 take effect on the date of enactment of this Act.

(c) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENT OF SPECIAL NEEDS CHILDREN VOLUNTARILY RELINQUISHED TO PRIVATE NONPROFIT AGENCIES.—Subject to subsection (d), the amendments made by section 202 shall be effective with respect to children voluntarily relinquished to, or the subject of a voluntary placement agreement with, a public or nonprofit private agency on or after the date that is 90 days after the date of enactment of this Act.

(d) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under subpart 2 of part B or part E of the Social Security Act (42 U.S.C. 629 et seq.; 670 et seq.) that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such subpart or part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. DEWINE. Mr. President, I rise today with my friend and colleague, Senator ROCKEFELLER, to introduce the "Promoting Safe and Stable Families" bill. This legislation reauthorizes four programs designed to help child welfare agencies establish and maintain permanency by providing grants to States and Indian tribes. The bill also includes programs that the President has proposed, which have my utmost support, as well as a technical correction that Senator ROCKEFELLER and I have proposed to ensure that special needs children continue to be eligible for adoption assistance.

It would be impossible for me to talk about the challenges facing children and the agencies dedicated to protecting them, without saying a few brief words about the recent terrorist bombings in New York and Washington. Following those tragic events, we awoke to a whole new world, a world forever changed by a faceless, cowardly band of terrorists, a world filled with sorrow at the senseless, needless injury and loss of countless members of our American family.

Though it is going to take time to eradicate the terrorist enemy, I am confident that our efforts will bring about peace and security both here at home and across that globe. Ultimately, our efforts to protect the Nation is about the future of our children and grandchildren. And so, we must do all we can to protect them and give them a world that is safe and secure.

In creating that kind of a world, we have to realize that there are thousands of children in this Nation right now who don't live in safe and secure environments, children who have only one parent or no parents at all, as sadly is now the case for many of the children who lost parents in the terrorist attacks.

Far too many children in our country are at risk, not because of the terrorist threat, but because they are neglected or abused by parents or because they are trapped in the legal limbo that is our child welfare system. Because of this, we have an obligation to these children. We have an obligation to protect these innocent lives.

With the bill we are introducing today, we are taking a big step toward meeting that obligation. By reauthorizing and improving the Safe and Stable Families program, we can help strengthen families and ensure the safety of vulnerable children. The funding provided to the States through this legislation is used for four categories of services: family preservation, community-based family support, time-limited family reunification, and adoption promotion and support. These services are designed to prevent child abuse and neglect in communities at risk, avoid the removal of children from their homes, and support timely reunification or adoption.

Our bill reauthorizes the only program that provides funding for post-adoption services. With a 30-percent increase in the number of adoptions since the implementation of the Adoption and Safe Families Act, funding for adoption promotion and support services is especially vital. These services are necessary to ensure that adoptions are not disrupted, which risks further traumatizing a child.

Our bill also amends the Foster Care Independent Living Program to extend the eligibility age from 21 to 23, so that children aging out of foster care can qualify for educational and training vouchers. Currently, too many of the 16,000 children youth who age out of foster care are not able to pursue educational or vocational training because they just don't have the money. This provision helps these young people get the education and career training they need and deserve.

The bill doubles the funding for the Court Improvement Program, CIP, and reauthorizes it through 2006. The CIP program provides grants to the States to develop a system of more timely court actions that provides for the safety of children in foster care and expedites the placement of such children in appropriate permanent settings.

This money helps ensure that state courts have the resources necessary to stay in compliance with the Adoption and Safe Families Act. In my own home State of Ohio, this money has been used to develop and implement an attorney certification program in family law. Additionally, the CIP money has been used to implement the Court Appointed Special Advocate, CASA, program throughout Ohio and to implement five pilot programs that uniquely address family law issues.

Also, Senator ROCKEFELLER and I have added a technical correction to the bill that would clarify how Adoption Assistance Payments are distributed. Prior to January 23, 2001, title IV-E Adoption Assistance Payments were available to parents adopting children who met three special needs criteria, regardless of whether a child was placed by a private agency or the State foster care system. Unfortunately, some private agencies were using only one of the three special needs criteria to access payments for these adoptive families.

The January 23rd Adoption Assistance decision draws a distinction between private and State foster care systems to prevent the misuse of funds. However, the decision has had the unintended consequence of adversely affecting agencies like Catholic Charities and their ability to provide adoptive families with payments. Our correction focuses on the children, not the placement agency, by making special needs children adopted through voluntary relinquishment eligible for adoption assistance payments.

I am particularly pleased with some of the President's new initiatives authorized in our bill. For example, the President has proposed that the Department of Health and Human Services be authorized to provide competitive grants to support mentoring programs for children of incarcerated parents. With more than 2 million children with incarcerated parents, this program would provide valuable outreach to this vulnerable group of children.

I would like to conclude my remarks by drawing my colleagues' attention to a recent Washington Post series on the dire state of the District of Columbia's child welfare system. This series outlines multiple mistakes made by the Government by placing children in unsafe homes or institutions. Unfortunately, these same mistakes occur in the child welfare system throughout our country. Here in Washington, these mistakes resulted in over 180 deaths of children in foster care since 1993, 40 of whom died as a direct result of government workers' failure to take key preventative actions or because they placed children in unsafe homes or institutions.

The bill we are introducing today will help make sure that these kinds of mistakes are never repeated. The Senate has a tradition of helping our most vulnerable children, and so I urge my colleagues to join us in supporting the Reauthorization of Promoting Safe and Stable Families. It is the right thing to do.

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By Mr. DORGAN (for himself and Mr. BREAUX):

S. 1504. A bill to extend the moratorium enacted by the Internet Tax Freedom Act through June 30, 2002; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, I am going to introduce legislation today on behalf of myself, Senator BREAUX from Louisiana, and Senator HUTCHISON from Texas dealing with the extension of the moratorium on Internet taxation. Let me describe what that is and what it means.

We already have in law a provision that provides a moratorium on the taxation of the Internet as it is called, but it really provides a moratorium on a State government's or a local government's ability to provide a tax on the access to the Internet. There is a moratorium. That moratorium expires on October 21. Except those few that are grandfathered, the moratorium bill not only prohibits State and local governments, from imposing a tax on access to the Internet, it also prohibits punitive or discriminatory taxes with respect to the Internet.

The Congress passed that legislation a couple of years ago. It was designed to expire October 21 of this year. In a few days, it will expire, and there are colleagues of mine who have offered in recent days extensions of the moratorium. Some are talking 5 years; some are talking 2 years. I think both of those are far too long. I propose we extend the moratorium until June 30 of next year.

There is another issue that relates to this, which is why I believe there needs to be an extension. We need to solve the problem of tax collections with respect to Internet transactions and all transactions of remote sales. When you use a computer, or a catalog for that matter, to buy a product, when you receive that product, in most cases you are supposed to pay a sales or a consumption tax to your local government or your State government.

In point of fact, most people never pay that tax. So the State and local governments lose that revenue. The seller, a catalog company or an Internet company that is doing business in most of the States, is not required to collect that sales tax so the seller does not collect it. The person who receives it or orders it and then receives the goods does not pay it, even though they are required to, and the State and local governments lose a substantial amount of money.

A recent study from the Institute for State Studies says this year the loss will be $13.3 billion for State and local governments, and by the year 2011 it is expected State and local governments will lose $54.8 billion of expected revenue. Most of this, incidentally, is revenue that is essential to school systems around the country. Most of this is essential for State and local governments to keep their school systems operating and pay for their schools and education programs.

So State and local governments have a very serious problem. What do they do about it? Internet sellers and catalog sellers also have a problem. If one is set up in business to sell all across the country, but they really have only one location and that is the area where they are set up in business, they do not want to have to subscribe to 5,000 or 7,000 different sales tax jurisdictions. That is far too complicated. The remote sellers have a right to say: We don't want to have to subscribe and pay taxes and file forms in thousands and thousands of different jurisdictions. They are right about that.

What is to be done? It seems to me there is a requirement for State and local governments to simplify their sales tax systems, and when they have dramatically simplified those systems so that companies that are doing business all across the country can easily comply with the requirements—when that happens, when State and local government do that—I believe those engaged in remote sales should collect the tax and remit it to State and local governments. It will be easy for the consumer to have that happen. The tax is already owed. It seems to me it will be convenient enough for the seller to do it if the States have dramatically simplified their system. And it will finally provide the resources the States and local governments have been counting on to support their school systems. All of that ought to be done.

As far as I am concerned, I don't mind extending this moratorium forever—6 months, 2 years, 5 years. It doesn't matter to me. We should not apply discriminatory taxes. We should not apply punitive taxes to Internet transactions. I don't care much about the question of taxing access. As far as I'm concerned, we can prevent all State and local governments from doing that. It does not matter much to me. Speaking for myself, we could make permanent the moratorium. But it should be made permanent or should be made a long-term extension only when we agree, all of us, that we have another problem attendant to it: the problem of the collection and remission of taxes that support our school system.

Let's do both. We have some in the Chamber who say, let's ignore the issue of school finance; say that doesn't exist. You cannot do that. You cannot cast a blind eye to that problem. It is a problem that is serious and growing. Governor Leavitt from Utah sent me a note about it along with the study of the Institute for States Studies describing this.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INSTITUTE FOR STATE STUDIES,
*Salt Lake City, UT, Oct. 2, 2001.*

NEW STUDY SHOWS SALES TAX REVENUE LOSSES FROM E-COMMERCE 41 PERCENT HIGHER THAN PREVIOUS ESTIMATES

STATES, LOCALITIES PROJECTED TO LOSE $54.8 BILLION A YEAR BY 2011

WASHINGTON.—New figures released here today show that state and local governments will lose $13.3 billion in revenue this year—41 percent higher than previously estimated—because taxes are not paid on remote online purchases as they are on "Main Street" purchases. Projected annual revenue losses jump to $45.2 billion in 2006 and a staggering $54.8 billion by 2011 as a result of skyrocketing business-to-business e-commerce activity.

This continued loss of revenue highlights fairness issues for Main Street retailers, taxpayers and state and local governments. It creates difficult choices for the 45 states and the District of Columbia that rely on sales tax revenue; raise sales, income and/or property tax rates to compensate; cut services like education and public safety; or a combination of both.

The study was prepared by the Center for Business and Research at the University of Tennessee, the pioneers in research on the subject. Data was collected by Forrester Research, Inc., the recognized leader in e-commerce research. The study was commissioned by the Institute for State Studies, a nonprofit public policy group. The study quantifies the amount of sales tax revenue states and local governments stand to lose in 2001, 2006 and 2011 because remote Internet-based retailers are not required to collect and remit sales tax. The U.S. Congress is currently debating how to address this inequity. The report is available online at *www.statestudies.org*.

A broad coalition of retailers, shopping center owners, state and local government leaders and national associations has for some time maintained that current tax policy as it applies to e-commerce isn't fair. They argue that the lack of a "level playing field" in collecting sales taxes leads to significant fairness issues for consumers and businesses. It also creates huge revenue losses for states and local governments, affecting their ability to provide citizens with quality education, effective public safety and other basic services. This research supports those assertions.

For example, Texas will lose $1.2 billion to e-commerce sales tax erosion this year. In Florida, the number is $932.2 million. Illinois will lose out on $532.9 million, Michigan will lose $502.9, Tennessee will lose $362.3 million, Maryland, $194.4 million. In the smallest states, the revenue erosion is large as well. Wyoming will lose $26.1 million; Rhode Island, $36.8 million; North Dakota, $26.4 million; and the District of Columbia, $36.7 million.

In a decade, the revenue losses grow tremendously, according to Donald Bruce, assistant professor at the University of Tennessee and the study's co-author. "By 2011, the potential revenue loss in Texas alone will be $4.8 billion—that's almost 10 percent of the state's total expected tax collections. To make up for this revenue, Texas's current statewide sales tax rate of 6.25 percent would have to rise to 7.86 percent."

Historically, states and localities have responded to this erosion in sales tax revenue by raising tax rates, Bruce pointed out. In 1970, the median sales tax rate in the U.S. was 3.25 percent. This rose to 4.0 percent in 1980 and 5.0 percent in 1990. Fifteen states now have rates at or above 6.0 percent.

"We determined that, to make up for revenue losses due to e-commerce, states and local governments would have to raise their sales tax rates between 0.83 and 1.73 percentage points by 2011," said William F. Fox, study co-author and University of Tennessee professor. "When other factors causing sales tax revenue to shrink are added in, the projected tax increases are even higher."

In addition to erosion from remote sales, states and local governments are facing a loss of sales tax revenue from two other major trends: 1) a greater consumption of generally non-taxable services rather than taxable goods; and 2) a continual practice of state-legislated exemptions that are narrowing the tax base.

Steps are being taken to simplify the sales tax system, such as streamlining the rules and regulations of the 7,500 taxing jurisdictions in the U.S. This Streamlined Sales Tax Project is sponsored by a consortium of government associations led by the National Governors Association. So far, 32 states are participating in the effort to simplify tax rates and definitions of taxable goods, and to certify software that will make it easier for retailers, both on Main Street and on the Internet, to collect sales taxes. Nineteen states have enacted simplification legislation; another 10 have introduced legislation for consideration.

As part of the ongoing e-commerce sales tax debate, the Institute for State Studies will use this research data to educate state, local and national officials about the magnitude of the issue. The Institute for State Studies is a nonprofit center for public policy research and education located at Western Governors University. The foundation focuses on three areas: public policy and governance issues created by new technology, advancing competency-based measurement and certification in education, and increasing speed and decreasing cost in environmental progress.

PROJECTED STATE AND LOCAL REVENUE LOSSES FROM E-COMMERCE ACTIVITY

[Figures in millions]

| State | 2001 | 2006 | 2011 |
|---|---|---|---|
| Alabama | $177.4 | $604.3 | $734.4 |
| Arkansas | 143.8 | 488.0 | 590.9 |
| Arizona | 231.1 | 799.2 | 982.5 |
| California | 1,750.0 | 5,952.0 | 7,225.0 |
| Colorado | 200.7 | 686.4 | 836.2 |
| Connecticut | 190.5 | 648.9 | 788.2 |
| District of Columbia | 36.7 | 123.1 | 147.7 |
| Florida | 932.2 | 3,214.0 | 3,944.4 |
| Georgia | 439.0 | 1,517.8 | 1,865.6 |
| Hawaii | 105.1 | 359.2 | 438.3 |
| Iowa | 111.8 | 372.3 | 443.7 |
| Idaho | 44.4 | 151.5 | 184.6 |
| Illinois | 532.9 | 1,795.3 | 2,161.7 |
| Indiana | 215.5 | 728.5 | 879.8 |
| Kansas | 134.4 | 451.5 | 542.2 |
| Kentucky | 158.7 | 535.5 | 645.8 |
| Louisiana | 302.6 | 1,008.1 | 1,202.5 |
| Massachusetts | 200.6 | 683.0 | 828.6 |
| Maryland | 194.4 | 664.3 | 809.2 |
| Maine | 43.1 | 146.4 | 177.5 |
| Michigan | 502.9 | 1,696.2 | 2,043.6 |
| Minnesota | 270.6 | 920.6 | 1,117.2 |
| Missouri | 261.6 | 884.1 | 1,066.7 |
| Mississippi | 136.5 | 462.8 | 560.0 |
| North Carolina | 293.4 | 1,010.9 | 1,239.4 |
| North Dakota | 26.4 | 87.6 | 103.9 |
| Nebraska | 70.9 | 238.7 | 287.3 |
| New Jersey | 337.8 | 1,150.0 | 1,396.1 |
| New Mexico | 129.1 | 440.2 | 535.4 |
| Nevada | 126.3 | 441.7 | 549.0 |
| New York | 1,052.9 | 3,569.2 | 4,318.4 |
| Ohio | 446.7 | 1,502.2 | 1,805.9 |
| Oklahoma | 202.8 | 670.6 | 794.5 |
| Pennsylvania | 446.4 | 1,503.4 | 1,811.0 |
| Rhode Island | 36.8 | 124.5 | 150.4 |
| South Carolina | 153.4 | 525.0 | 640.5 |
| South Dakota | 39.4 | 133.4 | 161.3 |
| Tennessee | 362.3 | 1,242.8 | 1,518.7 |
| Texas | 1,162.1 | 3,957.0 | 4,805.6 |
| Utah | 104.5 | 359.0 | 439.2 |
| Virginia | 238.5 | 817.0 | 997.2 |
| Vermont | 21.0 | 71.7 | 87.2 |
| Washington | 416.5 | 1,427.3 | 1,745.3 |
| Wisconsin | 213.5 | 721.5 | 871.0 |
| West Virginia | 70.1 | 232.4 | 276.2 |
| Wyoming | 26.1 | 85.2 | 100.0 |
| Total | 13,293.1 | 45,204.3 | 54,849.5 |

Mr. DORGAN. Mr. President, virtually every Governor, or 45 Governors in this country believe strongly we ought to do this, give the States the ability to develop a compact to dramatically simplify their revenue systems. Then, with that compact, we would allow or require the remote sellers to collect the taxes owed.

I am introducing the legislation on behalf of myself, Senator BREAUX, and Senator HUTCHISON, that would extend until June 30 the moratorium that now exists. Between now and June 30 I believe Congress has a responsibility to solve this problem. I don't want there to be and will not support punitive or discriminatory taxes on the Internet. I don't believe we ought to be taxing access to the Internet, and it would not matter to me if we shut it off even for the grandfathered States. The issue of extending the moratorium is not a problem with me.

But we must not extend the moratorium and ignore the other significant problem that exists; and that is, the erosion of billions and billions of dollars that are expected to come in to our State and local government coffers to support our schools. That erosion, to the tune of what is expected to be $54 billion in the year 2011 is a very serious problem and serves no purpose for people to talk only of extending the moratorium and not about the other problem. Let's solve both problems at once on behalf of America's kids and on behalf of remote sellers.

I happen to think the growth of the Internet is a wonderful thing. I think catalog sales are a wonderful thing. I think Main Street businesses are great. I think all the commerce opportunities that exist in this country enhance this country. The Main Street business people say to us: We rent the business, we hire the employees, we carry the inventory, and if you come to our Main Street business and buy a product, we must collect the sales tax. But someone a thousand miles away who competes by catalog or television monitor can make the same sale and sell it without collecting the sales tax. It is true the buyer has a tax responsibility.

but the buyer almost never remits that small use tax to the State when that sale is made.

Those are the issues. I call attention today to the fact that some colleagues introduced a piece of legislation that calls for a moratorium for 2 years, some are talking about 5 years. One was introduced, I believe, by my colleague from Virginia and my colleague from California for a 5-year extension. Another was introduced for a 2-year extension. I believe both are too long. I believe the extension until June 30 of next year, with a requirement we get to work, will give the States and the Internet sellers and remote sellers the time they need to get to work and solve this problem. Let's extend it forever as far as I am concerned, but we should fix the long-term problem as we do so.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Internet Tax Moratorium Extension Act".

**SEC. 2. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM THROUGH JUNE 30, 2002.**

(a) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 nt.) is amended by striking "3 years after the date of enactment of this Act—" and inserting "on June 30, 2002:".

(b) CONFORMING AMENDMENTS.—Section 1101(a) of that Act (47 U.S.C. 151 nt.) is further amended—

(1) by striking "taxes" in paragraph (1) and inserting "Taxes";

(2) by striking "1998; and" in paragraph (1) and inserting "1998."; and

(3) by striking "multiple" in paragraph (2) and inserting "Multiple".

**SEC. 3. SENSE OF THE CONGRESS.**

It is the sense of the Congress that State governments and interested business organizations should expedite efforts to develop a streamlined sales and use tax system that, once approved by Congress, would allow sellers to collect and remit sales and use taxes without imposing an undue burden on interstate commerce.

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By Mrs. BOXER (for herself, Mr. ALLEN, Mr. INOUYE, and Mr. KERRY):

S. 1505. A bill to authorize the Secretary of Commerce to establish a Travel and Tourism Promotion Bureau; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am introducing the Rediscover America Act of 2001 along with my colleagues, Senator ALLEN, Senator INOUYE, and Senator KERRY. The Rediscover America Act is a bipartisan effort to help promote travel and tourism in the United States in the wake of the September 11, 2001 terrorist attacks on America.

The bill directs the U.S. Secretary of Commerce to establish a Travel and Tourism Promotion Bureau. The Bureau would work with the private sector to develop a public service/advertising campaign to encourage people to rediscover America. While the Bureau will work in the same spirit as the former Travel and Tourism Administration, it will not be a large new bureaucracy. The bill is designed to give the Secretary the flexibility to appoint up to three existing Department of Commerce employees to work on this 2-year project. At least $60 million of the funds provided in the supplemental appropriations bill would be available for this effort so that the campaign can begin quickly. We envision celebrities and national leaders participating in ads that will tout the beauty of the nation and encourage people here and abroad to Rediscover America.

We need the Rediscover America Act at this time for a number of reasons. The revitalization of the travel and tourism industry following the September 11, 2001 terrorist attacks on the United States is a national economic necessity. The travel and tourism industry has a large impact on the U.S. economy, adding nearly 5 percent of the GDP, generating more than $578 million in revenues, supporting more than 17 million jobs, and providing a $14 million trade surplus for the country.

In California, the travel and tourism industry provides over 1.1 million jobs. Those jobs are now in danger. We estimate that the total direct and indirect losses in the travel and tourism industry as a result of declining consumer confidence could reach nearly 20,000. We need to encourage people to travel in order to restore jobs for people in the industry.

In light of the effect that the attacks have had on the travel and tourism industry, it is important to put measures immediately into place to encourage consumer confidence in travel and in the economy.

Safety and security in travel is of utmost importance in order to restore consumer confidence in the industry. But we will have to get the message out there that it is safe to travel again in order to get passengers back on planes.

While this marketing assistance can only constitute one facet of our response to the current crisis in the travel and tourism industry, we hope its impact will be widely felt. More than 95 percent of the businesses in travel and tourism are small to medium sized enterprises who need help now. Again, this is only one step toward getting the travel and tourism industry back on its feet. Its restoration is vital for the future well being of our economy.

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By Mr. NELSON of Florida:

S. 1506. A bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, I am introducing legislation today to take care of a major problem we overlooked recently in passing the defense authorization bill.

I take my inspiration from Holy Scripture where we are told that in God's eyes, the measure of our faith is to look after orphans and widows in their distress.

The fiscal year 2002 Defense authorization bill we just passed corrected one long-standing inequity but not another longstanding inequity. What the Defense authorization bill did was correct an inequity by restoring benefits to our disabled military retirees because currently our system penalizes military retirees, who have given our country the best years of their lives, by reducing their retirement pay by the amount of disability pay they are entitled to receive.

This simply is not fair. Senator REID, our great Democratic floor leader, offered the amendment to the Defense authorization bill, and it was accepted. It allows the disabled military retirees to receive both their disability pay and their retirement pay concurrently instead of one offsetting the other. It makes it effective upon the Defense authorization bill becoming law.

I supported it. All of us supported the Reid amendment. It is now included in the final version of the bill. That correction in law is long overdue.

Now there is another related injustice which needs to be addressed. The legislation I am offering will extend the same protection of benefits to the widows and orphans of military retirees because the same kind of rule that penalized disabled retirees, the offset of disability pay to military retirement pay, also hurts the widows and the surviving children.

Mr. President, go back to 1972 when Congress established the military survival benefits plan to provide retirees' survivors an annuity that was specifically modeled after the civil service survival benefit plan. Like the civilian plan, the military survivors benefit plan is a volunteer benefit program purchased by the retiree. Retired service members pay for this benefit from their retired pay. Then upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity.

Surviving spouses or dependent children of 100-percent service-connected disabled retirees are also entitled to dependency and indemnity compensation from the Veterans' Administration. But the annuity paid by the survivors benefits plan and received by a widow or an orphan is reduced by the amount of the dependency and indemnity compensation received from the VA—the same unfair offset that we are now correcting for our military retirees.

So the penalty for widows or orphans is no more justifiable than for retirees. In fact, in the absence of their veteran spouse or parent, the survivors' need for a stable income is often greater. They have depended on the person who has received this disability pay because that disabled person's income was lowered because of their disability, and often because the spouse or the children have to be caregivers to the disabled person, their incomes likewise are reduced; thus the need for this disability pay as set up in law sometime ago for the survivors' need.

Well, Mr. President, I know of no other surviving spouse annuity program in the Federal or private sector that is permitted to offset, terminate, or reduce their survivor payments because of disability payments. Naturally, I was disappointed in this year's Defense authorization bill that we have left behind the widows or orphans of 100-percent disabled retirees. I am not talking about 50-percent disabled; I am talking about the widows or orphans of 100-percent disabled retirees.

I believe we should have and could have addressed this issue when we fixed the offset problem for military retirees. But we didn't. So that is what we are trying to correct with the offering of this legislation.

We should honor our commitments with disabled military retirees and their surviving widows and dependent children. So today I am offering standalone legislation to eliminate that offset called the VA dependency and indemnity compensation offset against the annuity paid by the survivors benefit plan.

I will repeat what I said at the outset. In the first chapter of James, verse 27 of the Holy Scriptures, we are told in God's eyes that the true measure of our faith is to look after orphans and widows in their distress. So we simply can't allow this situation to stand. We need to restore the full benefits to our country's military retirees and their families. I will continue to work to do right by those who have given this Nation their all, and especially for the loved ones they may leave to our care.

Thank you for the opportunity of addressing the Senate as I introduce this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1506

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

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By Mr. CORZINE (for himself, Mr. REED, and Mr. TORRICELLI):

S. 1508. A bill to increase the preparedness of the United States to respond to a biological or chemical weapons attack; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the Biological and Chemical Attack Preparedness Act, legislation that would help prepare our public health infrastructure for the possibility of a future biological or chemical attack.

The attacks of September 11 have focused attention on the threat posed to our entire Nation by terrorists, especially the threat of biological and chemical attacks. My office has received numerous letters and phone calls from constituents alarmed by recent news reports that the Federal Aviation Administration grounded crop dusters. Some speculate that the small propeller planes might be used to deliver chemical or biological weapons over a broad area, threatening the health and well being of the people below. The implications of such an attack are enormous. One analysis from the Centers for Disease Control predicted that a few kilograms of anthrax delivered over a major metropolitan area would kill more people than the atomic bomb dropped on Hiroshima.

While the US is fortunate to have avoided a biological or chemical attack thus far, the threat of such an attack is very real. In 1995, it was hard to imagine that Japan would be targeted for such an attack. But that year, an apocalyptic cult did just that in a Tokyo subway station. The highly sophisticated cult counted scientists among its adherents and developed a deadly chemical weapon: sarin gas. They employed a crude form of delivery, filling soda cans and lunch boxes with sarin gas and puncturing the improvised containers as they left a rail car.

While technical expertise and considerable resources are required, it is clear that a motivated terrorist group can unleash a chemical or biological weapon on a complacent population. The possibility of such an attack seems even greater when one realize that many of the countries considered to be active state sponsors of terrorism by the State Department are also believed to be developing chemical and biological weapons.

The events of September 11 have brought our country's vulnerability to an attack with chemical and biological weapons into even greater focus. However, the challenge of maintaining the functionality of key infrastructure in the event of a chemical or biological emergency has been a concern for some time. The well-regarded Hart-Rudman report calls for careful preparation and explains that in a biological attack, "citizen cooperation with government authorities will depend on public confidence that those authorities can manage the emergency." A recent Newsweek poll found that 46 percent of respondents were not convinced that national and local governments are prepared to handle an attack with biological or chemical weapons.

Unfortunately, Americans have reason to be skeptical about the extent or which our public health system is prepared for a chemical or biological attack. The overwhelming consensus among public health officials is that our health care infrastructure today is not equipped to address a mass casualty incident involving chemical and biological weapons.

The attack in Japan in 1995 was the first time in history when chemical weapons were turned on a civilian population. As such, it is a valuable and instructive case study. The attack itself killed eleven Japanese civilians and injured several hundred, a tragedy by any measure, but with a limited death count. The incident has broader significance for what it shows about the failure of an advanced public health system to respond to a biological or chemical weapon emergency. Specifically, the attack highlighted unfortunate weaknesses in Japan's ability to coordinate a comprehensive public health response.

To put it mildly, the subway attack caught Japan's public health system off guard. St. Luke's International Hospital received most victims of the attack, treating over six hundred Japanese patients. Although even before the attack the hospital maintained a high level of emergency preparedness and conducted periodic emergency drills, it was not ready for the tremendous surge of acutely ill patients that overwhelmed the emergency room. The hospital was not prepared to treat victims manifesting the symptoms characteristics of sarin gas poisoning. It was not prepared to guarantee the health and safety of the healthcare workers employed there. And, although terribly overburdened with patients being treated in the chapel and cafeteria, it was unable to release patients to other hospitals, knowing that other hospitals were even less prepared to deal with the unique challenges posed by victims of chemical weapons. Because of the use of chemical weapons, standards already established for mass casualty incidents were found to be inadequate, and the staff was forced to improvise. According to a study conducted by the hospital, more than twenty-percent of the health professionals assisting the victims developed sarin gas poisoning themselves.

Healthcare workers helping the sick were put into harm's way. Had the chemical or biological agent been more severe or had the health professionals received a greater dose, the implications of Japan's lack of preparation could have been even more serious.

The United States must learn from the nightmare experienced by Japan and shore up our public health infrastructure before it is too late.

Unfortunately, despite several programs that have moved us in the right direction, including the historic Frist-Kennedy emerging threats legislation passed in the last Congress that I hope will receive the funding it deserves, the United States' public health system is not much more prepared than Japan's in 1995.

A study appearing in the May 2001 issue of the respected American Journal of Public Health reveals a troubling situation. Of the hospitals that responded to a survey, fewer than 20 percent had any plans for biological or chemical weapons incidents. That means only one-fifth of hospitals nationwide had even considered the implications of a chemical or biological attack on delivery of care. And only 6 percent had the minimum recommended physical resources for a hypothetical sarin incident. It is clear, that the U.S. is not prepared.

The study outlines that the "Domestic Preparedness Program . . . has included no systemic efforts to integrate hospitals into response plans, and it has provided only limited funds to acquire resources for state and local responders and none for hospitals." It is time to ensure that our public health system is up to the challenges of the new threat environment, including the possibility that chemical weapons or biological agents will be released on the United States.

A report published by the American Hospital Association in conjunction with the Office of Emergency Preparedness, found that the fundamental problem is, and I quote, "there is no general societal support for the preparedness role of the hospital." Up until this point, there was no requirement for individual hospitals or departments of health to plan for the possibility of a chemical or biological attack. Nor was there any funding to help them in this important process. In our previous approach to bioterrorism, we have focused on stockpiling medical supplies and creating additional laboratory capacity, but we have ignored the emergency preparedness of our hospitals.

The Biological and Chemical Attack Preparedness Act seeks to overcome this failing of our public health system in several important ways. First, it would require States to develop public health disaster plans in consultation with local governments. It is vital that the various state governments rapidly devise and implement plans based on their own specific needs and strengths. The public health disaster plan developed by Nebraska will be very different from the one developed by New Jersey, and for good reason. The public health challenges posed by a rural population are different than those posed by a suburban or urban population. State plans must take into account the distribution and the pre-existing capabilities of hospitals in their states. They must address issues surrounding proximity to care and the financial costs of implementing a system. Simply put, they must devise a mechanism for providing care to all affected state residents in the event of an attack.

This being said, as with national security issues generally, there is an important federal role. It is the job of the Department of Health and Human Services to establish broad guidelines and oversee the implementation of the various plans. Just as we need coordination between States, localities, and hospitals, we need coordination with the national health system. To ensure that states comply, Medical funding would be withheld for any state that failed to meet the broad requirements of the legislation.

Second, as part of the public health disaster plan, States would be required to designate hospitals so that all state residents affected by a chemical or biological weapons disaster would have access to treatment. Each designated hospital would be required to devise and implement a chemical and biological weapons response that complies with their responsibilities as a component of the State's overall response. Right now, with only 6 percent of hospitals providing a high level of chemical and biological weapons attack readiness, we are far from the goal of ensuring that any person affected by chemical or biological weapons can receive treatment. Hospitals designated as part of the plan must be prepared with equipment, trained personnel, and pharmaceutical products sufficient to meet the anticipated need in the event of chemical or biological attack.

I know we are asking a lot of our States and of our hospitals. Certainly, the additional precautions taken to prepare for an unconventional attack will be expensive. To address this real concern, the bill would create a new grant program administered by the Office of Emergency Preparedness of HHS to fund the implementation of biological and chemical attack preparedness strategies by health care providers. Hospitals could use the funds to purchase Class-A suits to protect healthcare professionals, filtration equipment to clean the air, shower units to remove chemical agents, antibiotics and vaccines to treat patients, and, perhaps most importantly, training for the staff to recognize the warning signs of an attack. And, because we are asking for additional preparation on the part of designated hospitals, they will receive preferential treatment in the grant program. Not incidentally, local governments would be eligible for the grants as well, providing a level of local control and oversight that is a vital component of a truly coordinated response.

The Biological and Chemical Attack Preparedness Act would help ensure that our national public health system is prepared to orchestrate a skillful, quick and coordinated response to an attack with chemical or biological weapons. The bill would provide the resources necessary to assist hospitals and local governments in getting up to speed. And it would ensure that the various jurisdictions in our public health system are working together towards a single compelling goal: preparing for the devastating implications of a chemical or biological weapons attack. It would be far better to spend the money now than suffer the grim consequences later.

I urge my colleagues to support this important piece of legislation, and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

## S. 1508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Biological and Chemical Attack Preparedness Act".

### SEC. 2. STATE PUBLIC HEALTH DISASTER PLANS.

(a) In General.—Not later than 120 days after the publication of the standards developed by the Secretary of Health and Human Services (in this Act referred to as the "Secretary") under subsection (c), each State shall develop a State public health disaster plan for responding to biological or chemical attacks. Not later than 180 days after the publication of such standards, each State shall fully implement the State's plan.

(b) Requirements of Plan.—A State public health disaster plan developed under subsection (a) shall—

(1) comply with the standards developed under subsection (c);

(2) require designated hospitals and health care providers in the State to have procedures in place to provide health care items and services (including antidotes, vaccines or other drugs or biologicals) to all State residents in the event of a biological or chemical attack;

(3) require that hospitals and health care providers designated under paragraph (2)

conduct drills, on a semiannual or other basis determined appropriate by the Secretary, to ensure the readiness of such hospital or provider to receive and treat victims of a biological or chemical attack;

(4) be developed in consultation with affected local governments and hospitals; and

(5) meet such other requirements as the Secretary determines appropriate.

(c) STANDARDS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall develop, and publish in the Federal Register, standards relating to State public health disaster plans, including requirements relating to the equipment, training, treatment, and personnel that a hospital or health care provider must have to be a designated hospital or provider under such plan.

(d) SUBMISSION TO SECRETARY.—

(1) IN GENERAL.—Not later 360 days after the date on which standards are published under subsection (c), and annually (or at such other regular periods as the Secretary may determine appropriate) thereafter, a State shall submit to the Secretary for approval the disaster plan developed by the State under this section. The Secretary may only approve such plan if the Secretary determines that the plan complies with such standards.

(2) MONITORING.—The Secretary shall monitor the States to determine whether each State has developed and implemented a State disaster plan in accordance with this section.

(e) MEDICAID STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking "and" at the end;

(2) in paragraph (65), by striking the period at the end and inserting "; and", and

(3) by inserting after paragraph (65) the following:

"(66) provide that the State shall develop, for approval by the Secretary, and have in effect a State public health disaster plan for responding to biological or chemical attacks in accordance with section 2 of the Biological and Chemical Attack Preparedness Act, except that this paragraph shall not apply to a State if the Secretary waives the application of this paragraph because of the existence of exceptional circumstances.".

### SEC. 3. GRANTS FOR TRAINING, EQUIPMENT, AND PERSONNEL.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Emergency Preparedness, shall award grants to hospitals and health care providers to enable such hospitals and providers to provide training, give treatment, purchase equipment, and employ personnel.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible for a grant under subsection (a), a hospital or health care provider shall in consultation with the State, prepare and submit to the Director of the Office of Emergency Preparedness, an application at such time, in such manner, and containing such information as the Director may require.

(2) PREFERENCE FOR DESIGNATED HOSPITALS AND PROVIDERS.—In awarding grants under this section, the Director shall give priority to applicant hospitals and health care providers that are designated hospitals or providers under the State public health disaster plan under section 2.

(3) GOVERNMENTAL ENTITIES.—Notwithstanding paragraph (1)(A), the Director may award a grant under this section to a State or local governmental entity if the Secretary determines that such an award is appropriate.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A grantee shall use amounts received under a grant under this section to provide training, give treatment (including the provision of antidotes, vaccines or other drugs or biologicals), purchase equipment, and employ personnel as determined to be appropriate by the Director of the Office of Emergency Preparedness to enable the grantee to carry out its duties under the State public health disaster plan.

(2) TECHNICAL EXPERTISE.—A grantee may use amounts received under a grant under this section to acquire technical expertise to enable the grantee to develop appropriate responses to biological or chemical attacks.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

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Mr. REED. Mr. President, I am pleased to join my colleagues, Senators CORZINE and TORRICELLI of New Jersey in introducing this timely and important legislation. The Biological and Chemical Attack Preparedness Act seeks to address a critical need that currently exists in our health care emergency preparedness network.

Since the devastating attacks of September 11, it has become apparent that we as a Nation face many threats for which we must be prepared. Over the past decade, the Federal Government has made significant investments in research, planning and implementation of procedures designed to deal with a variety of terrorist attacks, including strengthening our public health system so that it may respond effectively to a potential biological or chemical terrorist event. In that time, we have made great progress in solidifying our level of preparedness for these kinds of insidious events. Nevertheless, the events of last month have also made us keenly aware of our vulnerabilities, particularly when it comes to State and local health systems, where our ability to resond to a major catastrophic event is not what it should be.

Specifically, while the 1996 Defense Against Weapons of Mass Destruction Act required the development of a Domestic Preparedness Program, including efforts to improve capacity of local emergency response agencies, only limited funds were provided to state and local responders and none for hospitals. For those hospitals that have devised plans, the challenge is often finding the resources to acquire the appropriate equipment and training necessary to respond to a chemical or biological event.

The Biological and Chemical Attack Preparedness Act we are introducing today would address this urgent problem by requiring all States to think strategically about their health systems and how they might be called to respond to a biological or chemical attack. Each State would submit to the Department of Health and Human Services for review and approval a disaster preparedness plan that would designate certain hospitals and providers to respond to a terrorist attack. These facilities would devise and implement chemical and biological weapons response plans that conform to their responsibilities as a component of the State's overall disaster response. To help defray these additional costs, the bill authorizes a new grant program administered by HHS' Office of Emergency Preparedness to fund the implementation of biological and chemical attack preparedness strategies.

This legislation compliments ongoing efforts to enhance our public health capability to minimize casualties should a biological or chemical attack occur within our borders. Indeed, it is absolutely essential that every link in the health system chain, from the individual provider to our Federal health agencies, has the tools it needs to carry out the tasks for which it is responsible in this new world.

I thank my colleagues for the opportunity to join them today in this important endeavor and urge the Senate to take quick action to adopt this important legislation.

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By Mr. ROCKEFELLER:

S. 1509. A bill to establish a grant program to enable rural police departments to gain access to the various crime-fighting, investigatory, and information-sharing resources available on the Internet, and for other purposes; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, I am proud today to introduce the Networking Electronically To Connect Our Police Act of 2001, or the NET COP Act, which will help police departments in rural communities throughout the United States take advantage of the many crime-fighting and information-sharing resources available through the Internet.

In the first decade of widespread use of the Internet, people everywhere have become accustomed to ready availability of a tremendous volume of useful information available to anyone with a computer and access to the Web. Federal, State, and local law enforcement agencies in this country have made extremely good use of this capability to share intelligence, to widen their investigatory nets, to find lost or abducted children, to locate deadbeat parents, to tap into centralized criminal databases, and to track and apprehend criminals with a speed they could not have dreamed of before using the Internet.

Unfortunately, as truly amazing as the law enforcement successes have been, the results could be better. Much as schools, libraries, local governments, and businesses in rural America have not always shared equally in the benefits of Internet access with their counterparts in urban and suburban areas, police departments serving some smaller communities have been unable to participate in this revolutionary crime-fighting technology to the same degree enjoyed by big-city departments.

Of the many lessons this country learned so painfully because of the terrorist attacks of September 11, perhaps the most painful is that information and intelligence that is not shared is information and intelligence wasted, often with tragic results. Crimes, including acts of terrorism, might be prevented if the right information finds its way to the appropriate law enforcement officials. We are also sensitized to the fact that crime knows no boundaries. In the world today, criminal activity is as great a concern for citizens and police officers in small towns as it is for those in large population centers. With our renewed national dedication to supplying law enforcement agencies with the tools they need to fight crime, we cannot doubt the necessity of ensuring that police departments in rural communities, like their colleagues in cities, have access to Internet-based crime-fighting and information-sharing resources.

The NET COP Act does just this. This bill sets up a grant program, administered by the United States Department of Justice, to enable rural police departments without Internet access to purchase appropriate computer hardware and software, or to pay for Internet access, so that they can join the many thousands of federal, State, and local agencies already sharing information and cooperating to track down and arrest criminals via such Internet-based services as DOJ's Regional Information Sharing Systems, RISS, and the FBI's Law Enforcement On-Line, LEO, program. NET COP grants will be given directly to police chiefs, so that they can buy just what they need to hook into the growing network of web-based law enforcement tools. NET COP grants will also be available for computer upgrades, if they are determined to be necessary.

Some rural police department officials and officers have been able to afford computer equipment, or to have their departments wired for the Internet, and have paid for out of their own pockets. So, NET COP grants will also be made available for reimbursement to those police officers and officials who have taken it upon themselves to provide their departments with these essential tools. Criteria for this reimbursement will be set by the Attorney General.

Additionally, this bill will require the Attorney General to set up a Police Department Technology Assistance Desk, to answer questions from local police chiefs about necessary technologies, and to assist police officials and local governments in making appropriate purchases from reputable dealers.

Finally, to gauge how effective the NET COP grant program is, the bill requires the General Accounting Office to make an annual report to Congress comparing the concentration of the nation's "wired" police departments generally with the number of rural departments having Internet access.

I believe the NET COP Act will serve as an extremely important crime-fighting tool for rural America. As we endeavor to create a safer and more secure United States, I recommend this legislation as a crucial component of a comprehensive response to crime.

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By Mr. DASCHLE (for himself, Mr. LOTT, Mr. LEAHY, Mr. HATCH, Mr. GRAHAM, Mr. SHELBY, and Mr. SARBANES):

S. 1510. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; read the first time.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 1510

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting and Strengthening America Act" or the "USA Act of 2001".

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

### TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of national electronic crime task force initiative.
Sec. 106. Presidential authority.

### TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.

### TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. 4-Year congressional review-expedited consideration.

### SUBTITLE A—INTERNATIONAL COUNTER MONEY LAUNDERING AND RELATED MEASURES

Sec. 311. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 312. Special due diligence for correspondent accounts and private banking accounts.
Sec. 313. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 314. Cooperative efforts to deter money laundering.
Sec. 315. Inclusion of foreign corruption offenses as money laundering crimes.
Sec. 316. Anti-terrorist forfeiture protection.
Sec. 317. Long-arm jurisdiction over foreign money launderers.
Sec. 318. Laundering money through a foreign bank.
Sec. 319. Forfeiture of funds in United States interbank accounts.
Sec. 320. Proceeds of foreign crimes.
Sec. 321. Exclusion of aliens involved in money laundering.
Sec. 322. Corporation represented by a fugitive.
Sec. 323. Enforcement of foreign judgments.
Sec. 324. Increase in civil and criminal penalties for money laundering.
Sec. 325. Report and recommendation.
Sec. 326. Report on effectiveness.
Sec. 327. Concentration accounts at financial institutions.

### SUBTITLE B—CURRENCY TRANSACTION REPORTING AMENDMENTS AND RELATED IMPROVEMENTS

Sec. 331. Amendments relating to reporting of suspicious activities.
Sec. 332. Anti-money laundering programs.

Sec. 333. Penalties for violations of geographic targeting orders and certain recordkeeping requirements, and lengthening effective period of geographic targeting orders.
Sec. 334. Anti-money laundering strategy.
Sec. 335. Authorization to include suspicions of illegal activity in written employment references.
Sec. 336. Bank Secrecy Act advisory group.
Sec. 337. Agency reports on reconciling penalty amounts.
Sec. 338. Reporting of suspicious activities by securities brokers and dealers.
Sec. 339. Special report on administration of Bank Secrecy provisions.
Sec. 340. Bank Secrecy provisions and antiterrorist activities of United States intelligence agencies.
Sec. 341. Reporting of suspicious activities by hawala and other underground banking systems.
Sec. 342. Use of Authority of the United States Executive Directors.

SUBTITLE D—CURRENCY CRIMES

Sec. 351. Bulk cash smuggling.

SUBTITLE E—ANTICORRUPTION MEASURES

Sec. 361. Corruption of foreign governments and ruling elites.
Sec. 362. Support for the financial action task force on money laundering.
Sec. 363. Terrorist funding through money laundering.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the northern border.
Sec. 402. Northern border personnel.
Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 404. Limited authority to pay overtime.
Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.
Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 413. Multilateral cooperation against terrorists.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Professional Standards for Government Attorneys Act of 2001.
Sec. 502. Attorney General's authority to pay rewards to combat terrorism.
Sec. 503. Secretary of State's authority to pay rewards.
Sec. 504. DNA identification of terrorists and other violent offenders.
Sec. 505. Coordination with law enforcement.
Sec. 506. Miscellaneous national security authorities.
Sec. 507. Extension of Secret Service jurisdiction.
Sec. 508. Disclosure of educational records.
Sec. 509. Disclosure of information from NCES surveys.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public Safety Officers Benefit Program payment increase.
Sec. 614. Office of justice programs.

Subtitle B—Amendments to the Victims of Crime Act of 1984

Sec. 621. Crime Victims Fund.
Sec. 622. Crime victim compensation.
Sec. 623. Crime victim assistance.
Sec. 624. Victims of terrorism.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
Sec. 802. Expansion of the biological weapons statute.
Sec. 803. Definition of domestic terrorism.
Sec. 804. Prohibition against harboring terrorists.
Sec. 805. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 806. Material support for terrorism.
Sec. 807. Assets of terrorist organizations.
Sec. 808. Technical clarification relating to provision of material support to terrorism.
Sec. 809. Definition of Federal crime of terrorism.
Sec. 810. No statute of limitation for certain terrorism offenses.
Sec. 811. Alternate maximum penalties for terrorism offenses.
Sec. 812. Penalties for terrorist conspiracies.
Sec. 813. Post-release supervision of terrorists.
Sec. 814. Inclusion of acts of terrorism as racketeering activity.
Sec. 815. Deterrence and prevention of cyberterrorism.
Sec. 816. Additional defense to civil actions relating to preserving records in response to government requests.
Sec. 817. Development and support of cybersecurity forensic capabilities.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to director of central intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National virtual translation center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

### SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

## TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

### SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

### SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

### SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

### SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking "2332c" and inserting "2332a"; and

(2) by striking "chemical".

### SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

### SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking "; and" and inserting a comma and the following:

"by any person, or with respect to any property, subject to the jurisdiction of the United States;";

(B) in subparagraph (B)—

(i) by inserting ", block during the pendency of an investigation" after "investigate"; and

(ii) by striking "interest;" and inserting "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and"; and

(C) by inserting at the end the following:

"(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes."; and

(2) by inserting at the end the following:

"(c) Classified Information.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.".

## TITLE II—ENHANCED SURVEILLANCE PROCEDURES

### SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

"(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

### SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

### SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) Authority to Share Grand Jury Information.—

(1) In general.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking "or" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)) to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting "(i)" after "(C)";

(B) redesignating clauses (i) through (v) as subclauses (I) through (IV), respectively; and

(C) inserting at the end the following:

"(ii) In this subparagraph, the term 'foreign intelligence information' means—

"(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(aa) the national defense or the security of the United States; or

"(bb) the conduct of the foreign affairs of the United States.".

(b) Authority To Share Electronic, Wire, and Oral Interception Information.—

(1) Law enforcement.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

"(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.".

(2) Definition.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking "and" after the semicolon;

(B) in paragraph (18), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(19) 'foreign intelligence information' means—

"(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

"(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or "(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

"(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

"(i) the national defense or the security of the United States; or

"(ii) the conduct of the foreign affairs of the United States.".

(c) Procedures.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(v) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) Foreign Intelligence Information.—

(1) In general.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) Definition.—In this subsection, the term "foreign intelligence information" means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

### SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking "this chapter or chapter 121" and inserting "this chapter or chapter 121 or 206 of this title"; and

(2) by striking "wire and oral" and inserting "wire, oral, and electronic".

### SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) Security Requirements.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) Report.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

### SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

### SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) Duration .—

(1) Surveillance.—Section 105(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) Physical Search.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) Extension.—

(1) In general.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) Defined term.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A)".

### SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no less than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

### SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "Contents of electronic" and inserting "Contents of wire or electronic" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

### SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of the subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

### SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by inserting at the end the following:

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing customer cable television viewing activity."; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

### SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Disclosure of Contents.—

(1) In general.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**"§ 2702. Voluntary disclosure of customer communications or records";**

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (2) the following:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "Exceptions.—A person or entity" and inserting "Exceptions for disclosure of communications.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) Exceptions for Disclosure of Customer Records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) Requirements for Government Access.—

(1) In general.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**"§ 2703. Required disclosure of customer communications or records";**

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting "; or"; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

"(E) seeks information under paragraph (2)."; and

(D) in paragraph (2) (as redesignated) by striking "subparagraph (B)" and insert "paragraph (1)".

(2) Technical and conforming amendment.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

"2703. Required disclosure of customer communications or records.".

### SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting "(a) In General.—" before "In addition"; and

(2) by adding at the end the following:

"(b) Delay.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

"(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

"(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

"(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.".

### SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) Applications and Orders.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking "for any investigation to gather foreign intelligence information or information concerning international terrorism" and inserting "for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution";

(2) by amending subsection (c)(2) to read as follows:

"(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.";

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

"(A) shall specify—

"(i) the identity, if known, of the person who is the subject of the investigation;

"(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

"(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.".

(b) Authorization During Emergencies.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution"; and

(2) in subsection (b)(1), by striking "foreign intelligence information or information concerning international terrorism" and inserting "information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution".

### SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

### "SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

"(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

"(2) An investigation conducted under this section shall—

"(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

"(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(b) Each application under this section—

"(1) shall be made to—

"(A) a judge of the court established by section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

"(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

"(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

"(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

"(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

"(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

### "SEC. 502. CONGRESSIONAL OVERSIGHT.

"(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

"(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

"(2) the total number of such orders either granted, modified, or denied.".

### SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

"(a) IN GENERAL.—

"(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

"(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.".

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or".

(2) PEN REGISTER.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication"; and

(B) by inserting "or process" after "device" each place it appears.

(3) TRAP AND TRACE DEVICE.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking "of an instrument" and all that follows through the semicolon and inserting "or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;"; and

(B) by inserting "or process" after "a device".

(4) CONFORMING AMENDMENT.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking "and"; and

(B) by inserting ", and 'contents'" after "electronic communication service".

(5) TECHNICAL AMENDMENT.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

### SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking "and" at the end;

(B) in paragraph (18), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (18) the following:

"(19) 'protected computer' has the meaning set forth in section 1030; and

"(20) 'computer trespasser'—

"(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

"(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer."; and

(2) in section 2511(2), by inserting at the end the following:

"(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

"(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

"(ii) the person acting under color of law is lawfully engaged in an investigation;

"(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

"(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.".

### SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking "the purpose" and inserting "a significant purpose".

### SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after "executed" the following: "and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district".

### SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking "under the Federal Rules of Criminal Procedure" every place it appears and inserting "using the procedures described in the Federal Rules of

Criminal Procedure by a court with jurisdiction over the offense under investigation"; and

(2) in section 2711—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.".

### SEC. 221. TRADE SANCTIONS.

(a) In general.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

"(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.";

(2) in section 906(a)(1)—

(A) by inserting ", the Taliban or the territory of Afghanistan controlled by the Taliban," after "Cuba"; and

(B) by inserting ", or in the territory of Afghanistan controlled by the Taliban," after "within such country"; and

(3) in section 906(a)(2), by inserting ", or to any other entity in Syria or North Korea" after "Korea".

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

### SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

## TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001.

### SEC. 301. SHORT TITLE.

This title may be cited as the "International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001".

### SEC. 302. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) money laundering, estimated by the International Monetary Fund to amount to between 2 and 5 percent of global gross domestic product, which is at least $600,000,000,000 annually, provides the financial fuel that permits transnational criminal enterprises to conduct and expand their operations to the detriment of the safety and security of American citizens;

(2) money laundering, and the defects in financial transparency on which money launderers rely, are critical to the financing of global terrorism and the provision of funds for terrorist attacks;

(3) money launderers subvert legitimate financial mechanisms and banking relationships by using them as protective covering for the movement of criminal proceeds and the financing of crime and terrorism, and, by so doing, can threaten the safety of United States citizens and undermine the integrity of United States financial institutions and of the global financial and trading systems upon which prosperity and growth depend;

(4) certain jurisdictions outside of the United States that offer "offshore" banking and related facilities designed to provide anonymity, coupled with special tax advantages and weak financial supervisory and enforcement regimes, provide essential tools to disguise ownership and movement of criminal funds, derived from, or used to commit, offenses ranging from narcotics trafficking, terrorism, arms smuggling, and trafficking in human beings, to financial frauds that prey on law-abiding citizens;

(5) transactions involving such offshore jurisdictions make it difficult for law enforcement officials and regulators to follow the trail of money earned by criminals, organized international criminal enterprises, and global terrorist organizations;

(6) correspondent banking facilities are one of the banking mechanisms susceptible in some circumstances to manipulation by foreign banks to permit the laundering of funds by hiding the identity of real parties in interest to financial transactions;

(7) private banking services can be susceptible to manipulation by money launderers, for example corrupt foreign government officials, particularly if those services include the creation of offshore accounts and facilities for large personal funds transfers to channel funds into accounts around the globe;

(8) United States anti-money laundering efforts are impeded by outmoded and inadequate statutory provisions that make investigations, prosecutions, and forfeitures more difficult, particularly in cases in which money laundering involves foreign persons, foreign banks, or foreign countries;

(9) the ability to mount effective countermeasures to international money launderers requires national, as well as bilateral and multilateral action, using tools specially designed for that effort; and

(10) the Basle Committee on Banking Regulation and Supervisory Practices and the Financial Action Task Force on Money Laundering, of both of which the United States is a member, have each adopted international anti-money laundering principles and recommendations.

(b) Purposes.—The purposes of this title are—

(1) to increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism;

(2) to ensure that—

(A) banking transactions and financial relationships and the conduct of such transactions and relationships, do not contravene the purposes of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act, or chapter 2 of title I of Public Law 91–508 (84 Stat. 1116), or facilitate the evasion of any such provision; and

(B) the purposes of such provisions of law continue to be fulfilled, and that such provisions of law are effectively and efficiently administered;

(3) to strengthen the provisions put into place by the Money Laundering Control Act of 1986 (18 U.S.C. 981 note), especially with respect to crimes by non-United States nationals and foreign financial institutions;

(4) to provide a clear national mandate for subjecting to special scrutiny those foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that pose particular, identifiable opportunities for criminal abuse;

(5) to provide the Secretary of the Treasury (in this title referred to as the "Secretary") with broad discretion, subject to the safeguards provided by the Administrative Procedures Act under title 5, United States Code, to take measures tailored to the particular money laundering problems presented by specific foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions;

(6) to ensure that the employment of such measures by the Secretary permits appropriate opportunity for comment by affected financial institutions;

(7) to provide guidance to domestic financial institutions on particular foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that are of primary money laundering concern to the United States Government;

(8) to ensure that the forfeiture of any assets in connection with the anti-terrorist efforts of the United States permits for adequate challenge consistent with providing due process rights;

(9) to clarify the terms of the safe harbor from civil liability for filing suspicious activity reports;

(10) to strengthen the authority of the Secretary to issue and administer geographic targeting orders, and to clarify that violations of such orders or any other requirement imposed under the authority contained in chapter 2 of title I of Public Law 91–508 and subchapters II and III of chapter 53 of title 31, United States Code, may result in criminal and civil penalties;

(11) to ensure that all appropriate elements of the financial services industry are subject to appropriate requirements to report potential money laundering transactions to proper authorities, and that jurisdictional disputes do not hinder examination of compliance by financial institutions with relevant reporting requirements;

(12) to fix responsibility for high level coordination of the anti-money laundering efforts of the Department of the Treasury;

(13) to strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(14) to strengthen measures to prevent the use of the United States financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

### SEC. 303. 4-YEAR CONGRESSIONAL REVIEW-EXPEDITED CONSIDERATION.

(a) In General.—Effective on and after the first day of fiscal year 2005, the provisions of this title and the amendments made by this title shall terminate if the Congress enacts a joint resolution, the text after the resolving clause of which is as follows: “That provisions of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, and the amendments made thereby, shall no longer have the force of law.”.

(b) Expedited Consideration.—Any joint resolution submitted pursuant to this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Control Act of 1976. For the purpose of expediting the consideration and enactment of a joint resolution under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee, shall be treated as highly privileged in the House of Representatives.

## Subtitle A—International Counter Money Laundering and Related Measures

### SEC. 311. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

### “SEC. 5318A. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

“(a) International Counter-Money Laundering Requirements.—

“(1) In general.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

“(2) Form of requirement.—The special measures described in—

“(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

“(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

“(C) subsection (b)(5) may be imposed only by regulation.

“(3) Duration of orders; rulemaking.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

“(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

“(B) may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of issuance of such order.

“(4) Process for selecting special measures.—In selecting which special measure or measures to take under this subsection, the Secretary—

“(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, the Securities and Exchange Commission, the National Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

“(B) shall consider—

“(i) whether similar action has been or is being taken by other nations or multilateral groups;

“(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States; and

“(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions.

“(5) No limitation on other authority.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

“(b) Special Measures.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

“(1) Recordkeeping and reporting of certain financial transactions.—

“(A) In general.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

“(B) Form of records and reports.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

“(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

“(ii) the legal capacity in which a participant in any transaction is acting;

“(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

“(iv) a description of any transaction.

“(2) Information relating to beneficial ownership.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction to be of primary money laundering concern.

“(3) Information relating to certain payable-through accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(4) Information relating to certain correspondent accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

“(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

“(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

“(5) Prohibitions or conditions on opening or maintaining certain correspondent or payable-through accounts.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

"(c) Consultations and Information To Be Considered in Finding Jurisdictions, Institutions, Types of Accounts, or Transactions To Be of Primary Money Laundering Concern.—

"(1) In general.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

"(2) Additional considerations.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

"(A) Jurisdictional factors.—In the case of a particular jurisdiction—

"(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special tax or regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

"(iii) the substance and quality of administration of the bank supervisory and counter-money laundering laws of that jurisdiction;

"(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

"(v) the extent to which that jurisdiction is characterized as a tax haven or offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

"(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, regulatory officials, and tax administrators in obtaining information about transactions originating in or routed through or to such jurisdiction; and

"(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

"(B) Institutional factors.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

"(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

"(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

"(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

"(d) Notification of Special Measures Invoked by the Secretary.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

"(e) Study and Report on Foreign Nationals.—

"(1) Study.—The Secretary, in consultation with the appropriate Federal agencies, including the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to—

"(A) determine the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the reporting, information gathering, and other requirements of this section; and

"(B) consider the need for requiring foreign nationals to apply for and obtain an identification number, similar to what is required for United States citizens through a social security number or tax identification number, prior to opening an account with a domestic financial institution.

"(2) Report.—The Secretary shall report to Congress not later than 180 days after the date of enactment of this section with recommendations for implementing such action referred to in paragraph (1) in a timely and effective manner.

"(f) Definitions.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

"(1) Bank definitions.—The following definitions shall apply with respect to a bank:

"(A) Account.—The term 'account'—

"(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

"(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

"(B) Correspondent account.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

"(C) Payable-through account.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

"(2) Definitions applicable to institutions other than banks.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the Securities and Exchange Commission, define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

"(3) Regulatory definition.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including, without limitation, the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.".

"(4) Other terms.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.".

(b) Clerical Amendment.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

"5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.".

### SEC. 312. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

"(i) Due Diligence for United States Private Banking and Correspondent Bank Accounts Involving Foreign Persons.—

"(1) In general.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

"(2) Minimum standards for correspondent accounts.—

"(A) In general.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

"(i) under an offshore banking license; or

"(ii) under a banking license issued by a foreign country that has been designated—

"(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member; or

"(II) by the Secretary as warranting special measures due to money laundering concerns.

"(B) Policies, procedures, and controls.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

"(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

"(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

"(3) Minimum standards for private banking accounts.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

"(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

"(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

"(4) Definitions and regulatory authority.—

"(A) Offshore banking license.—For purposes of this subsection, the term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

"(B) Regulatory authority.—The Secretary, in consultation with the appropriate functional regulators of the affected financial institutions, may further delineate, by regulation the due diligence policies, procedures, and controls required under paragraph (1).".

(b) Effective Date.—The amendments made by this section shall take effect beginning 180 days after the date of enactment of this Act with respect to accounts covered by section 5318(i) of title 31, United States Code, as added by this section, that are opened before, on, or after the date of enactment of this Act.

### SEC. 313. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

(a) In General.—Section 5318 of title 31, United States Code, is amended by inserting after section 5318(i), as added by section 312 of this title, the following:

"(j) Prohibition on United States Correspondent Accounts With Foreign Shell Banks.—

"(1) In general.—A financial institution described in subparagraphs (A) through (F) of section 5312(a)(2) (in this subsection referred to as a 'covered financial institution') shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

"(2) Prevention of indirect service to foreign shell banks.—A covered financial institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country. The Secretary shall, by regulation, delineate the reasonable steps necessary to comply with this paragraph.

"(3) Exception.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

"(A) is an affiliate of a depository institution, credit union, or foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

"(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank described in subparagraph (A), as applicable.

"(4) Definitions.—For purposes of this subsection—

"(A) the term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

"(B) the term 'physical presence' means a place of business that—

"(i) is maintained by a foreign bank;

"(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

"(I) employs 1 or more individuals on a full-time basis; and

"(II) maintains operating records related to its banking activities; and

"(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.".

### SEC. 314. COOPERATIVE EFFORTS TO DETER MONEY LAUNDERING.

(a) Cooperation Among Financial Institutions, Regulatory Authorities, and Law Enforcement Authorities.—

(1) Regulations.—The Secretary shall, within 120 days after the date of enactment of this Act, adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

(2) Contents.—The regulations promulgated pursuant to paragraph (1) may—

(A) require that each financial institution designate 1 or more persons to receive information concerning, and to monitor accounts of individuals, entities, and organizations identified, pursuant to paragraph (1); and

(B) further establish procedures for the protection of the shared information, consistent with the capacity, size, and nature of the institution to which the particular procedures apply.

(3) Rule of construction.—The receipt of information by a financial institution pursuant to this section shall not relieve or otherwise modify the obligations of the financial institution with respect to any other person or account.

(4) Use of information.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts or money laundering activities.

(b) Cooperation Among Financial Institutions.—Upon notice provided to the Secretary, 2 or more financial institutions and any association of financial institutions may share information with one another regarding individuals, entities, organizations, and countries suspected of possible terrorist or money laundering activities. A financial institution or association that transmits, receives, or shares such information for the purposes of identifying and reporting activities that may involve terrorist acts or money laundering activities shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure, or any other person identified in the disclosure, except where such transmission, receipt, or sharing violates this section or regulations promulgated pursuant to this section.

(c) Rule of Construction.—Compliance with the provisions of this title requiring or allowing financial institutions and any association of financial institutions to disclose or share information regarding individuals, entities, and organizations engaged in or suspected of engaging in terrorist acts or money laundering activities shall not constitute a violation of the provisions of title V of the Gramm-Leach-Bliley Act (Public Law 106–102).

### SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "or destruction of property by means of explosive or fire" and inserting "destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)";

(2) in clause (iii), by striking "1978" and inserting "1978)"; and

(3) by adding at the end the following:

"(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

"(v) smuggling or export control violations involving—

"(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

"(II) an item controlled under regulations under the Export Administration Act of 1977 (15 C.F.R. Parts 730–774);

"(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

"(vii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution;".

### SEC. 316. ANTI-TERRORIST FORFEITURE PROTECTION.

(a) Right To Contest.—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) Evidence.—In considering a claim filed under this section, the Government may rely on evidence that is otherwise inadmissible under the Federal Rules of Evidence, if a court determines that such reliance is necessary to protect the national security interests of the United States.

(c) Other Remedies.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

### SEC. 317. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the right;

(2) by inserting after "(b)" the following: "Penalties.—

"(1) In general.—";

(3) by inserting ", or section 1957" after "or (a)(3)"; and

(4) by adding at the end the following:

"(2) Jurisdiction over foreign persons.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

"(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

"(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

"(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

"(3) Court authority over assets.—A court described in paragraph (2) may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

"(4) Federal receiver.—

"(A) In general.—A court described in paragraph (2) may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a judgment under this section or section 981, 982, or 1957, including an order of restitution to any victim of a specified unlawful activity.

"(B) Appointment and authority.—A Federal Receiver described in subparagraph (A)—

"(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

"(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

"(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

"(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

"(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.".

### SEC. 318. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

"(6) the term 'financial institution' includes—

"(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

"(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).".

### SEC. 319. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) Forfeiture From United States Interbank Account.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

"(k) Interbank Accounts.—

"(1) In general.—

"(A) In general.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318A of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

"(B) Authority to suspend.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

"(2) No requirement for government to trace funds.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

"(3) Claims brought by owner of the funds.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

"(4) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Interbank account.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

"(B) Owner.—

"(i) In general.—Except as provided in clause (ii), the term 'owner'—

"(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

"(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

"(ii) Exception.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

"(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

"(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.".

(b) Bank Records.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

"(k) Bank Records Related to Anti-Money Laundering Programs.—

"(1) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Appropriate federal banking agency.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

"(B) Incorporated terms.—The terms 'correspondent account', 'covered financial institution', and 'foreign bank' have the same meanings as in section 5318A.

"(2) 120-hour rule.—Not later than 120 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

"(3) Foreign bank records.—

"(A) Summons or subpoena of records.—

"(i) In general.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account, including records maintained outside of the United States relating to the deposit of funds into the foreign bank.

"(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

"(B) ACCEPTANCE OF SERVICE.—

"(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

"(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

"(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

"(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after receipt of written notice from the Secretary or the Attorney General that the foreign bank has failed—

"(I) to comply with a summons or subpoena issued under subparagraph (A); or

"(II) to initiate proceedings in a United States court contesting such summons or subpoena.

"(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

"(iii) FAILURE TO TERMINATE RELATIONSHIP.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.".

(c) GRACE PERIOD.—Financial institutions affected by section 5333 of title 31 United States Code, as amended by this title, shall have 60 days from the date of enactment of this Act to comply with the provisions of that section.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1) of title 18, United States Code, is amended by striking ", or (II) a Federal offense involving the sexual exploitation or abuse of children" and inserting ", (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) money laundering, in violation of section 1956, 1957, or 1960 of this title".

(e) AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.—

(1) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

"(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

"(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

"(A) cannot be located upon the exercise of due diligence;

"(B) has been transferred or sold to, or deposited with, a third party;

"(C) has been placed beyond the jurisdiction of the court;

"(D) has been substantially diminished in value; or

"(E) has been commingled with other property which cannot be divided without difficulty.

"(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

"(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.".

(2) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

"(4) ORDER TO REPATRIATE AND DEPOSIT.—

"(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

"(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.".

### SEC. 320. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

"(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

"(i) involves the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

"(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

"(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.".

### SEC. 321. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

Section 212(a)(2) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(I) MONEY LAUNDERING ACTIVITIES.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which, if engaged in within the United States would constitute a violation of section 1956 or 1957 of title 18, United States Code, or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity is inadmissible.".

### SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 18, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is, a person to whom subsection (a) applies.".

### SEC. 323. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by adding the following after paragraph (2):

"(3) PRESERVATION OF PROPERTY.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

"(A) may rely on information set forth in an affidavit describing the nature of the proceeding investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

"(B) may register and enforce a restraining order has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject to parallel litigation involving the same property that is pending in a foreign court.";

(2) in subsection (b)(1)(C), by striking "establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant" and inserting "establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons";

(3) in subsection (d)(1)(D), by striking "the defendant in the proceedings in the foreign court did not receive notice" and inserting "the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property"; and

(4) in subsection (a)(2)(A), by inserting ", any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States" after "United Nations Convention".

### SEC. 324. INCREASE IN CIVIL AND CRIMINAL PENALTIES FOR MONEY LAUNDERING.

(a) CIVIL PENALTIES.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following:

"(7) PENALTIES FOR INTERNATIONAL COUNTER MONEY LAUNDERING VIOLATIONS.—The Secretary may impose a civil money penalty in an amount equal to not less than

2 times the amount of the transaction, but not more than $1,000,000, on any financial institution or agency that violates any provision of subsection (i) or (j) of section 5318 or any special measures imposed under section 5318A.".

(b) CRIMINAL PENALTIES.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

"(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000.".

### SEC. 325. REPORT AND RECOMMENDATION.

Not later than 30 months after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Federal banking agencies (as defined at section 3 of the Federal Deposit Insurance Act), the Securities and Exchange Commission, and such other agencies as the Secretary may determine, at the discretion of the Secretary, shall evaluate the operations of the provisions of this subtitle and make recommendations to Congress as to any legislative action with respect to this subtitle as the Secretary may determine to be necessary or advisable.

### SEC. 326. REPORT ON EFFECTIVENESS.

The Secretary shall report annually on measures taken pursuant to this subtitle, and shall submit the report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Financial Services of the House of Representatives.

### SEC. 327. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, as amended by section 202 of this title, is amended by adding at the end the following:

"(3) CONCENTRATION ACCOUNTS.—The Secretary may issue regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

"(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

"(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

"(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.".

## Subtitle B—Currency Transaction Reporting Amendments and Related Improvements

### SEC. 331. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) AMENDMENT RELATING TO CIVIL LIABILITY IMMUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

"(3) LIABILITY FOR DISCLOSURES.—

"(A) IN GENERAL.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

(b) PROHIBITION ON NOTIFICATION OF DISCLOSURES.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

"(2) NOTIFICATION PROHIBITED.—

"(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

"(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

"(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported, other than as necessary to fulfill the official duties of such officer or employee.

"(B) DISCLOSURES IN CERTAIN EMPLOYMENT REFERENCES.—

"(i) RULE OF CONSTRUCTION.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including information that was included in a report to which subparagraph (A) applies—

"(I) in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution, except that such written reference may not disclose that such information was also included in any such report or that such report was made; or

"(II) in a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission, except that such written notice or reference may not disclose that such information was also included in any such report or that such report was made.

"(ii) INFORMATION NOT REQUIRED.—Clause (i) shall not be construed, by itself, to create any affirmative duty to include any information described in clause (i) in any employment reference or termination notice referred to in clause (i).".

### SEC. 332. ANTI-MONEY LAUNDERING PROGRAMS.

Section 5318(h) of title 31, United States Code, is amended to read as follows:

"(h) ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) IN GENERAL.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

"(A) the development of internal policies, procedures, and controls;

"(B) the designation of a compliance officer;

"(C) an ongoing employee training program; and

"(D) an independent audit function to test programs.

"(2) REGULATIONS.—The Secretary may prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the rules contained in part 103 of title 31, of the Code of Federal Regulations, or any successor rule thereto, for so long as such financial institution is not subject to the provisions of such rules.".

### SEC. 333. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS, AND LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting "or order issued" after "subchapter or a regulation prescribed"; and

(2) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "sections 5314 and 5315)".

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting ", or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "under section 5315 or 5324)"; and

(2) in subsection (b)—

(A) by inserting "or order issued" after "willfully violating this subchapter or a regulation prescribed"; and

(B) by inserting "or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508," after "under section 5315 or 5324),".

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORDKEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after "shall";

(2) by striking "section—" and inserting "section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508—";

(3) in paragraph (1), by inserting ", to file a report or to maintain a record required by

an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508" after "regulation prescribed under any such section"; and

(4) in paragraph (2), by inserting ", to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508," after "regulation prescribed under any such section".

(d) LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.—Section 5326(d) of title 31, United States Code, is amended by striking "more than 60" and inserting "more than 180".

### SEC. 334. ANTI-MONEY LAUNDERING STRATEGY.

(b) STRATEGY.—Section 5341(b) of title 31, United States Code, is amended by adding at the end the following:

"(12) DATA REGARDING FUNDING OF TERRORISM.—Data concerning money laundering efforts related to the funding of acts of international terrorism, and efforts directed at the prevention, detection, and prosecution of such funding.".

### SEC. 335. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(v) WRITTEN EMPLOYMENT REFERENCES MAY CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIVITY.—

"(1) AUTHORITY TO DISCLOSE INFORMATION.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity.

"(2) INFORMATION NOT REQUIRED.—Nothing in paragraph (1) shall be construed, by itself, to create any affirmative duty to include any information described in paragraph (1) in any employment reference referred to in paragraph (1).

"(3) MALICIOUS INTENT.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure.

"(4) DEFINITION.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.".

### SEC. 336. BANK SECRECY ACT ADVISORY GROUP.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended—

(1) in subsection (a), by inserting ", of nongovernmental organizations advocating financial privacy," after "Drug Control Policy"; and

(2) in subsection (c), by inserting ", other than subsections (a) and (d) of such Act which shall apply" before the period at the end.

### SEC. 337. AGENCY REPORTS ON RECONCILING PENALTY AMOUNTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall each submit their respective reports to the Congress containing recommendations on possible legislation to conform the penalties imposed on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) for violations of subchapter II of chapter 53 of title 31, United States Code, to the penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

### SEC. 338. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) 270-DAY REGULATION DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall issue final regulations requiring registered brokers and dealers to file reports of suspicious financial transactions, consistent with the requirements applicable to financial institutions, and directors, officers, employees, and agents of financial institutions under section 5318(g) of title 31, United States Code.

(b) REPORT ON INVESTMENT COMPANIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to Congress on recommendations for effective regulations to apply the requirements of subchapter II of chapter 53 of title 31, United States Code, to investment companies, pursuant to section 5312(a)(2)(I) of title 31, United States Code.

(2) DEFINITION.—For purposes of this section, the term "investment company"—

(A) has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3); and

(B) any person that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)), would be an investment company.

(3) ADDITIONAL RECOMMENDATIONS.—In its report, the Securities and Exchange Commission may make different recommendations for different types of entities covered by this section.

(4) BENEFICIAL OWNERSHIP OF PERSONAL HOLDING COMPANIES.—The report described in paragraph (1) shall also include recommendations as to whether the Secretary should promulgate regulations to treat any corporation or business or other grantor trust whose assets are predominantly securities, bank certificates of deposit, or other securities or investment instruments (other than such as relate to operating subsidiaries of such corporation or trust) and that has 5 or fewer common shareholders or holders of beneficial or other equity interest, as a financial institution within the meaning of that phrase in section 5312(a)(2)(I) and whether to require such corporations or trusts to disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

### SEC. 339. SPECIAL REPORT ON ADMINISTRATION OF BANK SECRECY PROVISIONS.

(a) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress relating to the role of the Internal Revenue Service in the administration of subchapter II of chapter 53 of title 31, United States Code (commonly known as the "Bank Secrecy Act").

(b) CONTENTS.—The report required by subsection (a)—

(1) shall specifically address, and contain recommendations concerning—

(A) whether it is advisable to shift the processing of information reporting to the Department of the Treasury under the Bank Secrecy Act provisions to facilities other than those managed by the Internal Revenue Service; and

(B) whether it remains reasonable and efficient, in light of the objective of both anti-money-laundering programs and Federal tax administration, for the Internal Revenue Service to retain authority and responsibility for audit and examination of the compliance of money services businesses and gaming institutions with those Bank Secrecy Act provisions; and

(2) shall, if the Secretary determines that the information processing responsibility or the audit and examination responsibility of the Internal Revenue Service, or both, with respect to those Bank Secrecy Act provisions should be transferred to other agencies, include the specific recommendations of the Secretary regarding the agency or agencies to which any such function should be transferred, complete with a budgetary and resources plan for expeditiously accomplishing the transfer.

### SEC. 340. BANK SECRECY PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: ", or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking "or supervisory agency" and inserting ", supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism".

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

**"§ 5319. Availability of reports**

"The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.".

(d) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT PROVISIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended to read as follows:

"(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

"(1) FINDINGS.—Congress finds that—

“(A) adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against domestic and international terrorism; and

“(B) microfilm or other reproductions and other records made by insured depository institutions of checks, as well as records kept by such institutions, of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in proceedings described in subparagraph (A).

“(2) PURPOSE.—It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, recognizes that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.”.

(e) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 123(a) of Public Law 91-508 (12 U.S.C. 1953(a)) is amended to read as follows:

“(a) REGULATIONS.—If the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b), has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism, he may by regulation require such bank, institution, or person.”.

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting “, or intelligence or counterintelligence activity, investigation or analysis related to international terrorism” after “legitimate law enforcement inquiry”; and

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses.”.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding at the end the following new section:

### “SEC. 626. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.

“(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

“(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by the Secretary of the Treasury.

“(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

“(e) SAFE HARBOR.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.”.

### SEC. 341. REPORTING OF SUSPICIOUS ACTIVITIES BY HAWALA AND OTHER UNDERGROUND BANKING SYSTEMS.

(a) DEFINITION FOR SUBCHAPTER.—Section 5312(a)(2)(R) of title 31, United States Code, is amended to read as follows:

“(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;”.

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: “or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;”.

(d) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

“(l) APPLICABILITY OF RULES.—Any rules promulgated pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.”.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, such as the system referred to as ‘hawala’, including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

### SEC. 342. USE OF AUTHORITY OF UNITED STATES EXECUTIVE DIRECTORS.

(a) ACTION BY THE PRESIDENT.—If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary of the Treasury may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) USE OF VOICE AND VOTE.—The Secretary of the Treasury may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) DEFINITION.—For purposes of this section, the term “international financial institution” means an institution described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

## Subtitle C—Currency Crimes

### SEC. 351. BULK CASH SMUGGLING.

(a) FINDINGS.—Congress finds that—

(1) effective enforcement of the currency reporting requirements of chapter 53 of title 31, United States Code (commonly referred to as the Bank Secrecy Act), and the regulations promulgated thereunder, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions;

(2) in their effort to avoid using traditional financial institutions, drug dealers, and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where it can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market;

(3) the transportation and smuggling of cash in bulk form may, at the time of enactment of this Act, be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion, and similar crimes;

(4) the intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of chapter 53 of title 31, United States Code, is the equivalent of, and creates the same harm as, the smuggling of goods;

(5) the arrest and prosecution of bulk cash smugglers is an important part of law enforcement's effort to stop the laundering of

criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and are easily replaced, and therefore only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of bulk cash is a critical part;

(6) the penalties for violations of the currency reporting requirements of the chapter 53 of title 31, United States Code, are insufficient to provide a deterrent to the laundering of criminal proceeds;

(7) because the only criminal violation under Federal law before the date of enactment of this Act was a reporting offense, the law does not adequately provide for the confiscation of smuggled currency; and

(8) if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

(b) PURPOSES.—The purposes of this section are—

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) BULK CASH SMUGGLING OFFENSE.—

(1) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

**"§ 5331. Bulk cash smuggling**

"(a) CRIMINAL OFFENSE.—

"(1) IN GENERAL.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on his or her person or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer the currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside of the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment under subsection (b).

"(b) PENALTIES.—

"(1) PRISON TERM.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such an offense, shall be imprisoned for not more than 5 years.

"(2) FORFEITURE.—

"(A) IN GENERAL.—In addition to a prison term under paragraph (1), the court, in imposing sentence, shall order that the defendant forfeit to the United States any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d).

"(B) APPLICABILITY OF OTHER LAWS.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853). If the property subject to forfeiture is unavailable, and the defendant has no substitute property that may be forfeited pursuant to section 413(p) of that Act, the court shall enter a personal money judgment against the defendant in an amount equal to the value of the unavailable property.

"(c) SEIZURE OF SMUGGLING CASH.—

"(1) IN GENERAL.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to subsection (d), forfeited to the United States.

"(2) APPLICABLE PROCEDURES.—A seizure and forfeiture under this subsection shall be governed by the procedures governing civil forfeitures under section 981(a)(1)(A) of title 18, United States Code.

"(d) PROPORTIONALITY OF FORFEITURE.—

"(1) MITIGATION.—Upon a showing by the property owner by a preponderance of the evidence that the currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense.

"(2) CONSIDERATIONS.—In determining the amount of the forfeiture under paragraph (1), the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense, including—

"(A) the value of the currency or other monetary instruments involved in the offense;

"(B) efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and

"(C) whether the offense is part of a pattern of repeated violations of Federal law.

"(e) RULE OF CONSTRUCTION.—For purposes of subsections (b) and (c), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used or intended to be used to conceal or transport the currency or other monetary instrument, and any other property used or intended to be used to facilitate the offense, shall be considered property involved in the offense.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

"5331. Bulk cash smuggling.".

(d) CURRENCY REPORTING VIOLATIONS.—Section 5317(c) of title 31, United States Code, is amended to read as follows:

"(c) FORFEITURE OF PROPERTY.—

"(1) IN GENERAL.—

"(A) CRIMINAL FORFEITURE.—The court, in imposing sentence for any violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

"(B) APPLICABLE PROCEDURES.—Forfeitures under this paragraph shall be governed by the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), and the guidelines set forth in paragraph (3) of this subsection.

"(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to paragraph (3), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

"(3) MITIGATION.—In a forfeiture case under this subsection, upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations.

(e) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended—

(1) in section 981(a)(1)(A) by striking "of section 5313(a) or 5324(a) of title 31, or"; and

(2) in section 982(a)(1), striking "of section 5313(a), 5316, or 5324 of title 31, or".

### Subtitle E—Anticorruption Measures

### SEC. 361. CORRUPTION OF FOREIGN GOVERNMENTS AND RULING ELITES.

It is the sense of Congress that, in deliberations between the United States Government and any other country on money laundering and corruption issues, the United States Government should—

(1) emphasize an approach that addresses not only the laundering of the proceeds of traditional criminal activity but also the increasingly endemic problem of governmental corruption and the corruption of ruling elites;

(2) encourage the enactment and enforcement of laws in such country to prevent money laundering and systemic corruption;

(3) make clear that the United States will take all steps necessary to identify the proceeds of foreign government corruption which have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong; and

(4) advance policies and measures to promote good government and to prevent and reduce corruption and money laundering, including through instructions to the United States Executive Director of each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act) to advocate such policies as a systematic element of economic reform programs and advice to member governments.

### SEC. 362. SUPPORT FOR THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING.

It is the sense of Congress that—

(1) the United States should continue to actively and publicly support the objectives of the Financial Action Task Force on Money Laundering (hereafter in this section referred to as the "FATF") with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

### SEC. 363. TERRORIST FUNDING THROUGH MONEY LAUNDERING.

It is the sense of the Congress that, in deliberations and negotiations between the United States Government and any other country regarding financial, economic, assistance, or defense issues, the United States should encourage such other country—

(1) to take actions which would identify and prevent the transmittal of funds to and from terrorists and terrorist organizations; and

(2) to engage in bilateral and multilateral cooperation with the United States and other countries to identify suspected terrorists, terrorist organizations, and persons supplying funds to and receiving funds from terrorists and terrorist organizations.

## TITLE IV—PROTECTING THE BORDER

## Subtitle A—Protecting the Northern Border

### SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

### SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

### SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

"(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

"(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

"(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

"(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

"(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

"(1) to implement procedures for the taking of fingerprints; and

"(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

"(C) to ensure the security, confidentiality, and destruction of such information; and

"(D) to protect any privacy rights of individuals who are subjects of such information.".

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

### SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings "Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs" and "Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction" in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: "*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:".

### SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

## Subtitle B—Enhanced Immigration Provisions

### SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

"(IV) is a representative (as defined in clause (v)) of—

"(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

"(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,";

(ii) in subclause (V), by inserting "or" after "section 219,"; and

(iii) by adding at the end the following new subclauses:

"(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

"(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,";

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking "clause (iii)" and inserting "clause (iv)";

(D) by inserting after clause (i) the following:

"(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

"(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

"(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.";

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting "it had been" before "committed in the United States"; and

(ii) in subclause (V)(b), by striking "or firearm" and inserting ", firearm, or other weapon or dangerous device";

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

"(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

"(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

"(II) to prepare or plan a terrorist activity;

"(III) to gather information on potential targets for terrorist activity;

"(IV) to solicit funds or other things of value for—

"(aa) a terrorist activity;

"(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

"(V) to solicit any individual—

"(aa) to engage in conduct otherwise described in this clause;

"(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

"(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

"(aa) for the commission of a terrorist activity;

"(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

"(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

"(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply."; and

(D) by adding at the end the following new clause:

"(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

"(I) designated under section 219;

"(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

"(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv)."; and

(2) by adding at the end the following new subparagraph:

"(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.".

(b) CONFORMING AMENDMENT.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking "section 212(a)(3)(B)(iii)" and inserting "section 212(a)(3)(B)(iv)".

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting "or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)" after "212(a)(3)(B))";

(2) in paragraph (1)(C), by inserting "or terrorism" after "terrorist activity";

(3) by amending paragraph (2)(A) to read as follows:

"(A) NOTICE.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).";

(4) in paragraph (2)(B)(i), by striking "subparagraph (A)" and inserting "subparagraph (A)(ii)";

(5) in paragraph (2)(C), by striking "paragraph (2)" and inserting "paragraph (2)(A)(i)";

(6) in paragraph (3)(B), by striking "subsection (c)" and inserting "subsection (b)";

(7) in paragraph (4)(B), by inserting after the first sentence the following: "The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.";

(8) in paragraph (6)(A)—

(A) by inserting "or a redesignation made under paragraph (4)(B)" after "paragraph (1)";

(B) in clause (i)—

(i) by inserting "or redesignation" after "designation" the first place it appears; and

(ii) by striking "of the designation"; and

(C) in clause (ii), by striking "of the designation";

(9) in paragraph (6)(B)—

(A) by striking "through (4)" and inserting "and (3)"; and

(B) by inserting at the end the following new sentence: "Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.";

(10) in paragraph (7), by inserting ", or the revocation of a redesignation under paragraph (6)," after "paragraph (5) or (6)"; and

(11) in paragraph (8)—

(A) by striking "paragraph (1)(B)" and inserting "paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)";

(B) by inserting "or an alien in a removal proceeding" after "criminal action"; and

(C) by inserting "or redesignation" before "as a defense".

### SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

"MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

"SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

"(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

"(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

"(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

"(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

"(B) is engaged in any other activity that endangers the national security of the United States.

"(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

"(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

"(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

"(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provisions of the Immigration and Nationality Act.".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

"Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.".

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

### SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking "except that in the discretion of" and inserting the following: "except that—

"(1) in the discretion of"; and

(2) by adding at the end the following:

"(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

"(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

"(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.".

## TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

### SEC. 501. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001.

(a) SHORT TITLE.—This title may be cited as the "Professional Standards for Government Attorneys Act of 2001".

(b) PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.—Section 530B of title 28, United States Code, is amended to read as follows:

### "§ 530B. Professional Standards for Government Attorneys

"(a) DEFINITIONS.—In this section:

"(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'—

"(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

"(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the

United States in criminal or civil law enforcement litigation or to supervise such proceedings.

"(2) State.—The term 'State' includes a Territory and the District of Columbia.

"(b) Choice of Law.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

"(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;

"(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be impaneled; and

"(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

"(c) Licensure.—A Government attorney (except foreign counsel employed in special cases)—

"(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

"(2) shall not be required to be a member of the bar of any particular State.

"(d) Undercover Activities.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.

"(e) Admissibility of Evidence.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.

"(f) Rulemaking Authority.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.".

(c) Technical and Conforming Amendment.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for attorneys for the Government" and inserting "Professional standards for Government attorneys".

(d) Reports.—

(1) Uniform rule.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) Actual or potential conflicts.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) Report considerations.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

### SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) Payment of Rewards To Combat Terrorism.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) Conditions.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

### SEC. 503. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", including by dismantling an organization in whole or significant part; or"; and

(C) by adding at the end the following:

"(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.";.

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting ", except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts." after "$5,000,000".

### SEC. 504. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

"(2) In additional to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

"(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

"(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

"(C) Any attempt or conspiracy to commit any of the above offenses.".

### SEC. 505. COORDINATION WITH LAW ENFORCEMENT.

(a) Information Acquired From an Electronic Surveillance.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

"(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.".

(b) Information Acquired From a Physical Search.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

"(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

"(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

"(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

"(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.".

### SEC. 506. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) Telephone Toll and Transactional Records.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "Assistant Director";

(2) in paragraph (1)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and"; and

(3) in paragraph (2)—

(A) by striking "in a position not lower than Deputy Assistant Director"; and

(B) by striking "made that" and all that follows and inserting the following: "made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(b) Financial Records.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee"; and

(2) by striking "sought" and all that follows and inserting "sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

(c) Consumer Reports.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.";

(2) in subsection (b)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director" after "designee" the first place it appears; and

(B) by striking "in writing that" and all that follows through the end and inserting the following: "in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States."; and

(3) in subsection (c)—

(A) by inserting "in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director" after "designee of the Director"; and

(B) by striking "in camera that" and all that follows through "States." and inserting the following: "in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.".

### SEC. 507. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) Concurrent Jurisdiction Under 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

"(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.".

(b) Reauthorization of Jurisdiction under 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking "credit and debit card frauds, and false identification documents or devices" and inserting "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution".

### SEC. 508. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

"(j) Investigation and Prosecution of Terrorism.—

"(1) In general.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

"(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

"(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

"(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

"(3) Protection of educational agency or institution.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

"(4) Record-keeping.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.".

### SEC. 509. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

"(c) Investigation and Prosecution of Terrorism.—

"(1) In General.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

"(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

"(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

"(2) Application and approval.—

``(A) In general.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

``(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

``(3) Protection.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.''.

## TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

### Subtitle A—Aid to Families of Public Safety Officers

### SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) In General.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions.—For purposes of this section, the terms ``catastrophic injury'', ``public agency'', and ``public safety officer'' have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

### SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before ``by a'' the following: ``(containing identification of all eligible payees of benefits pursuant to section 1201)'';

(2) inserting ``producing permanent and total disability'' after ``suffered a catastrophic injury''; and

(2) striking ``1201(a)'' and inserting ``1201''.

### SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) Payments.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking ``$100,000'' and inserting ``$250,000''.

(b) Applicability.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

### SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after ``that Office'', each place it occurs, by inserting ``(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)''; and

(2) by inserting ``functions, including any'' after ``all''.

### Subtitle B—Amendments to the Victims of Crime Act of 1984

### SEC. 621. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ``and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ``; and''; and

(3) by adding at the end the following:

``(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

``(c) Fund Distribution; Retention of Sums in Fund; Availability for Expenditure Without Fiscal Year Limitation.—

``(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

``(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(c) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking ``deposited in'' and inserting ``to be distributed from'';

(2) in subparagraph (A), by striking ``48.5'' and inserting ``47.5'';

(3) in subparagraph (B), by striking ``48.5'' and inserting ``47.5''; and

(4) in subparagraph (C), by striking ``3'' and inserting ``5''.

(d) Antiterrorism Emergency Reserve.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

``(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

``(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

``(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice; and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.''.

(e) Victims of September 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

### SEC. 622. CRIME VICTIM COMPENSATION.

(a) Allocation of Funds for Compensation and Assistance.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting ``in fiscal year 2002 and of 60 percent in subsequent fiscal years'' after ``40 percent''.

(b) Location of Compensable Crime.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking ``are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or''.

(c) Relationship of Crime Victim Compensation to Means-Tested Federal Benefit Programs.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

``(c) Exclusion From Income, Resources, and Assets for Purposes of Means Tests.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(d) DEFINITIONS OF "COMPENSABLE CRIME" AND "STATE".—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking "crimes involving terrorism,"; and

(2) in paragraph (4), by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting "including the program established under title IV of Public Law 107-42," after "Federal program,".

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

### SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.".

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking "not more than" and inserting "not less than"; and

(2) in subparagraph (B), by striking "not less than" and inserting "not more than".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

### SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

"(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.".

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

## TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

### SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting "and terrorist conspiracies and activities" after "activities";

(2) in subsection (b)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

"(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)"; and

(3) by inserting at the end the following:

"(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.".

## TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

### SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1993. Terrorist attacks and other acts of violence against mass transportation systems**

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

"(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

"(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

"(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

"(c) Definitions.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

"(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

"(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

"(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

"(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

"(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.".

(f) Conforming Amendment.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

"1993. Terrorist attacks and other acts of violence against mass transportation systems.".

### SEC. 802. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking "does not include" and inserting "includes";

(ii) by inserting "other than" after "system for"; and

(iii) by inserting "bona fide research" after "protective";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) Additional Offense.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.";

(2) by inserting after section 175a the following:

### "SEC. 175b. POSSESSION BY RESTRICTED PERSONS.

"(a) No restricted person described in subsection (b) shall ship or transport interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(l) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of the Code of Regulations.

"(b) In this section:

"(1) The term 'select agent' does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

"(2) The term 'restricted person' means an individual who—

"(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

"(B) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

"(C) is a fugitive from justice;

"(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(E) is an alien illegally or unlawfully in the United States;

"(F) has been adjudicated as a mental defective or has been committed to any mental institution;

"(G) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism; or

"(H) has been discharged from the Armed Services of the United States under dishonorable conditions.

"(3) The term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(4) The term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

"(c) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity."; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

"175b. Possession by restricted persons.".

### SEC. 803. DEFINITION OF DOMESTIC TERRORISM.

(a) Domestic Terrorism Defined.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking "by assassination or kidnapping" and inserting "by mass destruction, assassination, or kidnapping";

(2) in paragraph (3), by striking "and";

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the term 'domestic terrorism' means activities that—

"(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

"(C) occur primarily within the territorial jurisdiction of the United States.".

(b) Conforming Amendment.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

"(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;".

### SEC. 804. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) In General.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

### "§ 2339. Harboring or concealing terrorists

"(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.".

"(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.".

(b) Technical Amendment.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

"2339. Harboring or concealing terrorists.".

### SEC. 805. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

"(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

"(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

"(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement in force on the date of enactment of this paragraph with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.".

### SEC. 806. MATERIAL SUPPORT FOR TERRORISM.

(a) In General.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", within the United States,";

(B) by inserting "229," after "175,";

(C) by inserting "1993," after "1992,";

(D) by inserting ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)," after "of this title";

(E) by inserting "or 60123(b)" after "46502"; and

(F) by inserting at the end the following: "A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law."; and

(2) in subsection (b)—

(A) by striking "or other financial securities" and inserting "or monetary instruments or financial securities"; and

(B) by inserting "expert advice or assistance," after "training,".

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

### SEC. 807. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

"(G) All assets, foreign or domestic—

"(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

"(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

"(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.".

### SEC. 808. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

### SEC. 809. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after "terrorism" the following: "and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title," before "and the Secretary"; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), 351 (a) through (d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim within special maritime and territorial jurisdiction of the United States), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

"(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.".

### SEC. 810. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

**"§ 3286. Extension of statute of limitation for certain terrorism offenses.**

"(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B) other than a provision listed in section 3295, or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

"(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.".

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

### SEC. 811. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking "not more than twenty years" and inserting "for any term of years or for life".

(b) DESTRUCTION OF AN ENERGY FACILITY.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "ten" and inserting "20"; and

(2) by adding at the end the following:

"(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.".

(c) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(d) MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking "10" and inserting "15"; and

(2) by striking the period after "or both" and inserting "and, if the death of any person results, shall be imprisoned for any term of years or for life.".

(e) DESTRUCTION OF NATIONAL-DEFENSE MATERIALS.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking "ten" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking "ten" each place it appears and inserting "20";

(2) in subsection (a), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life."; and

(3) in subsection (b), by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(g) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

(h) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "15" and inserting "20"; and

(2) by striking the period at the end and inserting ", and, if death results to any person, shall be imprisoned for any term of years or for life.".

### SEC. 812. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ", or attempts to set fire to or burn"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be imprisoned".

(b) Killings in Federal Facilities.—

(1) Section 930(c) of title 18, United States Code, is amended—

(A) by striking "or attempts to kill";

(B) by inserting "or attempts or conspires to do such an act," before "shall be punished"; and

(C) by striking "and 1113" and inserting "1113, and 1117".

(2) Section 1117 of title 18, United States Code, is amended by inserting "930(c)," after "section".

(c) Communications Lines, Stations, or Systems.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking "or attempts willfully or maliciously to injure or destroy"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(d) Buildings or Property Within Special Maritime and Territorial Jurisdiction.—Section 1363 of title 18, United States Code, is amended—

(1) by striking "or attempts to destroy or injure"; and

(2) by inserting "or attempts or conspires to do such an act," before "shall be fined" the first place it appears.

(e) Wrecking Trains.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

"(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(f) Material Support to Terrorists.—Section 2339A of title 18, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(g) Torture.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

"(c) Conspiracy.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.".

(h) Sabotage of Nuclear Facilities or Fuel.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ", or who intentionally and willfully attempts to destroy or cause physical damage to";

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting "or attempts or conspires to do such an act," before "shall be fined"; and

(2) in subsection (b)—

(A) by striking "or attempts to cause"; and

(B) by inserting "or attempts or conspires to do such an act," before "shall be fined".

(i) Interference With Flight Crew Members and Attendants.—Section 46504 of title 49, United States Code, is amended by inserting "or attempts or conspires to do such an act," before "shall be fined".

(j) Special Aircraft Jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

"(e) Conspiracy.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.".

(k) Damaging or Destroying an Interstate Gas or Hazardous Liquid Pipeline Facility.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ", or attempting to damage or destroy,"; and

(2) by inserting ", or attempting or conspiring to do such an act," before "shall be fined".

### SEC. 813. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(j) Supervised Release Terms for Terrorism Predicates.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.".

### SEC. 814. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or (F)" and inserting "(F)"; and

(2) by inserting before the semicolon at the end the following: ", or (G) any act that is indictable as an offense listed in section 2332b(g)(5)(B)".

### SEC. 815. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) Clarification of Protection of Protected Computers.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting "(i)" after (A)";

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

"(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

"(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;".

(b) Penalties.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and' at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "and" at the end; and

(3) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(4) by adding at the end the following new paragraphs:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.".

(c) Definitions.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;".

(d) Damages in Civil Actions.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: "A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

(e) Amendment of Sentencing Guidelines Relating to Certain Computer Fraud and Abuse.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

### SEC. 816. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

### SEC. 817. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

## TITLE IX—IMPROVED INTELLIGENCE

### SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance operations pursuant to that Act unless otherwise authorized by statute or executive order;".

### SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

### SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

### SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

### SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal

Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.
"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

### SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

### SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term "foreign intelligence" has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

### SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

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By Mr. SPECTER:

S.J. Res. 24. A joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 24

Whereas the Congress is greatly saddened by the tragic death of Maureen Reagan on August 8, 2001;

Whereas Maureen Reagan's love of life and countless contributions to family and the Nation serve as an inspiration to millions;

Whereas Maureen Reagan was a remarkable advocate for a number of causes and had many passions, the greatest being her dedication to addressing the scourge of Alzheimer's disease;

Whereas in 1994 when former President Ronald Reagan announced that he had been diagnosed with Alzheimer's disease, Maureen Reagan joined her father and Nancy Reagan in the fight against Alzheimer's disease and became a national spokesperson for the Alzheimer's Association;

Whereas Maureen Reagan served as a tireless advocate to raise public awareness about Alzheimer's disease, support care givers, and substantially increase the Nation's commitment to research on Alzheimer's disease;

Whereas Maureen Reagan helped inspire the Congress to increase Federal research funding for Alzheimer's disease by amounts proportionate to increases in research funding for other major diseases;

Whereas Maureen Reagan went far beyond merely lending her name to the work of the Alzheimer's Association: she was a hands-on activist on the association's board of directors, a masterful fund-raiser, a forceful advocate, and a selfless and constant traveler to anywhere and everywhere Alzheimer's advocates needed help;

Whereas at every stop she made and every event she attended in her efforts to eradicate Alzheimer's disease through research, Maureen Reagan emphasized that researchers are in a "race against time before Alzheimer's reaches epidemic levels" with the aging of the Baby Boomers;

Whereas Maureen Reagan stated before the Congress in 2000 that "14 million Baby Boomers are living with a death sentence of Alzheimer's today";

Whereas despite her declining health, Maureen Reagan never decreased her efforts in her battle to eliminate Alzheimer's disease;

Whereas during the last six months of her life, from her hospital bed and home, Maureen Reagan urged the Congress to invest $1,000,000,000 to fund research at the National Institutes of Health focused on Alzheimer's disease;

Whereas Maureen Reagan said, "The best scientific minds have been brought into the race against Alzheimer's, a solid infrastructure is in place, and the path for further investigations is clear. What's missing is the money, especially the Federal investment, to keep up the pace."; and

Whereas Maureen Reagan's remarkable advocacy for the millions affected and afflicted by Alzheimer's disease will forever serve as an inspiration to continue and ultimately win the battle against the illness: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress, on the occasion of the tragic and untimely death of Maureen Reagan—

(1) recognizes Maureen Reagan as one of the Nation's most beloved and forceful champions for action to cure Alzheimer's disease and treat those suffering from the illness; and

(2) expresses deep and heartfelt condolences to the family of Maureen Reagan, including her husband Dennis Revell and her daughter Rita Revell.

## STATEMENTS ON SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 168—CONGRATULATING AND HONORING CAL RIPKEN, JR. FOR HIS AMAZING AND STORYBOOK CAREER AS A PLAYER FOR THE BALTIMORE ORIOLES AND THANKING HIM FOR HIS CONTRIBUTIONS TO BASEBALL, THE STATE OF MARYLAND, AND THE UNITED STATES

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BINGAMAN, Mr. HATCH, Mr. HUTCHINSON, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas Calvin (Cal) Edwin Ripken, Jr. was born in Havre de Grace, Maryland on August 24th, 1960;

Whereas Cal Ripken, Jr. was raised in Aberdeen, Maryland and taught baseball by his father, Cal Ripken Sr., who spent his career with the Baltimore Orioles where he developed the Ripken Way;

Whereas Cal Ripken, Jr. entered the major leagues in 1981 as a Baltimore Oriole and played his entire 21 year career for the Orioles, ranking third all-time in Major League Baseball for years played with 1 team and first during the period of free agency;

Whereas Cal Ripken, Jr. redefined the shortstop position, both offensively by hitting the most home runs as a shortstop in major league history and receiving the most Silver Slugger Awards by a shortstop, and defensively by setting 11 different fielding records;

Whereas on May 30th, 1982, Cal Ripken, Jr. played in the first game of his Iron Man Streak;

Whereas Cal Ripken, Jr. was named the American League (AL) Rookie of the Year in 1982;

Whereas Cal Ripken, Jr. led the Baltimore Orioles to a World Championship Season in 1983, winning the AL Most Valuable Player (MVP) award, becoming the first and only player to win the Rookie of the Year and MVP awards in back-to-back seasons;

Whereas in 1987, Cal Ripken, Jr. ended his consecutive innings played streak with a record 8,243;

Whereas in 1987, Cal Ripken, Jr., playing with brother Billy Ripken at second base and father Cal Ripken, Sr. as manager, became a part of the first pair of brothers to play together for their father in the history of Major League Baseball, making the name Ripken synonymous with the Baltimore Orioles;

Whereas Cal Ripken, Jr. was the first recipient of the Bart Giamatti Caring Award in 1989;

Whereas in 1990, Cal Ripken, Jr. had the greatest defensive single season of any shortstop, setting major league records in fielding percentage (.996), fewest errors committed (3), and consecutive games without an error (95);

Whereas in 1991, Cal Ripken, Jr. won his second AL MVP award, becoming 1 of only 22 major leaguers to win multiple MVP awards, won the first of 2 Golden Glove awards, and became the first player in baseball history to win the All-Star MVP and Home Run Contest in the same season as winning the MVP award;

Whereas in 1992, Cal Ripken, Jr. was awarded the Roberto Clemente Award, presented annually to the player who best exemplifies the game of baseball both on and off the field;

Whereas on September 6th, 1995, Cal Ripken, Jr. played in his 2131st consecutive game, breaking the record of the great and honorable Lou Gehrig;

Whereas in Cal Ripken Jr.'s 14 seasons of pursuit of Lou Gehrig's record, Cal Ripken, Jr. conducted himself with complete dignity, humility, and honor that attracted the attention of both baseball fans and all Americans and played a crucial role in bringing baseball back as America's national pastime after the labor problems of baseball in 1994;

Whereas in 1995, Cal Ripken, Jr. earned the following awards: the Associated Press and United Press International Male Athlete of the Year; The Sporting News Award Major League Player of the Year; and the Sports Illustrated Sportsman of the Year;

Whereas on September 20th, 1998, Cal Ripken, Jr. voluntarily ended his consecutive games streak at 2632;

Whereas in 1999, Cal Ripken, Jr. became 1 of 32 players to hit over 400 home runs;

Whereas in 2000, Cal Ripken, Jr. became 1 of 24 players with 3,000 hits, joining only 6 other players with over 400 home runs and 3,000 hits and becoming only the second infielder and first shortstop or third baseman to be in this club, along with fellow Baltimore Oriole first baseman and good friend Eddie Murray;

Whereas Cal Ripken, Jr. was named to Major League Baseball's All-Century Team in 2000;

Whereas Cal Ripken, Jr. won his second All-Star Game MVP award in 2001, becoming the first American League player to win 2 such MVP awards, and setting baseball records for most All-Star appearances at 19, All-Star starts at 17, All-star starts at shortstop at 14, and consecutive starts at 16;

Whereas Cal Ripken, Jr. is retiring from the game that he loves to continue his other passions, the teaching of baseball to children and charitable work through the "Reading, Runs, and Ripken" program, the Cal Ripken Little League Division which has over 700,000 children, the Kelly and Cal Ripken, Jr. Foundation, and the Cal Ripken, Jr./Lou Gehrig ALS Research Fund;

Whereas Cal Ripken, Jr. has pledged $9,000,000 for the construction of a baseball facility in Harford County, Maryland; and

Whereas Cal Ripken, Jr. transcended the game of baseball and became a symbol of excellence, reliability, consistency, and served as a role model for the children of his hometown of Aberdeen, Maryland, the city of Baltimore, Maryland, all Maryland residents, and all Americans: Now, therefore, be it

*Resolved*,

**SECTION 1. HONORING CAL RIPKEN, JR.**

The Senate—

(1) honors and congratulates Cal Ripken, Jr. for—

(A) his contributions to both baseball and America as an exemplar of endurance, professionalism, and the American work ethic;

(B) his entire career as a Baltimore Oriole, a major league baseball player, and for his conduct both on and off the field;

(C) his excellent treatment of all baseball fans in all stadiums and his community service both in the State of Maryland and throughout America; and

(D) all of his qualities and traits that helped him serve as a role model for all Americans; and

(2) wishes Cal Ripken, Jr. the best for what will undoubtably be a productive and giving retirement.

**SEC. 2. TRANSMISSION.**

The Secretary of the Senate shall transmit an enrolled copy of this resolution to—

(1) the legendary Baltimore Oriole Cal Ripken, Jr.; and

(2) the Baltimore Orioles' owner, Peter Angelos.

### SENATE CONCURRENT RESOLUTION 75—TO EXPRESS THE SENSE OF THE CONGRESS THAT THE PUBLIC SAFETY OFFICER MEDAL OF VALOR SHOULD BE PRESENTED TO PUBLIC SAFETY OFFICERS KILLED OR SERIOUSLY INJURED AS A RESULT OF THE TERRORIST ATTACKS PERPETRATED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001, AND TO THOSE WHO PARTICIPATED IN THE SEARCH, RESCUE, AND RECOVERY EFFORTS IN THE AFTERMATH OF THOSE ATTACKS

Mr. HARKIN (for himself, Mr. SCHUMER, Mr. WARNER, Mrs. CLINTON, Mr. ALLEN, Mr. HELMS, Mr. CORZINE, Ms. SNOWE, Mr. VOINOVICH, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 75

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth in rural southwest Pennsylvania;

Whereas thousands of innocent Americans and many foreign nationals were killed and injured as a result of the surprise terrorist attacks, including the passengers and crews of the 4 aircraft, workers in the World Trade Center and the Pentagon, firefighters, law enforcement officers, emergency assistance personnel, and bystanders;

Whereas hundreds of public safety officers were killed and injured as a result of the terrorist attacks, many of whom would perish when the twin towers of the World Trade Center collapsed upon them after they rushed to the aid of innocent civilians who were imperiled when the terrorists first launched their attacks;

Whereas thousands more public safety officers continued to risk their own lives and long-term health in sifting through the aftermath and rubble of the terrorist attacks to rescue those who may have survived and to recover the dead;

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107-12, 115 Stat. 20) authorizes the President to award and present in the name of Congress, a Medal of Valor to public safety officers for extraordinary valor above and beyond the call of duty;

Whereas the Attorney General of the United States has discretion to increase the number of recipients of the Medal of Valor under that Act beyond that recommended by the Medal of Valor Review Board in extraordinary cases in any given year;

Whereas the terrorist attacks against the United States on September 11, 2001 and their aftermath constitute the single most deadly assault on our American homeland in our Nation's history; and

Whereas those public safety officers who perished and were injured, and all those who participated in the efforts to rescue whomever may have survived the terrorist attacks and recover those whose lives were taken so suddenly and violently are the first casualties and veterans of America's new war against terrorism, which was unanimously authorized by the Authorization for Use of Military Force (Senate Joint Resolution 23, enacted September 14, 2001): Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the President should award and present in the name of Congress a Public Safety Officer Medal of Valor to every public safety officer who was killed or seriously injured as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, and to deserving public safety officers who participated in the search, rescue, and recovery efforts in the aftermath of those attacks; and

(2) such assistance and compensation as may be needed should be provided to the public safety officers who were injured or whose health was otherwise adversely affected as a result of their participation in the search, rescue, and recovery efforts undertaken in the aftermath of the terrorist attacks of September 11, 2001.

Mr. HARKIN. Mr. President, I stand today with my colleagues from New York and Virginia to honor those public safety officials, our police, firefighters, and emergency services personnel, who were lost, or seriously wounded in the attacks of September 11 and to public safety officers who participated in the subsequent search, rescue, and recovery efforts.

In a tragedy so horrific, when so many were lost so unexpectedly, there is little we can do to console a grieving family. A thank you won't console a child whose father won't be there to say good night. It's little solace to the men and women of a firehouse who even now are waiting to welcome their brothers and sisters home. But by showing our gratitude for their sacrifice, by saying a simple thank you, we can help heal the hearts of the men, women, and children who were left behind, or who struggled to save their friends and neighbors.

Today, my colleagues and I hope to be part of this process of healing by introducing a resolution recommending that the President award the Congressional Medal of Valor for Public Safety Officers to those public safety officials killed or seriously wounded in the September 11 attacks and to deserving public safety officers who participated in the subsequent search, rescue and recovery efforts.

These medals will serve as a thank you to those still with us. But I think they can do much more for the families who lost loved ones. I've seen how medals awarded in combat can help tell a story to a child about a lost loved one. They can show a child and an entire family that their loved one did not die in vain. These medals can say that these men and women gave their lives in service to their neighbors and to their nation, and that nation is a grateful one.

History will mark September 11, 2001 as one of the darkest days in our Nation's history. In less than two hours, more Americans were killed than those who died during the Revolutionary War or the surprise attack on Pearl Harbor. Words cannot begin to capture our grief, our loss, or our resolve to strike back against global terrorism.

But in that darkest of hours, the bravery and selflessness of our public safety officials shined a light of hope for us all to follow. You see it reflected back in towns large and small across America. You see it in flag-lined streets, lines of blood donors, and in the millions contributed to help care for the victims families. The example set by our police, firefighters and emergency services personal steeled the resolve of every American.

I would be remiss if I did not thank my colleague and the senior Senator from Alaska Senator STEVENS. Earlier this year the Congress passed, the president signed, the Public Safety Officer Medal of Valor Act, which was authorized by my friend from Alaska. That earlier recognition of the need to honor the heroism of public service officers makes today's resolution possible, and I thank my colleague from Alaska.

I should also note that Senator STEVENS has also introduced a resolution similar to the one we offer today. My resolution goes somewhat further by calling on the President to award the Congressional Medal of Valor to those killed and those seriously injured in the attacks and to deserving public safety officers who participated in the subsequent search, rescue, and recovery efforts.

The men and women this resolution would honor are the first victims of America's first war of the 21st century. My solemn prayer is that they will be the final casualties of a final war. But then I remember the destruction of the past century, how we spoke of a War to End All Wars, only to see the century unfold with more destruction. As we move closer to some form of military action, I hope for a day when we can stop throwing more young lives into the breech and instead repair the breech itself.

But today, to these new fellow veterans, we say thank you. A grateful Nation has drawn its strength from the courageous firefighters, police officers, and emergency services personnel who have sacrificed so much without hesitation. It is my privilege to have this chance to say thank you in this small way. I want to thank my colleagues from New York and Virginia. I hope we can move this resolution forward with the help of all of my colleagues.

## SENATE CONCURRENT RESOLUTION 76—HONORING THE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, EMERGENCY RESCUE PERSONNEL, AND HEALTH CARE PROFESSIONALS WHO HAVE WORKED TIRELESSLY TO SEARCH FOR AND RESCUE THE VICTIMS OF THE HORRIFIC ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. FEINGOLD (for himself, Mr. ALLEN, Mr. WARNER, Mrs. CLINTON, and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 76

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City and a third plane into the Pentagon in northern Virginia, and resulting in the crash of a fourth plane in Somerset County, Pennsylvania;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon;

Whereas thousands of innocent Americans and foreign nationals were killed or injured as a result of these attacks;

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events, acting heroically, and trying to help and to save as many of the lives of others as possible in the impact zones, in spite of the clear danger to their own lives;

Whereas some of these rescue workers, police officers, and firefighters have died or are missing at the site of the World Trade Center;

Whereas firefighters, rescue personnel, and police officers have been working above and beyond the call of duty, putting their lives at risk, working overtime, going without proper sleep, and spending time away from their families and loved ones;

Whereas the United States Capitol Police, United States Secret Service, the Police Department of Metropolitan Washington, D.C., the Arlington County Police Department, and other law enforcement agencies have put in extra hours to ensure the safety of all Americans, particularly the President, members of Congress, and other United States Government officials; and

Whereas since the morning of September 11, 2001, police officers and public safety officers throughout the United States have been called upon to put in extra time to ensure the safe and security of Americans: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress commends—

(1) the firefighters, police officers, rescue personnel, and health care professionals who have selflessly dedicated themselves to the search, rescue, and recovery efforts in New

York City, northern Virginia, and Pennsylvania; and

(2) the efforts of law enforcement and public safety personnel throughout the nation for their service at a time when their call to serve and protect their nation is even more essential than ever before.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1846. Mr. FEINGOLD (for himself, Mr. BROWNBACK, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1846.** Mr. FEINGOLD (for himself, Mr. BROWNBACK, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 4, 2001, at 11 a.m., in open session to receive testimony on the Department of Defense's Quadrennial Defense Review (QDR).

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 4, 2001, to conduct a mark-up of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 4, 2001 at 10:00 a.m. to consider the Nomination of JoAnne Barnhart, to be Commissioner of the Social Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 4, 2001 at 11:30 a.m. to hold a Business Meeting.

The Committee will consider and vote on the following agenda:

Legislation: S. 1465 a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003, with a substitute amendment.

Nominee: Mr. Patrick F. Kennedy, of Illinois, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, October 4, 2001 at 9:30 a.m. for a hearing entitled "Critical Infrastructure Protection: Who's In Charge?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Job Training: Helping Workers in a Fragile Economy during the session of the Senate on Thursday, October 4, 2001. At 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 4, 2001 at 12:00 p.m. in room S–216.

### AGENDA

I. Nominations:

Barrington Parker, Jr. to be U.S. Circuit Court Judge for the 2nd Circuit.

Michael P. Mills to be District Court Judge for the Northern District of Mississippi.

Jay Stephens to be Associate Attorney General.

Benigno G. Reyna to be Director of the U.S. Marshal Service.

To Be United States Attorney:

Susan W. Brooks, Southern District of Indiana,

John L. Brownlee, Western District of Virginia,

Timothy M. Burgess, District of Arkansas,

Steven M. Colloton, Southern District of Iowa,

Todd Peterson Graves, Western District of Missouri,

Terrell Lee Harris, Western District of Tennessee,

David C. Iglesias, District of New Mexico,

Charles W. Larson, Sr., Northern District of Iowa,

Gregory G. Lockhart, Southern District of Ohio,

Henry S. Mattice, Jr., Eastern District of Tennessee,

Robert G. McCampbell, Western District of Oklahoma,

Matthew H. Mead, District of Wyoming,

Michael Mosman, District of Oregon,
John Suthers, District of Colorado.

II. Resolutions:

S.J. Res. 18—A joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. Con. Res. 74—A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

S. Res. 164—A resolution designating October 19, 2001, as "National Mammography Day."

S. Res. 166—"National Childhood Lead Poisoning Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Thursday, October 4, 2001, at 2:00 p.m. in Dirksen Room 226.

### TENTATIVE WITNESS LIST

Panel I: Senator Don Nickles (R–OK), Senator James M. Inhofe (R–OK), and Senator Mary Landrieu (D–LA).

Panel II: Edith Brown Clement to be United States Circuit Judge for the Fifth Circuit.

Panel III: Karen K. Caldwell to be United States District Judge for the Eastern District of Kentucky; Laurie Smith Camp to be United States District Judge for the District of Nebraska; Claire V. Eagan to be United States District Judge of the Northern District of Oklahoma; and James H. Payne to be United States District Judge for the Northern, Eastern and Western Districts of Kentucky.

Panel IV: Jay S. Bybee to be Assistant Attorney General for the Office of Legal Counsel.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 4, 2001, to conduct an oversight hearing on "Transit Safety in the Wake of September 11."

THE PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY FOR INTRODUCTION OF COUNTERTERRORISM BILL

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate today it be in order for a bipartisan counterterrorism bill to be introduced today by Senators DASCHLE and LOTT and others and that it be considered as having had its first reading, with an objection to the second reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONGRATULATING AND HONORING BALTIMORE ORIOLE CAL RIPKEN, JR.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 168, submitted earlier today by Senators SARBANES and MIKULSKI, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 168) congratulating and honoring Cal Ripken, Jr., for his amazing and storybook career as a player for the Baltimore Orioles and thanking him for his contributions to baseball, the State of Maryland, and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SARBANES. Mr. President, I submitted S. Res. 168 with my colleague, Senator MIKULSKI, honoring Cal Ripken, Jr.

On Saturday October 6, 2001, at Oriole Park at Camden Yards, not far from my home in Baltimore, Cal Ripken, Jr. will play in his final baseball game. Cal Ripken's career will have spanned 21 seasons in the major leagues, every one of them with the Baltimore Orioles. In fact, beginning with Cal's father, Cal Ripken, Sr., there has been a Ripken in the Orioles organization for 45 consecutive years. Over the past 21 years, Cal Ripken, Jr. has built what will be a lasting legacy not only as one of the greatest players in the history of professional baseball, but as a true ambassador of the game and a shining example of sportsmanship, character, and the American work ethic.

An entire generation was born and grew up watching Cal Ripken play baseball every day the right way. Many of my constituents in Maryland have rooted for the Orioles knowing beyond a shadow of a doubt that Cal Ripken would be playing, first at Memorial Stadium and then later at Camden Yards, and that they would be able to see Cal give that one game everything that he had. Not only will the city of Baltimore miss Cal's number 8 on the left-side of the infield and in the heart of the line-up, but all residents of Maryland, and millions of Americans, from die-hard baseball fans, to those who have only seen one game, will always associate the Baltimore Orioles with their legendary shortstop, Cal Ripken.

Cal Ripken's achievements on the field of play are legendary: Ripken is one of only seven players in history to record both 400 home runs and 3,000 hits and along with fellow Oriole, longtime teammate, and good friend, Eddie Murray, they are the only infielders to accomplish this feat. Simply put, Cal redefined the position of shortstop in every respect: offense, defense, durability, consistency, and popularity.

Listing all of Cal's baseball accomplishments could go on forever, but there is one record for which he is best known, and that in Maryland is simply referred to as "The Streak." For 17 straight years, Ripken played in every single game on the Baltimore Orioles' schedule, never succumbing to injury or weakness, always willing to do his best to help the Orioles over an amazing 2,632 consecutive games. It is this consistency and work ethic that has so endeared him to the American public, and was so stirringly celebrated on the evening of September 6, 1995, the day that he played has 2,131st consecutive game, surpassing the record set by the "Iron Horse," Hall-of-Famer Lou Gehrig. I will repeat what I said on this very floor on September 7, 1995: throughout both "The Streak" and the rest of Cal's storybook career, Cal played baseball for one reason and one reason only: because he loves the game. And, Cal, the game loves you.

When Cal was approaching Mr. Gehrig's record in 1995, it was a turbulent time in the history of Major League Baseball; the sport was trying to recover from the damage done by a players' strike in the 1994 season that canceled the World Series for the first time in history. There was a breach of trust between the sport and its fans, but there is no doubt in anyone's mind that Cal Ripken's journey toward this great record was a focus point in the healing process that ultimately restored much of the good will lost for America's pastime.

Ripken, over the course of 21 consecutive seasons, spent hours before and after games signing autographs for countless fans. There were jokes in the Baltimore clubhouse that if anything were to end "The Streak," it would be an injury to his right hand from signing too many autographs. But it is this willingness to go the extra mile, to not treat his fame and influence as a burden but to welcome his responsibility to the public, particularly to children, as a role model that distinguishes Cal Ripken from even the greatest athletes and enables him to transcend his sport.

Unlike so many of our modern athletes, Cal Ripken embraced his status as a role model. With his wife Kelly by his side, the Ripkens engaged in charity work ranging from literacy programs to fighting Lou Gehrig's disease, as well as working tirelessly to promote the game of baseball to all children, especially those that are disadvantaged. Fittingly, one of the many tasks that Cal will devote himself to in his retirement is the Cal Ripken Little League Division of Babe Ruth Baseball, which has over 700,000 children learning the fundamentals of baseball. Another project that Cal will be working on is that of building Inspiration Field in his home community of Harford County, Maryland. Cal has always been devoted to his Maryland roots, but beyond that is his devotion to his family, his mother Vi, his late father Cal Ripken, Sr., his wife Kelly, and his children Ryan and Rachel. Cal has shown this devotion countless times, and I know that in his retirement, Cal, will have more time to enjoy the loving family that we are all proud to know simply as the Ripkens.

But here, as with the statistics and records, listing Cal's charitable programs and donations and noting his loving role as son, husband, and father, can not fully capture the phenomenal manner in which Cal Ripken has lived his life and given back to his community. Cal was born in Havre de Grace, MD, and was raised in the neighboring City of Aberdeen. He was drafted by the Baltimore Orioles organization in 1978, and spent every year of his professional career, except one, playing baseball in the State of Maryland. Cal Ripken's career has been the fulfillment of the childhood dream of so many of us, to become an athletic superstar and play your entire career for your hometown team. And beyond that, Cal Ripken has lived this dream with the dignity, honor, humility, charity, passion, and pure love of baseball that make myself, the City of Aberdeen, the City of Baltimore, the State of Maryland, and the United States of America proud to call Cal a legend and a role model for us all. I urge my colleagues to join us in honoring and congratulating Cal Ripken's amazing and storybook career by saying thank you Cal.

Ms. MIKULSKI. Mr. President, I rise today to celebrate the life and career of Cal Ripken. He has given us 21 glorious years—and I know that we have seen nothing yet. The resolution that I am introducing with Senator SARBANES seeks to commemorate one of the great careers in baseball—and one of the great role models of our time.

Most Marylanders will confess to some sadness about what will happen this weekend. We will see the Iron Man take the field for the last time at Camden Yards. But I promise my colleagues—this is not the last you will hear of Cal Ripken. He will go on to other careers and other challenges. He will continue his extraordinary service to his community. He will continue to be someone we can all look up to and respect.

We all know the amazing statistics he compiled in his career. In 1982, he won Rookie of the Year—and after that, the records kept breaking. He set a record for most home runs by a shortstop. He received the most Silver Slugger Awards of any shortstop and set eleven different fielding records. He was MVP twice during the regular season twice, and twice during the All-Star Games. He also amassed over three thousand hits and four hundred home runs.

He is best known for setting the record for most consecutive games played. It is unlikely that his record of 2,632 games will ever be broken.

Cal did not do this just for the sake of breaking a record; he broke that record because that is how he lives. He gives 100 percent every day. Ask any of the hundreds of Baltimore Orioles who played with him over the last twenty-one years.

Ask Cal's coaches who have seen him rededicate himself every day. Ask any of the thousands and thousands and even millions of Orioles fans for whom he stayed at the ballpark late at night, willing to sign autographs. Ask the community and charitable organizations who he volunteered for. Ask the thousands of children who he helps through his foundations.

Athletes of Cal's caliber often move from town to town and team to team. Yet Cal spent his entire career here in Baltimore. He did it for his family—his father Cal, Sr.—the great former manager of the Orioles. He did it for his children—to enable them to grow up as he did—in a community that values faith, family, community and patriotism.

Cal always puts these values into action. He has a passion for teaching baseball to children and for his charitable organizations. He created "Reading, Runs and Ripken" program, the Cal Ripken Little League Division, the Kelly and Cal Ripken, Jr., Foundation, and the Cal Ripken, Jr./Lou Gehrig ALS Research Fund. These service organizations will continue—serving children into the future.

Cal Ripken is the Iron Man, not because of his streak but because of his values, the Oriole way—showing up every day, working hard, playing by the rules, putting the team first. Cal will have lots of adulation over the next few days—and he absolutely deserves it. But Cal would want us to honor him not only with resolutions and parades and cheers from the grandstand. He would want us to practice the Oriole way: show up, work hard, play by the rules—and put your family and team first.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

(The text of S. Res. 168 is printed in today's RECORD under "Statements on Submitted Resolutions.")

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## MEMORIALIZING FALLEN FIREFIGHTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, S.J. Res. 18.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 18) was read the third time and passed, as follows:

### S.J. RES. 18

Whereas 1,200,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous jobs in the United States;

Whereas fire service personnel selflessly respond to over 16,000,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That each year, the United States flags on all Federal facilities will be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

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## MEMORIALIZING FALLEN FIREFIGHTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 42, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 42) memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SARBANES. Mr. President, I rise in strong support of House Joint Resolution 42, a bill to memorialize our Nation's fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, MD. This measure is similar to legislation that I introduced earlier this year. Both bills seek to recognize the courage and commitment of America's fire service and to pay this special tribute to those firefighters who have made the ultimate sacrifice in the line of duty.

Our Nation's firefighters are among our most dedicated public servants. From major cities such as New York to our smaller rural communities, every day America's firefighters answer emergency calls, willing to sacrifice their own lives to protect the lives and property of their fellow citizens. Sadly, this dedication to service can result in tragedy.

Few would question the fact that our fallen firefighters are heroes. Throughout our Nation's history, we have recognized the passing of our public servants by lowering our Nation's flag to half-staff in their honor. In the past, this list has included elected officials, members of the Armed Services, and America's peace officers. In my view, our fallen firefighters are equally deserving of this high honor.

For the past 19 years, a memorial service has been held on the campus of the National Fire Academy in Emmitsburg to honor those firefighters who have given their lives while protecting the lives and property of their fellow citizens. Since 1981, the names of 2,081 fallen firefighters have been inscribed on plaques surrounding the National Fallen Firefighters Memorial, Congressionally designated monument to these brave men and women. On October 7, at the 20th Annual National Memorial Service, an additional 101 names will be added. I am pleased that President and Mrs. Bush will be present this year to lead the Nation in honoring these fallen fire heroes and to pay special tribute to those firefighters who perished as a result of the events of September 11.

Over the years, I have worked very closely with the National Fallen Firefighters Foundation to ensure that National Memorial Service is an occasion befitting the sacrifices that these individuals have made. In my view, lowering the United States flag to half-staff is an essential component of this "Day of Remembrance." It will be a fitting tribute to the men and women who die each year performing their duties as our nation's career and volunteer firefighters. It will also serve to remind us of the critical role played by the 1.2 million fire service personnel who risk their lives every day to ensure our safety and that of our communities.

I express my gratitude to those Senators who agreed to cosponsor my legislation, S.J. Res. 18, and urge my colleagues to support the swift passage of H.J. Res. 42.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 42) was read the third time and passed.

## PROVIDING ASSISTANCE TO PAKISTAN AND INDIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 180, S. 1465.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1465) to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the title.

(Strike out all after the enacting clause and insert the part printed in italic.)

### *SECTION. 1. EXEMPTIONS AND WAIVER OF APPROPRIATIONS ACT PROHIBITIONS WITH RESPECT TO PAKISTAN.*

*(a) FISCAL YEAR 2002 AND PRIOR FISCAL YEARS.—*

*(1) EXEMPTIONS.—Any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2002, or any provision of such Act for a prior fiscal year, that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup shall not apply with respect to Pakistan.*

*(2) PRIOR CONSULTATION REQUIRED.—Not less than 5 days prior to the obligation of funds for Pakistan under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such obligation.*

*(b) FISCAL YEAR 2003.—*

*(1) WAIVER.—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2003 that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup, if the President determines and certifies to the appropriate congressional committees that such waiver—*

*(A) would facilitate the transition to democratic rule in Pakistan; and*

*(B) is important to United States efforts to respond to, deter, or prevent acts of international terrorism.*

*(2) PRIOR CONSULTATION REQUIRED.—Not less than 5 days prior to the exercise of the waiver authority under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such waiver.*

### *SEC. 2. INCREASED FLEXIBILITY IN THE EXERCISE OF WAIVER AUTHORITY OF MTCR AND EXPORT ADMINISTRATION ACT SANCTIONS WITH RESPECT TO PAKISTAN.*

*Any waiver under 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)), or under section 11B(b)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(5)) (or successor statute), with respect to a sanction that was imposed on foreign persons in Pakistan prior to January 1, 2001, may be exercised—*

*(1) only after consultation with the appropriate congressional committees; and*

*(2) without regard to the notification periods set forth in the respective section authorizing the waiver.*

### *SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSISTANCE PROHIBITIONS RELATING TO FOREIGN COUNTRY LOAN DEFAULTS.*

*The following provisions of law shall not apply with respect to Pakistan:*

*(1) Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)).*

*(2) Such provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is comparable to section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–25).*

### *SEC. 4. MODIFICATION OF NOTIFICATION DEADLINES FOR DRAWDOWNS AND TRANSFER OF EXCESS DEFENSE ARTICLES TO RESPOND TO, DETER, OR PREVENT ACTS OF INTERNATIONAL TERRORISM.*

*(a) DRAWDOWNS.—Notwithstanding the second sentence of section 506(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(b)(1)), each notification under that section with respect to any drawdown authorized by subclause (III) of subsection (a)(2)(A)(i) that the President determines is important to United States efforts to respond to, deter, or prevent acts of international terrorism shall be made at least 5 days in advance of the drawdown in lieu of the 15-day requirement in that section.*

*(b) TRANSFERS OF EXCESS DEFENSE ARTICLES.—Notwithstanding section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(1)), each notification under that section with respect to any transfer of an excess defense article that the President determines is important to United States efforts to respond to, deter, or prevent acts of international terrorism shall be made at least 15 days in advance of the transfer in lieu of the 30-day requirement in that section.*

### *SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.*

*In this Act, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.*

### *SEC. 6. TERMINATION DATE.*

*Except as otherwise provided in section 1 or 3, the provisions of this Act shall terminate on October 1, 2003.*

Amend the title so as to read: "A bill to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.". .

Mr. BIDEN. Mr. President, I am pleased that the Senate is considering this legislation, which was reported by the Committee on Foreign Relations earlier today. The bill addresses an urgent priority in the fight against terrorism by clearing the way for U.S. assistance to Pakistan. After the attacks of September 11, we asked the world to choose sides. Pakistan has chosen to stand with the United States.

We need to assist this important front-line state. The President has already done so by committing $100 million in economic assistance to Pakistan under the extraordinary authority of Section 614 of the Foreign Assistance Act. But to provide additional assistance requires Congress to amend several laws restricting such assistance. The bill before the Senate therefore provides the following authority.

First, the bill waives, for Fiscal Year 2002, the restriction in law against assistance to countries where a democratic government has been overthrown by military coup. The President may waive the restriction in Fiscal Year 2003, but only if he determines that doing so would facilitate the transition to democratic rule in Pakistan and if it is important to the fight against terrorism. As we all know, there was a military coup in Pakistan in 1999. The current government has pledged to hold elections next fall. This provision keeps the focus on the U.S. policy objective that elections should be held in Pakistan.

Second, the bill permits an expeditious waiver of sanctions imposed last fall against the Pakistani Ministry of Defense for violations of the Missile Technology Control Regime. Current law permits the President to waive these sanctions if it is essential to the national security. But he is required to notify Congress 45 working days before doing so. The bill allows the President to exercise the waiver without waiting those nine weeks.

Third, the bill waives provisions of law which restrict assistance to nations in arrears on their payments of official debt to the United States. The United States just rescheduled some of Pakistan's debt, but that rescheduling does not take effect for several weeks, so this provision allows assistance to flow to Pakistan in the meantime.

Finally, the bill provides additional flexibility in providing emergency military assistance to any country assisting us in the campaign against terrorism by reducing, but not eliminating, the notification periods for these authorities for two years.

The bill makes no other changes to current law. Rather than provide broad waiver authority to override the significant structure of laws we have enacted in recent decades, as the State Department asked, we have narrowly tailored the legislation to address the specific provisions of law that were obstacles to helping Pakistan. In so doing, we are not foregoing any of the important policy objectives we have in Pakistan, particularly our non-proliferation objectives.

I should emphasize that this provision has broad support. It was negotiated on a bipartisan basis within the Committee on Foreign Relations, and with the Chairman and Ranking Member of the Foreign Operations Subcommittee, Senator LEAHY and Senator MCCONNELL. Because of the urgency of trying to get this legislation to the President, we have agreed to "double-track" the bill. We will move it free-standing today, and the Appropriations Committee will incorporate it into the foreign operations appropriations bill when that is considered in the Senate.

Mr. President, as we have since September 11, we stand united in support of the President. We stand ready to assist the Administration in the campaign against terrorism. I hope my colleagues will support this legislation.

Mr. REID. I ask unanimous consent that the committee amendment be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1465), as amended, was read the third time and passed.

The title amendment was agreed to.

## MEASURE READ THE FIRST TIME—S. 1499

Mr. REID. Mr. President, I understand that S. 1499, introduced earlier today by Senator KERRY and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1499) to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

Mr. REID. I now ask for its second reading and object to my own request on behalf of the other side.

The PRESIDING OFFICER. The bill will remain at the desk.

## MEASURES INDEFINITELY POSTPONED—S. 985 and S. 1181

Mr. REID. Mr. President, I ask unanimous consent that Calendar Nos. 127 and 130 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR FRIDAY, OCTOBER 5, AND TUESDAY, OCTOBER 9, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. Friday, October 5, for a pro forma session, and that following the pro forma session, the Senate adjourn until Tuesday, October 9, at 9:30 a.m.

Further, on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business with Senators permitted to speak for up to 5 minutes each, with the following exception: Senator BYRD of West Virginia, 30 minutes; further, that at 10 a.m., the Senate resume consideration of the motion to proceed to S. 1447, the aviation security bill, with 30 minutes of debate equally divided between the majority leader and the Republican leader, or their designees, prior to a 10:30 a.m. rollcall vote on cloture on the motion to proceed, with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, the Senate will convene on Friday for a pro forma session and adjourn until Tuesday at 9:30 a.m. On Tuesday, there will be a period of morning business until 10 a.m. The Senate will vote on cloture on the motion to proceed to the aviation safety bill at 10:30 a.m. on Tuesday. We hope cloture will be invoked so the Senate may begin consideration of the aviation bill next week.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Friday, October 5, 2001, at 10 a.m.

# HOUSE OF REPRESENTATIVES—*Thursday, October 4, 2001*

The House met 10 a.m.

Rabbi Alan Katz, Temple Sinai, Rochester, New York, offered the following prayer:

Today is the third day of the Jewish Festival of Tabernacles, Succoth, our Feast of Booths. This festival is also called the Time of Our Rejoicing, and begins only 5 days after Yom Kippur, our most solemn of holy days. In renewed spirit, we therefore pray for the Almighty's divine protection. We ask You, Universal God, to spread over us the tabernacle of Your peace and direct us in good counsel. Be our rock and support in both times of grief and of joy.

As the Jewish people from ancient days to the present dwelt and survived in Harvest Booths under the protecting wings of God's presence, bless our entire Nation with the shelter of love and peace that helps us to regain our confidence and security. Be with the leaders of our country who, in wisdom and compassion, seek to establish justice and peace in our Nation and in the world. Strengthen our citizens to reach out in kindness as we acknowledge the holiness of the Divine image found in each and every person. Allow us to stand upright and tall in the face of all that comes our way, always champions for freedom and peace.

Praised are You, Eternal One, whose shelter of peace encompasses us and all humanity.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. BLUMENAUER) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUMENAUER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 768. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The message also announced that the Senate has passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

> S. 1438. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentlewoman from New York (Ms. SLAUGHTER) will be recognized for the first 1-minute. After that, there will be ten 1-minutes on each side.

The Chair requests the gentlewoman from Illinois (Mrs. BIGGERT) to assume the Chair.

## WELCOME TO RABBI ALAN KATZ, TEMPLE SINAI OF ROCHESTER, NEW YORK

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, today we open this legislative day with a prayer from Rabbi Alan Katz. I want to take a moment to tell my colleagues and the country about Rabbi Katz and the important role that he plays in my community.

Rabbi Katz has served as rabbi of Temple Sinai in Rochester since 1986, and he has played prominent roles in many of Rochester's civic and faith organizations. Rabbi Katz is joined here today by his parents; his wife, Jan; and his brother, David.

Rabbi Katz knows better than anyone that one of America's strengths is our diversity. As Americans, we have enormous freedom; and some in other lands do not understand it. Rochester is a community of many faiths; and Rabbi Katz is a leader in helping others learn, understand, and celebrate our differences. He is known for his ability to reach across racial, ethnic, and religious lines to create understanding and friendship. He is part of a Muslim-Jewish dialogue group; and he has fostered a relationship between Temple Sinai and AME Baber Church with Reverend Norvell Goff, Sr. Along with Catholic Bishop Matthew Clark, he co-led the Rochester Interfaith Mission to Israel in the summer of 1998.

In these difficult and emotional times, many of us are returning to faith to seek guidance and understanding. Many people in Rochester turn to Rabbi Katz for his wisdom, his understanding, and his ability to heal. I am proud to have known Rabbi Katz for a number of years; and I am grateful for his work in our community, as well as his personal friendship. I am honored that he was here today to lead us in prayer.

## TRIBUTE TO CITY OF HOPE MEDICAL CENTER FOR ITS WORK TO FIGHT BREAST CANCER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, the sea of stripes and stars and red, white, and blue that decorate shop windows and adorn our homes and cars is evidence that Americans have renewed our sense of pride and unity. Donning ribbons and waving flags, hundreds more will fill the streets of South Florida this Sunday, October 7. They will participate in a patriotic salute; but as our Nation gets back to business, these South Floridians will Walk for Hope Against Breast Cancer.

Walk for Hope Against Breast Cancer will help raise funds for lifesaving research at City of Hope Medical Center and at the Beckman Research Institute. I congratulate the event co-chairs of the walk, Michael Yavner and Mason Mishcon; as well as the Grand Marshal of the walk, Susan Wise, the Morning Diva at 101.5 Lite FM, and Jade Alexander, entertainment reporter for CBS 4, who have utilized their TV and radio talents to promote the event.

I also congratulate Ambassador Naomi Wright, director of community relations at Pro-player Stadium, who has worked to raise funds that will benefit clinical trials and hereditary and clinically associated research.

One in eight women will be diagnosed with breast cancer, but with the dedication and leadership of groups like City of Hope Medical Center, we will soon be trained with the weapons to fight this devastating disease.

## URGING CONGRESS TO ALLOW GOD BACK INTO THE SCHOOLROOMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, after September 11, America turned to prayer. Churches, community groups, colleges, all of America prayed for the victims, their families, and our great Nation.

Once again, when in crisis, America turns to prayer and turns to God. Yet, America has banned God from our schools. Shame. A nation that bans God from our schools is a nation that invites the devil.

I yield back our right of religious freedom and urge this Congress to take whatever steps and means are necessary to invite and allow God back into our schoolrooms.

## WHY WE MUST GO TO WAR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, we seem to be entering a new era of war protesters. The professional protesters who have been marching against globalism and capitalism and other causes now have a new cause.

I respect true pacifists, although I do not agree with them. I believe sometimes we have to fight against tyrants. But we should remind one another that freedom is not free. Our freedoms were not won with poster paint. It was costly. They were won by the blood of patriots.

The reason our soldiers fight and die is to secure our freedoms: the freedom, the luxury, even, to protest and carry a sign, and the freedom to be tolerant; the freedoms of religion, speech, press, assembly, and redress of grievances.

This war is against terrorists who will kill innocent women and children and take the law into their own hands to achieve their own ends. This war is to guarantee that our people, our children, can have a secure and free future. The intent of the terrorist is not our defeat, it is our destruction. If they had weapons of mass destruction, they would use them. They are seeking such capability as we speak.

That is why we must go to war. We must exact justice on the terrorists, and we must prevent them from getting that capability so the world can live in peace and freedom.

## TANCREDO AMENDMENT WILL STOP BARBARIC PRACTICE OF COCKFIGHTING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, the House this morning has an opportunity to stop the barbaric and inhumane practice of cockfighting. Roosters bred, trained, and equipped not just to kill but maim and do maximum damage and bloodshed is something that is abhorrent to the American public.

Starting in 1837, Massachusetts and 46 other States over the years have done their job. Congress has not done its. Even though 25 years ago the House passed the legislation and last month passed legislation, we have never had time to do it right.

It is time to close this loophole that transports these fighting birds across State lines. Join the advocates for humane treatment of animals, law enforcement, and the overwhelming majority of American citizens. I urge my colleagues to join the gentleman from Colorado (Mr. TANCREDO) and I to close this loophole by voting for the amendment.

## URGING SCHOOL DISTRICTS TO RESCHEDULE SAFETY PATROL TRIPS TO THE U.S. CAPITOL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, I want to applaud my colleagues as co-chairman of the Congressional Travel and Tourism Caucus for their outstanding work on getting America flying again, traveling again, and looking at some of the implications of September 11.

One disturbing note: I have heard many school districts around the Nation are talking about canceling the all-important safety patrol trips to our Nation's Capitol. I urge them to reconsider those decisions. One of the great times for us in Congress is a chance to meet with our young constituents when they come to Washington, D.C., their eyes big as saucers, looking at the wonderful majesticness of this building, our national monuments, and the history invoked in this room.

This is a singularly important trip for these young people and should not be put aside based on fear or irrational concerns over safety. We want the children to be treated safely. We want them, yet, to have a great historical time in our Nation's Capitol.

I urge those school boards to reconsider their decision and allow their kids to travel to our Nation's Capitol. They will be safe, and more important, they will gain an insight into the workings of the Federal Government, which is important for themselves and their future.

## TODAY CONGRESS CAN FUNDAMENTALLY REFORM AGRICULTURE POLICY TO BENEFIT ALL FARMERS

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Madam Speaker, today we have a chance to fundamentally reform agriculture policy so all farmers in all regions of the country will benefit under the next farm bill.

□ 1015

I, along with the gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Michigan (Mr. DINGELL) will offer an amendment that takes a little bit of the increase of the subsidy payments that the largest commodity producers will receive, and instead move those resources into voluntary and incentive-based land and water conservation programs that our farmers want and are calling for.

As the Bush administration made clear in their statement on the farm bill released yesterday, even they cannot support the committee bill because, and I quote, "It misses the opportunity to modernize the Nation's farm programs through market oriented tools, innovative environmental programs, including extending benefits to working lands and aid programs that are consistent with our trade agenda."

Our amendment, Madam Speaker, accomplishes these objectives, and I urge my colleagues to support the Boehlert-Kind-Gilchrest-Dingell amendment.

## AIDING OUR CITIZENS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the recent terrorist acts against our Nation have scared and angered us. Many have been directly affected by this tragedy and some have lost loved ones, and some are experiencing job displacement and others just need someone to talk to. There is help for those affected by this misfortune.

There are forms of aid available to them and their families and friends in this difficult time. I wanted to ensure our citizens that they have knowledge and access to these helpful programs.

If folks are out of work because of the attack, they are eligible for disaster unemployment assistance including access to health insurance. It is possible for states to receive funding from the Department of Labor if a large amount of their citizens have experienced job loss. If employment has been terminated due to a downsizing in the company resulting from these events, there are employment services that will assist in finding a new job.

Madam Speaker, looking to our neighbors and offering help at times such as these is what makes America and our citizens resilient. Our land may have been damaged, but our strength is indestructible.

## HONORING THOMAS JOHNSON

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Ms. CARSON of Indiana. Madam Speaker, I rise today to honor Mr. Thomas Johnson, a professional truck driver for Roadway Express and proudly one of my constituents.

Mr. Johnson was recently invited into the ranks of the Individual Million Mile Safe Drivers, a small group of truck drivers who have driven their vehicles more than one million miles without accident.

To put what Mr. Johnson has done into perspective, the average car driver would have to travel around the world at least 40 times to equal this milestone. This is a remarkable accomplishment, and is an outstanding safety achievement. I rise today to congratulate Mr. Johnson for his hard work and for the example he sets for other professional truck drivers and regular motorists.

Mr. Johnson has been with Roadway Express for over 8 years and I know that they are as proud of him as I am. I wish Mr. Johnson, his family, his company all the best for the future and hope that he will keep on trucking safely for many years to come.

## FIGHT HUNGER TO REDUCE POVERTY

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Madam Speaker, October 16 is United Nations World Food Day. This annual event, as we know, seeks to raise awareness for the problem of hunger around the world, as well as to provide a plan to address and make a significant reduction in the number of people who are without food. This year's theme, Fight Hunger To Reduce Poverty underscores the U.N.'s belief that fighting hunger is the first step in reducing poverty.

In conjunction with the food bank of Western New York and Buffalo, we are honored to sponsor a Columbus Day food raiser Monday, October 8. Food and money donated to this event will go towards supplying families in our area food items over the holiday and Thanksgiving times. In my district and throughout the region, the food bank is dedicated to feeding hungry people, providing over 90,000 individuals with close to a million meals per month.

Madam Speaker, I would encourage all of our colleagues to work with their local relief organizations to continue to fight hunger.

## IMPORTANCE OF URBAN FORESTRY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, as we consider the agriculture relief package today, I urge my colleagues to support the increase of funding for Urban forestry. In my district, the city of Atlanta, loses 50 acres of green space each day. The city, once known as the city of trees, is in danger of becoming the city of asphalt, strip malls and sprawl. Urban forestry helps to correct this problem.

Madam Speaker, this is an important issue. It is about more than just a few trees and parks. We need to open green space in our cities so that families can come together and watch the wonder of nature. We need open green spaces in our communities so that young people can belt 3–2 pitches over the fence. We need open green space in our neighborhood so that our seniors can sit and talk about the days gone by.

Madam Speaker, we need urban forestry.

## RETURN TO THE SKIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, today Washington, D.C. Ronald Reagan National Airport reopened, a reopening that reflects the freedom to access the world's seat of democracy. This is yet another sign that our country is recovering and we will not cower to the threat of terrorism.

I applaud the administration for their commitment to assuring the American public and that it is safe to return to the skies. Washington, D.C., like other favorite tourist destinations in our great Nation, welcomes millions of visitors every year and the reopening of Ronald Reagan National Airport will once again allow people to travel from the farthest corners of the world to see our Nation at work, to see our Nation's capital and to see democracy at work.

Our Nation is strong. Our resolve is strong. Madam Speaker, we will not allow terrorists to shut down our airports, our society or our freedoms. I encourage everyone to battle terrorism individually by returning to their normal day-to-day work routines and to enjoy the freedoms of travel and enjoy their lives as Americans.

## ADOPTION INFORMATION ACT

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today to speak about the Adoption Information Act which I recently introduced.

The act requires that eligible family planning clinics that receive Federal funds provide information listing the adoption agencies in that State to every person who enters these clinics and requests family planning services.

Opinion surveys consistently find that the general public views adoption as an attractive option in the case of an out-of-wedlock pregnancy or other situations in which the mother is unable to care for the unexpected child. Yet very few women choose adoption when confronted with an unwanted pregnancy. I believe this is in part because adoption information is not available to them and they often have to search for a provider of adoption services. This bill is a small step in the right direction and provides women with another option.

Adoption is a safe, loving choice for both the mother and the child. I urge my colleagues to support the Adoption Information Act.

## EXPRESSING THANKS TO THE PEOPLE IN THE FOURTH CONGRESSIONAL DISTRICT OF ALABAMA

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Madam Speaker, we have all heard stories over the past three weeks where Americans have gone out of their way and beyond the call of duty to help the victims of their families of the September 11 attacks of the United States. I have seen several examples in Alabama and in the congressional district I represent, the Fourth District of Alabama.

One such example is in the northeastern part of the fourth congressional district in DeKalb County. A family there heard a firefighter tell of a need that was so simple, that many may not have even thought about it, the need for clean, dry socks. It should be noted that this area of the district is the "sock capital" of the world.

After a few phone calls to numerous sock mills in the Fort Payne area, those in Alabama's hosiery industry were there to help, offering socks made in America, from American materials, finished in America, packaged in America and, most importantly, for American heroes in their time of need.

The hosiery industry in Fort Payne and DeKalb County was presented with a need and answered the call within 24 hours. More than 5,000 pairs of socks were delivered to both New York City and the Pentagon.

I want to express my thanks for the actions of the people of the Fort Payne area and the thousands of other families in Alabama's Fourth District who work in these sock mills. I am proud to represent this community, Fort Payne, even though it may not have been in the headlines of the New York Times, they stood up in an important way to help their fellow Americans.

## GENERAL LEAVE

Mr. COMBEST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2646.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Texas?

There was no objection.

## FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 248 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2646.

☐ 1026

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 3, 2001, Amendment Number 52, printed in the CONGRESSIONAL RECORD, by the gentleman from Michigan (Mr. SMITH) had been disposed of and the amendment in the nature of a substitute was open to amendment at any point.

Are there further amendments?

### AMENDMENT NO. 61 OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Mr. TIERNEY:

At the end of the bill, insert the following new section:

**SEC. 932. REPORT REGARDING GENETICALLY ENGINEERED FOODS.**

(a) IN GENERAL.—Not later than one year after funds are made available to carry out this section, the Secretary of Agriculture, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) DATA AND TESTS.—The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) MONITORING SYSTEM.—The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) REGULATIONS.—A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture $500,000 to carry out this section.

Mr. TIERNEY. Mr. Chairman, the safety of our food supply is one of our Nation's top priorities obviously, but increasingly, Americans are becoming concerned about the genetically engineered ingredients that are in their food. Because of that concern, I have introduced this reasonable amendment that provides for a National Academy of Sciences study to examine three important health-related aspects of genetically engineered foods.

First, that the tests being performed on genetically engineered foods to ensure their health safety are adequate and relevant.

Second, what type of monitoring system is needed to assess future health consequences from genetically engineered foods.

And third, what type of regulatory structure should be in place to approve genetically engineered foods for humans to eat.

Genetically engineered crops can be found in many of the foods we eat every day. Potato chips, soda, baby food, they all contain genetically engineered ingredients. Last year, many Americans became aware of the pervasiveness of these ingredients in our food when Starlink corn that was genetically engineered wound up in human food, and not just the animal feed for which it was approved.

We need to address this issue before we have more unexpected incidents like this.

Mr. Chairman, this issue is not going to be resolved on its own. Several States, including my home State of Massachusetts, are considering legislation that would impose a moratorium on the planting of genetically engineered crops. In the meantime, the number of genetically engineered crops planted by farmers is continuing to grow.

In the year 2000, more than 100 million acres of land around the world were planted with genetically engineered crops. This is 25 times as much as was planted just 4 years before. If we do not make an effort to ensure the best testing, monitoring and regulatory structures are in place now, our farmers are going to suffer the consequences of any future lack of public confidence in genetically engineered foods.

This effort has been endorsed by the Center for Science in the Public Interest, an organization devoted to improving the safety and nutritional quality of our food supply, and I urge all of my colleagues to join me in supporting this common sense amendment to protect our farmers and our families.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman's offering the amendment, and I know that this is of great concern. I wanted to mention that numerous studies have been undertaken by private scientific societies, public universities, regulatory agencies and the National Academy of Sciences, which have addressed and dismissed this question.

While the initial reaction to this amendment may be to question the duplicative nature of yet another study, I recognize there is value in continued education, evaluation of the ability to oversee the application of new technologies to our food production and processing systems, and I would like to indicate to the gentleman from Massachusetts that the committee would be happy to accept the amendment.

☐ 1030

Mr. TIERNEY. I thank the chairman.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

It is generally agreed that the 21st century brings with it a new era of biological sciences, with the advances in molecular biology and biotechnology that promises longer, healthier lives and the effective control, perhaps elimination of a host of acute and chronic diseases. Right now we have the best safeguards in the world in testing any new food product.

The biotechnological development of new plants that is achieved through this new technology is more safe (according to witnesses testifying at five hearings I have had now in my Subcommittee on Research) more safe than the traditional cross-breeding or hybrid breeding of plants. Most everything that we eat now, and buy at the grocery store, has been genetically modified. The genetic modification has been accomplished by crossing one plant with another. With maybe 25 to 30,000 genes in a typical plant crossed with another plant, not knowing what the end result is going to be is potentially more dangerous than using the new technology.

With the new biotechnology, we have the ability to identify particular genes and the folding of proteins related to those genes to help assure that the resulting product is going to be safe. In addition to that, we have the best regulatory safeguards anywhere in the world, with USDA, with the Food and Drug Administration, and the Environmental Protection Agency all looking into safeguarding these new plant and food products.

I would hope we would not support any suggestion that is going to reduce the scientific effort to achieve the kind of new food and feed products that we need in this country and that have the potential of being helpful to third world countries and a hungry world. The kind of food products that could, for example, grow in the arid soils where they were not able to grow in the past; food products that provide vaccines or important vitamins and nutrients.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 46 OFFERED BY MR. PICKERING

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. PICKERING:

At the end of title IX, add the following section:

**SEC. 9 . MARKET NAME FOR PANGASIUS FISH SPECIES.**

The term "catfish" may not be considered to be a common or usual name (or part thereof) for the fish Pangasius bocourti, or for any other fish not classified within the family Ictalariidae, for purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, including with respect to the importation of such fish pursuant to section 801 of such Act.

Mr. PICKERING. Mr. Chairman, I want to take this opportunity first to thank the Chairman, the gentleman from Texas (Mr. COMBEST), and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their leadership on the underlying legislation, the farm bill, which is greatly needed to stabilize and secure the farm economy as we go forward over the next decade.

The amendment that I have before us today is very simple. In December 2000, the FDA made a unilateral decision to allow the Vietnamese to label basafish as catfish. Now, this is equivalent to allowing water buffalo to be imported into this country under the label of beef.

Since that time we have seen false, deceptive, and misleading labeling of this product. For example, we have cajun delight catfish, we have delta fresh farm raised catfish, and I can tell my colleagues that we do not have these fish raised in the Mississippi Delta. It is misleading.

The tragedy is that we have allowed a situation to occur which is hurting an industry born a generation ago in Mississippi and Louisiana and Arkansas and across the southeast that has given the catfish the good name and the good flavor it has. This industry has created a vital and important contribution to my State's economy. We need to do everything that we can to make sure that our trade practices and labeling are fair.

This amendment will do that and will require the labeling of the Vietnamese import to be basa, as it should be.

Mr. Chairman, I want to recognize and thank my colleagues, the gentleman from Arkansas (Mr. BERRY), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Arkansas (Mr. ROSS), who are joining with me. I also want to thank the chairman for his work with me in this effort.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman's amendment. I understand the problem that the catfish farmers are facing as a result of an imported fish being inappropriately labeled.

The gentleman from Mississippi (Mr. PICKERING) has worked hard to develop a solution to this problem both administratively and legislatively. We can continue to work to try to find solutions to the problem. I appreciate the gentleman's amendment and will be happy to accept it.

Mr. PICKERING. I thank the chairman.

Mr. BERRY. Mr. Chairman, I rise in support of the amendment, and I want to join with my colleague from Mississippi this morning in support of this amendment.

The catfish industry in America is a very innovative, creative industry. My father was one of the pioneers in that industry. I think he would be terribly disappointed today to see what we are allowing to happen as basafish are being brought into this country and mislabeled catfish or mislabeled delta fresh. They are two completely different products. They are genetically different. This would be the same as calling a cat a cow, and we just simply should not allow it.

The Vietnamese basafish claim to be delta fresh. There is no way that this can be possible and it misleads our customers. The Vietnamese basafish are raised using cages thrown into the Mekong River, one of the most polluted watersheds in the world.

It is costing our producers about 10 to 20 cents a pound as they try to stay in business. They are struggling right now. They have a very difficult marketplace because of the situation that this basafish import has created. This price differential has made it so that our producers are no longer profitable.

We simply cannot continue to let unsafe, mislabeled product destroy our catfish producers in this country. Delta farm-raised catfish are of the highest quality. They are clearly what the consumers want, and we should not allow the mislabeling of Vietnamese basafish to continue and to mislead our consumers.

Mr. SHOWS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentleman from Mississippi (Mr. PICKERING) and all my colleagues in supporting this amendment.

Mr. Chairman, right now we know what rural America and rural Mississippi is going through in agriculture. It is being depleted and we are losing jobs and farmers every day. Catfish may not be a big industry in the rest of the country, but catfish is the fourth largest agricultural product in Mississippi. All the catfish feed mills and processing plants are either family-owned or farmer-owned cooperatives.

Our family farmers are on the verge of going out of business and the Vietnamese imported fish industry is putting them out of business. Vietnamese fish products labeled as farm-raised catfish are flooding our markets today. The Vietnamese farmers are producing inferior, potentially unsafe fish products and disguising them with labels that imitate the ones we place on ours, like farm-raised catfish. It is a ploy to mislead and confuse the consumer about the origin of the product.

In 1997, the U.S. imported 120,000 pounds of Vietnamese fish product. Just 4 years later, in 2001, we are up to almost 20 million pounds of so-called farm-raised catfish. The Vietnamese Government has verbally agreed to cooperate with the American trade officials about labeling the fish products, but we cannot rest on their assertions. This is why I wholeheartedly support this amendment, and I encourage my colleagues to protect our American catfish and our farmers in rural America.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

I want to thank Chairman COMBEST and Ranking Member STENHOLM for working endlessly on the Farm Security Act of 2001. I want them to know that I think they have done a superb job. I think it is an excellent bill. The producers in my district think it is an excellent bill, in spite of what some other people might say. I sincerely appreciate their efforts to include the McGovern-Dole International Food for Education and Child Nutrition Program in the trade title of the farm bill.

Missouri's own Harry Truman joined 20,000 Americans on May the 8th, 1946, in sending food donations to victims and survivors of World War II. Many of these recipients were children. And when the packages reached the port at LeHavre, France, it was clear that the folks in the U.S. had joined forces to help those in need, something that Americans have always done at home and abroad.

We are fortunate to have overcome the scars of starvation experienced in

World War II here in this country, but the battle against hunger and for survival still exists today. We know the school lunch program here in America has made a genuine difference in the lives of hungry children; but, unfortunately, children in other countries are still starving. Three hundred million poor children are undernourished, and 35,000 children die every day from hunger-related disease and illness. A hungry child cannot learn.

I am very, very proud of the bill that my colleague, the gentleman from Massachusetts (Mr. McGOVERN), and I introduced, the George McGovern and Bob Dole International Food for Education and Child Nutrition Act of 2001, which is loosely based on our American School Lunch Program, which was originally sponsored in the United States Senate by Senator Dole and Senator McGovern, who are known worldwide for being champions of ending hunger.

Now, the Food for Education Act would make permanent a pilot program for commodity donations that was established during the 106th Congress. This is truly a win-win endeavor for the United States. Not only are we able to feed children here at home and in poor countries, but we also use surpluses from our farmers and producers, and that helps strengthen their bottom lines at a time when our farmers are truly hurting.

Additionally, it strengthens farm prices, and we all know that aid does lead to trade.

So I just want to thank the chairman and the ranking member once again for including this very, very important piece of legislation within the bill.

Mr. ROSS. Mr. Chairman, I move to strike the requisite number of words.

I am honored today to be a cosponsor of the Pickering-Ross amendment to the farm bill. The farm-raised catfish industry is an important part of the economy of my congressional district, which covers all of south Arkansas, where many farm families have converted their row-crop farms into catfish farms in recent years in order to turn a more decent profit. In fact, Arkansas is number three in catfish sales in the Nation, with nearly $66 million, or 13 percent, of the total United States sales, behind only Mississippi and Alabama.

Today, these catfish producers in my district and around the country, especially in the delta region, are being unfairly hurt by so-called catfish being dumped into American markets from Vietnam and sold as catfish. The truth is, it is not catfish. It is even not the same species of fish. In fact, American farm-raised catfish and Vietnamese so-called catfish are no more related than a cat is to a cow. Our amendment would protect our farm-raised catfish producers by saying that the term catfish cannot be used for any fish, such as the ones from Vietnam, that are not specifically a member of the catfish family.

Last year, imports of Vietnamese catfish totaled 7 million pounds, more than triple the 2 million pounds imported in 1999 and more than 12 times the 575,000 pounds imported back in 1998. Indications show that imports have now reached as much as 1 million pounds a month. Many catfish farmers estimate that these imports have taken away as much as 20 percent of their market share.

In Vietnam, the so-called catfish can be produced at a much lower cost due to cheap labor and less stringent environmental regulations. Many of these fish are being grown in cages in polluted rivers. Then they are dumped into American markets and passed off as farm-raised catfish.

□ 1045

This dumping of so-called catfish into our country not only hurts our farm families, if hurts our working families. Many of the plants where the catfish are processed, hire workers who are making the transition from welfare to work.

Just a few weeks ago, I visited a plant in my district in the Delta in Lake Village, Arkansas that has already been forced to cut their work schedule to a 4-day work week. Other catfish processing plants are facing similar problems, and some are even facing the possibility of having to close altogether.

It is really quite simple. Our farmers and our workers do not mind competition, but they do mind when the competition is unfair. I urge my colleagues to support America's farm-raised catfish industry, our farm families, and our working families. I urge my colleagues to vote for this amendment.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of title III for this bill, and in particular section 312, George McGovern-Robert Dole International Food for Education and Child Nutrition Program.

I especially want to express my appreciation for the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for including this provision in the chairman's mark of title III when it was taken up by the Committee on International Relations.

I commend the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for negotiating on language and agreeing to include section 312 in the final version of H.R. 2646.

I pledge to work with my colleagues and the administration to identify a reliable funding stream for this program as the farm bill moves through the legislative process. In the meantime, section 312 makes it clear that the President may continue to use existing authorities to continue and expand the pilot program.

In May, the gentlewoman from Missouri (Mrs. EMERSON) and I introduced H.R. 1700, a bill to establish the Global Food for Education Program inspired by a proposal advocated by former Senators McGovern and Dole, this bill currently has 107 bipartisan cosponsors. Section 312 is a modified version of this bill.

The George McGovern-Robert Dole International Food for Education and Child Nutrition Program would provide at least one nutritious meal each day in a school setting to many of the more than 300 million school children who go to bed hungry. Some 130 million of these children do not go to school because their parents need them to go to work at home or go to menial jobs or because they are orphaned by war, natural disasters, or diseases like AIDS.

This program would complement and expand throughout the world America's own highly successful school breakfast and school lunch programs. It would expand the President's commitment to education and to leave no child behind to the international stage.

A pilot program currently reaches 9 million children in 38 countries. With the provision in this bill, we now have the opportunity to create a permanent program and expand its reach to nearly 30 million children. We can blaze a trail for other donor nations to follow. We can demonstrate America's commitment to achieving the worldwide goal of cutting the number of hungry people in the world in half by 2015, while at the same time providing education for all.

To carry out this program, we can call on the experience of groups like Catholic Relief Services, CARE, Save the Children, Land O'Lakes, and the United Nations World Food Program, that have successfully proven that school feeding programs get more children into school and keep them in school, especially girls.

We can purchase the necessary commodities from American farmers, using the products of their hard labor to provide a school breakfast, lunch, power snack or take-home meal that will turn a listless and dull-eyed child into an attentive student. And American rail workers, truck drivers, dock workers, port authorities and merchant marine will make sure the food gets from our farms and our shores to where it is needed most.

For just 10 cents a day for each meal, we can feed a hungry child and help that child learn. With what we pay for a Big Mac, fries, and a soft drink, we can afford to feed two entire classrooms of kids in Ghana or Nepal.

In these difficult times, every action taken by the Congress, including this farm bill, takes on added meaning in the eyes of the world community. In examining our farm and rural policy, we must seek to add value, economic, social, and moral, to the dollars we spend on farm policy. One of the ways we do this is by increasing international food aid through our existing programs and by undertaking new initiatives. This bill does both.

For most of recent history, dating back to the 1950s, our country has been the single largest donor of international food assistance. The Global Food for Education Program, section 312, upholds that tradition. It is especially important, during this trying time for our Nation, that we continue our international involvement, particularly our aid to children in developing countries, so that the world can clearly see our abiding commitment to eradicating poverty, hunger, illiteracy, and intolerance.

Mr. Chairman, I commend the chairman's work on title III and the increase in food aid programs. I strongly support the George McGovern-Robert Dole International Food for Education Program, and I urge my colleagues to support these food aid programs.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also compliment the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) and the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for including the George McGovern-Robert Dole International Food for Education in this farm bill.

George McGovern is one of South Dakota's native sons, a Senator, candidate for President of this great country, and a humanitarian. Senator Dole is someone that he worked with on both sides of the aisle putting together a bipartisan plan that would help address the needs of needy children around the world.

Coming from a farm State, the McGovern-Dole Food Act appeals to South Dakota because of its impact on the agricultural economy. While the food aid is shipped overseas, much of the money stays here in the United States. Domestic beneficiaries of food aid exports include agricultural producers, places like my home State of South Dakota, and suppliers, processors and millers .

In addition, food aid leads to food trade. U.S. food aid alleviates poverty and promotes economic growth in recipient countries. At the same time as incomes in developing countries are rising, consumption patterns are changing and food and other imports of U.S. goods and services increase. In 1996, 9 of the top 10 agricultural importers of U.S. products were prior food aid recipients.

It is important to note that this legislation targets hungry and malnourished children who are not going to school and who live in poor communities. They wish they did have the money to buy American agricultural products, but they do not.

The overwhelming majority of these children reside in the 87 low-income, food deficit countries of the world. So even their governments do not have the money to purchase our food.

Mr. Chairman, I believe food aid is a better alternative to the billions of dollars in foreign aid that we spend every year. This legislation would assure that children in need get food assistance rather than giving money to some of the regimes around the world who have less-than-pure motives when it comes to the way that they treat their people.

The United States has a surplus of its high-quality agricultural products. Why not help the starving children in underdeveloped nations by giving them a piece of that surplus.

Mr. Chairman, I appreciated the willingness of the leadership on both sides of the aisle to support this important initiative, this legislation which has been worked on so diligently by a couple of great statesmen and leaders in this countries, Senator McGovern and Senator Dole. And I appreciate that it has been made a part of this farm legislation, and I thank the leadership for their assistance with it. It is a win-win for American producers and hungry children across the world.

Mr. WICKER. Mr. Chairman, I rise today in strong support of the amendment offered by my good friend, Mr. PICKERING. The United States Catfish industry is currently subjected to unfair trade competition which threatens the future success of many catfish producers and the communities they support. Frozen fish fillets of an entirely different family of fish are imported and unlawfully passed off to customers as "catfish". This is happening in such large and increasing volumes that the true "North American Catfish" market is being flooded by a lesser quality product at a much cheaper price.

American consumers are defrauded into believing that they are receiving farm raised U.S. catfish instead of another species of fish raised along the Mekong River in Vietnam. Most of the Vietnamese fish are raised in floating cages and ponds along the Mekong River Delta, feeding on whatever floats down the river. Yet the importers are fraudulently marketing them as farm-raised grain-fed catfish. Since the Vietnamese do not place a high value on cultivating the fish in a controlled environment, their cost of production is much lower.

Importers of the Vietnam fish, searching for new markets, were allowed by the FDA to use the term "catfish" in combination with previously approved names. This has resulted in imports entering the U.S. in skyrocketing quantities. The amendment offered today will correct this mistake and help assure that consumers are receiving the quality product that they so desire.

It is unlawful to pass a cheaper fish species off as another species. There is evidence of widespread illegal packaging and labeling of the Vietnamese fish which violates numerous existing laws, including the Fair Packaging and Labeling Act, the Trade-Mark Act of 1946, the Customs origin marking requirements, and the Federal Food Drug and Cosmetic Act.

Since 1997, the total import volume of Vietnamese catfish has risen from less than 500 thousand pounds to over 7 million pounds in 2000. According to the most recent data, imports are reaching levels of 2 million pounds per month and are on target to reach over 20 million pounds this year. As of May this year, Vietnamese fish imports have captured an estimated 20% of the U.S. catfish fillet market.

There are over 189,000 acres of land in catfish production, of which 110,000 are in my home state of Mississippi. U.S. catfish farmers produce 600 million pounds of farm-raised catfish annually and require 1.8 billion pounds of feed. This supports over 90,000 acres of corn, 500,000 acres of soybeans, and cotton seed from over 230,000 acres of cotton.

This very young industry has created a catfish market where none had previously existed. They have done this by investing substantial capital to producing a quality product which the consumer considers to be reliable, safe, and healthy. We cannot allow unfair competition to destroy the livelihood of farmers, processors, employees and communities which depend on the American catfish industry.

I urge my colleagues to help protect the American catfish industry and ensure that consumers are receiving the quality product they expect by supporting the amendment offered by Mr. PICKERING.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The amendment was agreed to.

### AMENDMENT NO. 29 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. HOLT:

At the end of title IX, insert the following new section:

**SEC. . PROGRAM OF PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.**

(a) PUBLIC INFORMATION CAMPAIGN.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a program to communicate with the public regarding the use of biotechnology in producing food for human consumption. The information provided under the program shall include the following:

(1) Science-based evidence on the safety of foods produced with biotechnology.

(2) Scientific data on the human outcomes of the use of biotechnology to produce food for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this section.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, this amendment is modeled after the Food Biotechnology Information Act, the legislation that I introduced in the 106th Congress and again this year.

The point of the bill and this amendment is to give consumers the best information possible so they can make informed choices about the food they eat.

There is much uncertainty and much misinformation about biotechnology and food engineering. Certainly we need to be careful with biotechnology, as we need to be careful with all new and emerging technologies. With a tool this powerful, there are possibilities of damage and misuse. But as a scientist, I believe the use of biotechnology can provide greater yields of nutritionally enhanced foods with less land used and reduced use of pesticides and herbicides. That is to say, biotechnology can be a real benefit to the consumer and the environment.

Biotechnology applications are already reviewed and controlled by the Department of Agriculture, the Food and Drug Administration, and other agencies. My amendment deals with public information. I think the government has a responsibility to provide clear, science-based, evidence-based public information that helps consumers, policymakers, and others make informed choices about foods.

I applaud the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for including part of my legislation, the Food Biotechnology Information Act in this bill. It deals with sound scientific research, and I thank them for doing that.

Mr. Chairman, I would like to complete this by including this information on this amendment on public information. It is a straightforward amendment that directs the Secretary of Agriculture to undertake an information campaign to provide scientifically based information to consumers to allow them to understand the benefits and indications of this new technology for their food choices.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman's interest. Biotechnology offers extraordinary potential, not only to improve the economic viability of farms in the country, but to also help combat animal and plant diseases, improve food safety and quality, and enhance our ability to produce more food on less land with fewer agricultural inputs. Therefore, improving our ability to enhance the environment. I appreciate the gentleman's interest in the subject.

Mr. Chairman, the committee would be pleased to accept the gentleman's amendment.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I, too, think this is a good amendment. It could be very complementary to the activity that is already going on in the biotechnology community. Since science-based information is required, this is an excellent amendment; and I, too, join in its support.

Mr. HOLT. Mr. Chairman, I thank the gentleman from Texas (Chairman COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM).

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

### AMENDMENT NO. 65 OFFERED BY MR. WATKINS OF OKLAHOMA

Mr. WATKINS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 65 offered by Mr. WATKINS of Oklahoma:

At the end of title V, insert the following:

**SEC. . TEMPORARY SUSPENSION OF FORECLOSURE ON CERTAIN REAL PROPERTY OWNED BY, AND RECOVERY OF CERTAIN PAYMENTS FROM, BORROWERS WITH SHARED APPRECIATION ARRANGEMENTS.**

During the period that begins with the date of the enactment of this Act and December 31, 2002, in the case of a borrower who has failed to make a payment required under section 353(e) of the Consolidated Farm and Rural Development Act with respect to real property, the Secretary of Agriculture—

(1) shall suspend foreclosure on the real property by reason of the failure; and

(2) may not attempt to recover the payment from the borrower.

Mr. WATKINS of Oklahoma. Mr. Chairman, I salute the gentleman from Texas (Chairman COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for the job they have done in putting together this tough piece of legislation.

Mr. Chairman, I have a strong commitment to agriculture. I know that it is a very difficult issue to work through. It is a very important program for this great country and for the economy that we have which extends around the world.

Mr. Chairman, I have an amendment; and I offer this amendment to the farm bill which is vitally important to many family farmers across the country. My amendment would temporarily suspend the collection schedule, the foreclosures, until December 31, 2002, about 14 months, on certain real property owned by, and recovery of certain payments from farmer-borrowers with shared appreciation agreements.

Beginning in 1989, over 12,000 family farmers enrolled in shared appreciation agreement. These agreements allowed farmers and ranchers that so desperately need it to restructure their debt.

After 10 years, many of these farmers have been shocked and find themselves in conflict with their own government about the repayment and the type of schedule they must go through, and also how these new payments have been calculated.

My amendment is important to many of our family farmers, especially a lot of our elderly farmers in America. You cannot find a more committed and dedicated people to our land, our soil, and our country; but many farmers believe they have been misled by their government. I think it is very important we allow ample time, and this is what my amendment actually does.

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We have got to look at the calculations and the recapturing costs and values of this. It gives the committee and others ample time to look into these before many of our farmers and ranchers are hurt even further.

I would like to request that the chairman and his ranking member accept this to allow us the time to be able to look into it.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. WATKINS of Oklahoma. I yield to the gentleman from Texas.

Mr. COMBEST. I appreciate the gentleman working with the committee on trying to come up with this amendment and his advance notice of it. We have looked at it. We appreciate the gentleman's interest in agriculture. We wish he served on our committee, but I understand that the powerful committee that he is on has an agricultural interest as well. I would like to tell the gentleman that the committee would be in a position to accept the amendment.

Mr. WATKINS of Oklahoma. I thank the chairman and the ranking member.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Oklahoma (Mr. WATKINS).

The amendment was agreed to.

### AMENDMENT NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ANDREWS:

At the end of subtitle F of title II, insert the following:

**SEC. . PROVISION OF ASSISTANCE FOR REPAUPO CREEK TIDE GATE AND DIKE RESTORATION PROJECT, NEW JERSEY.**

(a) IN GENERAL.—Notwithstanding section 403 of the Agricultural Credit Act of 1978 (16

U.S.C. 2203), the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide assistance for planning and implementation of the Repaupo Creek Tide Gate and Dike Restoration Project in the State of New Jersey.

(b) FUNDING.—Of the funds available for the Emergency Watershed Protection Program, not to exceed $600,000 shall be available to the Secretary of Agriculture to carry out subsection (a).

### MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent that my amendment be modified by striking subparagraph B.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 3 offered by Mr. ANDREWS:

Strike subsection (b).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I would like to begin by thanking Chairman COMBEST and Ranking Member STENHOLM for their excellent work on this piece of legislation.

This amendment deals with a very serious problem in Gloucester County, New Jersey, in my district which could lead to severe flooding, loss of life and property damage for hundreds of families who live adjacent to the Repaupo Creek. The tide gate, which is supposed to control flooding on that creek, is in severely dilapidated condition. The excellent work of the Agriculture Department in the State of New Jersey has thus far indicated a willingness of that Department to address and solve this problem.

In order to make it explicit that the Department of Agriculture has the authority to provide assistance for the planning and implementation of the Repaupo Creek tide gate and dike restoration project, I have introduced this amendment. Again, I believe it is an excellent preventative measure.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Texas.

Mr. COMBEST. I appreciate the gentleman yielding.

Mr. Chairman, just to make the record clear, subsection B of the amendment would have provided an opportunity for a point of order by the Committee on Appropriations. The gentleman from New Jersey (Mr. ANDREWS) has worked this issue out with Chairman BONILLA. Striking that subsection makes the amendment agreeable.

I would be in a position to recommend the committee accept the amendment.

Mr. ANDREWS. Reclaiming my time, I also wish to express my thanks to Chairman BONILLA and his staff for helping us.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as modified.

The amendment, as modified, was agreed to.

### AMENDMENT NO. 57, AMENDMENT NO. 58 AND AMENDMENT NO. 59 OFFERED BY MR. THUNE

Mr. THUNE. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 57, amendment No. 58 and amendment No. 59 offered by Mr. THUNE:

Amendment No. 57: At the end of subtitle B of title II, insert the following:

**SEC. 215. EXPANSION OF PILOT PROGRAM TO ALL STATES.**

Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—

(1) in paragraph (1), by striking "and 2002" and all that follows through "South Dakota" and inserting "through 2011 calendar years, the Secretary shall carry out a program in each State";

(2) in paragraph (3)(C), by striking "—" and all that follows and inserting "not more than 150,000 acres in any 1 State."; and

(3) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

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Amendment No. 58: Add at the end of title IX the following:

**SEC. 932. GAO STUDY.**

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to determining how producer income would be affected by updating yield bases, including—

(1) whether crop yields have increased over the past 20 years for both program crops and oilseeds;

(2) whether program payments would be disbursed differently in this Act if yield bases were updated;

(3) what impact this Act's target prices with updated yield bases would have on producer income; and

(4) what impact lower target prices with updated yield bases would have on producer income compared to this Act.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a), not later than 6 months after the date of enactment of this Act.

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Amendment No. 59: At the end, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 932. INTERAGENCY TASK FORCE ON AGRICULTURAL COMPETITION.**

(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Interagency Task Force on Agricultural Competition (in this section referred to as the "Task Force") and, after consultation with the Attorney General, shall appoint as members of the Task Force such employees of the Department of Agriculture and the Department of Justice as the Secretary considers to be appropriate. The Secretary shall designate 1 member of the Task Force to serve as chairperson of the Task Force.

(b) HEARINGS.—The Task Force shall conduct hearings to review the lessening of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.

(2) The concentration and vertical integration of the business operations of such purchasers.

(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.

(5) Marketing innovations and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than 1 year after the last member of the Task Force is appointed, the Task Force shall submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the findings and recommendations of the Task Force for appropriate administrative and legislative action.

Mr. THUNE. Mr. Chairman, the first amendment that I offer today would direct the Comptroller General of the GAO to conduct a study with respect to determining how producer income would be affected by updating yield bases. The yield base is one part of the equation to determining a farmer's assistance payment. Updating yield bases in this bill is crucial to the corn farmers of South Dakota. Currently, yield bases are taken from yield information from 1981 to 1985. Corn yield technology has changed significantly in the past 20 years in South Dakota. As a consequence, corn farmers in my State believe that the next farm bill should include language that provides for updated yield bases to accommodate the vast increase of base yields that producers in South Dakota have seen in recent decades.

The study I am proposing would detail, first, whether crop yields have increased over the past 20 years for both program crops and oilseeds; second, whether program payments would be disbursed differently in this Act if yield bases were updated; third, what impact this Act's target prices with updated yield bases would have on producer income; and, finally, what impact lower target prices with updated yield bases would have on producer income compared to this Act.

I would ask, Mr. Chairman, that Members support this amendment to study how producer income would be affected by updating yield bases.

The second amendment, Mr. Chairman, that I offer has to do with extending the Farmable Wetlands Pilot Program through the life of this farm bill. The Farmable Wetlands Pilot Program is a six-State voluntary program to restore up to 500,000 acres of farmable wetlands and associated buffers by improving the land's hydrology and vegetation. Eligible producers in South Dakota, North Dakota, Iowa, Minnesota, Montana and Nebraska can enroll eligible lands in the pilot through the Conservation Reserve Program. The pilot was authorized by the fiscal year 2001 Agricultural Appropriations Act.

Eligible acreage includes farmed and prior converted wetlands that have been impacted by farming activities. Eligibility requirements include that land must be cropland planted to agriculture commodities 3 of the 10 most recent crop years and be physically and legally capable of being planted in a normal manner to an agricultural commodity; a wetland must be five acres or less; a buffer may not exceed the greater of three times the size of the wetland or an average of 150 feet on either side of the wetland; and participants must agree to restore the hydrology of the wetland to the maximum extent possible.

Producers in my State have had an enthusiastic enrollment thus far and have requested that the program be extended through the life of this farm bill. While doing so, my amendment also opens the program to all States.

I ask that Members support this amendment to continue the effectiveness of the Conservation Reserve Program as it pertains to farmable wetlands.

The third amendment, Mr. Chairman, that I ask be approved directs the Secretary of Agriculture to appoint an interagency task force on agricultural competition. The task force would review the lessening of competition among purchasers of livestock, poultry and unprocessed agricultural commodities in the United States by appraising, one, the enforcement of particular Federal laws relating to competition; the concentration and vertical integration of the business operations of such purchasers; discrimination and transparency in prices paid by such purchasers to producers of commodities; the economic protection and bargaining rights of producers who raise livestock and poultry under contracts; and marketing innovations and alternations available to producers.

During my tenure in Congress, the Committee on the Judiciary held a hearing at my request on competitiveness in the agriculture and food marketing industry. At that hearing and in subsequent conversations with other Members of Congress, I proposed that Congress thoroughly examine existing antitrust statutes and consider how those statutes are being applied and whether agencies and courts are following the laws according to congressional intent.

The very purpose of our antitrust statutes, namely, the Sherman Act and the Clayton Act, is to protect our suppliers from anticompetitive practices that result from market dominance. There are laws on the books that prohibit monopolistic or anticompetitive practices. Unfortunately for family farmers, these laws are not preventing such activities from occurring.

For example, the hog industry has consolidated rapidly, with the four largest firms' shares of hog slaughter reaching 57 percent in 1998 compared with 32 percent in 1980. In the cattle sector, the four largest beef packers accounted for 79 percent of all cattle slaughtered in 1998 compared with 36 percent in 1980. Additionally, four firms control nearly 62 percent of flour milling, four firms control 57 percent of dry corn milling, four firms control 74 percent of wet corn milling, and four firms control nearly 80 percent of soybean crushing.

From 1984 to 1998, consumer food prices increased 3 percent while the prices paid to farmers for their products plunged by 36 percent. The impact of this price disparity is highlighted by reports of record profits among agribusiness firms at the very same time that agricultural producers are suffering through an economic crisis.

Mr. Chairman, with that said, I ask that Members support this amendment to create an interagency task force on agricultural competition to recommend appropriate administrative and legislative action on this very important issue to agriculture across this country.

I ask that these amendments be approved en bloc.

Mr. BEREUTER. Mr. Chairman, I rise in support of the amendments.

I think the gentleman from South Dakota (Mr. THUNE) should be commended for offering these three amendments. All are subjects of great concern and interest to my own constituency. As I held my agricultural town hall meetings, all of these issues were brought up as important issues that should be addressed. The gentleman from South Dakota, in offering No. 58, specifically on wetlands, has a major impact, as he mentioned, not only on his State, but several States including my own. And No. 60, which is an issue directed against the lack of competition in the marketing area and in the input area, is particularly important to our constituents.

I think these amendments deserve very strong support.

Mr. HILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of that part of the amendment of the gentleman from South Dakota which directs the Secretary of Agriculture to appoint an interagency task force on agricultural competition.

Family farmers in Indiana often say they feel squeezed by the growing power and size of agribusinesses. They say they have fewer and fewer choices on where and with whom to do business. A farmer often has no choice but to buy seeds, fertilizer and chemicals from a division of the same company that will end up buying the farmer's finished crops at harvest. Farmers and ranchers also say that their bargaining power is eroding more every day as big changes take place in American agriculture.

As agribusinesses merge and become vertically integrated, America's family farmers worry there is no room for them in the future of agriculture. It is alarming enough that there are one-third as many farms now as there were in the 1930s. There were 7 million farms in the United States in the 1930s. Now there are about 2.2 million farms, a decline of 70 percent in 70 years. Now farmers fear they are losing control of their ability to make regular, routine decisions about their own small businesses.

The facts seem to bear out the concerns of America's farmers and ranchers. The five largest beef packers account for about 83 percent of the cattle slaughter. The four largest corn exporters control nearly 70 percent of that market. Just 50 producers market half of all the pigs raised in this country.

Farmers and ranchers are the heart of America's rural communities, and they feel they are being ignored by the law. It is time their concerns about agribusinesses are addressed. If the big companies are engaging in anticompetitive practices, our farmers and ranchers deserve to know the facts. And if agribusinesses are doing business fairly, farmers and ranchers should know that as well. The interagency task force on agricultural competition would review the lessening of competition in agriculture and recommend appropriate administrative and legislative action.

For that reason, I ask that Members support this amendment.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from South Dakota (Mr. THUNE).

The amendments were agreed to.

### AMENDMENT NO. 4, AMENDMENT NO. 6 AND AMENDMENT NO. 7 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be taken up en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 4, amendment No. 6 and amendment No. 7 offered by Mr. BEREUTER:

Amendment No. 4: In section 212(a)—

(1) strike "and" at the end of paragraph (1);

(2) strike the last period at the end of paragraph (2) and insert "; and"; and

(3) add at the end the following:

(3) by adding after and below the end the following flush sentence:

"Notwithstanding the preceding sentence (but subject to subsection (c)), the Secretary may not include in the program established under this subchapter any land that has not been in production for at least 4 years, unless the land is in the program as of the effective date of this sentence.".

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Amendment No. 6: At the end of title IX, insert the following new section:

**SEC. . AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.**

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

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Amendment No. 7: At the end of title V, insert the following:

**SEC. . AUTHORITY TO MAKE BUSINESS AND INDUSTRY GUARANTEED LOANS FOR FARMER-OWNED PROJECTS THAT ADD VALUE TO OR PROCESS AGRICULTURAL PRODUCTS.**

Section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) is amended by inserting "(and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities)" after "rural communities".

Mr. BEREUTER. Mr. Chairman, I want to compliment our colleagues from Texas, the chairman and ranking member of the Committee on Agriculture, for their efforts in bringing us important legislation, and one, I think, that will be even further improved by a variety of amendments that they have agreed to accept. I have three that I offer today at this point.

The first relates to the Conservation Reserve Program. By virtually any measure, the CRP has proven to be enormously successful. It is a national investment which provides dividends to environmentalists, farmers, sportsmen, conservationists, the general public and wildlife. The CRP actually dwarfs other conservation and wildlife protection efforts. This Member is pleased that it has been reauthorized and expanded.

However, this amendment is offered to close a loophole which was brought to this Member's attention at a recent listening session in northeast Nebraska. Quite simply, this amendment ensures that the CRP be used for its intended purposes. This straightforward amendment states that only land which has been in production for 4 consecutive years is eligible for the CRP, unless the land is already in the program.

We are finding that a variety of people are using this to buy land which they will use for acreage, leaving it in the CRP a short period of time. I understand that the staff may work in conference to perfect this, if necessary, but I believe it is an important change and closes a loophole unintendedly created within the program.

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The second amendment that I offer in No. 6 relates to the Grain Inspection, Packers and Stockyards part of the USDA. It is based on legislation introduced in the other body by the distinguished gentleman from Iowa, Mr. GRASSLEY. Clearly, the issue of concentration in agriculture, particularly in the meat packing industry, is a growing concern. There is simply too little competition, and Congress should work to correct this problem.

The report issued by the General Accounting Office last year found significant shortcomings in the composition of the Grain Inspection, Packers and Stockyards Administration's, GIPSA, investigative teams. This amendment helps to address these concerns.

During listening sessions in this Member's district and in other meetings, producers have made it clear that the consolidation and concentration of firms that sell supplies to farmers and among those that buy their crops and livestock is hurting family farm operations. This is an issue which is mentioned over and over in a concerted and emphatic manner. The support for their views often may be anecdotal, but I believe it is a concern so widely and strongly expressed that the House Committee on Agriculture and the Congress must not ignore it.

Mr. Chairman, the third amendment that I offer en bloc, No. 7, relates to value-added loans. It enhances the USDA's Rural Business Industry Guaranteed Loan Program and promotes value-added products.

The amendment simply expands the loan program to areas other than rural communities if a majority of those individuals involved in the project reside and have farming operations in rural communities, and the project adds value to or processes agriculture commodities. This would remove a stumbling block for worthwhile projects which currently are prohibited even though they would benefit our Nation's farmers.

Mr. Chairman, I think it is critically important that Congress assist these projects designed to add value to agriculture commodities. Producers need to be able to move up the agriculture and food-producing and marketing chain in order to capture a larger share of the profits generated from processing their raw commodities. This amendment is a small, but I think positive, step toward that goal. It removes a barrier to receiving a business and industry guaranteed loan, while maintaining important safeguards to help ensure that the program is used as intended.

This Member urges his colleagues to support this amendment and the other two.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman's yielding and his agreement to roll these into one vote, therefore conserving some time. We certainly looked at the amendment. The gentleman makes some very good points. The committee would be in a position to accept the amendments.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendments offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendments were agreed to.

AMENDMENT NO. 45 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MORELLA:

At the end of title IX, insert the following new section:

**SEC. . ENFORCEMENT OF THE HUMANE METHODS OF SLAUGHTER ACT OF 1958.**

(a) FINDINGS.—Congress finds as follows:

(1) Public demand for passage of Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958") was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, "If I went by mail, I'd think no one was interested in anything but humane slaughter".

(2) The Humane Methods of Slaughter Act of 1958 requires that animals be rendered insensible to pain when they are slaughtered.

(3) Scientific evidence indicates that treating animals humanely results in tangible economic benefits.

(4) The United States Animal Health Association passed a resolution at a meeting in October 1998 to encourage strong enforcement of the Humane Methods of Slaughter Act of 1958 and reiterated support for the resolution at a meeting in 2000.

(5) The Secretary of Agriculture is responsible for fully enforcing the Act, including monitoring compliance by the slaughtering industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should fully enforce Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958") by ensuring that humane methods in the slaughter of livestock—

(1) prevent needless suffering;

(2) result in safer and better working conditions for persons engaged in the slaughtering industry;

(3) bring about improvement of products and economies in slaughtering operations; and

(4) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85–765 (7 U.S.C. 1901 et seq.; commonly known as the "Humane Methods of Slaughter Act of 1958").

Mrs. MORELLA. Mr. Chairman, my amendment is just a simple sense of Congress that reaffirms our support for the Humane Methods of Slaughter Act, which has been law since 1958. I want to thank the gentleman from Oregon (Mr. BLUMENAUER) also for letting me speak on this noncontroversial amendment at this time.

This law that we passed in 1958 intends to prevent the needless suffering of animals that are slaughtered for food. It states that animals must be in a state of complete unconsciousness throughout the butchering process, and under no conditions can an animal ever be dragged while conscious or disabled. In short, slaughter-bound animals are never to be rushed, beaten, or tortured while they are still alive.

The Humane Methods of Slaughter Act was strengthened in 1978 to empower USDA inspectors to stop the slaughter line if they observe any cruelty. USDA has the power to enforce humane slaughter regulations. The American people expect them to uphold this law, and supporting this amendment will demonstrate that Congress continues to believe that animals being slaughtered should be treated humanely.

In addition, this sense of Congress supports the full enforcement of existing law by the U.S. Department of Agriculture's Food Safety and Inspection Service. Through full cooperation and disclosure, we can assure the American people that the meat that they buy was slaughtered in a humane way. In the words of Gandhi, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

All we are asking is that we enforce the laws that we made. I encourage all Members to support this amendment.

I want to thank the gentleman from Texas (Chairman COMBEST) for allowing me to be able to offer this.

Mr. COMBEST. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I want to thank the gentlewoman for working with us to develop her amendment. This is a very important matter that we take very seriously. We appreciate the work that the gentlewoman is doing on it. The committee would be in a position to accept the amendment.

Mrs. MORELLA. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership and comments.

Mr. STENHOLM. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I want to thank the gentlewoman for her concern in this area. I join in the support of the chairman for her amendment. I thank her for her interest in this.

Mrs. MORELLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. MORELLA).

The amendment was agreed to.

### AMENDMENT NO. 8 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUMENAUER:

At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. 932. PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.**

(a) PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.—Section 26(d) of the Animal Welfare Act (7 U.S.C. 2156(d)) is amended to read as follows:

"(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of an animal in interstate or foreign commerce for any purpose, so long as the purpose does not include participation of the animal in an animal fighting venture.".

(b) EFFECTIVE DATE.—The amendment made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Prohibition on interstate movement of animals for animal fighting.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of the amendment in association with the gentleman from Colorado (Mr. TANCREDO) and appreciate his leadership and support on this important issue.

One area of overwhelming consensus on the part of the American public is for the protection of animals, and there is an almost universal aversion to barbaric sports like dog fighting and cockfighting. We have done our job as it relates to dogs. We have not, as it relates to the practice of cockfighting. The majority of the American public overwhelmingly opposes it, and this House voted to ban its use 25 years ago. Yet it still lingers on.

Male chickens are bred to display traits of hostility. They are trained to fight, and then they are armed with pikes or knives to maim other roosters. It is calculated to maximize the bloodshed.

Sadly, we are in today the third century of a struggle to eliminate this cruel and barbaric practice. Much progress has in fact been made; not here in Congress, but at the State level. It began in the 19th century with the State of Massachusetts in 1837, and went on through the 1800's with States like Mississippi and Arkansas. Today, 47 States have outlawed the practice, and there is strong evidence that the citizens of the three remaining States are likewise strongly opposed. In all likelihood, there will be another one or two States that will outlaw this through their legislatures, and, if not, then by the people themselves.

The purpose of this amendment, Mr. Chairman, is to make sure that the Federal Government is not complicit in aiding and abetting this barbaric practice. The Federal Government has no business undermining the laws in the 47 States by permitting the transfer of these birds across State lines.

There are a couple of problems with the situation that we face right now. In the States where the practice is legal, just the three of them, the cockfighting activities, the arenas, the pits, have developed around the borders of the State. So like in Texas, people come across the border into Oklahoma and engage in the practice. It makes it easy for people to undermine the activities in a State like Texas by going to Louisiana or to Oklahoma.

The practice of moving these birds across State lines raises another difficult problem, because law enforcement officials have to deal with the consequences of what is happening in the other 47 States where it is not legal. People who are involved, they claim they are just raising and training the birds, not involved in actual cockfighting activities itself. But time and time and time again, the practice activities degenerate into actual illegal cockfighting activities, and I will not take the time now to enter into the RECORD example after example where these activities are taking place. And it is not just the barbaric act on the animals themselves that has been outlawed, but there is a great deal of illegal gambling; and there are time and time again violent acts that are associated with these clandestine activities. That is why over 100 law enforcement agencies have urged the enactment of this legislation.

Mr. Chairman, Members of this body have recognized that it is time to step up and be counted. Last session we had a majority of Members who cosponsored legislation, with the lead sponsor being our colleague, the gentleman from Minnesota (Mr. PETERSON). For some reason, we could not bring that legislation forward. This session we have over 200 Members who have already cosponsored legislation, but somehow it has been left out of this bill.

I strongly urge that we correct this oversight now. Every major law enforcement agency in my State is supporting the measure because it will make their job easier while stopping this barbaric practice. I suggest that we move to approve this amendment now, to support the humane treatment of animals, and support the efforts of our law enforcement officials. We do not have to wait for legislation that is somehow lingering. We can put it into this bill now.

We do not allow transportation across State lines of dogs for fighting purposes. We should do the same thing as it relates to cockfighting. Take the Federal Government out of the business of aiding and abetting this 3-century legacy of shame.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know of anyone who is supportive of the inhumane treatment of animals, and it is something which obviously there are many occasions in which one can point to in which that occurs. But the concern that the Committee on Agriculture has is a number of unintended consequences that this may have in a more broad-reaching impact and implication.

We held a hearing on this issue in September of last year to determine the need for the legislation. It was very apparent during testimony, we were trying to look at what other implications might be brought into it unintentionally; and from questioning many witnesses, there are issues and concerns that have not been resolved.

Among these issues were the effectiveness of the legislative proposal, the impact such legislation could have on transportation of birds for purposes other than fighting, and the implications for animal health programs.

If the amendment was enacted, someone wishing to get under the legislation that the law would create could simply indicate that they are not shipping the birds to Oklahoma, but instead they were going to the Philippines.

The amendment would have a chilling effect on transportation of other birds. Breeders and exhibitors of fancy birds have testified that airlines, shipping companies, et cetera, were not willing or able to distinguish between live birds for fighting or those from exhibition, kids in 4-H clubs or FFA clubs or others for show purposes that happen many times between States.

Many poultry breeders, including those breeding game birds, voluntarily participate in the National Poultry Improvement Program. This program is a joint effort between industry, the Federal and State officials to establish standards for evaluating poultry breeding stock and hatchery products for freedom from hatchery dissemination and egg dissemination diseases. The National Poultry Improvement Program's mission is to certify all baby chicks, poults and hatching eggs for interstate and international movement. Criminalizing interstate shipment of game birds may dissuade game breeders from participating in the program, which could have certainly some impact on the industry.

This is a $25 billion-a-year industry. So there are the concerns that were raised by people in the business, and I will say people who do not engage in game fighting, that I think are very legitimate, that I think in fact warrant further discussion and clarification, so that if broad blanket of trying to reach a number of folks that I think the gentleman's intent is to reach, we do not also encompass many, many others who in fact are interested.

□ 1130

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding. I have another amendment at the desk that would close this loophole for the international transport, not just for fighting birds, but also for dogs. We do not permit fighting dogs to be transported intrastate.

Would the gentleman agree that the adoption of the other amendment that we have pending would be able to close this loophole for them all?

Mr. COMBEST. Mr. Chairman, reclaiming my time, it does nothing to address the issue of concern about those people who are trying to ship totally legitimately poultry within the United States; that may be a totally legitimate shipment that would not be involved in game fighting that would, in fact, come under this. That is the primary concern I have.

The point that I was simply trying to make, and certainly maybe his second amendment does address that, relative to whether it is intrastate or international, it probably would be addressed by his second amendment, but the other concerns that I mention, in fact, would not be addressed.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, if I may, and I appreciate the gentleman's concern, but we have been able to successfully ship dogs around the country; they have been able to have dogs for show purposes, and they have been outlawed for some 50 years, meaning transport for fighting purposes. Why could we not do the same thing, have the same protection for poultry that we have for dogs?

Mr. COMBEST. Mr. Chairman, reclaiming my time, certainly there is probably some merit to what the gentleman said. I think, however, it is much more identifiable which dogs potentially are going to be used for fighting purposes than there are for game birds.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Blumenauer-Tancredo amendment. It is a narrowly drawn measure that eliminates a one-phrase loophole in the Animal Welfare Act. Simply put, it bars the shipment of birds for the purpose of fighting. It is clear. It is not ambiguous. I think that it cannot be used to do anything but what we are saying it should do.

Now, I know that if it puts a slight burden on any other aspect of the industry, there are people who are going to be opposed to it and, I assume, or I suppose that that is proper from their point of view; but I think that it is not that much of a burden that it would prevent this amendment from being effective, from actually doing what it simply says we should do, that these birds should not be shipped across State lines for this horrendous purpose. It does not affect the ownership of the use of birds for show or the legitimate transport of birds for agricultural purposes. It strikes the provision that permits transporting birds for the purpose of fighting, the purpose of fighting, to States in which cockfighting is legal.

This particular activity is rampant, in part, because of the Federal loophole that allows birds to be transported for this activity. This loophole will be closed if this passes and, up to this point, it has served to undermine local law enforcement in trying to enforce their own State laws against this practice. Illegal and violent activities often accompany cockfights, such things as gambling, money laundering, assaults, and even more serious, murders. Most of the money made in this activity is illegal. Gambling tax evasion is rampant. The activity itself of cockfighting is inhumane and barbaric. It is not just a human issue, it is a serious law enforcement issue. Over 100 law enforcement agencies have endorsed this amendment.

This is not an attack on a way of life but, rather, an attack on a criminal activity and a way to help law enforcement do their own job in their own States.

Mr. Chairman, I urge support for the Blumenauer-Tancredo amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Blumenauer-Tancredo amendment. I want to thank the gentleman for bringing this inhumane issue of cockfighting to the floor.

The amendment seeks to eliminate a one-phrase loophole in the Federal Animal Welfare Act by barring any interstate shipment of birds for fighting purposes. I understand the concerns of the chairman, but I think they can be worked out.

Currently, 47 States have outlawed cockfighting, but a Federal loophole allows the shipment of birds from States where cockfighting is illegal to any State where it is legal. This loophole is exploited to conduct illegal activity around the country.

I want to stress that this amendment would not affect the ownership or use of birds for show purposes or the transport of birds for legitimate agricultural purposes. This amendment would protect States' rights by removing this loophole which currently undermines the ability of State and local law enforcement agencies to enforce their bans on animal fighting.

The amendment has the endorsement, as has been mentioned, of 98 law enforcement agencies, 40 newspapers across the country, and also no mainstream agricultural organizations have expressed any opposition to the legislation.

Cockfighting is not a sport. Cockfighting promotes illegal gambling and animal cruelty. At cockfights, birds are dragged to increase their aggression and drugged; they are affixed with knives to their legs, placed in a pit; and unable to escape the pit, the birds mutilate each other.

I am sure my colleagues will all agree that fighting dogs for entertainment is inhumane and cruel. Surely, cockfighting is inhumane and cruel. I urge my colleagues to join me in supporting the Blumenauer-Tancredo amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in Texas, cockfighting is illegal, and several law enforcement organizations say that prohibiting transport to other States will help them crack down on illegal operations. That is our law.

I would like to ask a question of the authors of this amendment, though.

In a situation in which it is legal within a State to have cockfighting, under this amendment, if it should pass, would it prohibit a raiser of fighting chickens in a State in which it is legal to ship to a foreign country in which it is also legal?

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, to the best of my knowledge, it is not. That is why I have a subsequent amendment designated number 9 which I will offer that would make it illegal to transport these birds out of the United States.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I guess this is what is troubling. Personally, I oppose cockfighting. I mean that is our State law, and that is my personal feeling. But I am troubled, as so often is the case, when we pass amendments that do that which we all want to do, there are unintended consequences. It seems to me that if we have a State in which an activity is legal, whether I agree with it or not is immaterial, so long as it is constitutional. I am troubled by this wording and unintended consequences that might then be interpreted in other areas in which none of us can even think about right now.

But if the gentleman is going to say to a State that has made the determination as yet that it is still legal and then we are going to begin prosecuting legal activities within a State that ship to another country, we are getting into interstate commerce; and I am not sure all of this is what the gentleman intends to do.

I raise this question. I appreciate the gentleman's clarification of his intent, but I think it points out that there can be some very, very serious unintended consequences. As I say, in Texas we outlawed it a long time ago; you cannot do it legally in Texas, and I agree with that. I agree with our law enforcement that are having a difficult time doing what the gentleman is trying to prohibit, but I also worry about the unintended consequences.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's concern about unintended consequences. The issue that the gentleman talks about in terms of the export of these animals out of the country, which is perfectly legal, is one of those unintended consequences. The reason I will be offering another amendment is right now, it is legal to export from the United States dogs that are bred for fighting. I do not think anybody here agrees with it. It is illegal in the United States to do it. It is an unintended consequence.

What we are attempting to do with this amendment that is before us now is to close the unintended consequence in terms of how it moves right now across State lines, and amendment No. 9 would close the loophole not just for fighting birds, but for dogs which I think no Member of this assembly believes we should do, and it was one of the unintended consequences of not writing the Animal Welfare law properly whenever that was enacted.

I appreciate the gentleman's concern, and I will be offering an amendment to try and correct that.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the gentleman for his clarification. I am not an attorney, but there is something that just raised its head regarding constitutionality and individual rights, whether we agree with them or not. How many times do we stand on this floor and have individuals say, I do not agree with this, but the Constitution of the United States provides that it happens. Until we change laws, I am troubled by the fact that we here are about to supersede our wisdom on another State's interpretation of what is legal and illegal. As I said, in Texas, we made the decision. But I think we are trying to make a decision for a few other States in which I question whether that is something we want to do.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEREUTER:

At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

**SEC. 132. ALTERNATIVE LOAN RATES UNDER FLEXIBLE FALLOW PROGRAM.**

(a) DEFINITION OF TOTAL PLANTED ACREAGE.—In this section, the term "total planted acreage" means the cropland acreage of a producer that for the 2000 crop year was—

(1) planted to a covered commodity;

(2) prevented from being planted to a covered commodity; or

(3) fallow as part of a fallow rotation practice with respect to a covered commodity, as determined by the Secretary.

(b) ELECTION TO PARTICIPATE.—In lieu of receiving a loan rate under section 122 with respect to production eligible for a loan under section 121, a producer may elect to participate in a flexible fallow program for any of the 2002 through 2011 crops under which annually—

(1) the producer determines which acres of the total planted acreage are assigned to a specific covered commodity;

(2) the producer determines—

(A) the projected percentage reduction rate of production of the specific covered commodity based on the acreage assigned to the covered commodity under paragraph (1); and

(B) the acreage of the total planted acreage of the producer to be set aside under subparagraph (A), regardless of whether the acreage is on the same farm as the acreage planted to the specific covered commodity;

(3) based on the projected percentage reduction rate of production as a result of the acreage set aside under paragraph (2), the producer receives the loan rate for each covered commodity produced by the producer, as determined under subsection (c); and

(4) the acreage planted to covered commodities for harvest and set aside under this section is limited to the total planted acreage of the producer.

(c) Loan Rates Under Program.—

(1) In general.—Subject to paragraphs (2) and (3), in the case of a producer of a covered commodity that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for a crop of the covered commodity shall be based on the projected percentage reduction rate of production determined by the producer under subsection (b)(2), in accordance with the following table:

| Projected Percentage Reduction Rate | Corn Commodity Rate ($/bushel) | Wheat Loan Rate ($/bushel) | Soybean Loan Rate ($/bushel) | Upland Cotton Loan Rate ($/pound) | Rice Loan Rate ($/hundredweight) |
|---|---|---|---|---|---|
| 0% | 1.89 | 2.75 | 4.72 | 0.5192 | 6.50 |
| 1% | 1.91 | 2.78 | 4.77 | 0.5268 | 6.60 |
| 2% | 1.93 | 2.81 | 4.81 | 0.5344 | 6.70 |
| 3% | 1.95 | 2.83 | 4.86 | 0.5420 | 6.80 |
| 4% | 1.97 | 2.86 | 4.91 | 0.5496 | 6.90 |
| 5% | 1.99 | 2.89 | 4.96 | 0.5572 | 7.00 |
| 6% | 2.01 | 2.92 | 5.01 | 0.5648 | 7.10 |
| 7% | 2.03 | 2.95 | 5.06 | 0.5724 | 7.20 |
| 8% | 2.05 | 2.98 | 5.11 | 0.5800 | 7.30 |
| 9% | 2.07 | 3.01 | 5.16 | 0.5876 | 7.40 |
| 10% | 2.09 | 3.04 | 5.21 | 0.5952 | 7.50 |
| 11% | 2.12 | 3.08 | 5.29 | 0.6028 | 7.60 |
| 12% | 2.15 | 3.13 | 5.36 | 0.6104 | 7.70 |
| 13% | 2.18 | 3.17 | 5.43 | 0.6180 | 7.80 |
| 14% | 2.21 | 3.22 | 5.51 | 0.6256 | 7.90 |
| 15% | 2.24 | 3.27 | 5.58 | 0.6332 | 8.00 |
| 16% | 2.28 | 3.31 | 5.65 | 0.6408 | 8.10 |
| 17% | 2.31 | 3.36 | 5.73 | 0.6484 | 8.20 |
| 18% | 2.34 | 3.41 | 5.81 | 0.6560 | 8.30 |
| 19% | 2.37 | 3.46 | 5.88 | 0.6636 | 8.40 |
| 20% | 2.41 | 3.51 | 5.96 | 0.6712 | 8.50 |
| 21% | 2.44 | 3.55 | 6.04 | 0.6788 | 8.60 |
| 22% | 2.47 | 3.60 | 6.12 | 0.6864 | 8.70 |
| 23% | 2.51 | 3.65 | 6.19 | 0.6940 | 8.80 |
| 24% | 2.54 | 3.70 | 6.27 | 0.7016 | 8.90 |
| 25% | 2.57 | 3.75 | 6.35 | 0.7092 | 9.00 |
| 26% | 2.61 | 3.80 | 6.43 | 0.7168 | 9.10 |
| 27% | 2.64 | 3.85 | 6.51 | 0.7244 | 9.20 |
| 28% | 2.68 | 3.90 | 6.60 | 0.7320 | 9.30 |
| 29% | 2.71 | 3.95 | 6.68 | 0.7396 | 9.40 |
| 30% | 2.75 | 4.01 | 6.76 | 0.7472 | 9.50 |

(2) County average yields.—

(A) In general.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) shall apply with respect to the production of the crop of the covered commodity by the producer in a quantity that does not exceed the historical county average yield for the covered commodity established by the National Agricultural Statistics Service, adjusted for long-term yield trends.

(B) Excess production.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) with respect to the production of the crop of the covered commodity in excess of the historical county average yield for the covered commodity described in subparagraph (A) shall be equal to the loan rate established for a 0% projected percentage reduction rate for the covered commodity under paragraph (1).

(C) Disasters.—

(i) In general.—If the production of a crop of a covered commodity by a producer is less than the historical county average yield for the covered commodity described in subparagraph (A) as a result of damaging weather, an insurable peril, or related condition, the producer may receive a payment on the lost production that shall equal the difference between—

(I) the maximum quantity of covered commodity that could have been designated for the loan rate authorized under this section for the producer; and

(II) the quantity of covered commodity the producer was able to produce and commercially market.

(ii) Calculation of payment.—The payment described in clause (i) shall be equal to the loan deficiency payment the producer could have received on the lost production on any date, selected by the producer, on which a loan deficiency payment was available for that crop of the covered commodity.

(3) Other covered commodities.—In the case of a producer of a covered commodity not covered by paragraphs (1) and (2) that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for the crop of the covered commodity shall be based on—

(A) in the case of grain sorghum, barley, and oats, such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn;

(B) in the case of extra long staple cotton, such level as the Secretary determines is fair and reasonable; and

(C) in the case of oilseeds other than soybeans, such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except that the rate for the oilseeds (other than cottonseed) shall not be less than the rate established for soybeans on a per-pound basis for the same crop.

(d) Conservation Use of Set-Aside Acreage.—To be eligible for a loan rate under this section, a producer shall devote all of the acreage set aside under this section to a conservation use approved by the Secretary and manage the set-aside acreage using management practices designed to enhance soil conservation and wildlife habitat. The Secretary shall prescribe the approved management practices for a county in consultation with the relevant State technical committee.

(1) Limited grazing.—The Secretary may permit limited grazing on the set-aside acreage when the grazing is incidental to the gleaning of crop residues on adjacent fields.

(e) Certification.—To be eligible to participate in the flexible fallow program for any of the 2002 through 2011 crops, a producer shall certify to the Secretary (by farm serial number) the total planted acreage assigned, planted, and set aside with respect to each covered commodity.

Mr. COMBEST. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

The gentleman from Nebraska (Mr. Bereuter) is recognized for 5 minutes on his amendment.

Mr. BEREUTER. Mr. Chairman, this important amendment would permit farmers to voluntarily set aside a portion of their total crop acreage in exchange for higher loan rates on their remaining production.

This innovative proposal, which goes by the name of Flexible Fallow in Farm Country represents an effort to maintain planning flexibility, while improving on other areas of our farm policy. As I said, it is a voluntary program. It is an annual conservation use feature. It would be added to the farm bill's loan rate provisions.

If a farmer wants to operate under the new farm bill conditions, that opportunity remains. If a farmer needs greater leverage over crop production and marketing, Flexible Fallow would make that possible. The amendment would allow producers to conserve up to 30 percent or set aside up to 30 percent of their planted acreage on a crop-by-crop basis.

This approach was suggested during one of the agriculture advisory meetings this Member held in his district; and it, in fact, is considered in other States. The proposal, I think, has significant grass-roots support, because agricultural producers recognize the need for change and the need for more options to increase farm revenue.

Another very important point to stress is that this proposal would allow producers to make this decision annually. As a result, the land taken out of production would not send a long-term signal to our global competitors about our future production. It would leave producer countries like Brazil or Argentina guessing as to the impact of the collective decision of the American farmers who choose to participate in the Flexible Fallow program from year to year. They have the capacity to bring substantial amounts of land into production in those countries to replace ours in export markets, something we certainly should seek to avoid.

This Flexible Fallow program is a market-responsive proposal. When commodity prices are low, farmers could choose to voluntarily conserve or set aside more land in exchange for a higher loan rate. As prices improve, more land would come back into production.

In August of 1999, the Food and Agriculture Policy Research Institute, FAPRI, released an analysis of the Flexible Fallow program. FAPRI is a well-respected, dual-university research program involving the University of Missouri-Columbia and Iowa State University and joined by a consortium of four other universities.

□ 1145

Its analysis found that crop farmers' annual net income would increase $5.4 million over the 2000 through 2008 period.

The FAPRI analysis stated, "Reduced plantings translate into stronger crop prices under the Flexible Fallow scenario. The largest impacts occur in the 2000 to 2002 period as more producers take advantage of the land-idling provisions."

The Flexible Fallow Program also promotes conservation. The legislation requires the idle land to be devoted to a conservation use. Producers would use management practices designed to enhance soil conservation and wildlife habitat.

This Member is aware of the projected costs or estimated costs of this program. They are not inconsequential, but I believe that the funds made available under this legislation, authorized by it, could be better used if part of those funds were shifted over to the Flexible Fallow Program.

That is a matter of choice, a matter of policy. I happen to think this is the right way to go and as do many of my farmers.

Mr. Chairman, American farmers continue to face enormously difficult times. Producers continue to struggle with plentiful supplies and low prices. While there are no easy answers, there are some steps we can take to help farmers. A lot of that is being done here today as part of this bill.

This Flexible Fallow amendment provides one important alternative. I urge my colleagues to support it.

### POINT OF ORDER

Mr. COMBEST. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman will state it.

Mr. COMBEST. Mr. Chairman, I rise to make a point of order under 302(f) of the Budget Act.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. BEREUTER. Mr. Chairman, regrettably, I concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained based on estimates provided by the Committee on the Budget.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman from Nebraska (Mr. BEREUTER) if he might know, what would be the administration's position on this amendment, were it not out of order because of budget reasons?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I would say to the gentleman from Texas, I do not know the answer to that.

Mr. STENHOLM. I thank the gentleman for that answer.

### AMENDMENT NO. 9 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BLUMENAUER:

At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. 932. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.**

(a) PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (e)—

(A) by inserting "PENALTIES.—" after "(e)";

(B) by striking "$5,000" and inserting "$15,000"; and

(C) by striking "1 year" and inserting "2 years"; and

(2) in subsection (g)(2)(B), by inserting at the end before the semicolon the following: "or from any State into any foreign country".

(b) EFFECTIVE DATE.—The amendments made by this section take effect 30 days after the date of the enactment of this Act.

In the table of contents, after the item relating to section 931 (page 8, before line 1), insert the following new item:

Sec. 932. Penalties and foreign commerce provisions of the Animal Welfare Act.

Mr. BLUMENAUER. Mr. Chairman, I did want to follow up on the important points raised by the chairman and the ranking member dealing with unintended consequences and other issues that we have in terms of dealing with activities of animals for fighting purposes.

Mr. Chairman, I offer this amendment to deal with the concerns, legitimate concerns, that have been raised. It would close a loophole in the Animal Welfare Act that allows for the shipment of fighting dogs or birds from the United States to foreign countries, and it increases the penalties for promoting illegal animal fighting venues.

Mr. Chairman, the current penalties are 25 years old and are in dire need of update. It increases the maximum penalties from 1 year and a $5,000 fine to 2 years and a $15,000.

For comparison, Mr. Chairman, the Federal law passed last year prohibiting animal crush videos provided for maximum penalties of 5 years and $250,000 fine; and in most States there are provisions for a maximum of 5 years imprisonment for animal fighting, with some States' penalties as high as 10 years or $100,000.

With higher penalties, U.S. Attorneys are more likely to prosecute animal fighting violations. When the Federal anti-animal fighting law was enacted in 1976, no State made animal fighting a felony. Today, 46 States have felony provisions for animal fighting. We must increase our quarter-century-old Federal penalties to make them work in today's climate.

Closing the foreign commerce loophole is equally important. I appreciate my colleague's pointing it out. In 1976, Congress added a section to the Animal Welfare Act, section 26, to crack down on dogfighting and cockfighting; but it did not, however, ban shipment of dogs or birds from the United States to foreign countries. This loophole allows shipment of fighting birds to foreign countries that provides a smoke screen behind which illegal cockfighters operate here.

Ironically, Mr. Chairman, the United States prohibits the importing of animals for fighting but still allows the exports of this animal; a practice I believe may well violate international trade rules.

It is also important to note that the provisions of this amendment apply to the practice of dogfighting. As I mentioned previously, this is illegal in all 50 States. The same dire activities to breed the animals for aggressive characteristics, train them, and then place them in a pit to fight, to injure, or die applies as it does to cockfighting. We must not allow these dogs to be bred in the United States for shipment abroad.

Mr. Chairman, cockfighters rear birds for aggressive behavior. We have had the same thing in terms of what happens to the dogs. These practices are a major underground industry. It is time to close all possible loopholes, increase the penalties, and ban shipments of fighting dogs and birds to foreign countries.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. Blumenauer).

The amendment was agreed to.

### AMENDMENT NO. 49 OFFERED BY MR. SHERWOOD

Mr. SHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. Sherwood:

At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new sections:

### SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT.

(a) In General.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking "States" and all that follows through "Vermont" and inserting "States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont";

(2) by striking paragraphs (1), (3), (4), and (7);

(3) by redesignating paragraph (2) as paragraph (1) and, in such paragraph, by striking "Class III-A" and inserting "Class IV";

(4) by inserting after paragraph (1), as so redesignated, the following new paragraphs:

"(2) Compensation of special milk program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

"(3) Additional state.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact.";

(5) by redesignating paragraph (5) as paragraph (4) and, in such paragraph, by striking "the projected rate of increase" and all that follows through "Secretary" and inserting "the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code"; and

(6) by redesignating paragraph (6) as paragraph (5).

(b) Effective Date.—The amendments made by subsection (a) take effect as of September 30, 2001.

### SEC. 148. SOUTHERN DAIRY COMPACT.

(a) In General.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) Limitation of manufacturing price regulation.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a "Federal milk marketing order") unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) Compensation of special milk program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(3) Additional states.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(4) Compensation of commodity credit corporation.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) Milk marketing order administrator.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) Compact.—The Southern Dairy Compact is substantially as follows:

### "ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY

#### "§ 1. Statement of purpose, findings and declaration of policy

"The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

"The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

"The participating states further find that dairy farms are essential and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

"In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

"Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

"By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

"Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

"In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

### "ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

#### "§ 2. Definitions

"For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

"(1) 'Class I milk' means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

"(2) 'Commission' means the Southern Dairy Compact Commission established by this compact.

"(3) 'Commission marketing order' means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

"(4) 'Compact' means this interstate compact.

"(5) 'Compact over-order price' means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

"(6) 'Milk' means the lacteral secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

"(7) 'Partially regulated plant' means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

"(8) 'Participating state' means a state which has become a party to this compact by the enactment of concurring legislation.

"(9) 'Pool plant' means any milk plant located in a regulated area.

"(10) 'Region' means the territorial limits of the states which are parties to this compact.

"(11) 'Regulated area' means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

"(12) 'State dairy regulation' means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

**"§ 3. Rules of construction**

"(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

"(b) The compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

## "ARTICLE III. COMMISSION ESTABLISHED

**"§ 4. Commission established**

"There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

**"§ 5. Voting requirements**

"All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

**"§ 6. Administration and management**

"(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

"(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

"(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

"(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

"(1) To sue and be sued in any state or federal court;

"(2) To have a seal and alter the same at pleasure;

"(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

"(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

"(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

"(6) To create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

**"§ 7. Rulemaking power**

"In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

## "ARTICLE IV. POWERS OF THE COMMISSION

**"§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation**

"The commission is hereby empowered to:

"(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

"(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

"(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

"(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

"(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution of milk.

"(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

"(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

**"§ 9. Equitable farm prices**

"(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

"(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety, and using that year as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

“(c) A commission marketing order shall apply to all classes and uses of milk.

“(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

“(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

“(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

“(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

### “§ 10. Optional provisions for pricing order

“Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

“(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

“(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

“(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

“(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

“(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

“(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

“(B) With respect to any commission marketing order, as defined in section two, subdivision three, which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

“(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

“(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

“(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

“(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

“(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

“(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

## “ARTICLE V. RULEMAKING PROCEDURE

### “§ 11. Rulemaking procedure

“Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

### “§ 12. Findings and referendum

“(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553(c)), the commission shall make findings of fact with respect to:

“(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

“(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

“(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

“(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

### “§ 13. Producer referendum

“(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

“(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

“(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

“(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

“(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

“(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

“(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

“(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

### “§ 14. Termination of over-order price or marketing order

“(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

“(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

“(c) The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. §553).

## “ARTICLE VI. ENFORCEMENT

### “§ 15. Records; reports; access to premises

“(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

“(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

“(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

### “§ 16. Subpoena; hearings and judicial review

“(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

“(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

“(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought pursuant to section seventeen, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

### “§ 17. Enforcement with respect to handlers

“(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

“(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

“(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

“(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

“(1) Commencing an action for legal or equitable relief brought in the name of the commission of any state or federal court of competent jurisdiction; or

“(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

“(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

## “ARTICLE VII. FINANCE

### “§ 18. Finance of start-up and regular costs

“(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's ongoing operating expenses.

“(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

### "§ 19. Audit and accounts

"(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

"(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

"(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

### "ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

### "§ 20. Entry into force; additional members

"The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

### "§ 21. Withdrawal from compact

"Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

### "§ 22. Severability

"If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.".

### SEC. 149. PACIFIC NORTHWEST DAIRY COMPACT.

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) Text.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to "south", "southern", and "Southern" shall be changed to "Pacific Northwest".

(B) In section 9(b), the reference to "Atlanta, Georgia" shall be changed to "Seattle, Washington".

(C) In section 20, the reference to "any three" and all that follows shall be changed to "California, Oregon, and Washington.".

(2) Limitation of manufacturing price regulation.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the "Commission") may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a "Federal milk marketing order").

(3) Compensation of special milk program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Pacific Northwest Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) Effective date.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) Compensation of commodity credit corporation.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) Milk marketing order administrator.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

### SEC. 150. INTERMOUNTAIN DAIRY COMPACT.

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) Text.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to "southern" and "south" shall be changed to "Intermountain" and "Intermountain region", respectively.

(B) References to "Southern" shall be changed to "Intermountain ".

(C) In section 9(b), the reference to "Atlanta, Georgia" shall be changed to "Salt Lake City, Utah".

(D) In section 20, the reference to "any three" and all that follows shall be changed to "Colorado, Nevada, and Utah.".

(2) Limitation of manufacturing price regulation.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in this section as the "Commission") may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a "Federal milk marketing order").

(3) Compensation of special milk program.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Intermountain Dairy Compact Commission shall compensate the Secretary of Agriculture for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) Effective date.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(5) Compensation of commodity credit corporation.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(6) Milk marketing order administrator.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

Mr. GREEN of Wisconsin. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order on the amendment.

Mr. SHERWOOD. Mr. Chairman, the Sherwood-Etheridge-McHugh amendment to the farm bill would implement provisions of H.R. 1827, the Dairy Consumers and Producers Protection Act of 2001, a very bipartisan measure sponsored by 165 Members of the House representing 30 sites in the country.

This amendment allows the expansion and the extension of the Northeast Dairy Compact, which expired on September 30, and the creation of a Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.

Other Members offering this amendment are the gentleman from Vermont (Mr. Sanders), the gentleman from Pennsylvania (Mr. Holden), the gentleman from New York (Mr. Hinchey), the gentleman from New York (Mr. Sweeney), the gentleman from Mississippi (Mr. Pickering), and the gentleman from Mississippi (Mr. Shows).

I have also sent out a Dear Colleague letter signed by 30 Members who want a debate and a vote on dairy compact extension and expansion legislation. The time has come for this debate.

Dairy compacts are good for our farmers, they are good for our consumers and our Nation for several reasons: They operate at no cost to taxpayers; they are constitutional; they enjoy strong support in Congress; and in the 25 States in which they have been overwhelmingly passed, the vote was over 5,000 to 300 for.

They keep dairy farmers producing high-quality milk our consumers demand at a stable and affordable price. Compacts also strengthen rural communities and help save farmland from urban sprawl. The reason they operate at no cost to taxpayers is the payments come from the milk market, and they are only made to farmers when the compact commission price is over the Federal marketing price.

That only happens on certain occasions. Right now, the compact would not be effective. The Federal order price is sufficient for people to produce milk. But when it goes down, it is a great safety net for producers of fluid milk.

The compacts are constitutional. Since passage of compact legislation in the 1996 farm bill, the U.S. Court of Appeals for the District of Columbia affirmed on January 20, 1998, that the compact is constitutional. Additional court rulings found that the compact commission's regulations were consistent with the commerce clause, the compact clause, and the due process clause of the U.S. Constitution.

Concerning bioterrorism, it will be much better for the stability of our food supply if milk is produced across the country, instead of just in certain concentrated areas. Milk is also proven to be cheaper under the compact in Boston than it is in many other areas of the country.

So in summary, Mr. Chairman, there are many reasons for compacts. They are good for farmers and rural communities, they are good for food security in a terrorist time, they are good for consumers because it assures a stable supply of fresh milk at a good price, they are good for taxpayers because the payments do not come out of the public Treasury, and they are proven in New England to work.

Mr. Chairman, I grew up in a small town in Nicholson, Pennsylvania. As a young man, we had three creameries, four feed dealers, and two automobile and equipment dealers in that little town. Today, there are none of those. The consolidation of agriculture is very tough on rural communities. So I would ask that we support this measure and pass dairy compacts. They are good for the country.

Mr. BALDACCI. Mr. Chairman, I rise in strong support, as a cosponsor of the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD), along with the other Members who are signing onto this, and the over 160 Members, and counting, of this House of Representatives that support not only the continuation of the dairy compact but the expansion of the compact.

Mr. Chairman, we are talking about a document and legislation that is being supported by State legislatures, that is being supported by governors, and that is asking the United States Congress, not for the first time, Mr. Chairman, but for the third time to extend and expand the compact.

This works. It has worked well. My friends may offer arguments by saying it protects a region, that it increases the prices, and is not a benefit to the consumers. But the facts do not bear that out. In the compact States, as we have been able to show, the production is down versus the national average. In the compact States, the prices are lower than the national average. The consumers have actually been able to benefit.

I would submit, Mr. Chairman, that by supporting locally owned independent small businesses, which are these agricultural entities, we are supporting the strength of America and the strength of Maine, which is predominantly small businesses, family businesses.

In my own family business, we have always lamented about the fact that we have been exempted from child labor laws, so we worked early and often, and we did not receive very much for it. But as my mother says to me today, it never hurt any of us at all.

I think that the strength of that work ethic, that family involvement in local communities, is something that this compact supports, so we should not be discouraging these kinds of developments, but we should be encouraging these kinds of developments. What is wrong with locally owned home-grown small businesses, agricultural businesses? For far too long, we have been relegated to the back parts of America and in our communities.

I have always said to people, if we were able to fence it in like a defense establishment and be able to talk about the farm families, the farm income, and the impact to our communities, we as political leaders would be falling all over ourselves to do everything possible to make sure not only we kept them but we expanded upon them.

Agriculture is our strongest defense, and our national food security interest. I think it is vital to make sure that they are strong and healthy and vibrant. This is the kind of a program that the dairy compact has been able to produce.

Having worked on two agricultural farm programs over the 8 years that I have served in Congress, the importance is to make sure that we have a countercyclical program, to make sure that we have a program that works with farmers, works with communities.

This is the ultimate program. It does not kick in unless it hits a floor. Right now, the fluid milk prices are at a particular level that we do not need to have the compact kick in, but if, in fact, things do not maintain that high level, the compact kicks in, so it is a floor. It is an insurance policy. Also, they have been able to see that the lack of reduction in farm families that occurred in the compact areas.

Mr. BALDACCI. Mr. Chairman, and Members of the House, I rise in strong support of the amendment to the Farm Bill proposed by my colleagues Mr. SHERWOOD, Mr. ETHERIDGE, and Mr. MCHUGH to extend and expand the Northeast Dairy Compact and to authorize the creation of other Interstate Dairy Compacts in other regions of the country.

I was disappointed that this important amendment did not receive a waiver from the Rules Committee yesterday to allow for a definitive up or down vote in the full House of Representatives. I would like to stress the importance of this amendment to dairy farmers in the Northeast as well as other states wishing to enter into their own dairy compacts.

As a member of the Agriculture Committee, I have worked diligently to help craft a Farm Bill which not only maintains current agriculture policy, but expands conservation and research to represent the changing values of American farmers. I believe that a critical part of our farm policy must be Interstate Dairy Compacts. The existing authorization for the Northeast Dairy Compact expired on September 30, 2001.

One of the highlights of this year's Farm Bill is a return to the counter-cyclical price support system to aid farmers when prices drop below a sustainable level. Dairy Compacts provide the ultimate counter-cyclical payment: farmers receive aid only when milk prices drop below the Compact Commission-established minimum. In contrast to other farm support programs, however, all Compact expenditures come directly from the milk producers themselves, therefore costing the taxpayers nothing. Compacts allow for regions to best set their own prices, similar to other programs which delegate pricing authority to state and local levels. Evidence has shown that over the life of the Northeast Dairy Compact, consumers in Compact states have seen a reduction in milk prices, while farmers have received more for their milk on average than those in non-Compact states.

Since the implementation of the Northeast Dairy Compact, there has been no overproduction of milk in the Compact region; in fact drinking milk consumption has outstripped production in New England during the Compact period. More to the point, a recent GAO study found the Compact structure to have little to no impact on price and production of milk in non-Compact states. We expect the same results from an expanded Northeast Compact and the new Compacts authorized under this amendment.

During the year 2000 alone, the Compact provided $4.8 million in assistance to Maine farmers, at absolutely no cost to the federal government. Through the benefits of the Compact, the rate of decline in the number of

Maine dairy farms dropped from 16% to 6%. In short, dairy compacts save farms and allow for locally produced milk to reach consumers at a competitive price.

In addition to these statistics, we must also take into account the intangible benefits that Dairy Compacts can provide. Preservation of open space and conservation of land has become a key issue facing this Farm Bill.

Dairy Compacts protect open space by allowing farmers to receive competitive prices for their milk and remain in business. Wildlife habitat is saved from sprawl and intrusion by ever-expanding urban communities, and families have a chance to purchase locally-produced milk at a stable price. The importance of compacts cannot be understated, as evidenced by the number of states seeking to join one.

I understand that this amendment will not reach a final vote because of a point of order. It is my intention to work with my colleagues to find another vehicle by which to resurrect the Dairy Compact structure which expired September 30th. This is a program which is vitally important to dairy farmers in Maine and at least 25 other states. My colleagues who support the Dairy Compact and I will continue to press ahead to see that our farmers receive the assistance that they need and deserve. I ask only that the Compact be given a chance for a fair vote so that this issue can be resolved.

Mr. McGOVERN, Mr. Chairman, I rise in support of the Sherwood, Etheridge, McHugh amendment to permanently authorize the Northeast Dairy Compact. This is a good program that is vital for dairy farmers in the northeast and southeast—farmers I represent.

The Northeast Diary Compact expired on September 30, 2001—merely 3 days ago. The House could have addressed this issue by allowing a debate and a vote on the compact at any point this year. Instead, the House and the other chamber decided to ignore the plight of dairy farmers.

Members of Congress from the Northeast and the Southeast have worked tirelessly to reauthorize the dairy compact and to extend it to help those dairy farmers who don't have the fortune of living in the Midwest.

The Northeast Dairy Compact is good, sound policy for my dairy farmers and for dairy farmers who live outside of Wisconsin and Minnesota. In the absence of a national dairy policy, the dairy compact is the only way for these dairy farmers to remain viable.

Dairy prices today are comparable to prices in 1978 and my farmers cannot stay in business with these low prices. The 270 dairy farms in Massachusetts received an average of $13,300 per farm in 2000. This total, $3.6 million in all, came at no cost to federal, state or local governments. Like farmers in other sectors of agriculture in other parts of the country, dairy farmers in the Northeast cannot succeed without help.

The Northeast Dairy Compact is not only a priority for dairy farmers but it is also a priority for conservationists. As we know, urban sprawl is diminishing our quality of life. By helping farms stay open, the Northeast Dairy Company has protected over 113,000 acres of open space from urban sprawl. Without the compact, we'll see open space turning into strip malls, WalMarts or parking lots. The Dairy Compact is good for the environment.

Mr. Chairman, the only action dairy compact supporters have asked for is an up or down vote on this issue. Our dairy farmers deserve the opportunity to have this issue debated fairly and to have the House express its support or disapproval for dairy compact. Dairy is a commodity and should be debated along with other commodities. The Farm Bill is the right place to have this debate.

Mr. Chairman, I want to take time to thank several Members who have been active on the Dairy Compact. Specifically, I want to thank former Representative Asa Hutchison for introducing the bill to permanently authorize the Northeast Dairy Compact and to form the Southeast Dairy Compact. I also want to thank Representatives DON SHERWOOD, BOB ETHERIDGE and JOHN MCHUGH for offering this amendment today. And I want to thank Chairman JIM WALSH and Representative BERNIE SANDERS, as well as the other Members in the Northeast and Southeast, for their hard work and commitment to the Dairy Compact.

On September 17, 2001, the Boston Globe editorialized on the Northeast Dairy Compact. I quote—"If Congress doesn't act by the end of this month, dairy farmers in New England will lose a regional price support system that has helped to keep many in business. The long-term effect will be loss of farms, farmland, and locally produced fresh milk."

I urge the leadership of both parties to come together, schedule a debate and allow an up or down vote on the Dairy Compact This is the best we can do for all dairy farmers until we have a national policy.

Mr. BASS. Mr. Chairman, today I rise in support of the Sherwood Amendment to permanently extend the Northeast Dairy Compact. This Compact is critical to the survival of small dairy farms not only in my district in New Hampshire but also throughout the Northeast. Its operation provides a safety net for New Hampshire farmers, and it ensures a stable supply of fresh, local milk for consumers.

In my district, rural communities are profoundly affected by the survival of dairy farms, which provide jobs, purchase goods and services, and preserve dwindling agricultural land. The Northeast Dairy Compact has kept these farms in business for the good of farmers and consumers.

Dairy compacts neither cost the federal government nor allow retail milk prices to increase disproportionately. Congress should listen to the farmers, taxpayers, and the twenty-five states, which have passed compact legislation, and support the permanent extension of the Northeast Dairy Compact.

Mr. OBERSTAR. Mr. Chairman, I rise to express my strong support for the point of order to ensure that the proponents of the Northeast Dairy Compact are not able to extend this unwise experiment in dairy policy.

Mr. Chairman, the current milk marketing system is complex and flawed, and the creation of the Northeast Dairy Compact has exacerbated the deficiencies of our national dairy policy. Dairy reform is needed, but we should not permit the continuation of the Northeast Dairy Compact, and we certainly should not allow an expansion of dairy compacts into other regions of the country.

I am greatly troubled that the supporters of the Northeast Dairy Compact are once again attempting to bypass the rules of the House to impose a regional milk cartel that has hurt dairy farmers in my congressional district and throughout the upper Midwest region.

The Northeast Dairy Compact initiative was inserted into the 1996 Farm bill conference report in violation of House rules and the proponents utilized midnight parliamentary tactics to create a milk regime that distorts the market and hurts consumers. While it is worth noting that the Northeast Dairy Compact proponents are here on the House Floor today during the light of day, they are here, nevertheless, to offer an amendment to this year's Farm bill that is in violation of House rules. The rules of the House are very clear that the jurisdiction of interstate compacts falls within the House Judiciary Committee, not the House Agriculture Committee.

Since this amendment to extend and expand this faulty compact is not germane to the Farm bill, it is incumbent upon the Chair to sustain the point of order and rule against this amendment. If my colleagues want this compact to continue, I would encourage them to follow the rules of the House and work with the Judiciary Committee.

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### POINT OF ORDER

Mr. GREEN of Wisconsin. Mr. Chairman, I will make my point of order.

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from Wisconsin is recognized.

Mr. GREEN of Wisconsin. Mr. Chairman, at this point I stress the point of order that under clause 7 of rule XVI, this amendment is not germane. The amendment is not germane because all interstate compacts fall under the jurisdiction of the House Committee on the Judiciary, not the Committee on Agriculture. Therefore, the amendment fails to meet the jurisdictional test of clause 7 of rule XVI.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

The gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, our dairy farmers are faced with extreme circumstances and have been for quite some time. Today in this House we have an opportunity to debate, discuss and vote on the single greatest source of relief for those people. It really, fundamentally, Mr. Chairman, is we are faced with a question of fairness in whether this House can deliberate openly and do the business of the people.

We are faced with an underlying bill that addresses all sorts of commodity issues, but for New York and the Northeast, we do very little as it relates to supporting dairy farmers and small dairy families.

I would like to point out, Mr. Chairman, that there is tremendous and substantial support, 165 Members representing 30 States from both sides of the aisle have co-sponsored this. Twenty-five states have asked this Congress to act and allow them the opportunity to move forward and develop compacts within their region.

The policy is very good. During these tough economic times while we are contemplating appropriating tens of billions of dollars for an economic stimulus package, here is a process, a program that will afford substantial parts of this Nation, a substantial sector in this Nation, economic relief without costing the Federal Government a dime.

As some other speakers have pointed out, Mr. Chairman, I would like to also say that there is a very important point that needs to be brought to light considering the recent events that we have faced in this Nation. Opponents have said the concept of regionalized dairy policy is an outdated concept. Unfortunately and sadly, due to the events of September 11, we now see that our transportation system cannot only be attacked but made vulnerable.

Consumers deserve a stable supply of local fresh milk. Local farmers are the best way to do that. This amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD) is an opportunity for this Congress to do something very positive and very forceful in that regard.

Let me say this, Mr. Chairman, that it is an important strategic need that we actually are debating today. One that we need to have brought to this floor today, and if not today, soon. My constituents demand it. We need a debate on the extension and expansion of regional dairy compacts. We need to show America that at the core of all of this, when so much interest and so many Members and so many States support this notion, this Congress is able to act.

The CHAIRMAN pro tempore. The Chair reminds Members that after the Chair rules on this point of order, Members may invoke the 5-minute rule to continue debate on this matter.

The gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, before the ruling, the germaneness issue here, is the charge being made that the dairy interest is not part of the agricultural interest? Is that the germaneness issue? That it does not belong in the debate even though we are talking about a 10-year reauthorization of the farm bill, that the dairy is not farm or not agriculture?

The CHAIRMAN pro tempore. The Chair will rule after argument is heard by the proponents and opponents of the point of order.

Mr. BALDACCI. Mr. Chairman, thank you.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, the point of order should be sustained. The rules of the House very clearly state that interstate compacts, regardless of the nature of them, fall within the jurisdiction of the Committee on the Judiciary. This bill is a bill that has been produced not by the Committee on the Judiciary, but the Committee on Agriculture, and consequently the amendment does not meet the jurisdictional test that is contained in clause 7 of rule XVI. The point of order should be determined to be well taken.

The CHAIRMAN pro tempore. The gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I would hope that as an act of comity, the gentleman who originally raised the point of order will withdraw it at this time so that Members who feel strongly about this issue will have a chance to debate a life and death issue for hundreds of thousands of family farmers in this country.

We understand the germaneness issue, but common courtesy would indicate that you allow many Members to come to the floor of the House and debate this issue. I do not know what my friend from Maine was going to ask the gentleman from Wisconsin, but I have the feeling that he may have asked him how many hearings were held on this issue despite the fact that 165 Members of the Congress, Democrats, Republicans, Independents, Conservatives, Progressives are fighting for this issue.

I think he might have asked the gentleman how many hearings were held when 25 States, half of the States in this country, voted to do something for their dairy farmers in supporting the dairy compact. We can argue the merits or the demerits of the dairy compact. It has worked. I am a strong proponent of it. It has helped save family farms. But the more important issue is basic fairness here on the floor of the House. How do you turn your back, especially, I might say, those who believe in devolution, those who say, let the States have power, how do you say to those 25 States who are seeing their family farmers go out of business, their rural economies suffering, how do you say to those people, you cannot even get a hearing on the floor of the House. You cannot even get a vote on the floor of the House.

If the Members are so sure of the righteousness of their our ideas, debate the ideas and bring a vote to the floor of the House.

Mr. Chairman, I would at least ask as an act of comity, may I have a dialogue with my friend who raised the point of order?

The CHAIRMAN pro tempore. Will the gentleman from Vermont suspend?

The gentleman will remember that the Chair controls the time on the point of order, and members may not engage in colloquies.

Mr. SANDERS. Mr. Chairman, I do remember that. I would ask my friend, yield to him briefly, would he be so kind as to withdraw his objection at this time?

The CHAIRMAN pro tempore. Will the gentleman from Vermont suspend?

Mr. SANDERS. Mr. Chairman, I would just hope at least that we can continue this debate on such an important issue.

The CHAIRMAN pro tempore. The gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would like to be recognized on this point of order.

The CHAIRMAN pro tempore. The gentlewoman is recognized.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I do not think it is as black and white as the gentleman from Wisconsin maintains. There is genuine ambiguity about the germaneness of this amendment.

Because while the statute the gentleman from Wisconsin (Mr. SENSENBRENNER) cites in terms of regional compacts is one consideration, the other consideration is that the agricultural bill and the Department of Agriculture do establish the whole milk marketing system, which is a market governance mechanism that if you were going to be consistent, should be under judiciary, if your point of order were to hold.

This is merely a variant of the milk marketing order to accommodate it to meet the goals that the Department of Agriculture has set for its milk marketing system, which goals that milk marketing system does not meet. The milk marketing system's goals were to assure regional production, but within that system were also mechanisms to prevent overproduction.

The national system is not working. This regional system is working. Under the national system, there was a 7.4 percent increase in production over the period of the compact, and in the region of the compact, production actually went down. Why? Because we have an incentive system that discourages overproduction. It is something the Federal Government has desperately tried to develop in every one of its ag subsidy programs and has failed.

Our incentives to control production, which is a Department of Agriculture goal, part of the milk marketing order policy contained in this ag bill is a goal that is better achieved through this adjustment to the milk marketing order system than through underlying national policy because it does adjust that policy for regional concerns and puts in place not only a system that can address supply, but one in which consumers are represented. So it is a far more democratic process than the Federal milk marketing order process.

So I would say that the issue of germaness is not black and white. It is ambiguous, and we have every much as good a case that this is germane as the gentleman from Wisconsin has that it is not germane, and what should influence the Chair is not only that ambiguity, but the fact that the Committee on the Judiciary has refused to give this matter consideration, to hold hearings, to give us our voice, to even bring it to the floor with a negative recommendation or choose one of the other processes available.

We should not be muffled. The interests of our people in national agricultural policy are very real, and this bill establishes national agricultural policy and has within it a market structure that is the market structure that we wish to adjust to regional interests. So I would say the issue is ambiguous, and I would urge the Chair to rule in favor of all those regions of the country that get no other benefit from the ag bill but would benefit in supporting the farm income in exactly the same way they want to support the income of other farmers under the ag bill.

So I urge Members' support of the Sherwood amendment.

The CHAIRMAN pro tempore. Does the gentleman from North Carolina (Mr. ETHERIDGE) wish to be heard on the point of order?

Mr. ETHERIDGE. Mr. Chairman, on the point of order, on the issue of jurisdiction and ambiguity, and I understand the Chair is getting prepared to rule, but Mr. Chairman, I would join the gentlewoman from Connecticut (Mrs. JOHNSON) who just spoke that there is enough ambiguity. We are looking at issues that 25 States have expressed their wishes, governors have signed the papers indicating their wishes to be a part of a compact, my State being one of those States that want to be a part of it.

We are seeing a loss in farmers. Twenty-five years ago in my State, there was 1,600 dairy farmers. Today, we have about a fourth of that figure. We are asking for trouble if we allow milk production to be consolidated into just a few small hands, and we have seen that, as you have already heard about what happened on September 11, continue.

We must take action to allow more small dairy farmers to survive, and compacts are a proven method to do that. We have seen that in the northeast. If my State of North Carolina were a member of a compact as were other dairy States in the northeast, their combined income would have been over $20 million in the year 2000, but instead they received 5.4 million in Federal dollars. They do not want the money from the Federal Government. They want to get it from the marketplace.

We write these farm bills because of the fluctuation in the marketplace. It has made it difficult for farmers to plan, and we are trying to help level it out as we should to help production in agriculture, but denying a vote on the no cost options to help dairy farmers when prices decline simply does not make sense.

That is what we are about. We are about a democratic body, expressing the wills and wishes of the people of this country. The northeast compact has shown that you can take the volatility out of the milk pricing, keep dairy farmers in business and provide a fresh supply of local milk at a fair price, all without costing the Federal Government a cent. We ought to be about that. That ought to be about what we are doing.

The compact establishes a floor, as you have already said. Producers, consumers and even processors play a role in determining the price. Some argue that compacts cause overproduction of milk which would then flood our class III producers, like cheese, and cause the prices of these products to decline, but that has just not happened in what we have seen in the northeast. In fact, last year, every compact State saw a decrease in milk production, except one, and that was Vermont which had an increase of only 2.8 percent less than the national average. That follows a similar decrease in production in 1999. We ought to be endorsing that. That ought to be what we are working about as a body here to help make a difference.

The northeast compact even provides incentives to farmers not to overproduce, and there is no reason why these incentives will not work in other parts of the Nation.

Some may also argue that the northeast compact has not stopped dairy farmers from going out of business in that region. Nothing in this underlying farm bill will keep every single farmer in business, regardless if they are in dairy, wheat or any other product. We understand that, but since the compact has been in place, the rate of closing of dairy farms in the northeast has decreased. If we would have had that in my State of North Carolina, I am convinced we would have more dairy farmers today and this country would be better off.

I could talk more about the benefits of the compact, and I hope as you consider your ruling, you will take this into effect, but Mr. Chairman, I believe if we deny a vote on this amendment, that will be most unfortunate, and the full debate of this House will not be had, and I would yield to my friend, the gentleman from New York (Mr. BOEHLERT) for a comment.

The CHAIRMAN pro tempore. The Chair will remind Members, the Chair controls the time on arguments regarding the point of order, and members may not engage in colloquies.

Mr. SANDERS. Mr. Chairman, he yielded. He did not yield back his time. He yielded to the gentleman from New York (Mr. BOEHLERT).

The CHAIRMAN pro tempore. The Chair will remind Members that the Chair controls the time on arguments both for and against this point of order. The Chair will remind Members as well, the Chair is entertaining arguments on the point of order. Members may remain, after the ruling on the point of order, to debate the substance of dairy policy if so desired.

Does the gentleman from Minnesota (Mr. GUTKNECHT) wish to be heard on the point of order?

□ 1215

The CHAIRMAN pro tempore (Mr. FOSSELLA). Does the gentleman from Minnesota (Mr. GUTKNECHT) wish to be heard on the point of order?

Mr. GUTKNECHT. I would like to offer advice to the Chair.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. GUTKNECHT. Mr. Chairman, clearly, listening to the debate now on this issue, it becomes clearer and clearer that the point of order is well taken. This is a debate about States' rights. We have heard that. That belongs in the judiciary, not the agriculture, bill.

Now, a lot of the arguments we have heard today I share the concern. I represent a lot of dairy farmers. They have had a lot of tough luck here the last several years. And we are all entitled to our own opinions, but we are not entitled to our own facts. Let me just remind Members of a couple of important facts that have been underscored by independent consultants that have looked at this.

The truth of the matter is we are losing dairy farmers at about the same rate in States that are in the compact as those States who are not. Now, we have heard these arguments this morning. We continue to hear them. Well, the dairy compacts will increase the amount of net income for dairy farmers, but it will not raise the price of milk; and it will not cost the taxpayers anything. Well, that sounds like the tooth fairy to me. The truth of the matter is, the only thing that we can honestly say that the dairy compacts have succeeded in doing is to divide the dairy farmers of the United States. That is a mistake.

At the very time that we need to speak with one voice about dairy policy, we are speaking with different voices. We have the Northeast, we have the Southeast, we have the people in the Southwest, we have the Upper Midwest and we have California; and they are all speaking a different language. They are all suffering the same consequence. We are losing too many dairy farmers. But creating these intrastate cartels makes no sense.

In terms of advice to the Chair, the reason that the 13 colonies came together, one of the reasons they came together was to prevent this very kind of thing from happening, from allowing one or two or several States to come together to gang up against the rest. One of the arguments the proponents forward is, well, we have 165 co-sponsors. Well, perhaps they can get even more States into their compact and they can get 300 cosponsors. That still does not make it right. The real issue is whether or not States ought to be able to come together to gang up on other States.

The net result to the Upper Midwest ultimately will be is that we will be pinched further and further and further. In Wisconsin and in Minnesota we are losing three to four dairy farmers every single day. And creating compacts in the Northeast or the Southwest or the Southeast is not going to change that. It is going to make matters worse. So the only thing this accomplishes is it divides dairy farmers at the very time we ought to be speaking with one voice.

A couple of years ago our colleague from Wisconsin read the formula by which milk prices are set for our dairy farmers under the milk marketing order system. It is the most convoluted system in the world. And the problem with the northeast dairy compact is it makes it even worse.

We ought to have national pooling. The cows in my district do not know where the milk comes from. The cows in my district do not know where the milk comes from or what it goes into. We have this unbelievable system in the United States right now. Creating compacts only makes it worse. It divides dairy farmers. That is the reason the colonies came together, to prevent this kind of thing from happening.

This amendment is not in order on this bill. Perhaps we should have the debate later, but let it work through the process in the Committee on the Judiciary.

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. HINCHEY) wish to be heard on the point of order?

Mr. HINCHEY. Mr. Chairman, I do wish to be heard on the point of order.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HINCHEY. Mr. Chairman, the assertion has been made that the idea of establishing dairy compacts is not germane to the agricultural bill, the farm bill that is presently on the floor of this House and being debated here. In order to believe that, we would have to be prepared to believe that the dairy industry is not part of American agriculture; that farm bills ought not to address themselves to the dairy industry; and that parts of the United States ought not to have the opportunity to participate, as they see fit, in the provisions of agricultural law made by this Congress. That, on its face, is an absurd notion.

The dairy compact ought to be recognized in the context of this debate; and we ought to have an opportunity, all of us, to be heard on it, and there ought to be a vote on it on the floor this afternoon in the context of the debate on this bill.

One of the escape hatches that the proponents of this theory have established for themselves is the idea that this ought to be taken up not in the context of agricultural policy but it ought to be taken up by the Committee on the Judiciary as a matter of law under the jurisdiction of the Committee on the Judiciary. Well, some of us might be prepared to accept that if there was any possibility whatsoever that the Committee on the Judiciary in this House would address itself to this issue during the course of this Congress, but there has been no evidence presented anywhere that the Committee on the Judiciary has any interest in taking up this bill.

So what the proponents of the agriculture bill and the proponents of this point of order would have us believe is, first of all, that dairy policy has no place in the farm bill; and that, secondly, they want us to believe the myth that the Committee on the Judiciary will take this issue up at some point in the future. Both of them are absurd. Both of them are false. Therefore, this point of order ought to be ruled against, and we ought to allow this amendment to be debated here on the floor this afternoon in the context of this 10-year agricultural bill.

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. BOEHLERT) wish to be heard on the point of order?

Mr. BOEHLERT. I wish to be heard on the point of order.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. BOEHLERT. Mr. Chairman, I would hope that the individual raising the point of order would accede to the very reasonable request advanced by our colleague, the gentleman from Vermont (Mr. SANDERS), that the point of order at least be temporarily withdrawn so that we can discuss this issue in some detail on the floor.

I think it is only fair and prudent that we request that the people's House work the people's will. The people's House cannot work the people's will if we have unyielding response from the committee of basic jurisdiction. And, believe me, I have the hardest time explaining to anyone why the dairy compact legislation is not germane to the farm bill; that it is off on another committee, the Committee on the Judiciary. Hard time explaining that. People think that the farm bill should deal with farm matters, and I certainly agree.

The dairy compact will not cost the taxpayers a dime; not the Federal taxpayers, not the State taxpayers. What it does is allow farmers to help themselves. It gets away from the command and control notion that Washington is the source of all wisdom and should regulate everything and places faith and the fate of dairy farmers in the hands of State governments and the farmers themselves. And let me tell my colleagues that I have a lot more confidence in the farmers of America than I do a lot of bureaucrats in Washington, D.C.

Over 25 States have already, by overwhelming vote, approved legislation which has been then endorsed by each Governor, and it was not squeaky margins. The total vote was 5,405 for the dairy compacts and only 316 against. And then I have people come up and tell me, well, if Congress passes the dairy compact legislation, it is going to mean that the price of milk might go up. Well, if we do approve the dairy compact legislation, there might be a penny or two a gallon increase in the price of milk. But I tell my colleagues, we live in a town that takes a poll every nanosecond. We poll everything. And poll after poll proves conclusively that the American people are sympathetic to the plight of the Nation's dairy farmers and would be willing to accept a modest penny or two a gallon increase in the price of milk if they were convinced that the money went to the people who need it, the dairy farmers themselves.

In my own State of New York, we have lost 2,133 farms since 1995, and those were figures current only as of the first of this year. My friend from Wisconsin talks about the plight of his dairy farmers. Well, I can assure him the same thing holds true for the dairy farmers of New York. They are going out of business one after another. That just should not be. If we continue on this road, pretty soon we will see an American landscape with one after another dairy farms out of business. We will have the concentration of all production in the hands of a very few mega-corporate farms. And guess what? They will dictate the price to all of us. Katy, bar the door. We do not want that.

And as a national security issue, and all of us are concerned about national security, particularly during these very difficult times, as a national security issue we should keep the small family dairy farms in business. If my colleagues are concerned about urban sprawl, and boy, everybody tells us how concerned they are about urban sprawl, think of what we do if we allow the continued demise of the family farm and force the family farmers to sell to the developers. All of America will be developed.

Let me close with this thought. I have so much more that I could say, but I think it was said best by a Wisconsin dairy farmer in the Nation's leading dairy farm journal, Hoard's Dairyman. He said, "Compacts are a good thing overall. Support," he said, "our brother and sister dairy farmers in the northeast and encourage compacts elsewhere. That is in the interest of fairness."

We are not pitting a few States against a few other States. We are opening up the door of opportunity for all the States to do as they wish. I would strongly urge the offerer of the point of order to rethink that contention. And perhaps in the interest of comity, as suggested by the gentleman from Vermont (Mr. SANDERS), let us talk some more in the people's House about the people's will.

Mr. OBEY. Mr. Chairman, I wish to address the point of order.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman will confine his remarks to the point of order and is recognized.

Mr. OBEY. Mr. Chairman, I want to say that I think the Chair has been most generous in allowing Members to range beyond the focus of the point of order. Obviously, the point of order raised by the gentleman from Wisconsin is correct, because the committee which is considering this legislation does not have jurisdiction with respect to the issue of compacts.

With respect to the question of hearings, Mr. Chairman, I would point out that I find it quaint that somehow the gentleman from Wisconsin (Mr. SENSENBRENNER) is being questioned for the lack of hearings held by the Committee on the Judiciary, when in fact the entire compact arrangement was imposed on the country without ever having had a hearing in either House, and, in fact, without having a vote in this House. The history demonstrates that the only vote that occurred was in the other body, and the other body turned down the proposition of compacts. Then somehow, through the process of immaculate conception, we wound up getting dairy compacts in a conference report in violation of the rules of both Houses.

So it seems to me it is time to uphold the rule of the House. After that has been done, Mr. Chairman, then I would hope that we could bring the regions of the country together on this issue, as we are trying to bring all parties in this country together on a wide variety of issues in light of what happened the last 3 weeks. And I would hope that we could actively pursue some kind of a compromise on this issue. I know the gentleman from Vermont (Mr. SANDERS) has been working to try to develop a framework around which we might be able to achieve some regional togetherness, for a change, which I think would be a healthy development.

□ 1230

Mr. Chairman, very clearly without getting into the merits of the issue, it was clear from the beginning when compacts were imposed on the country through an egregious violation of the rules of both Chambers, and right now it is clear under the rules of this House that this amendment is not germane; and, therefore, the gentleman's point of order should stand.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington.) For what purpose does the gentleman from Pennsylvania rise?

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to speak on the point of order.

The CHAIRMAN pro tempore. The gentleman is recognized to speak on the point of order.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to make the statement that if milk marketing belongs in the Committee on the Judiciary, then missile defense belongs in the Committee on Agriculture. How many staff people on the Committee on the Judiciary know anything about agricultural marketing systems?

There is nobody, and there should not be anybody. To use a stretch of the rules, to use a technicality to deprive this House of a debate of one of the most important farm issues facing this country is wrong. For this House not to have the right to debate this issue up or down is wrong. It is unfair.

Just last week in response to a terrorism act, we spent billions on American airlines to help them. This bill gives millions to corporate, rich farmers to help them. An amendment yesterday that I supported that limited that help to $150,000, which is pretty sizable, was defeated. Wrongly, but it was defeated.

The most important issue facing this country, dairy, what is in this bill to help it? Not a dime. Not a word. Not any guidance, and that is wrong.

This House needs to debate agricultural issues with the agricultural bills before this House, not in the Committee on the Judiciary. Dairy farmers are fighting for their life for a stable market, a stable market. It is the most wholesome natural food we have. I have a perspective that is different than most of my colleagues. I was a supermarket operator for 26 years. I sold food for a living.

Mr. Chairman, I understand the food distribution system. And we have the safest system in the world; the most cost-effective system in the world; and we give the best, purest products to our people. When our people go to our supermarkets and come home, they have fresh products because we have the best system in the world.

Yes, milk is very reasonable. You can buy it for $2.50 a gallon. It is often cheaper than soda which is flavoring, soda water, and sugar. Milk is often cheaper than the juice drinks which are a little bit of juice and a lot of water and sugar.

Yes, when my colleagues go to convenience stores, they pay $1.90 for a 16-ounce or 20-ounce bottle of water. More expensive than milk. Can we not be put in the Committee on the Judiciary? Can we have this issue before us as part of the agricultural issue to develop a marketing system that is fair? That allows our farmers to have a stable price.

It is okay for the moment, but for 2 years our dairy farmers produced milk at less than what it cost. For 2 years, not 2 months, not 3 months; and it has put thousands of them out of business. The Northeast Dairy Compact had a steadying effect upon farms with fewer farms lost in compact States after the initiation of the compact.

A new policy is needed to address the complete failure of our current dairy policy. Dairy compact legislation has passed in 25 States. Dairy compacts return power to the States over fluid milk.

We must make sure that we allow a stable supply of milk and dairy products throughout this country, that we are not hauling them from coast to coast. We need regional dairy supplies, and the dairy compact legislation will allow us to work towards that.

Consumers are not stuck with higher prices in compact States. OMB and others found that price surveys show that compact retail prices are more stable and not more expensive to the consumer. We just want a fair debate on an agricultural issue with the farm bill in front of us.

I urge Mr. Chairman to rule that this issue stays before the Committee on Agriculture where it belongs.

The CHAIRMAN pro tempore. For what purpose does the gentlewoman from North Carolina rise?

Mrs. CLAYTON. Mr. Chairman, I rise to speak on the point of order.

The CHAIRMAN pro tempore. The gentlewoman is recognized to speak on the point of order.

Mrs. CLAYTON. Mr. Chairman, I would like to speak to the point of order, and also to say that we certainly can use a point of order when we want to.

The gentleman from Pennsylvania (Mr. PETERSON) discussed the incident where we considered the appropriation for aviation. That did not go through any committee. Members understood the urgency of waiving the point of order so we could respond to the urgency of the airline industry.

Well, I have come to say that the point of order should not stand in the way of us responding to the urgency of our dairy farmers. They have the same urgency. There needs to be some vote up or down. We should have a right to at least debate it.

The whole issue, one of my colleagues said that this is unconstitutional, that is a bogus argument. It has been tried in the State court of New York and the Federal courts, and they say the compact is constitutional. So the issue that we are putting together something that is going to bar trade does not do that. It does not violate that trade barrier.

Mr. Chairman, we need to find a way where agricultural issues that have the same urgency that the people of that industry suffer, just like the airline industry, at least we ought to be able to give them the right to discuss it.

Furthermore, Mr. Chairman, when we have rules of the House that can defeat public debate, the Chair is required to ensure that the Chair has not stifled that debate by ensuring there will be full hearing in the House. Now, I do not know if that has been discussed. Have you inquired whether the Committee on the Judiciary plans to have a hearing any time in the next 14 months?

The CHAIRMAN pro tempore. The Chair will rule on the point of order after hearing the arguments on the point of order.

Mrs. CLAYTON. Mr. Chairman, can I ask in the ruling on the point of order, if the point of order is going to be insisted upon, there ought to be a corresponding responsibility that the Committee on the Judiciary will indeed have the obligation of hearing it? Can I ask that?

The CHAIRMAN pro tempore. The Chair will rule on the germaneness point of order that has been raised by the gentleman from Wisconsin. The Chair will go no further than ruling on that point of order.

Mrs. CLAYTON. Mr. Chairman, the germaneness is based on the House rule?

The CHAIRMAN. The Chair will rule after the Chair hears the arguments on the point of order.

Mrs. CLAYTON. My point is that I do not know how the Chair can sustain a point of order based on the House rule that there is committee jurisdiction or there is exclusive jurisdiction unless the Chair is asserting that that particular committee that claims that jurisdiction plans to pursue that responsible role. Otherwise, the Chair is part of the frustration in denying a full debate on the issue.

The CHAIRMAN pro tempore. The Chair will advise Members there has been a great deal of discussion regarding the point of order. The Chair will listen to two more Members on the point of order, and then the Chair is prepared to rule having heard the arguments.

The Chair will advise Members that they may stay after the ruling of the Chair and seek recognition to speak to their hearts' content on the dairy issue regardless of the Chair's ruling.

For what purpose does the gentleman from New York rise?

Mr. REYNOLDS. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. REYNOLDS. Mr. Chairman, I serve on the Committee on Rules which has the responsibility of technically looking at claims of jurisdiction, waiving points of order, and other considerations relative to the farm bill this year.

We know that it is an open rule. We recognized that the chairman of the Committee on the Judiciary wrote a very clear cover letter on the history of jurisdiction and the judiciary responsibility over dairy compacts, and he stated that case in his letter. The Committee on Rules stood by that as no waivers or points of order were made on the legislation.

So we have it before us today with a point of order that gets down to family farmers, not technical decisions of the House of Representatives. As some of my colleagues eloquently said before me, September 30 expired the Northeast Dairy Compact. Those farmers in the existing compact and those from my State that have the ability to make the drive into that compact no longer have the compact in existence.

So when we look at jurisdiction and the aspect of respect of jurisdiction, particularly as this legislation has had that history since being referred there by the parliamentarian in the 1990s when the compact concept came before us, that is a tough thing to explain to my farmers in New York.

Mr. Chairman, I represent the largest dairy-producing county in New York. I cannot tell them why I cannot get an up-or-down vote on farm policy that affects their very livelihoods. In a 10-year period, the number of dairy farms in New York drastically dropped from 13,887 to only 8,700, a loss of more than 5,000 family farms. Though dairy farms are going out of business at a rate of 36 percent a year.

Compacts would help save the farm lands in rural communities, and the family farms need the assurance of stable milk prices which the compact provides. Dairy compacts will make certain that the bottom does not fall out on the dairy market. That has been the message of the tough deliberation on the concept of dairy compacts that were brought before the State, as Farm Bureaus, county by county decided to support it years ago.

Today when we look at jurisdiction, which no one can explain back home why the farm bill will not allow with 165 cosponsors of the legislation calling for dairy compacts throughout the country, if those States so desire, why there is not an up-or-down vote.

Mr. Chairman, I implore the gentleman who has raised the point of order that we look at the possibility of that happening today, and pleas from across the country; or, that we begin to look at when I can look my farmers in the eye in New York and tell them there will be a vote on the will of the Congress based on the dairy compact legislation. Either it will pass or it will not, so we know where we go from here. But not to have a vote, as the dairy compacts have expired on September 30, and find us today debating a farm bill on the 2nd day, and not having the ability to use a commonsense approach of an up-or-down vote on the will of 165 cosponsors of this House, is something that no one can explain outside of the House of Representatives.

Mr. Chairman, I implore consideration if not today, tomorrow or the next day, but that we proceed with hearings and a vote of finality up or down on dairy compacts by this House.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Maine rise?

Mr. ALLEN. Mr. Chairman, I rise to speak to the point of order.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. ALLEN. Mr. Chairman, the decision before the Chair on the point of order is vitally important. As the gentleman from New York said, this will be tough to explain to people in Maine because I believe, as they believe, that the issue dealing with the dairy compact has to be germane to the farm bill. Any other conclusion, it seems to me, is unexplainable.

As the gentleman from New York just said, the Northeast Dairy Compact just expired on September 30. When that compact was created in 1997, the goal was to provide dairy farmers in the Northeast with some modicum of price stability and consumers in New England with some stability in retail milk prices.

Mr. Chairman, 4 years later those goals have been achieved, and the compact should be allowed to continue. What do I say to consumers in Maine, dairy farmers in Maine. Well, the dairy compact, the future of the dairy industry in my home State of Maine is a matter that needs to go before the Committee on the Judiciary where there is not the expertise to deal with it. That will not wash. That will not wash in Maine, and it will not wash anywhere in the Northeast.

□ 1245

Ray and Tina Ellsworth in Sabattus, Maine wrote to my office just last week, saying that without the dairy compact, they will not be able to afford to milk their cows. What do I tell Ray and Tina Ellsworth? "Well, this is a matter that needs to go to the Judiciary Committee. They don't have the expertise on the Judiciary Committee. The expertise is on the Agriculture Committee." But somehow they will not understand that kind of reasoning.

Maine consumers have very simple requests. They want a reliable source of fresh milk, and the dairy compact makes that possible. The dairy compact protects farmers. It costs taxpayers nothing. It does not lead to overproduction of milk. This is a case where we have been able, through the compact in the Northeast, to satisfy our dairy farmers, to protect our consumers and provide stability.

The last thing I would say is, well, two things. First of all, the desire for dairy compacts around the country is well known. Twenty-five States have passed legislation. This is a direction that makes sense for farmers and for consumers. But in the State of Maine, we have got our potato industry, which is smaller than it used to be. The chicken farms are all gone. We have got some roadside stands. Agriculture in Maine outside of potatoes has almost everything to do with dairy. That is all we have got, 460 dairy farms. That is it. If we lose this dairy compact, those farms are in severe jeopardy. They probably, most of them, will not be able to continue. And it is a travesty for us not to be able to come to the floor of this House and have a vote, up or down, across the country on this issue.

Mr. Chairman, you have the matter before you, but I urge you to reject the point of order.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair has heard the entire argument and is prepared to rule. The debate on the merits of the point of order has been going on now for nearly an hour, and so the Chair is prepared to rule. But the Chair would also remind Members that under the rules providing for consideration of this bill, Members can speak under the 5-minute rule on the merits of dairy compacts after the point of order has been dispensed with.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentleman from Pennsylvania is not germane.

The bill, H.R. 2646, is a comprehensive agriculture bill. It addresses programs covering nearly all of the subject matters within the jurisdiction of the Committee on Agriculture. In addition to a comprehensive treatment of agricultural law, it also addresses the subject matters of human nutrition, forestry, and rural development, matters within the jurisdiction of the Committee on Agriculture. H.R. 2646 was referred to and reported by the Committee on Agriculture. It also amends programs addressing the foreign distribution of agricultural commodities, a matter specifically excepted from the jurisdictional statement of the Committee on Agriculture in rule X. On this basis, the bill was sequentially referred to and reported by the Committee on International Relations.

The amendment would place additional terms on an existing dairy compact and provide the consent of Congress to three new compacts. As stated in clause 1(k) of rule X, "Interstate compacts generally" fall within the jurisdiction of the Committee on the Judiciary. The jurisdictional origin of the compact is traced to the Constitution. Article 1, section 10, clause 3, of the United States Constitution provides that "no State shall, without the consent of Congress, enter into any agreement or compact with another State, or with a foreign power." Congress' consent is required in order to prevent interstate agreements and compacts from harming nonparty States or conflicting with Federal law or Federal interests. The Chair would note that a bill in this Congress, H.R. 1827, had similar text to the amendment and was referred solely to the Committee on the Judiciary.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a "subject different that from that under consideration shall be admitted under color of amendment." One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee reporting the bill. This principle is recorded on page 682 of the House Rules and Manual. This principle is not the exclusive test of germaneness where the proposition being amended contains provisions so comprehensive, through amendments to other laws, as to overlap several committees' jurisdictions. The Chair would note a relevant precedent.

On October 8, 1985, the Committee of the Whole was considering an omnibus agriculture bill that included provisions that were added by floor amendments amending other laws within the jurisdiction of the Committees of Energy and Commerce, Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs. The Chair held that an amendment conditioning eligibility in price support and payment programs upon furnishing agricultural employees with certain labor protections, within the jurisdiction of the Committee on Education and Labor, was germane. This precedent is memorialized in Deschler-Brown Precedents, volume 10, chapter 28, section 4.67.

While the pending bill is a comprehensive agriculture bill, it does not amend laws within the jurisdiction of several committees, as was the case with the 1985 precedent.

The amendment offered by the gentleman from Pennsylvania falls outside the jurisdictions reported in the pending text. The Chair finds that the sweep of those jurisdictions, those of the Committee on Agriculture and the Committee on International Relations, is not so broad as to render that test of germaneness invalid.

The Chair therefore holds that the amendment is not germane. The point of order is sustained.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak to this issue. I do not have a dog in this fight on dairy farmers, but it is about the rightness. It is about the rightness to allow a vote in the People's House. The chairman of Judiciary is against dairy compacts. It is ridiculous. That is why they want it referred there, because it will never see the light of day in Judiciary. He will kill it and stop this body from having a fair vote on the issue.

The same issue happened with H.R. 218. We had 372 votes in this House on both sides of the aisle and the chairman is opposed to that and he killed it. He fired one of his staffers because they brought it up. And even yesterday in a mark, let me be careful in my words, members of his own committee were strongly told not to offer the amendment.

That is wrong, Mr. Chairman. For one person, one chairman, to have that power to stop the people's will, either on H.R. 218 or this dairy compact, is wrong. I will sign, which I oppose most of the time, a discharge petition to bring it up just to bring a vote to this floor.

Mr. SHOWS. Mr. Chairman, I move to strike the last word.

I rise in strong support, too, of the Sherwood-Etheridge-McHugh amendment. I am proud to discuss this matter because it needs to be voted on, dairy compacts, on this House floor.

This amendment reauthorizes a program that works, one that benefits farmers and consumers alike. I have heard a lot of talk how it has not worked in some parts of the country, but according to all my facts, it has worked in the northeastern United States and we need it in the southeast. It does not cost taxpayers anything. Payments to support dairy producers in times of need come from the milk market itself and outside of the compact support themselves.

From the Northeast Dairy Compact, we have learned that a compact among dairy producers will not cause overproduction. We know that rural America is going broke today, and we know that rural America in Mississippi and especially our agriculture community is going out of business. A southeast dairy compact could help keep our farmers in business.

We have also learned from compacts that they do not increase prices for the American consumer. For example, while the Northeast Dairy Compact provides a safety net for milk producers, the compact is required by its charter to see that retail milk prices do not increase disproportionately. Studies also show that the compact does not create a trade barrier or hinder trade of products from other parts of the country. In fact, in the Northeast Dairy Compact, trade increased by 7 percent after 1 year.

Finally, the compact does not affect Federal programs for the poor. In fact, the compact commission, by law, reimburses the most important Federal nutrition programs.

Let us reauthorize a system that works and allow other States to join together to stabilize the dairy farmer, dairy industry and protect the American consumers. Farmers and communities like Walthall County and Tylertown, Mississippi need this legislation. In Mississippi, we had 700 dairy farmers 6 years ago. Now we are down to 300. This compact will help keep them in business.

Mr. VITTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise, too, in strong support of the dairy compact concept, the freestanding bill, this amendment which had been offered on the agricultural bill, the farm bill. The opposition to the dairy compact clearly had the right to bring their point of order, and they did that and they did it successfully. But we just do not all have rights, we have responsibilities, too. They have a responsibility, and this whole body has a responsibility, to face and debate and vote on an issue which is so important to so many American communities.

This compact legislation has existed for some time with very significant bipartisan support. It goes to the heart, the backbone of so many communities, in the Northeast where there has been a compact, in the Southeast, my part of the world, where we desire a compact, and other parts of the United States. Yet any vote, any vote whatsoever on the entire concept, has been blocked time and time again through procedural hurdles and often the will of single individuals. So we can talk about rights and points of order, but we also must talk about responsibilities. It is all of our responsibility and it is the responsibility of this body to act and vote on this issue of vital importance.

In Louisiana, which I represent, dairy farmers are going out of business every week. About 80 percent of all dairies in the State are in my part of the State in my district. And every week they are going out of business. They are going out of business because of the extreme volatility at times of milk prices. What the compact is designed, very well designed, to do is stabilize, do away with those huge peaks and valleys, stabilize that lay of the land, not as we so often do in the area of agriculture with buckets of taxpayer dollars, but within the milk industry itself. And this is not some wild theory, some wild model. This is a plan that has successfully been put in place specifically in the Northeast.

We have concrete and specific history and record to go on. And what is that history? It is not some dramatic increase in milk prices. It is either a modest, slight increase or no increase at all, because the price of milk in Boston is lower significantly than in many other parts of the country.

So this can work. This can help dairy stabilize their future. This can do all of that without giving any shock to consumers. And it is needed, not just by dairies but by communities, because the dairies, because the agricultural part of those communities are often the backbone, the spirit of those communities, in the Northeast, in the Southeast and elsewhere around the country.

Let me end where I began, by asking those opponents of the dairy compact to not just consider their rights to a point of order or anything else but to join us as we all consider our responsibilities. We have a responsibility to debate this issue, and we have a responsibility to have a vote on this issue. We need that vote. We need that debate. We cannot simply go on forever and never have any vote on the issue. That is just flat out ridiculous when there is such wide, significant and bipartisan support for this significant legislation.

Ms. BALDWIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard a lot from representatives who clearly are articulating with great passion for their own constituents, their own farming constituents. But make no mistake about it, if you utilize this tool, these interstate dairy compacts, to help your farmers, you are hurting the ones I represent. And any extension or further expansion of dairy compacts will hurt the farmers I represent even more.

We must find a dairy policy that helps all dairy farmers in this country, not just regional interstate dairy compacts that help some.

□ 1300

There are hard-working Members of this Congress who are seeking to do that. I hope that we will have a debate later on a germane amendment to this bill that seeks to do precisely that. But, unfortunately, the reason this was not germane is because we are using a very archaic tool in the form of interstate dairy compacts in order to achieve something that should be achieved in another manner, a way to help all dairy farmers.

I serve on the Committee on the Judiciary and its Subcommittee on Commercial and Administrative Law, and I wanted to respond to the comment that there might not be the sufficient expertise on that committee to deal with this issue. The gentleman who just spoke from Louisiana and myself both represent dairy farmers. We both sit on that subcommittee and sat on it last year when we spent almost 7 hours dealing with this issue in markup and debate. The committee has dealt with this issue.

As to those who have made comments about the necessity for a debate and a fair vote on this floor on the compacts, I just want to remind you how we got compacts in the first place, because my constituents never got a fair debate or a fair vote when compacts were first approved. When it was stuck into a conference committee report in the middle of the night, that issue was never debated on this floor; it never got a vote. My constituents have suffered from the results of that.

I feel I have a responsibility to them, and I take that responsibility very seriously. We have got to find another way to help all dairy farmers and the dairy industry in these United States, other than interstate compacts.

Mr. MCHUGH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to pay a compliment to the chairman of the full committee, the gentleman from Texas (Mr. COMBEST), and the ranking member, the gentleman from Texas (Mr. STENHOLM). They found themselves in a very difficult position on this issue in that they do not have technical jurisdiction; and the gentleman from Texas (Mr. COMBEST), from my personal perspective, was very gracious in bringing some of us in and trying to work a way through this very difficult question and one over which, as the Chair has so, may I say, Mr. Chairman, eloquently and very thoroughly reviewed and ruled on the technicality of germaneness.

But I want to associate myself with the words of the gentleman from Louisiana, who spoke at this very podium a few moments ago with respect to the great difference between technical rights and responsibilities. Several Members today, including the gentlewoman who preceded me, have spoken accurately about the fact that the current compact came about in ways which, in their perspective, was not adherent to the normal practices of this Congress, certainly this House. As I said before the Committee on Rules not so many hours ago, that is an issue on which we all agree.

I have been involved with the compact since my days in the State senate in 1985, where I was fortunate enough, from my perspective, to have the opportunity to help write the first version of that; and I can tell you that I have no joy in the fact that the Northeast Compact exists as it does today through the process that was followed.

But I would say to the gentlewoman, and I would say to my friend, the gentleman from Wisconsin (Mr. OBEY), who also accurately noted the process to create this dairy compact, how can you say and complain about no debate, and then act very deliberately today to prevent the debate?

There are a lot of things that are points of disagreement on merits. We have heard a lot of, as I have heard so many times in the past, Mr. Chairman, claims that are laid as fact that are simply untrue; claims of effects on consumers, where reports from OMB, reports from the USDA, reports from various ACNielsen scanner data, and on and on and on, have rejected those arguments. We have heard about consumer impacts that are certainly and without question unfounded, and on and on and on.

As much as I would not just welcome, I would relish the chance to engage in a debate on those merits so we can lay out the facts and let Members decide to vote as they will, we are precluded again this day.

Speaking now as more of a plea, Mr. Chairman, I take no joy as well in the very fact that, as has been related here today, and giving credit to the gentlewoman from Wisconsin about the pain that dairy farmers are feeling across this Nation, including her State and her region, and, as I have been saying on the floor of this House now for at least the past 4 years, I very much want to work with any Member to try to do everything we can to help all dairy farmers, because they are alike, they are hard-working individuals, they need assistance, and, frankly, we need to help them, because they help us so much.

But the inability for those of us to have the opportunity on the floor of the people's House for just a debate and just an honest, open vote to decide this issue, creates frustration that I doubt few can truly comprehend.

It is with great sadness I stand here today, Mr. Chairman, but with no animosity, and, again, with a plea to those who are in a position to effect a change in the developments of this day, that we be provided that opportunity as Members rightfully elected from our individual districts.

In closing, again, a word of appreciation and friendship to the chairman and the ranking member.

### AMENDMENT NO. 32 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of Subtitle C of title VII (page 313, after line 10), insert the following new section:

### SEC. . AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR THE DEVELOPING WORLD.

(a) GRANT PROGRAM.—The Secretary of Agriculture shall establish a program to award grants to entities described in subsection (b) for the development of agricultural biotechnology with respect to the developing world. The Secretary shall administer and oversee the program through the Foreign Agricultural Service of the Department of Agriculture.

(b) PARTNERSHIPS.—(1) In order to be eligible to receive a grant under this section, the grantee must be a participating institution of higher education, a nonprofit organization, or consortium of for profit institutions with in-country agricultural research institutions.

(2) A participating institution of higher education shall be an historically black or land-grant college or university, an Hispanic serving institution, or a tribal college or university that has agriculture or the biosciences in its curricula.

(c) COMPETITIVE AWARD.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(d) USE OF FUNDS.—The activities for which the grant funds may be expended include the following:

(1) Enhancing the nutritional content of agricultural products that can be grown in the developing world to address malnutrition through biotechnology.

(2) Increasing the yield and safety of agricultural products that can be grown in the developing world through biotechnology.

(3) Increasing through biotechnology the yield of agricultural products that can be grown in the developing world that are drought and stress-resistant.

(4) Extending the growing range of crops that can be grown in the developing world through biotechnology.

(5) Enhancing the shelf-life of fruits and vegetables grown in the developing world through biotechnology.

(6) Developing environmentally sustainable agricultural products through biotechnology.

(7) Developing vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically engineered agricultural products.

(e) FUNDING SOURCE.—Of the funds deposited in the Treasury account known as the Initiative for Future Agriculture and Food Systems on October 1, 2003, and each October 1 thereafter through October 1, 2007, the Secretary of Agriculture shall use $5,000,000 during each of fiscal years 2004 through 2008 to carry out this section.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to offer this amendment for myself, the gentleman from New Jersey (Mr. PAYNE), and the gentlewoman from California (Ms. WATSON) to encourage research and development of agriculture biotechnology with respect to the developing world.

Agricultural biotechnology offers innovative solutions to some of the most intractable problems facing the developing world, such as hunger, malnutrition and disease. Many of us are familiar with the newly developed strain of golden rice that was developed by plant scientists to have increased vitamin A and iron content. Vitamin A deficiency causes more than 1 million childhood deaths each year, and is the single most prevalent cause of blindness among children in the developing world.

Golden rice is only the beginning of the potential benefits of biotechnology for the developing world. Biotechnology can help developing countries produce higher crop yields while using fewer pesticides and herbicides, and can also promote sustainable agriculture, leading to food and economic security. By increasing crop yields, the amount of land that needs to be farmed is reduced.

Biotechnology can also improve the health of citizens of developing countries by combatting illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses; but unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccination methods in some parts of the developing words. For example, many vaccines must be kept refrigerated until they are injected. Even if a health clinic has electricity and is able to deliver effective vaccines, the cost of multiple needles can hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers a prospect of orally delivering vaccines to immunize against life-threatening illnesses through agriculture products in a safe and effective manner.

Because of the immense potential of agriculture biotechnology to help solve some of the developing world's most serious problems, I am offering this amendment that will establish a grant program under the Secretary of Agriculture to encourage research and development of agriculture biotechnology with respect to the developing world.

The amendment calls for $5 million per year for 5 years, beginning in fiscal year 2004. Eligible grant recipients include historically black colleges and land grant colleges or universities, Hispanic serving institutions, and tribal colleges and universities. Nonprofit organizations and a consortia of for-profit institutions with in-country research institutions are also eligible. Grants will be awarded on a competitive merit-reviewed basis.

I feel that this effort will go a long way in helping to provide food in an independent manner for our developing countries, as well as combatting disease.

Mr. COMBEST. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentlewoman yielding, and I appreciate her leadership on this extremely important issue.

Certainly agricultural biotechnology, such as golden rice, which is a product with enhanced vitamin A, already is being used to solve problems of childhood blindness among cultures whose diets are heavily dependent upon rice but would normally be deficient in this important vitamin; and I think this is just one example of some of the benefits that can come from biotechnology.

As I believe our staffs have discussed, there are some technical issues regarding the structure of the amendment which we would like to work with the gentlewoman on as we proceed through conference. The gentlewoman has been very agreeable to do that, and I appreciate that.

I will just say that the committee is prepared to accept the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much, and thanks also to the ranking member for his hard work on this bill. I ask for support for this measure.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to go back to the dairy compact. I do want to talk about the sadness that I feel about what has happened to the Northeast area compact. I understand the ruling, and we were pretty sure before we got here that it was going to be ruled out of order. But I do nonetheless want to strongly express my support for this amendment.

It seems that the Congress giveth and the Congress taketh away; and once again, the dairy farmers that I have been working with in the 15 years I have been here are going to be in serious trouble once again.

The dairy compact has been instrumental in helping dairy farmers not only in New York. We are not selfish enough to ask for anything just for ourselves. But it helps people across the country, because all they do is establish a minimum safety net price to be paid to dairy producers on Class I milk only.

Just as milk does the body good, the dairy compact does the economy and the dairy farmer good. Dairy is important to the entire Northeast and the rest of the country because of the economic contributions it makes, both in dollars and jobs. Without the Northeast Dairy Compact, thousands of dairy farmers will be forced out of business and consumers will suffer increased prices as a reflection of the forced transportation costs.

In addition to helping family farmers stay afloat, the Northeast Dairy Compact has helped save farmland that would have normally been lost to urban sprawl. For many of us, there is nothing more heart breaking than seeing wonderful farmland and dairyland going under the bulldozer. As a sign of odd bedfellows, both dairy farmers and environmentalists have come together to support dairy compacts.

Again, I am proud to join my Northeast colleagues in support of not only continuing the Northeast dairy compact, but expanding it.

Ms. WATSON of California. Mr. Chairman, I rise in support of the Johnson-Payne-Watson amendment to H.R. 2646 the "Farm Bill". This amendment establishes a grant program under the Secretary of Agriculture to support research and development of American programs in agricultural biotechnology. Information provided by these programs can address the food and economic needs of the developing world.

Biotechnology can help developing countries produce higher crop yields while using fewer pesticides and herbicides. Biotechnology can also promote sustainable agriculture, leading to food and economic security. Biotechnology offers the prospect of delivering vaccines to immunize against life-threatening illnesses through agricultural products in a safe and effective manner. Advances in biotechnology can overcome the infrastructure and cost limitations faced by traditional vaccination methods in the developing world.

One obstacle for biotechnology in the developing world is the capacity of scientific organizations and public funding for agricultural research. For example, Africa's crop production is the lowest in the world. 200 million people on the African continent alone are chronically malnourished. Increased funding for international programs from the United States would have a great impact on the problem. Eligible grant recipients include historically black colleges and universities, land grant colleges, Hispanic-serving institutions, and tribal colleges, or universities. Non-profit, for profit, and other in-country agricultural research centers are also eligible.

Mr. Chairman, I encourage my colleagues to vote for vitamin-enhanced foods, higher in protein, fruits and vegetables with longer shelf lives, reduced rate of habitat destruction, increased crop yields and sustainable agriculture. These are just a few benefits that would result from the $5 million per for 5 years, beginning in fiscal year 2004. Vote "yes" on the Johnson-Payne-Watson Amendment to H.R. 2646.

The CHAIRMAN pro tempore. Is there any Member that wishes to speak on the amendment of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON)?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a comment about the dairy compact. The dairy compact should be extended during the renegotiation of the process while we deal with the issues of stabilizing the infrastructure, the important infrastructure, that supports not only the dairy industry at large, but, more importantly, the farm, the dairy farm, in many places where you find it around the diverse landscape of this Nation.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

□ 1315

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding and for speaking in favor of the Northeast Dairy Compact.

I rise today also in support of the compact for a number of reasons. As I stand here today, approximately 11 years after offering my first amendment as a Member of Congress to the 1990 Farm Bill, a dairy provision, I never envisioned that it would be this difficult to get a vote on an issue of such great importance to the farmers not only of my district, but throughout the country.

As many of my colleagues wait in anticipation of an up-or-down vote on the extension and expansion of the Northeast Dairy Compact, I recall it has been almost 2 years now since I stood in this Chamber and announced my opposition to the agriculture appropriations bill, a committee of which I am a member. At the same time, we had assurances all the way along through subcommittee, full committee, and then going into conference, that we would be able to address the dairy issue; but unfortunately, that was denied us also. In fact, the conference never actually concluded its work. We did not even have the opportunity to offer amendments or to debate these critical issues.

As the gentleman from Pennsylvania pointed out, I did offer an amendment in the 2002 Agriculture Appropriations Subcommittee but withdrew it at the request of the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), in hopes of getting consideration of the bill in the Committee on the Judiciary. The Committee on the Judiciary has objected to this amendment and have claimed jurisdiction, and they have said it is not germane. If it is the responsibility of the Committee on the Judiciary, why do they offer to hold no hearings? Why did they propose no legislation? Why did they let the clock run out? Why did they let the clock run out not only on the dairy compact, but on thousands of farmers all over the country? The clock is also running out on my New York dairy farmers. In just 5 years, we have gone from 10,000 to just over 7,000 dairy farms.

As many of my colleagues will point out today, dairy compacts are the best available safety net for producers of class 1 drinking milk. They are governed by a commission of consumers and processors and farmers to ensure a fresh local supply and a fair price.

I think the biggest benefit of compacts is they do not cost the taxpayer one single dollar. Payments come from the milk market, they are countercyclical, and are made to farmers only when the prices fall below the marketing order price.

We should recognize the initiative of 25 States who voted to authorize dairy compacts for their farmers and for their consumers at no expense to the Federal Government. We should embrace their reactions and continue a program that returned $140 million in over-order payments since its inception to farmers in the Northeast.

Many factors cause farmers to go out of business, including health, lack of interested parties to continue the business, nonstop work schedule, or land development opportunities. By providing a more livable income, the compact addresses one factor, among many others, that encourages farmers to keep farming. For farmers able, willing, and interested in continuing dairy farming, compacts provide a reliable source of assistance. This is critical as dairy farmers are key components to the survival of our rural communities.

Again, I want to thank the gentleman from Pennsylvania (Mr. SHERWOOD) and the rest of the forces on this Congress from across the country who have risen to support the dairy compact.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not speak to the discussion of the point of order, and I commend my colleagues who did get up and speak for so doing. We did know what the ruling was going to be, but nevertheless, the discussion was critically important. To think that a dairy compact could not be discussed in the context of this bill really has no description. I think we understand why this came about, and it really is discouraging in the sense that this is the people's House. As far as I understand, dairy farmers around the country make up the population of the United States. They are the people and they ought to have an opportunity to have their interests, their concerns, their frustrations, their livelihood, their economics discussed in this body.

In terms of my own State of Connecticut, this compact is vital. It is vital to the existence of our dairy farms, each one of them a small family farm. And, like others who have spoken here this afternoon, this is vital to a way of life that is being jeopardized.

The compact serves as a safety net for these dairy farmers by maintaining stable milk prices for them over the course of a year. In the year 2000, it returned $4.8 million in income back to Connecticut's farmers. This is an average of about $21,000 per farmer. These dollars are helped to reverse a serious, long-term trend in my State: the loss of family farms.

Since the compact, there has been no overproduction in New England. In fact, there has been a decrease in milk production, whereas other parts of the country have witnessed dramatic increases. Over 99 percent of CCC purchases of surplus dairy products came from the Midwest and the West.

The compact costs the taxpayer nothing, as my colleagues have pointed out. Payments come from the milk market and are only made to farmers when the compact commission price is below the Federal milk marketing price. So, in most months, farmers do not receive compact payments.

I would just say to my colleagues, it is truly unfortunate when, in this body, we cannot discuss an issue that is of grave concern to farmers in this country. The dairy farmers are part of this effort. We have today excluded them from the opportunity to have their economic crisis defended when just about every other economic crisis of any group in this Nation gets a hearing, gets time on the floor, and gets substantial quantities of money to make themselves whole. Shame on this House for ignoring this country's dairy farmers.

Mr. SHERWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their consideration here today. I would like to thank my 20 colleagues that have spoken on behalf of dairy compacts. We have shown that they are good for jobs, they are good for the rural economy, they are good for the environment, because we know that when that milk production is spread out across the country, instead of in great cattle-feeding operations, it is spread out across the country, it is good for the environment. We know it is good for food safety, and it is a weapon against bioterrorism, because when the food supply is spread out close to the consuming public and not in one location or two locations across the country, we are much more flexible.

This is an issue whose time has come. The New England dairy compact has been an experiment that worked and it has proven to us it worked. Believe me, I am not a theorist. I am a hard-nosed businessman that was in business for 30 years before I came to this Chamber, and I do not believe in theory, I believe in practice.

The New England dairy compact has worked. We have shown that there are overwhelmingly 25 State legislatures that want this. We have cosponsors, 165 of them, from 30 States in the Nation. The time has come that we need to get around the procedural rules of this House that make ridiculous statements that milk and farm issues are not on the farm bill, they are on the judiciary bill. We need to revisit some of these things. We need to show the United States of America and our hardworking farmers that we are interested in what they do and we are interested in a strong, fresh, stable supply of drinking milk. It is time to bring this issue to a head.

### AMENDMENT NO. 10 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BOEHLERT:

Strike title II and insert the following:

## TITLE II—CONSERVATION

## Subtitle A—Farm and Ranch Preservation

### SEC. 201. FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is amended to read as follows:

### "SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall carry out a farmland protection program for the purpose of protecting farm and ranch lands with prime, unique, or other productive uses and agricultural lands that contain historic or archaeological resources, by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

"(1) permanent conservation easements in such lands; or

"(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

"(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

"(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement under subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

"(1) An agency of a State or local government.

"(2) A federally recognized Indian tribe.

"(3) Any organization that is organized for, and at all times since its formation has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(e) GRANT FACTORS.—Among the factors the Secretary shall consider in making grants under this section, the Secretary shall consider the extent to which States are encouraging or adopting measures to protect farmland and ranchland from conversion to non-agricultural uses.

"(f) TITLE; ENFORCEMENT.—An eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

"(g) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

"(h) FUNDING.—

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—The Secretary shall use not more than $100,000,000 in fiscal year 2002, $200,000,000 in fiscal year 2003, $350,000,000 in fiscal year 2004, $450,000,000 in fiscal year 2005, and $500,000,000 in each of fiscal years 2006 through 2011, of the funds of the Commodity Credit Corporation to carry out this section.

"(2) LIMITATION ON TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary may use not more than 10 percent of the amount made available for any fiscal year under paragraph (1).

"(i) Grants and Assistance To Enhance Farm Viability.—For each year for which funds are available for the program under this section, the Secretary may use not more than $10,000,000 to provide matching market development grants and technical assistance to farm and ranch operators who participate in the program. As a condition of receiving such a grant, the grantee shall provide an amount equal to the grant from non-Federal sources.".

### SEC. 202. SOCIALLY DISADVANTAGED FARMERS.

Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(1) by striking "$10,000,000" and inserting "$15,000,000 from the Commodity Credit Corporation"; and

(2) by adding at the end the following: "Any agency of the Department of Agriculture may participate jointly in any grant or contract entered in furtherance of the objectives of this section if it agreed that the objectives of the grant or contract will further the authorized programs of the contributing agency.".

## Subtitle B—Environmental Stewardship On Working Lands

### SEC. 211. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) by striking "to—" and all that follows through "provides" and inserting "to provide";

(2) inserting "air" after "that face the most serious threats to";

(3) by redesignating the subparagraphs (A) through (D) that follow the matter amended by paragraph (2) of this section as paragraphs (1) through (4), respectively;

(4) by moving each of such redesignated provisions 2 ems to the left; and

(5) by striking "farmers and ranchers" each place it appears and inserting "producers".

### SEC. 212. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended—

(1) in paragraph (1)—

(A) by inserting "nonindustrial private forest land," before "and other land"; and

(B) by striking all after "poses a serious threat to" and inserting "air, soil, water, or related resources."; and

(2) in paragraph (4), by inserting ", including nonindustrial private forestry" before the period.

### SEC. 213. ESTABLISHMENT AND ADMINISTRATION.

(a) Reauthorization.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)(1)) is amended by striking "2002" and inserting "2011".

(b) Incentive Payments.—Section 1240B of such Act (16 U.S.C. 3839aa-2) is amended by adding at the end the following:

"(h) Watershed Quality Incentive Program.—

"(1) In general.—The Secretary shall create a program to improve water quality in individual watersheds nationwide. Except as otherwise provided in this subsection, the program shall be administered in accordance with the terms of the Environmental Quality Incentives Program.

"(2) Consistency with watershed plan.—In allocating funds under this subsection, the Secretary shall consider the extent to which an application for the funds is consistent with a locally developed watershed plan, in addition to the other factors established by section 1240C.

"(3) Contracts.—The Secretary shall enter into contracts in accordance with this section with producers whose activities affect water quality, including the quality of public drinking water supplies, to implement and maintain nutrient management, pest management, soil erosion practices, and other conservation activities that protect water quality and protect human health. The contracts shall—

"(A) describe the nutrient management, pest management or soil loss practices to be implemented, maintained, or improved;

"(B) contain a schedule of implementation;

"(C) address water quality priorities of the watershed in which the operation is located to the greatest extent possible; and

"(D) contain such other terms as the Secretary determines to be appropriate.

"(4) Voluntary water quality benefits evaluation.—On approval of the producer, the Secretary may include the cost of water quality benefits evaluation as part of a contract entered into under this section.

"(5) Drinking water suppliers pilot program.—

"(A) In general.—The Secretary shall establish a pilot program in 15 watersheds to improve water quality in cooperation with local water utilities.

"(B) Pilot program.—The Secretary shall select the watersheds and make available funds to be allocated to producers in partnership with drinking water utilities in the watersheds, provided that drinking water utilities measure water quality and target incentives payments to improve water quality.

"(6) Nutrient reduction pilot program.—The Secretary shall use up to $100,000,000 annually of the funds provided under this subsection in 5 impaired watersheds each year to provide incentives for agricultural producers to reduce nitrogen and phosphorous applications by at least 15 percent below the average rates used by comparable farms in the State. Incentive payments shall reflect the extent to which producers reduce nitrogen and phosphorous applications.

"(7) Recognition of state efforts.—The Secretary shall recognize the financial contribution of States, among other factors, during the allocation of funding under this subsection.".

(c) Non-Federal Assistance.—Section 1240B(g) of such Act (16 U.S.C. 3839aa-2(g)) is amended—

(1) by inserting "drinking water utility" after "forestry agency,"; and

(2) by inserting ", cost-share payments, and incentives" after "technical assistance".

### SEC. 214. EVALUATION OF OFFERS AND PAYMENTS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa-3) is amended to read as follows:

### "SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

"The Secretary shall establish a ranking process and benefits index to prioritize technical assistance, cost-share payments, and incentives payments to producers to maximize soil and water quality and wildlife habitat and other environmental benefits per dollar expended. The ranking process shall be weighted to ensure that technical assistance, cost-share payments, and incentives are provided to small or socially-disadvantaged farmers (as defined in section 8(a)(5) of the Small Business Act). The Secretary shall consult with local, State, and Federal public and private entities to develop the ranking process and benefits index.".

### SEC. 215. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$10,000" and inserting "$30,000"; and

(B) in paragraph (2), by striking "$50,000" and inserting "$150,000";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) to share the cost of digesters."; and

(3) by striking subsection (c).

### SEC. 216. REAUTHORIZATION OF FUNDING.

Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2002" and inserting "2011".

### SEC. 217. FUNDING.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking "$130,000,000" and all that follows through "2002" and inserting "$200,000,000 for fiscal year 2001, $1,000,000,000 in fiscal years 2002 and 2003, and $1,000,000,000 for each of fiscal years 2004 through 2011";

(2) by inserting "(other than under section 1240B(h))" before the period; and

(3) by adding at the end the following: "In addition, the Secretary shall make available for the program under section 1240B(h), $450,000,000 for fiscal years 2002 and 2003, $500,000,000 for fiscal year 2004, $650,000,000 for fiscal year 2005, and $700,000,000 for each of fiscal years 2006 through 2011, to provide incentive payments to producers who implement watershed quality incentive contracts.".

### SEC. 218. ALLOCATION FOR LIVESTOCK AND OTHER CONSERVATION PRIORITIES.

(a) In General.—Section 1241(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(2)) is amended—

(1) by striking "2002" and inserting "2011"; and

(2) by inserting "(other than under section 1240B(h))" before "shall".

(b) Agricultural Sustainability.—Section 1241(b) of such Act (16 U.S.C. 3841(b)) is amended by adding at the end the following:

"(3) Targeting of practices to promote agricultural sustainability.—

"(A) To the maximum extent practicable, the Secretary shall attempt to dedicate at least 10 percent of the funding in this subsection to each of the following practices to promote agricultural sustainability:

"(i) Managed grazing.

"(ii) Innovative manure management.

"(iii) Surface and groundwater conservation through improved irrigation efficiency and other practices.

"(iv) Pesticide and herbicide reduction, including practices that reduce direct human exposure.

"(B) Definitions.—In subparagraph (A):

"(i) Managed grazing.—The term 'managed grazing' means practices which frequently rotate animals on grazing lands to enhance plant health, limit soil erosion, protect ground and surface water quality, or benefit wildlife.

"(ii) Innovative manure management.—The term 'innovative manure management' means manure management technologies which—

"(I) eliminate the discharge of animal waste to surface and groundwaters through direct discharge, seepage, and runoff;

"(II) substantially eliminate atmospheric emissions of ammonia;

"(III) substantially eliminate the emission of odor;

"(IV) substantially eliminate the release of disease-transmitting vectors and pathogens;

"(V) substantially eliminate nutrient heavy metal contamination; or

"(VI) encourage reprocessing and cost-effective transportation of animal waste.

"(ii) Improved irrigation efficiency.—The term 'improved irrigation efficiency' means the use of new or upgraded irrigation systems that conserve water, including the use of—

"(I) spray jets or nozzles which improve water distribution efficiency;

"(II) irrigation well meters;

"(III) surge valves and surge irrigation systems; and

"(IV) conversion of equipment from gravity or flood irrigation to sprinkler or drip irrigation, including center pivot systems.".

## Subtitle C—Preservation of Wildlife Habitat

### SEC. 221. WILDLIFE HABITAT INCENTIVES PROGRAM.

(a) Extension and Funding Increase.—Section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

"(c) Funding.—To carry out this section, there shall be made available $200,000,000 for fiscal years 2002 and 2003, $350,000,000 for fiscal year 2004, $450,000,000 for fiscal year 2005, $500,000,000 for each of the fiscal years 2006 through fiscal year 2009, $400,000,000 for fiscal year 2010, and $200,000,000 for fiscal year 2011.".

(b) Additional Incentives for Wildlife Conservation.—Section 387(b) of such Act (16 U.S.C. 3836(b)) is amended by inserting ", or for other costs relating to wildlife conservation," before "approved by the Secretary".

(c) Program Modifications.—Section 387 of such Act (16 U.S.C. 3836a) is amended by adding at the end the following:

"(d) Incentive Payments.—The Secretary may provide incentive payments to landowners in exchange for the implementation of land management practices designed to create or preserve wildlife habitat. The payments may be in an amount and at a rate determined by the Secretary to be necessary to encourage a landowner to engage in the practice.

"(e) Funding Priority.—The Secretary shall give priority to landowners whose lands contain important habitat for imperiled species or habitat identified by State conservation plans, where available.

"(f) Consultation.—To the extent practicable, the Secretary shall consult with local, State, Federal and private experts, as considered appropriate by the Secretary, to ensure that projects under this section maximize conservation benefits and are regionally equitable.

"(g) Acquisition of Easements.—Beginning with fiscal year 2003, not more than 10 percent of the funds available shall be used to acquire permanent easements, provided that land enrolled in an easement is not land taken out of agricultural production".

### SEC. 222. WETLANDS RESERVE PROGRAM.

(a) Enrollment Authority.—Section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)) is amended to read as follows:

"(1) Enrollment.—The Secretary shall enroll in the wetlands reserve program a total of not less than 250,000 acres in fiscal years 2002 and 2003, and not less than 250,000 acres in each of fiscal years 2004 through 2011.".

(b) Regional Equity.—Section 1237 of such Act (16 U.S.C. 3837) is amended by adding at the end the following:

"(h) Not later than 60 days after the date of the enactment of this sentence, the Secretary shall devise a plan to promote wetlands conservation in all regions where opportunities exist for wetlands restoration.".

### SEC. 223. CONSERVATION RESERVE PROGRAM.

(a) Enrollment Authority.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a)—

(A) by striking "2002" and inserting "2011"; and

(B) by striking "and water" and inserting ", water, and wildlife";

(2) in subsection (d)—

(A) by striking "36,400,000" and inserting "45,000,000"; and

(B) by striking "2002" and inserting "2011"; and

(3) in subsection (h)(1), by striking "and 2002" and inserting "through 2011".

(b) Eligibility.—Section 1231(b) of such Act (16 U.S.C. 3831(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) pasture, hay, and rangeland if the land will be restored as a wetland, or is within 300 feet of a riparian area and will be restored in native vegetation; and"; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following:

"(A) if the Secretary determines that—

"(i) the lands contribute to the degradation of soil, water, or air quality, or would pose an on-site or off-site environmental threat to soil, water, or air quality if permitted to remain in agricultural production; and

"(ii) soil, water, and air quality objectives with respect to the land cannot be achieved under the environmental quality incentives program established under chapter 4;";

(B) by striking "or" at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(D) by adding at the end the following:

"(E) if the Secretary determines that enrollment of the lands would contribute to conservation of ground or surface water.

For purposes of the program under this subchapter, buffer strips on lands used for the production of fruits, vegetables, sod, orchards, or specialty crops shall be considered cropland.".

(c) Environmentally Sensitive Lands and Buffer Strips.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by adding at the end the following: "Until December 31, 2007, of the acreage authorized for enrollment, not less than 7,000,000 acres shall be used to enroll environmentally sensitive lands through the continuous enrollment program and the conservation reserve enhancement program.".

(d) Limited Permanent Easement Authority.—Section 1231(e) of such Act (16 U.S.C. 3831(e)) is amended by adding at the end the following:

"(3) Permanent easements.—

"(A) In general.—Notwithstanding paragraph (1), the Secretary may enroll up to 3,000,000 acres in the conservation reserve using permanent easements to protect critically important environmentally sensitive lands (including 1,000,000 acres for isolated wetlands) and habitats such as native prairies, native shrublands, small wetlands, springs, seeps, fens, and other rare and declining habitats. The terms of the easement shall be consistent with section 1232(a).

"(B) Limitations on transferability.—The Secretary may transfer a permanent easement established under subparagraph (A) to a State or local government or a qualified nonprofit conservation organization. The holder of such a permanent easement may not transfer the easement to an entity other than a State or local government or a qualified nonprofit conservation organization.".

(e) Continuous Enrollment of Buffer Strips.—Section 1231 of such Act (16 U.S.C. 3831) is amended by adding at the end the following:

"(i) Continuous Enrollment of Buffer Strips.—The Secretary shall allow continuous enrollment of buffers whose width and vegetation is designed to provide significant wildlife or water quality benefits, as determined by the Secretary.

"(j) Irrigated Lands.—Irrigated lands shall be enrolled at irrigated land rates unless the Secretary determines that other compensation is appropriate.

"(k) Exception to Payment Limitation.—Payments made in connection with the enrollment of lands pursuant to the continuous enrollment or the conservation reserve enhancement program shall not be subject to any payment limitations under section 1239c(f)(1).

"(l) Limited Exceptions to Prohibitions on Economic Uses.—Notwithstanding the prohibitions on economic use on lands enrolled in the Conservation Reserve Program under section 1232(a), the Secretary may permit on such lands the collection of native seeds and the use of wind turbines, so long as such activities preserve the conservation values of the land and take into account wildlife and wildlife habitat.".

### SEC. 224. CONSERVATION OF PRIVATE GRAZING LANDS.

Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005b) is amended by striking subsection (f) and inserting the following:

"(f) Incentive Payments.—The Secretary may enter into 5-year, 10-year and 20-year contracts with landowners to provide financial assistance for landowner efforts to improve the ecological health of grazing lands, including practices that reduce erosion, employ prescribed burns, restore riparian area, control or eliminate exotic species, reestablish native grasses, or otherwise enhance wildlife habitat.

"(g) Authorization of Funding.—The Secretary shall make available $20,000,000 for each of the fiscal years 2002 through 2011 from the Commodity Credit Corporation to carry out this section.".

### SEC. 225. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.

Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3837f) is amended by adding at the end the following:

## "Subchapter D—Grassland Reserve and Enhancement Program

### "SEC. 1238. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.

"(a) Establishment.—The Secretary shall establish a program to use contracts and easements to protect 3,000,000 acres of environmentally critical grasslands, shrubs, and blufflands. Beginning in fiscal year 2002, the Secretary shall conduct outreach to inform the public of the program.

"(b) Enrollment Conditions.—

"(1) Maximum enrollment.—The total number of acres enrolled in the program shall not exceed 3,000,000 acres. The Secretary shall enroll lands using permanent easements to meet demand, but in no case shall more than 50 percent of the available acreage be enrolled in permanent easements, and the balance shall be enrolled in contracts through which the Secretary shall provide assistance and incentive payments.

"(2) Terms of contracts or easements.—The Secretary shall enroll in the program for a willing owner not less than 100 contiguous acres of land west of the 100th meridian or not less than 50 contiguous acres of land east of the 90th meridian through 10-year or 20-year contracts or permanent easements.

"(c) Eligible Land.—Land shall be eligible to be enrolled in the program if the Secretary determines that—

"(1) the land is natural grass or shrubland;

"(2) the land—

"(A) is located in an area that has been historically dominated by natural grass or shrubland; and

"(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grass or shrubland; or

"(3) the land is adjacent to land described in paragraph (1) or (2), and the Secretary determines it is necessary to maintain or restore native grassland or shrubland under this section.

"(d) Limitations on Authorization of Appropriations.—To carry out this section, there shall be available for each of fiscal years 2002 through 2011 such sums as may be necessary from the funds of the Commodity Credit Corporation.

### "SEC. 1238A. CONTRACTS AND AGREEMENTS.

"(a) Requirements of Landowner.—To be eligible to enroll land in the program, the owner of the land shall—

"(1) agree to comply with the terms of the contract and related restoration agreements; and

"(2) agree to the suspension of any existing cropland base and allotment history for the land under any program administered by the Secretary.

"(b) Terms of Contract or Easement.—A contract or easement under subsection (a) shall—

"(1) permit—

"(A) common grazing practices on the land in a manner that is consistent with maintaining the viability of natural grass and shrub species indigenous to that locality;

"(B) haying, mowing, or haying for seed production, except that such uses shall not be permitted until after the end of the nesting and brood-rearing season for birds in the local area which are in significant decline or are conserved pursuant to State or Federal law, as determined by the Natural Resources Conservation Service State conservationist;

"(C) construction of fire breaks and fences, including placement of the posts necessary for fences; and

"(D) practices that reduce erosion, restore native species, control and eradicate exotic species, enhance habitat for native wildlife, and improve the health of riparian areas;

"(2) prohibit—

"(A) forestry and the production of any agricultural commodity (other than hay);

"(B) unless allowed under subsection (d), the conduct of any other activity that would disturb the surface of the land covered by the contract or easement; and

"(C) the development of homes, businesses or other structures on land subject to the contract or easement; and

"(3) include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the administration of this subchapter.

"(c) Ranking Applications.—

"(1) Establishment of criteria.—The Secretary shall establish criteria to evaluate and rank applications for contracts under this subchapter.

"(2) Emphasis.—In establishing the criteria, the Secretary shall emphasize support for native grass and shrubland, grazing operations, and plant and animal biodiversity.

"(d) Restoration Agreements.—The Secretary shall prescribe the terms by which grassland that is subject to a contract under the program shall be restored. The agreement shall include duties of the land owner and the Secretary, including the Federal share of restoration payments and technical assistance.

"(e) Violations.—On the violation of the terms or conditions of a contract or restoration agreement entered into under this section—

"(1) the contract shall remain in force; and

"(2) the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.

### "SEC. 1238B. DUTIES OF SECRETARY.

"(a) In General.—In return for the granting of a contract by an owner under this subchapter, the Secretary shall make contract payments and payments of the Federal share of restoration and provide technical assistance to the owner in accordance with this section. The Secretary shall base the amount paid for an easement on the fair market value of the easement.

"(b) Federal Share of Restoration.—The Secretary shall make payments to the owner of not more than—

"(1) in the case of virgin (never cultivated) grassland, 90 percent of the costs of carrying out measures and practices necessary to restore grassland functions and values; or

"(2) in the case of restored grassland, 75 percent of such costs.

"(c) Technical Assistance.—A landowner who is receiving a benefit under this subchapter shall be eligible to receive technical assistance in accordance with section 1243(d) to assist the owner or operator in carrying out a contract entered into under this subchapter.

"(d) Payments to Others.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.".

## Subtitle D—Organic Farming

### SEC. 231. PROGRAM TO ASSIST TRANSITION TO ORGANIC FARMING.

(a) Assistance Authorized.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall expand the National Organic Program to include a voluntary program to assist agricultural producers in making the transition from conventional to organic farming and to assist existing organic farmers. Under the program, the Secretary may make payments to cover all or a portion of—

(1) production and marketing losses;

(2) conservation practices related to organic food production;

(3) certification costs;

(4) technical assistance by qualified third parties;

(5) educational materials; or

(6) farm-to-consumer market development.

(b) Limitation on Expenditures.—Payments to individual farm and ranch operators under this section shall not exceed $10,000 per year, and such payments shall not be made to individuals operating a conventional farm or ranch in more than 3 fiscal years.

(c) Organic Certification Reimbursement Program.—The Secretary shall reimburse producers for the cost of organic certification. To expedite certification, farmers seeking certification shall be eligible for a direct reimbursement of up to $500 by the Secretary of certification costs, so long as producers present an organic certificate and receipt.

(d) Funding.—Of the funds of the Commodity Credit Corporation, there shall be available to the Secretary to carry out this section $20,000,000 for fiscal years 2002 and 2003, $40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $50,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $0 for fiscal years 2009 through 2011.

## Subtitle E—Forestry

### SEC. 241. URBAN AND COMMUNITY FORESTRY.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(i)) is amended to read as follows:

"(i) Funding.—The Secretary shall use $50,000,000 of the funds of the Commodity Credit Corporation to carry out this section for each of the fiscal years 2002 through 2011. In addition, there are authorized to be appropriated to the Secretary not more than $50,000,000 to carry out this section for each of the fiscal years 2002 through 2011. As determined by the Secretary, socially disadvantaged foresters shall be eligible for funding under this section.".

### SEC. 242. WATERSHED FORESTRY INITIATIVE.

(a) Establishment.—The Secretary shall establish a program for the purpose of providing financial assistance to enhance the quality of municipal water supplies and to encourage the long-term sustainability of private forestland.

(b) Easements.—The Secretary shall annually use $75,000,000 from the Commodity Credit Corporation to be matched equally by any non-Federal source for each of the fiscal years 2002 through 2011 to acquire permanent easements that promote watershed protection. The Secretary shall establish a system to fairly compensate landowners for the value of an easement entered into under this section.

(c) Land-Use Practices.—The Secretary shall annually use $25,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to share equally with any non-Federal source the cost of land management practices on nonindustrial forestland that protect municipal drinking water supplies and other conservation purposes. The Secretary shall consider, among other factors, the extent to which projects are identified in a regional or watershed conservation plan. Practices that are eligible for funding under this section include the following:

(1) Natural forest regeneration.

(2) Prescribed burns.

(3) Native species restoration.

(4) Stream and watershed restoration.

(5) Road retirement.

(6) Riparian restoration.

(7) Other practices that improve water quality and wildlife habitat, as determined by the Secretary.

(d) Regional and Watershed Planning.—The Secretary shall establish a program to make grants not exceeding $10,000 to develop and implement regional and watershed-based conservation plans to comply with existing laws and meeting water quality standards. The Secretary shall consider, among other factors, the extent to which applicants develop interjurisdictional conservation plans, protect nationally significant resources, engage the public, and demonstrate local support. The Secretary shall use not more than $10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011 to carry out this subsection.

## Subtitle F—Technical Assistance

### SEC. 251. CONSERVATION TECHNICAL ASSISTANCE.

(a) Section 6 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590f) is amended—

(1) by striking the 1st undesignated paragraph and inserting the following:

"(a) The Secretary shall make available $200,000,000 each fiscal year from the Commodity Credit Corporation, and such additional sums as may be appropriated by the Congress, to carry out this Act."; and

(2) by desginating the 2nd undesignated paragraph as subsection (b).

(b) Section 7 of such Act (16 U.S.C. 590g) is amended by striking "and (7)" and inserting "(7) any of the purposes of agricultural conservation programs authorized by Congress, and (8)".

### SEC. 252. REIMBURSEMENT FOR PROGRAM ADMINISTRATION.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841-3843) is amended—

(1) by inserting "(1)" before the first unnumbered paragraph;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (B);

(3) by moving the newly designated subparagraphs (A) through (B) three ems to the right;

(4) by adding at the end the following:

"(2) For each of fiscal years 1996 through 2011, the Secretary shall use the funds of the Commodity Credit Corporation for the provision of technical assistance to allow for full reimbursement of actual costs for delivering all conservation programs funded through the Commodity Credit Corporation for which technical assistance is required.".

### SEC. 253. CONSERVATION TECHNICAL ASSISTANCE BY THIRD PARTIES.

Section 1243(d) of the Food Security Act of 1985 (16 U.S.C. 3843(d)) is amended—

(1) by striking "In the preparation" and inserting the following:

"(1) IN GENERAL.—In the preparation"; and

(2) by adding at the end the following:

"(2) ESTABLISHMENT OF TRAINING CENTERS.—To facilitate the training and certification of Federal and non-Federal employees and qualified third parties, the Secretary may establish training centers in the following locations:

"(A) Fresno, California.

"(B) Platteville, Wisconsin.

"(C) Lincoln, Nebraska.

"(D) Ithaca, New York.

"(E) Pullman, Washington.

"(F) Orono, Maine.

"(G) Gainesville, Florida.

"(H) College Park, Maryland.

"(3) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

"(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall, by regulation, establish a system for approving persons to provide technical assistance pursuant to this title. In the system, the Secretary shall give priority to a person who has a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.

"(B) EXPERTISE REQUIRED.—In prescribing such regulations, the Secretary shall ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, environmental engineering, including commercial entities, qualified nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of such technical assistance.

"(C) QUALIFIED NONPROFIT ORGANIZATIONS.—Qualified nonprofit organizations shall include organizations whose missions primarily promote the stewardship of working farmland and ranchland.

"(4) QUALITY ASSURANCE PROGRAM.—The Secretary shall establish a program to assess the quality of the technical assistance provided by third parties.".

### SEC. 254. CONSERVATION PRACTICE STANDARDS.

The Secretary of Agriculture shall—

(1) revise standards and, when necessary, establish standards for eligible conservation practices to include measurable goals for enhancing natural resources, including innovative practices;

(2) within 6 months after the date of the enactment of this section, revise the National Handbook of Conservation Practices and field office technical guides; and

(3) not less frequently than once every 5 years, update the Handbook and technical guides to reflect the best available science.

## Subtitle G—Miscellaneous Conservation Provisions

### SEC. 261. CONSERVATION PROGRAM PERFORMANCE REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary shall establish a grant program to evaluate the benefits of the conservation programs under title XII of the Food Security Act of 1985 and under sections 242 and 262 of this Act.

(b) GRANTS.—The Secretary shall make grants to land grant colleges and other research institutions whose applications are highly ranked under subsection (c) to evaluate the economic and environmental benefits of conservation programs, and shall use such research to identify and rank measures needs to improve water quality, fish and wildlife habitat, and other environmental goals of conservation programs.

(c) SCIENTIFIC PANELS.—The Secretary shall establish a panel of independent scientific experts to review and rank the grant applications submitted under subsection (a).

(d) FUNDING.—The Secretary shall use $10,000,000 from the Commodity Credit Corporation for each of fiscal years 2002 through 2011 to carry out this section.

### SEC. 262. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation other appropriate Federal agencies may carry out the Great Lakes Basin Program for Soil Erosion and Sediment Control.

(b) ASSISTANCE.—In carrying out the Program, the Secretary shall—

(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve water quality in the Great Lakes Basin by reducing soil erosion and improving sediment control; and

(2) provide a priority for projects and activities that directly reduce soil erosion or improve sediment control.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2011.

(2) ADMINISTRATIVE COSTS.—

(A) COMMISSION.—The Great Lakes Commission may use not more than 10 percent of the funds made available for a fiscal year under paragraph (1) to pay administrative costs incurred by the Commission in carrying out this section.

(B) SECRETARY.—None of the funds made available under paragraph (1) may be used by the Secretary to pay administrative costs incurred by the Secretary in carrying out this section.

## Subtitle H—Conservation Corridor Program

### SEC. 271. CONSERVATION CORRIDOR PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

### SEC. 272. CONSERVATION ENHANCEMENT PLAN.

(a) PREPARATION.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) Approval and Implementation.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) Priority.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

### SEC. 273. FUNDING REQUIREMENTS.

(a) Cost-Sharing.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) Exception.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) Coordination.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) Reservation of Funds.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) Administration.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

## Subtitle I—Funding Source and Allocations

### SEC. 281. FUNDING FOR CONSERVATION FUNDING.

(a) Reduction in Fixed Decoupled Payments and Counter-Cyclical Payments.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall reduce by $1,900,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) Maximum Total Payments by Type and Fiscal Year.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;

(B) $4,494,000,000 in fiscal year 2004;

(C) $4,148,000,000 in fiscal year 2005;

(D) $3,974,000,000 in fiscal year 2006;

(E) $3,701,000,000 in fiscal year 2007;

(F) $3,222,000,000 in fiscal year 2008;

(G) $2,596,000,000 in fiscal year 2009;

(H) $2,057,000,000 in fiscal year 2010; or

(I) $1,675,000,000 in fiscal year 2011.

(c) Limitations to Protect Smaller Farmers, Preserve Trade Agreements, and Ensure Program and Regional Balance.—In making the reductions required by subsection (a), the Secretary shall—

(1) accomplish all of the reductions required with respect to a fiscal year by making pro rata reductions in the amounts otherwise payable under sections 104 and 105 to the 10 percent (or, if necessary, such greater percentage as the Secretary may determine) of recipients who would otherwise receive the greatest total payments under such sections in the fiscal year; and

(2) to the maximum extent practicable, ensure that—

(A) the resulting payments under such sections pose the least amount of risk to the United States of violating trade agreements to reduce subsidies; and

(B) the reductions are made in a manner that achieves balance among programs and regions.

### SEC. 282. ALLOCATION OF CONSERVATION FUNDS BY STATE.

(a) State Allocation.—To the maximum extent practicable in each of fiscal years 2002 through 2011, the Secretary, subject to the rules of the conservation programs administered by the Secretary, shall ensure that each State receives at a minimum the State's share of the $1,900,000,000 based on the State's share of the total agricultural market value of production, with each State receiving not less than 0.52 percent and not more than 7 percent of such amount annually.

(b) Transition and Unobligated Balances.—If the offices of the United States Department of Agriculture in each respective State cannot expend all funds allocated in this title within 2 consecutive fiscal years for the programs identified in this title, the funds shall be remitted to the Secretary for reallocation as the Secretary deems appropriate among States to address unmet conservation needs through the programs in this title, except that in no event shall these unobligated balances be used to fund technical assistance.

(c) Regional Equity.—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

"(d) Regional Equity.—In carrying out the ECARP, the Secretary shall recognize the importance of regional equity, and the importance of accomplishing many conservation objectives that can sometimes only be achieved on land of high value.".

## Subtitle J—Rural Development

### SEC. 291. EXPANSION OF STATE MARKETING PROGRAMS.

(a) Federal-State Market Incentive Payments.—Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623) is amended by striking "such sums as he may deem appropriate" and inserting "$10,000,000 from the Commodity Credit Corporation for each of the fiscal years 2002 through 2011".

(b) Market Development Grants.—Section 203(e)(1) of such Act (7 U.S.C. 1622(e)(1)) is amended by adding at the end the following: "The Secretary shall transfer to State departments of agriculture and other State marketing offices at least 10 percent of the funds appropriated for a fiscal year for this subsection to facilitate the development of local and regional markets for agricultural products, including direct farm-to-consumer markets.".

Amend the table of contents accordingly.

Mr. BOEHLERT. Mr. Chairman, I think by now the thrust of the Boehlert-Kind-Gilchrest-Dingell amendment is well-known. Our amendment would significantly increase the conservation funding in the bill, while leaving total farm bill spending essentially unchanged. This amendment will protect water quality, preserve open space, foster wildlife populations, and increase opportunities for sportsmen, all while helping more farmers in more States than the base bill.

That is why the amendment is supported by a wide range of groups, including Ducks Unlimited, the Wildlife Management Institute, the Izaak Walton League, groups representing the Nation's water and sewer agencies, the National League of Cities, and the League of Conservation Voters. Quite simply, our amendment is good environmental policy and good agriculture policy.

This amendment will provide increases for the numerous important conservation programs that do not receive significant increases in the bill. These programs, like the Wetland Reserve Program and the Conservation Reserve Program, which help farmers, especially small farmers, have a long waiting list. As the administration's own recent report, Taking Stock for a New Century acknowledges, these programs could and should help many more farmers work the land, care for the land, and protect water quality.

I represent an agricultural area, and I know from the farmers in my own congressional district just how vital and successful these programs can be.

Now, we are going to hear a lot of spurious arguments against this amendment, even more than usual, because the chairman has refused to agree to a time limit on debate. But the main argument we are going to hear is the most ridiculous of all. We are going to hear that this amendment would destroy the delicate, carefully crafted balance that holds together the underlying bill.

Let me tell my colleagues bluntly about the way this bill is balanced. This is the kind of balance they used to have in Latin America dictatorships where all of the leading families got together and divided the money equally among themselves to ensure that the rest of the public was held at bay. They were called "banana republics." Here, I guess, we have a "cotton republic." But the principle is the same. The balance in this bill is that all of the big commodity groups got together and divided up the spoils without regard to the needs of other people or of good public policy.

Now, just like oligarchies, they are threatening anyone who would dare to disagree: food stamp advocates, dairy farmers advocates, you name it. There is nothing delicate about the way this bill was put together. It was an exercise in raw power.

Do not take my word for this. Listen to the Bush administration. The administration does not support the base bill because, and I quote, "It misses the opportunity to modernize farm programs through innovative environmental programs; it encourages overproduction, and fails to help farmers most in need," especially small farmers and ranchers. This amendment corrects these deficiencies.

Our amendment will help more farmers in more States than the base bill. Our amendment will encourage innovative environmental practices. Our amendment will keep lands in production. Our amendment will target assistance to smaller farms who need it the most. Our amendment will help protect precious water supplies from coast to coast. In fact, commodity payments will still increase significantly with our amendment, and 97 percent of American farmers, 97 percent, will receive the exact same payments they would under the underlying bill.

So I urge my colleagues to support this amendment. It represents true balance. It will help farmers and cities protect land and water, preserve open space, and keep farms in business. It is fair, it is equitable, and it deserves our support.

□ 1330

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me just say to the gentleman from New York (Mr. BOEHLERT), who made reference in his opening comments about the fact that the Chair would not agree to a time agreement, I might just mention that we have been working on this bill for 9 months.

This bill was reported from committee in July. It has been out there. People have had the opportunity to look at our bill. We have only been able to look at this very lengthy and complex amendment, offered by the gentleman from New York (Mr. BOEHLERT) and the gentleman from Wisconsin (Mr. KIND) for the last 36 hours.

This amendment has a wide variety of things which we want to make for certain that Members of Congress have the opportunity to know are in the bill before we, in fact, do vote on it. We will have an opportunity to discuss that as the day goes on.

Mr. Chairman, the Committee on Agriculture is appropriately named. I think if we look back at what has occurred over the past 4 years, recognizing that we have had virtually record-setting low prices for every year for commodities across this country, and why the Congress very generously provided an additional $30 billion was a recognition that under a program that has not had an adequate safety net, the American agricultural economy potentially is in peril.

So we set out 2 years ago to begin to look at what we could do to keep the good parts of the current farm bill and to make changes in the areas that, in fact, needed changes. We recognize that we cannot be regional in our approach. We have to look at the Nation as a whole. We have to look at all aspects of legislation, of programs which come under our jurisdiction, from food stamps to research to export programs to commodity programs to conservation to rural development, to all of those things that, in fact, fall under our jurisdiction.

In almost any other climate, the areas that we have changed in terms of conservation would have been considered at least generous. For example, in the current program versus the new program, here are the comparisons of some of the numbers.

In conservation reserve, we have moved from 36.4 million acres, a $1.5 billion increase, to 39.2 million acres. In wetland reserves, we have gone from 1 million acres to 1.5 million acres, with a $1.7 billion increase. In the environmental quality incentives program, we have gone from $1 billion to $12 billion. In water conservation programs, there were no programs, and we have gone to $555 million. In wildlife habitat incentives programs, we have gone from $62 million to $385 million. In farmland protection programs, we have gone from $52 million to $500 million. There was no grassland reserve program. We have gone to a program that will provide 2 million acres to be able to come into contracts and easements.

But the concern that I have about this amendment, let there be no question about it, from the approach that we are trying to take to deal with American agriculture, this amendment, if passed, would totally devastate the bill.

The reason I say that is because, as we have traveled for the last 2 years over this country and in every region of the country, and as we have had many hearings in our committee over the past several months, the one thing which stood out in all of the recommendations that the people who were suffering the most under the current program, was the need for a countercyclical program. It is the countercyclical program that is being attacked in this amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from Texas (Mr. COMBEST) has expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 5 additional minutes.)

Mr. COMBEST. Mr. Chairman, a countercyclical program works in such a way that if prices are low, there is a safety net which is built into the program. I think, to my budget-conscious colleagues, of which I am one, this is much more of an honest way to deal with this problem than ad hoc disaster bill after disaster bill after disaster bill after disaster bill.

It also gives an opportunity for farmers to plan much better, because they know there is a program in place. If prices are high or if prices are good, a countercyclical program does not kick in.

So I would say to my friends who look at this from a spending standpoint, under our program, if we achieve what we are hoping for, and that is higher commodity prices, we will spend substantially less, substantially less than we would by the authors of this amendment, if it passed, because this spending will be there, regardless of what happens to crops.

If prices next year or the next year or the next year are extremely low, do we not think that we are going to come back to the Congress, because there is no mechanism to help in those low-price situations, and ask for billions upon billions of dollars?

Another thing, this amendment also is very unfair, Mr. Chairman, and I think it is important to point out a couple of things that sound pretty good on the surface, but when we begin to look under a little bit, we begin to realize that this is a little inequitable.

It is great to name the people who get payments. We are only taking from the top 5 or 10, percent, or whatever. Let me just mention, for one thing, that it is sort of like one robs money where the bank is; the reason some people get more money is because they produce more. They are more at risk. They are the ones who provide the food and fiber for this country. They are not hobby farmers, they make their living farming. They are heavily at risk every year with weather and with pricing conditions over which they have no control, and with huge increases in the price of production.

Let us talk about how inequitable this is. If we take and separate this across the top 10 percent of those, and that sounds good, only the top 10 percent, if we are on an average corn farm of 409 acres, which is not a big farm, that would receive, on an average yield, $12,500 in a fixed decoupled payments, that farmer would be cut back to $4,250, whereas his neighbor on a 392-acre, who would fall just below the cut-off point, would get $12,500. That seems to me to be a terribly inequitable situation.

If there is a countercyclical program, and the only commodity in the country is corn that has a low price, then all of the other producers in the country do not share in this. All of the money comes off of the top producers of the people who produce corn.

So just by capping, you are hurting the people who actually need the help the most. The people who have good crops, the people who have good prices are not going to be affected because that is the design of our program. They are not going to get that payment, anyway. But the person who actually would need it, because the prices are so low, is going to be the one that is damaged the most. So it seems to me to be extremely inequitable.

I understand, it is much easier for people to come up and try to create divisions among regions of the country when they do not have to represent the country as a whole. The gentleman from Texas (Mr. STENHOLM) and I went into this whole discussion and debate, for the last 2 years on farm policy, recognizing that we have to look at agriculture as a whole. We have to represent this entire country. We have to look at it as to what we can do to maintain a balance in which everybody feels that they are being treated equitably.

Yes, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Wisconsin (Mr. KIND) have a group of people for their amendment, but I did not notice that the people who farmed for a living are the people who are for their amendment. If we look at people who are in support of the House bill as passed by the committee, we will find it is the American farmer. It is the person out there providing the food and fiber for the people in this country, and it is the one group that has been hurt more economically in the last 4 years of any economic group in the country.

Mr. KIND. Mr. Chairman, I rise in support of the amendment.

Mr. KIND. Mr. Chairman, I am one of the named sponsors of this amendment today. I am also a proud member of the Committee on Agriculture.

Just to set the record straight, the amendment that we are offering today is not something that is new. In fact, it is based on legislation that I, along with 56 other Members of this body, introduced last June, the Working Lands Stewardship Act. It was an amendment that we had discussed during the markup of this farm bill in committee at the end of July, with the hopes of being able to discuss with the leadership further about working out some arrangement in regard to what we would like to accomplish.

So with all due respect to the chairman, to claim that this is new or something just thrown upon them in the last 36 hours is not accurate.

Mr. Chairman, I commend the chairman and the ranking member and the other members on the committee and the staff for the hard work that they have done in this farm bill. It is not an easy task to try to craft farm policy to help all our family farmers throughout the country. We can stipulate today that all of us have the intent to try to help our family farmers and the producers in this country under very difficult and challenging times.

I represent a district in Wisconsin. The dairy industry is still the number one industry in the State of Wisconsin. In my congressional district in western Wisconsin, I have close to 10,500 family farms alone who are producing dairy, but every one of them is also producing commodity crops. So the claim that those of us offering this amendment are not working in the interests of family farmers is not fair or accurate.

Today we have a chance to fundamentally reform agriculture policy so all farmers in all regions of the country will benefit under the next farm bill. The amendment we have today takes a little bit of the increase in subsidy payments that will go to the largest commodity producers in the country and will instead move those resources into voluntary incentive-based land and water conservation programs.

As the Bush administration made clear in their statement on farm policy released just yesterday, even they cannot support the committee bill because, and I quote, ". . . it misses the opportunity to modernize the Nation's farm programs through market-oriented tools, innovative environmental programs, including extending benefits to working lands, and aid programs that are consistent with our trade agenda."

Our amendment accomplishes all these objectives by relying on flexible and innovative conservation programs that all farmers in all regions of the country can participate in, and it is entirely compliant with our WTO and trade agreement responsibilities.

These objectives are far from radical, as some of our opponents claim. In fact, they are entirely consistent with where the Bush administration's principles and farm policy lie, and it is consistent with the work currently being done in the United States Senate.

This is what the Bush administration had to say in their statement of policy released yesterday in regard to the committee bill:

"Some of our Nation's producers are in serious financial straits, especially smaller farmers and ranchers. Rather than address these unmet needs, H.R. 2646 will continue to direct the greatest share of resources to those least in need of government assistance. Nearly half of all recent government payments have gone to the largest 8 percent of farms, usually very large producers, while more than half of all U.S. farmers share in only 13 percent of the payments. H.R. 2646 would only increase this disparity."

So Members do not have to take our word for it on the floor, or from others who support the amendment, they merely need to just look at the Bush administration's only statement of policy on the farm bill to understand where they lie in regard to the committee work.

Our amendment provides economic assistance to all farmers who want to meet their environmental challenges. Unfortunately, today, most farmers, ranchers, and foresters are rejected when they apply for conservation payments. Seventy percent of farmers and ranchers seeking Federal funds to improve water quality are annually rejected due to the inadequacy of funding. More than 3,000 farmers offering to restore more than one-half million acres of wetlands are currently being rejected due to the inadequacy of funding. Nine out of ten farmers and ranchers offering to preserve their farms and preserve open space against sprawl by selling their developmental rights are currently being rejected because of the inadequacy of funding. Three thousand farmers and ranchers offering to create wildlife habitat on their farms and ranches are currently being rejected because of the inadequacy of funding.

□ 1345

Three out of every four farmers and ranchers seeking basic technical assistance for their conservation plans on their own land are currently being rejected due to the inadequacy of funding. Unfortunately, just about all of these stewards will continue to be rejected under H.R. 2646 being offered today.

Mr. Chairman, I would like to address some of the specific misinformation spread about this amendment.

Supporters of H.R. 2646 claim that the passage of our amendment will cause irreparable harm to the agricultural economy and to small farmers. Nothing could be further from the truth.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from Wisconsin (Mr. KIND) has expired.

(By unanimous consent, Mr. KIND was allowed to proceed for 2 additional minutes.)

Mr. KIND. Mr. Chairman, in fact, under our amendment, all farmers, including commodity crop farmers, will still receive substantial increases in Federal farm funding. Specifically, our amendment would leave intact a doubling of subsidy payments to commodity producers from what they received under the 1996 farm bill.

How do we pay for our amendment? We find offsets from the largest, the biggest of the big, commodity producers, the 10 percent. In fact, this pie chart shows the universe of farmers in the country today. Seventy percent of our farmers do not produce the commodity crops or receive the subsidy payments that would be affected under our amendment. With the remaining 30 percent of those commodity producers, 90 percent of them are held harmless; and, therefore, the offsets would only come from 3 percent of the farmers or producers in this country. Hardly a revolutionary sea change.

Of those 3 percent, they would still be receiving a doubling of the subsidy payments that they are currently receiving under the former farm bill passed in 1996. Hardly a radical change in policy proposal. What we are advocating in our amendment is simple fairness, simple equity, to recognize that there is a vast universe of farmers and producers in many regions throughout the country that are currently excluded under current farm bills and would continue to be excluded under the new farm bill.

That is why we feel the Boehlert-Kind-Gilchrest-Dingell amendment is fair. It is time for a fundamental change in farm policy. I would encourage our colleagues to support us in this amendment.

Mr. GANSKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose the amendment offered by my friends and colleagues, the gentlemen from New York and Wisconsin (Mr. BOEHLERT, Mr. KIND).

We do need strong conservation efforts on the farm. The bill itself increases the baseline figures for conservation efforts by almost 80 percent over the previous bill. The bill already encourages conservation by providing more cost-share assistance and conservation program funding.

I had a meeting with representatives of Ducks Unlimited and Pheasants Forever and other conservation groups in Iowa, and they liked this conservation funding that is in this basic bill. A farm bill must also protect the Nation's food production and maintain stability on our farms and in our rural communities. Passage of the Kind amendment would hinder those efforts.

Over the first 3 years of legislation, if the Kind amendment passed, Iowa farmers would lose over $800 million in support. That, Mr. Chairman, would not be kind to Iowa farm families or the small towns and merchants that depend on their business.

In these troubled economic times, that could precipitate a rural farm crisis like something we saw in the 1980's in Iowa. Over the past several years, the farm economy has been stabilized by support of Congress through supplemental programs. In a time of economic uncertainty in our Nation, the last thing we need to do is to increase that uncertainty in our farm community.

Mr. Chairman, this spring I called for Congress to pass a farm bill this year because our rural communities and farmers need a farm bill now. The tragic events of last month have not changed that. We should move forward this year with a farm bill, and we should move forward with a commodity title that is not reduced by $1.9 billion.

Mr. Chairman, I urge defeat of this amendment and passage of the underlying bill.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I would like to commend and congratulate the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kentucky (Mr. LUCAS) and all the members of the committee for the hard work they have done on this legislation over the past 2 years. I would like to thank the chairman for holding a hearing in my district while we were writing this legislation at Cookstown University.

Finally, as the ranking Democrat on the Subcommittee of Conservation, Credit, Rural Development and Research, I would like to thank the committee and particularly the gentleman from Kentucky (Mr. LUCAS) for their significant increase in funding and investment in conservation.

By saying that, Mr. Chairman, I am reminded of the words of our former great Speaker when he said, "All politics is local."

Mr. Chairman, not only all politics is local, but all public policy is local. I want the leaders of my committee to know that I take no pleasure in opposing them on this amendment. But at the end of the day, every Member in this body must look at this legislation and see how it effects their State and how it effects their district.

When I look at this legislation, even with its increased investment in conservation, the funding distribution is just not fair to the Commonwealth of Pennsylvania where agriculture is still the number one industry. I believe it is the number one industry in New York or the Northeastern part of the country.

I listen very closely to my mentor and leader, the gentleman from Texas (Mr. STENHOLM) over the last few years, and it is true that as a result of the 1996 farm bill that some of the inequities that Pennsylvania faced and the Northeast faced was brought on by ourselves, by our own producers' unwillingness to participate in traditional programs because we do not grow farm commodities.

So I went and worked very closely with the Commonwealth of Pennsylvania, with their Department of Agriculture. I said, What can we do? What can we bring to this floor to try to have a better distribution of Federal investment in agriculture?

The message was heard loud and clear that we need to have more with conservation. Even with the increase of 75 or 80 percent that the gentleman from Kentucky (Mr. LUCAS) worked so hard for, the distribution still is not fair. If we can get more money into the conservation title, it will give the Commonwealth of Pennsylvania more options to take up the backlog that they have at EQIP or Farmland Protect or CRP or any of the other programs that we have not been able to utilize significantly.

I know this is coming down to a regional vote. I want to commend the leaders for bringing this legislation to the floor, but we all need to look at this. I urge all the Members from the Northeast and from the mid-Atlantic States to look closely at this legislation and examine what it does to each Member's district. I believe we can do better.

Mr. LUCAS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words as Chairman of the Subcommittee on Conservation, Credit, Rural Development and Research in the Committee on Agriculture.

Mr. Chairman, first of all, I think we need to step back and look at the underlying bill that this amendment proposes to change, a bill that makes a dramatic commitment to conservation in this country: 16 billion new dollars over a 10-year period, bringing conservation spending in the agricultural bill to $37 billion over the life of the bill; a $1 billion increase in the EQIP program; increasing the CRP program, the conservation reserve program, to 39 million acres; a million and a half new acres to be enrolled in WRP; $500 million over the life of the bill to go to eradicate and determine and make things happen when it comes to farm land protection; wildlife habitat incentive programs, an additional 25 million a year, ramping up to 50 million a year; a two million acre grasslands reserve program from scratch. It is a major commitment that this committee made.

Now, why do I rise to oppose the Boehlert-Kind amendment? Why do I think that the Boehlert-Kind amendment will add more strings and more restrictions to conservation programs for farmers and ranchers out there? Let us look for a moment at EQIP.

EQIP, the program that is voluntary, that farmers and ranchers use when they think the programs will help them in their conservation efforts and meet their environmental challenges. We had hearings across this topic, hearing from 23 different groups, and 4 basic topics came back from producers in EQIP: Provide more money; reform the priority area system; provide more flexibility; make the EQIP process fair for all producers.

How did we respond in H.R. 2646? We increased EQIP spending from $200 million a year to $1.285 billion a year. Twelve billion over 10 years. The amendment drops that back to 10 billion, a reduction.

Also in the amendment, they spend money on programs that were never requested by producers. The water quality incentives program that gives drinking water utilities, not producers, control over the program. Furthermore, this program adds monitoring and compliance requirements to the EQIP program and then charges the producer for those costs. Why would producers want more regulatory guidelines? Why would producers want to spend money on programs they never asked for or endorsed? Who controls the information collected by these utilities? Not us, and there is certainly no guarantee of confidentiality in this amendment.

The second biggest producer problem with EQIP is that USDA sets up these priority districts with 65 percent of the EQIP funds going to the prioritized areas. What did that cause? Well, that led producers across the country to find that if they were in the wrong county or on the wrong side of the county line, if they were on the wrong side of the river, they were denied funding simply because they were outside of the priority area. H.R. 2646 makes the Secretary consider EQIP contracts on their own merit and value. This amendment retains the current law that forces USDA to set up priority areas that pit producer against producer.

What was one of the other things that producers asked for? They repeatedly stated they wanted more flexibility. This amendment takes away flexibility. It forces the Secretary to commit at least 40 percent of the funds to four particular areas. In other words, 40 percent of the money is tied up from the very get-go, and if the producers do not request those programs as specified, then the money is wasted. The money is lost. It is not available to the rest of EQIP.

What else did producers make clear? They made it clear that they wanted an EQIP program for all producers. H.R. 2646 changed the EQIP program to make the program fair to all producers. It allows contracts to vary from 1 year to 10 in length instead of the current 5- to 10-year contracts. This allows small producers who want to do shorter contracts to use the EQIP program.

H.R. 2646 allows small producers to get paid in the same year they sign the contract. Currently they have to wait a year following the contract to receive their cost share money. H.R. 2646 makes the contract be considered by USDA on its own merit and value. What a concept, judging each contract on its own merit, and H.R. 2646 caps the money that can be spent per year per contract so that money is available to all producers.

The Boehlert-Kind-Gilchrest-Dingell amendment is biased toward certain producers.

The CHAIRMAN pro tempore. The time of the gentleman from Oklahoma (Mr. LUCAS) has expired.

(By unanimous consent, Mr. LUCAS of Oklahoma was allowed to proceed for 2 additional minutes.)

Mr. LUCAS of Oklahoma. Mr. Chairman, it ensures that small and socially-disadvantaged farmers are awarded a contract. It sounds meritorious on its surface, but does this mean that they are the cause of pollution or want a contract any worse than other producers? Of course not. Contracts should be considered on their own merit and value.

Further, this amendment retains the current law that allows the largest producers to outbid small- to medium-sized farmers. I urge my colleagues to vote for their producers. Vote for this environmentally friendly underlying base bill H.R. 2646 and oppose this amendment.

Mr. PETERSON of Minnesota. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose this amendment. As a leader of the Congressional Sportsmen Caucus who spent a number of months working with a task force that we set up to look specifically at the conservation part of the farm bill, and also spending the last couple of years looking at these programs, we have been working with all interested parties to improve Federal programs that promote soil and water conservation, wildlife habitat, water quality and farmland preservation.

I oppose this current amendment, not because of its intent, but because the amendment really goes too far in some ways at the wrong time. I recognize the hard work and good intentions of my friend the gentleman from Wisconsin (Mr. KIND), the gentleman from New York (Mr. BOEHLERT), the gentleman from Maryland (Mr. GILCHREST) and others, and I even support several of the programs and features that they have in this amendment, but it is simply not possible, and this is the conclusion that we came to, to support this entire package with what it costs and do the kinds of things that we need to do for farmers to keep them in business.

It is not time to start new programs that have not been through the committee process and have not been subjected to hearings and the work that needs to be done, and it is just not possible to do all of the good things that they want to do, in our opinion, and some of it, frankly, I have some concerns about.

□ 1400

Now, Mr. Chairman, the farm bill, as we know, is an act of careful balance and compromise; and we have spent a lot of time trying to come to that. So I ask my colleagues to take a step back and recall the past farm bill debates. My colleagues may remember past disagreements were over how much funding to include for conservation programs. The fights were over whether we are going to keep these important programs from being completely eliminated in some of these bills, and through the years we have struggled to keep and improve the programs that we have.

Now, we have been through, I think, the talk about what is in this bill. There are significant increases for conservation. And in the task force that looked at this, we came to the conclusion that the best thing to do with the available money is put it into the existing programs that have big backlogs. These programs have worked well. They have done tremendous things, the CRP, WRP. They have brought back ducks and pheasants and deer to the levels we have never seen in this country. And with the resources, we just did not feel this was a time to go in setting up new programs that may or may not work or may or may not be the right thing to do.

One of the other big problems with the current amendment is the dramatic cuts it makes in commodity programs that these farmers need. Now, supporters claim these cuts are on the largest farmers that do not really represent family farms. I would just like for everybody to understand that the USDA says that a large farm is one that has more than $250,000 worth of gross receipts. That is 15 percent of the farmers in this country, and the gentleman from Wisconsin (Mr. KIND) is talking about 10 percent.

Well, those 15 percent of the farmers produce 54 percent of the food, and they only get 47 percent of the Government payments. On the other hand, the smaller farmers, the 85 percent that produce 46 percent of the food, they get 53 percent of the payments. So do not get drug into this big-versus-little issue. This will hurt everybody, and the chairman I think did a good job of pointing out that it is not the right kind of solution given the times we are in.

Now, the National Farmers Union, the Farm Bureau, every major commodity group, all reality-based conservation groups oppose the deep cuts this amendment makes. Farmers are on the front lines of conservation. These groups understand that we cannot have successful conservation by eliminating the certainty and the safety net that our farmers need.

Supporters of this amendment may have forgotten that the farm bill is still a work in process. The House Committee on Agriculture has worked over 2 years to develop this bill. We act today in a continuum that includes further negotiations, including a conference committee with the Senate; and at no time has the bill language been set in stone. We have been massaging this as we have gone through. In addition to the large increases in conservation funding provided in the committee markup, there have been significant improvements since then that have been made possible with continued negotiations with the committee.

I want to commend the chairman for his willingness and openness to work with the Sportsmen's Caucus, Waterfowl Task Force, and groups like Pheasants Forever, the International Association of Fish and Wildlife Agencies, and the Nature Conservancy. I think it is regretful that some wildlife groups and the environmental community resisted compromise and negotiation with the committee by endorsing this amendment only a few days after there was committee action.

So I urge my colleagues to join me today and oppose this amendment and support the bill.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words in opposition to this amendment.

I have served on the Committee on Agriculture, and I am proud of my service there, for 6 years. This is my second farm bill. This is the fairest farm bill that has been put together during the time that I have been here and during the last two times that we have put together farm bills. Dozens of hearings have been held. People have been asked their opinions all over this country. What should we be doing? What should farm policy really be?

There are 51 members on the Committee on Agriculture. It is a broad-based committee. It represents America. It represents the interests of America. One of the authors of this amendment is a member of that committee; and I am told that he had the opportunity to trot out this idea, to offer it in the full committee, but then he realized that it did not have standing in the committee; that he could not find anybody to support it. So what did he do? He either withdrew it or decided not to offer it. So that is why it is not a part of the bill. It is not a part of the delicate balancing act that there needs to be to put together a farm bill to serve the country, not one particular region of the country.

So part of the reason that we should vote against this is because this was tried in the committee; and the committee, for whatever reason, did not want to vote on it or the gentleman did not have the votes. The gentleman knows there was a debate, he knows he did not have the support, so he decided to get some of the other groups, conservation groups, and bring it to the floor and short-circuit the system that we all have to live under when we bring a major piece of legislation like this to the floor.

So that is one fault with it. I will tell my colleagues the other part. The chairman of the Committee on Science, who is also an author of this and is part of the process here, knows how difficult it is to put bills together. He knows that. He is the chairman on the Committee on Science, and he has done a lot of good work on environmental issues. But the idea that somehow the gentleman was ignored or this issue was ignored is nonsense. It is just simply not true. It was an idea that has been out there. It has been floating around. It was a part of the discussion in the Committee on Agriculture. And so, as a chairman, I would think the gentleman would think better of the fact that if it was brought before the committee, that maybe he would have thought better than to try to short-circuit what went on.

The best name for this amendment is the "land grab amendment," because this affects the idea that we can take a big chunk out of a farm bill that was delicately put together and turn it into something that can be called conservation or preserving the land. I have the largest CRP program in the country in central Illinois and the 14 counties. I take no back seat to anybody, make no apologies for the fact that we have a big conservation program. We are doing an awful lot with conservation, with the Nature Conservancy, with a lot of the different conservation groups; and we have done well by that. But we have done it under the programs established by the Congress, established by the 51 members of the committee who sit on the committee, who worked very hard to put this together.

This is a very, very bad idea because it short-circuits the process. It goes around the process. It simply does not make sense to do this to the chairman, to the ranking member, to the members of the committee, the 51 members of the committee, who had an opportunity to talk about this. There is an increase in conservation. We all know that. That has been well stated here. It is not as if it has been short-circuited. It certainly has not.

The bottom line is if Members want to save the family farm, if they really want to do something for small farmers, if they want to help agriculture, if they really want to send a message to a part of our economy that has been in a recession while the rest of the economy has been booming for the last 5 years, because agriculture has been in recession; and we have passed on this floor $30 billion of additional payments, so that has been taken care of, but if my colleagues really want to help farmers, the small family farm, if they want to save the family farm, if they want to really give opportunity to the small farmer, they will defeat this amendment which sends the message that it cannot be a part of the overall bill. It does not fit. It does not work. It is not a part of what was put together.

This is an opportunity, I think, to really send a message that we believe in the family farm, we are going to help the family farmer, and we are going to do all we can to support the family farm. We are not going to have to pass additional payments year in and year out because we have put together a farm bill. The chairman and the ranking member deserve a lot of credit. They traveled the country. They went to many counties. They went to many States. They listened to people.

This is a good opportunity to say to people we are with you, we are going to help you, we are going to save the family farm. Defeat the Kind amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. DINGELL. Mr. Chairman, I have enjoyed the comments that have been just made; and regrettably, they are useful, but only slightly so. This is a good amendment to a good bill. It is a good amendment that makes a good bill much better.

The President had some words to say to my colleagues on both sides of the aisle the other day. The administration noted that nearly half of the government payments have gone to the largest 8 percent of the farms, while more than half of all the other farmers have received only 13 percent.

Now, where are the cuts that are made here, about which my colleagues on the Committee on Agriculture complain so much in the amendment? They are to the commodity section. But interesting to note is that the commodity section is going to pay more than it has in the past to the American farmer. So the American farmer is going to do fine under this.

LDP payments are increased. But where is the big increase? The big increase in funding under this legislation is to conservation. And it is going in a way which permits all farmers, especially the smaller farmers, to begin to draw an adequate opportunity to participate in funding for conservation purposes.

It is noteworthy, I would tell my colleagues, that three out of four farmers have been turned away from the conservation programs because of a lack of money. Three out of four. This is going to give the little farmer a chance to participate in conservation, where there is an enormous benefit. The only conservation programs that have really received significant increases under the bill are those which have benefited the big farmers, not the little farmers. This switches it.

This takes care of the hunters, the conservationists, the people who are concerned about wise handling of our lands and public resources. It sees to it the money goes into the hands of the little farmer, who will begin to spend money, which he does not now have for conservation, for the protection of fish and wildlife, for keeping our waters clean and safe.

It is not going to benefit some of the enormous hog farmers, or the farmers who, and I am not sure we can really call them farmers, but people who put enormous numbers of hogs or cattle in feedlots and stuff them, producing unbelievable amounts of manure. We can use other laws to address those problems by making them clean up as polluters, if they in fact are doing that.

The amendment offered by the gentleman from Wisconsin (Mr. KIND) increases the Wetland Reserve Program, it increases the Farm Protection Program, it increases the Wildlife Habitat Incentives Program, it increases funds for conservation of private grazing lands, it increases the Grassland Reserve Program, and conservation technical assistance. Those are things which we need to do in the interest of all. The Conservation Reserve Program, a program which will assist transition from conventional to organic farming programs, those are things which are important.

I have listened to some of my colleagues tell me how the real conservation organizations favor the bill. Perhaps. But the real conservation organizations favor the amendment. The International Association of Game, Fish and Conservation Commissioners, Sierra Club, the National Wildlife Federation. Every meaningful conservation organization. Ducks Unlimited, Pheasants Unlimited. Those organizations support the amendment.

What we are seeking here is an opportunity to benefit all of the farmers; to increase money going to the real farmer, to the family farmer, and to the little farmer to enable them to spend money for conservation, for programs which benefit everybody and which responsible farmers like.

I met with some farmers who came in to see me the other day. They were complaining about my support of this amendment. I said, it is going to leave you with more money for your commodities programs. It is going to leave you with much more money and access to conservation programs that are good. What are your complaints? They really had no complaints.

If this is explained properly to the farmers, they will understand and they will see that what we are doing is good. I urge the adoption of the amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

It has been interesting listening to this debate, and again we are wandering a bit far afield. I want to clarify one thing for the benefit of all Members.

□ 1415

Mr. Chairman, Pheasants Forever supports the base bill as it is written. I want to come back to two very important facts that Members seem to be getting away from.

Fact number one, this is a farm bill. Did everybody hear that? This is a farm bill. This is not an environmental bill, and Members need to think about that.

Fact number two, this bill increases conservation programs by 78 percent. I understand that may not be enough for some people, but that is a huge increase. The gentleman from Michigan (Mr. DINGELL) just talked about farmers who were turned away on some of the conservation programs. He was evidently talking about the EQIP program. We increased that program under this bill from about $200 million to $1.2 billion. That is a huge increase.

But what this amendment is about is redefining what a "real farmer" is. We just heard that expression. A real farmer is somebody who farms full time. When I hear these arguments, even coming from some of the folks in the administration who have never seen a real farm, they do not seem to understand that out in places where we really farm, farmers do not farm 20 or 30 acres any more. To be a real farmer, farmers have to farm 400, 600, 800 acres, or more.

According to the research that we have from FAPRI, which is an independent, nonpartisan farm consulting group, they said that this amendment will cut payments to farmers who grow more than 409 acres in Minnesota, the payments they could receive, by two-thirds. That is devastating. Two-thirds. Somebody who is growing 409 acres of corn in Minnesota is not a big farmer. That is not a corporate farmer.

Incidently, in the State of Minnesota, and in most States now, we have outlawed corporate farming. There are no corporate farms. The only corporate farms we have are family-owned corporations where a brother, a sister, two brothers, a family has created a corporation.

This is bad business. We have to talk about that average family farm. It is going to affect them. One of the things that we have tried to do in this bill, and I congratulate the chairman and the ranking member because I think they have come together and realized one of the weaknesses we had in farm policy is we did not have a countercyclical program. We gave people too much money when prices were good; and then we had to come back with these supplemental programs when prices were bad.

Mr. Chairman, we want predictability not only for that average farmer, we want predictability for the Federal budget. This is a good bill as written. We cannot afford to strip away $1.9 billion every year from that average family farmer, to take away that support in the countercyclical payments, and put it into additional conservation programs. Seventy-eight percent is more than enough. This is a farm bill, not an environmental bill. Defeat the Kind amendment. Pass the bill as written.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. OLVER. Mr. Chairman, in its current form, the farm bill before us shortchanges conservation programs that serve farms and ranches of all sizes all over the country while increasing subsidies for large, often corporate operations that are producing commodity crops in specific parts of the country.

Many farmers and ranchers want to be good stewards of the land, to restore lost wetlands, grasslands, and implement a variety of other practices to protect wildlife habitat. There is a long list of farmers eager to participate in conservation programs. Currently, 67 percent of the payments go to only 10 percent of the farmers, excluding most of our Nation's farms.

The Boehlert-Kind amendment makes payments available to more farmers in more regions of the country by funding conservation programs from which all farmers can benefit because they are not based primarily on the level of production of a narrow group of crops. The Boehlert-Kind amendment shifts only about 2.5 percent of the overall dollar authorization in this legislation away from the largest corporate producers and increases the funding for land conservation programs in every single State in the country.

Furthermore, President Bush does not support the committee's bill in its current form. The statement of administration policy states that the farm bill, "Misses an opportunity to modernize the Nation's farm program through innovative environmental programs, including extending benefits to working lands."

The Bush administration also criticizes the bill for encouraging overproduction when prices are low and for failing to help the agricultural producers most in need, especially smaller farms and ranches.

Mr. Chairman, we have an opportunity to address these flaws by voting in support of the Boehlert-Kind-Gilchrest-Dingell amendment. This amendment will aid small and medium-sized agricultural producers while expanding conservation programs. I urge all Members to vote "yes" on the amendment.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a few comments about statements by some of the previous speakers. First of all, I want to tell the Nation that we are here concerned and continue to work on the problems that occurred in New York, Washington, and Pennsylvania. We are working to make America safer, more secure, and more economically viable, even though we are strongly debating differences of opinion in the agriculture bill.

Mr. Chairman, I also want to say that the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have done a pretty good job on this agriculture bill because they have funneled dollars where they needed to go. My disagreement is the equitable distribution of those dollars and the number of dollars. Not in the Committee on Agriculture, but I worked with the gentleman from Texas (Mr. STENHOLM) some years ago on nutrient management problems. In my area it was poultry, and in his area it was dairy. There are many of us not on the Committee on Agriculture that live in agricultural communities. I am the first generation of my family not born on the farm; and yet I have an intimate relationship with agriculture.

I thank the gentleman from Oklahoma (Mr. LUCAS) for his increase in conservation dollars, and I trust his judgment because he is a good and fine gentleman.

Mr. Chairman, the issue here with me is the perspective on the equitable, my word, equitable, distribution of dollars, throughout the Nation toward those farms with a sense of urgency that are in the most need over the next few years. They are out there.

This amendment goes a long way towards dealing with agriculture that is intimately related with environmental issues. Agriculture deals with soil, one of the most complex things on Earth.

As a matter of fact, when one thinks about milk, think about buying a carton of milk. Does one think about going to the store and pulling it off the shelf; or do my colleagues think about the sun shining on grass, and then the whole natural process that goes from there to producing milk. Agriculture is intimately tied in with environmental issues, with the mechanics of natural processes.

So the issue here is how do we keep our rural areas economically viable? How do we keep our rural areas rural? Well, we do that by creating a situation where agriculture can be unique and profitable. And how does agriculture remain unique and profitable? It remains unique and profitable if those farmers can not only produce the corn, the wheat, the poultry, the hogs, the milk, et cetera, et cetera, but close to where they produce it, they can process it. They can package it. They can market it within a particular region. It is value added.

How else do we keep this rural area viable? We keep it environmentally sound. The conservation in this amendment goes a long way into making those rural areas environmentally pristine. The water quality is going to improve. The forest habitat is going to improve. The wildlife habitat is going to improve.

As a matter of fact, contained in this amendment is a unique perspective on the conservation programs. Up to this point the conservation programs were applied to one farm at a time. What we do in this amendment is to help create a regional approach so many farmers can get together and submit these plans to USDA, and then get those dollars for a regional approach. It does not have to be just one State, it could be in a multistate region.

In my area of Delmarva, we have Delaware, Maryland and Virginia. We are working on what we call Chesapeake fields, to keep agriculture viable, profitable, and environmentally sound, and create a conservation corridor from Virginia to Pennsylvania for wildlife.

There has also been some discussion that I have heard here today and I have heard in the last few days about hobby farmers. Well, just because a farmer has a small farm and just because a farmer's wife has to work in the bank or is a schoolteacher or drives a bus does not mean that farmer is not putting his heart and soul and grit and life into that dirt to make that farm profitable because that farm was received from the farmer's great, great grandparents 200 years ago; or maybe the farmer is a recent farmer.

Mr. Chairman, this is not about small farmers getting a subsidy because they are not competitive with the big farmers, and I do not want to go where some of us have gone pitting the big farmers against the small farmers. This is about preserving the infrastructure of agriculture for itself, for water quality, for wildlife habitat, but mostly to preserve the family farm because that is American.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, I hope that we pass the Boehlert - Kind - Gilchrest - Dingell amendment. I think this is the most important amendment because I think this is really an amendment about the compact that will be forged in this country, about the future of farming in this country.

We used to have a colleague in this Congress from Minnesota, and he used to get up and talk about the farm bill. He was on the Committee on Agriculture, and he would say we have doubled the productivity of the American farmer every 10 years. And he would say the way we did it was we put half of them out of work during that 10-year period so there are only half as many left.

We have had farm bill after farm bill after farm bill, and year after year what we hear about is the distress in farm country and the plight of the family farmer, about the people moving to the cities, and the people who cannot leave their farms to their children and cannot produce and make a living, and somebody else in the family has to take a job.

My colleague stood up earlier and said this is not an environmental bill, this is a farm bill. Well, America has gotten a lot smaller, a lot more crowded. Farmers cannot farm in isolation any longer.

The problems in the Chesapeake Bay, the problems in the San Francisco Bay, the problems in the Gulf of Mexico, the problems in Santa Monica Bay and Puget Sound, many of them start hundreds of miles away on farmlands where farmers do not have the capability, the resources, the wherewithal to protect the runoffs, to protect the offsite impacts of their work.

This committee has struggled with that, and the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have addressed that; but this amendment has made the determination it has been insufficient.

The problems in San Francisco Bay are created by huge dairies in the Central Valley, huge cattle feeding yards in the Central Valley. For years, the runoff ran into the creek; from the creek it ran into the San Joaquin River; from the San Joaquin River it went to the Sacramento River; from the Sacramento River it went into the San Pablo Bay; and from the San Pablo Bay it went into the San Francisco Bay.

Farmers cannot farm in isolation any longer. The connections to our commercial fishery on the Pacific Coast, the problems that we have, many of them start on the farmlands many, many miles away.

□ 1430

The protection of habitat, the protection of riparian areas, absolutely crucial to one of the great delta regions in the world, is about the effort and giving the resources and the ability of small farmers and ranchers and others to farm their land in an environmentally sound way and continue to make a living doing so. This is not a great contest between the environmentalists and the farmers. In fact, if there had not been so much resistance to this amendment, I suspect it could have been incorporated, and for many of the things that people are criticizing it about, they are criticizing because it was not worked out in the committee.

But the fact of the matter is we need this amendment. We need this amendment. After the next reapportionment, there will be fewer people representing rural America. We need a compact that brings America together around farming. There is no shortage of production in the world. We know that soybeans are being produced at much lower prices and the cost of production in Brazil is threatening our industry in this country. The question is under what arrangements and what contracts and what agreements will we make sure that that production takes place in America?

And so you have to deal with the externalities, just as Dupont has to deal with the externalities of their business in their chemical plant or Chevron in their refineries or any other business has to deal with the externalities.

We have become a very crowded country on the coast, if you will, for the most part. And the people down in the dead zone, in the Gulf of Mexico are very interested in the farming practices up north. That is what this amendment is about. That is why it has such overwhelming and such an incredible diverse support of interest groups supporting it. It is about the stewardship in this millennium of America's lands, of America's crops, America's habitat, America's wildlife, America's fisheries and America's family farmers. It is about sharing the effort that we make in this country to keep family farms on the farm.

We have not had a great deal of success. We have not had a great deal of success. We have had a lot of farm bills, but we have not had a lot of success. So maybe we ought to just broaden our thinking and understand that this is one more tool.

Many people fought the alternative energy and wind energy. Now we are seeing the farmers are turning to that because it can lend income to their land. With maybe less than the use of 5, 6 percent of their land, they can develop substantial resources and they can stay on the land and they can continue to farm. I thought that was our interest. I thought that was our interest, was keeping families on the farms. It is an important part of our society.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 1 additional minute.)

Mr. GEORGE MILLER of California. Those of us from the urban and the suburban areas ought to understand the nature of doing that. I think it is an important decision for a society like ours to make, the commitment of keeping families on the farm. But apparently we have not been able to do it as we have just shoveled the subsidies to the largest of the farmers or the largest of the commodity brokers. Something has gone wrong in this policy. This is a chance to rework it and see if there is a way to get other resources to those family farms. You already made the decision, you would not make this in any part of the economy, that half of the income is coming from the government.

So the question is what is the benefit for the other half of America? We appreciate the crops and the foods. We all know the fact that we pay less than almost any other country in the world. But I think this is really about the future compact. I think this is about the future of farming. I think this is about the sustainability of that farming, and I think it is about forging a political alliance between urban, suburban and rural communities, about the importance of making sure that we maintain the family farmer on the family farm.

Mr. Chairman, I rise today in strong support of the Boehlert-Kind amendment. This amendment would improve the way the Federal Government helps farmers and the way we conserve valuable American farmland.

At issue today is whether we are going to continue a farm program that favors certain agricultural users over others or whether we will spread that significant Federal farm subsidies more equitably throughout the farming community.

The Boehlert-Kind amendment will benefit more farmers by shifting nearly $2 billion a year in traditional Federal commodity crop subsidies to conservation programs that benefit farmers and the environment.

We all recognize that the farm bill before us today, like the farm program that it seeks to change, significantly rewards the producers of commodity corps—corn, cotton, soybeans, wheat, sorghum, rice, barley and oats—to the exclusion of non-commodity crop producers.

That hurts a lot of farmers, and a lot of states. Take California, for example.

While California generates one-eighth of the country's agricultural production, it gets very little Federal agricultural assistance—primarily because we grow specialty crops and not commodity crops.

California farmers receive just 2 cents in subsidies on every dollar of production. Meanwhile, farmers in the major commodity producing states receive at least 17 cents in subsidies on the dollar for their agricultural production.

The status quo is not equitable and needs to be changed.

This serious inequity must be addressed. But it is not the only reason to vote for the Boehlert-Kind amendment.

Voting for this amendment is also a vote to protect America's precious open spaces and environment.

I applaud Chairman COMBEST and Ranking Member STENHOLM for recognizing the importance of conservation programs and increasing funding levels for these programs.

Unfortunately, I strongly believe that conservation and environmental programs need funding over and above what the Agriculture Committee has approved. The Boehlert-Kind amendment increases the overall level for conservation funding while better defining the conservation programs.

For example, the Boehlert-Kind amendment improves the Committee's Conservation Reserve Program by preventing the loss of over 30 million acres of tall grasslands. As many of my friends that hunt know, tall grasses are needed for ducks, pheasants, and other wildlife to nest and hide. This important change to the Conservation Reserve Program is why the National Wildlife Federation and Ducks Unlimited support this amendment.

The Boehlert-Kind amendment also ensures that lands chosen for conservation programs are selected because they will actually improve environmental quality. Unfortunately, the Committee bill weakens the use of environmental merit for selecting lands in conservation programs.

The Committee bill provides no new money for technical assistance, even while promising new technical staff to help the country's largest animal feedlots. The Boehlert-Kind amendment provides funding for technical assistance, which is why the California Association of Resource Conservation Districts support the Kind amendment.

In California, increased funding and reformed environmental programs will make a big difference to our communities.

The California Farmland Conservancy Program can begin to address the 3,500 acre backlog of land farmers want to enroll in the Farmland Protection Program.

California water quality will improve by increased funding for the Environmental Quality Incentives Program (EQIP) which helps California farmers adopt practices to reduce the level of sedimentation, nitrogen and phosphorous runoff into California waters. Currently, the EQUIP program has a $35 million backlog.

Food control and wildlife population will improve by increased funding to the Conservation Reserve and Wetlands Reserve Programs, which faces an $85 million backlog.

In addition to support from the conservation community, the Boehlert-Kind amendment is also supported by the California Winegrowers, San Diego and Riverside County, Association of California Water Districts and California Irrigation Association.

The status quo has to change. Our best chance for reform is with the amendment my colleagues Mr. BOEHLERT, Mr. KIND, Mr. GILCHREST, and Mr. DINGELL are offering today.

Support the Boehlert-Kind amendment.

Mr. OSBORNE. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the efforts of the gentlemen who have offered the amendment. A lot of work has gone into this. But I rise to oppose the amendment for several reasons.

One reason is simply the issue of the Conservation Reserve Program. We currently have 36.4 million acres allocated to CRP. We are currently at the present time using only 33.5 million acres of CRP. The amendment would increase CRP to 45 million acres at the cost of several billion dollars. Why in the world would we increase CRP to 45 million acres when we are not even using the 36.4 million acres we now have allocated?

The amendment would allow anywhere from $2 to $4 billion for conservation easements. These easements would result in land being put into conservation practices that can never be taken out again. Currently, the Federal Government in the United States controls, or owns, over 30 percent of the land in the Nation. We do not need the Federal Government controlling more land. I can tell you for sure that most private landowners do not want this to happen.

Then, thirdly, I had mentioned the fact that the amendment as it is presented shifts money from those people who are involved in production agriculture to many individuals, not all, who are part-time farmers, who are people who own land for recreational purposes, and I do not think that is the purpose of a farm bill.

Some people have said, well, we are just going to shift money from the wealthy 10 percent of farmers. In my State, Nebraska, that means anyone who has 500 acres or more in base crops. The average size of a farm in Nebraska is 900 acres. So what we are talking about here is taking money from medium-sized and some small farmers to pay the $19 billion that this bill is going to cost, $1.9 billion a year. Over $500 million will be lost in the State of Nebraska alone.

I would like to explode a myth that I keep hearing floated around this body, which really begins to bother me, and, that is, that our farmers are getting wealthy by receiving checks at the expense of the general public. If that is true, why do we have thousands of people leaving farming each year? One thousand farmers a year leave my State of Nebraska. Currently, most of our farmers are telling their children not to go into farming.

We have no young farmers left in the United States. Forty years of age is a young farmer. The average age of farmers in my district is 60 years of age. Three-fourths of the farms in our country rely on off-farm income. That means the farm wife and oftentimes the farmer, too, is driving 10, 20, 30, 40 miles to work and usually these are $6, $7, $8 an hour jobs so they can stay on the farm. If that is the case, then why in the world do we say that we are making people wealthy in farming at public expense?

Lastly, just let me say this. There are 84 different groups that support the base bill. Eighty-four groups support the bill. Why is this that they support it? It is because of the process that we have gone through. Nearly every one of these groups has appeared before the Committee on Agriculture and they have been required to write the farm bill. They know what it takes, they know it is a disciplined procedure, they know it is very involved and that it is very difficult to do. They appreciate that process. It has been 2 years in the making. The two gentlemen who have authored this bill primarily are people who have spent their entire life in agriculture. They have been on the Committee on Agriculture through several bills. They know what they are doing.

It is sort of deja vu for me, because I used to be in a business or in an enterprise where we would spend 90 hours a week preparing for a contest. Then we would have people come in and say, "Well, we don't like the way you did it." And we would say, "Well, what would you do?" And they could never give you an answer.

And so we have an administration that does not like it, but they cannot give us an answer. We have one of our leading financial newspapers that does not like the bill, but they do not have a bill. We do not know what the Senate is going to do, and so we better start acting now while we have a chance because there is not apt to be very much money next year for agriculture.

I urge support of the bill.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I want to make it crystal clear to all of my colleagues, but especially to the sponsors of this amendment, all of whom are my good friends and for whom I have the greatest respect. I want them to know that I fully support the spirit of their amendment and in the past have supported similar freestanding bills. It is the substance of this particular amendment that I object to, and my objection can be distilled to one word: jobs.

At a time when a different company each day announces massive layoffs, this amendment in my opinion would ultimately mean more unemployed people in this country. And, by the way, these are not people, by and large, who can just switch from company to company. No, some of these people are some of our Nation's farmers, the people who actually put the food on our table. In mine and the district of the gentleman from Florida (Mr. FOLEY), 50 percent of all the winter vegetables in this country are grown in the Glades area that we represent. These people help to put clothes on our back. I will not stand on this floor and support an amendment which will put some of the hardest working people in this country and in my State and district out of work. I exhort my colleagues to think about this before they cast a vote on this amendment.

Sometimes we speak from personal experiences here on the floor, and some people who claim some interest in farms visited their grandmama or grandpapa at some point during the course of their lifetime on a farm and do not know very much about it, and some would argue, "Well, what do you know?" Well, I come with the experience as a boy of having been a migrant laborer. I picked beans, cut chicory and stripped celery in the district, interestingly enough, that I am now privileged and honored to represent.

Mr. Chairman, I applaud my colleagues who have moved this amendment. Like each of them, I am proud of the environmental record I have accumulated in 9 years in this House of Representatives. In fact, according to the League of Conservation Voters, I have one of the highest environmental ratings of any Member in my State and most Members in Congress.

But let me get down to brass tacks. I wish we had the money to do everything we need to do today, not only about this, but certainly about the residual of the events of September 11. I wish we had the money to increase funding for conservation and make certain our farmers get what they need. Unfortunately, this House, in my opinion, passed an unwise tax cut months ago, and we must now live with the consequences and within the budget that we passed. The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have recognized that and have forged a good farm bill for us all to consider, and they are to be complimented along with the gentleman from Oklahoma (Mr. LUCAS) and the subcommittee as it pertains to this particular measure being debated.

This is not an either-or situation. It is simply a false argument to say that you are either for conservation or for farmers. I am both. And the authors of this bill, Chairman COMBEST, Ranking Member STENHOLM and others, have provided $16 billion for conservation programs. This represents a 75 percent increase over current funding. A 75 percent increase. I challenge any of my colleagues in the House to find another program that we give such an increase.

Look, there is an old expression around here that everything that needs to be said has been said, but everyone has not said it yet, so I am not going to go on much longer, Mr. Chairman, but I think the ranking member of the committee the gentleman from Texas (Mr. STENHOLM) had it right when he said that this amendment cuts the legs out from under our farmers. I could not agree more.

I urge my colleagues to reject this amendment and support the underlying bill.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Kind amendment. I want to commend the gentleman from Florida for his comments, because I think they help us to focus on what our farm bill is really about. It is about American workers and American consumers. That is how I think we have to examine this amendment. In my opinion, this amendment is going to do great harm to the American workers that the gentleman from Florida just spoke to but also to the American consumer. The reason is this: This farm bill is dedicated to the proposition that America is a land that has been noted throughout its history for producing the greatest, most abundant, safest and most affordable food supply anywhere in the world.

□ 1445

That is what this bill is designed to do. The Kind amendment will have a devastating effect on our ability to hold down food prices in this country because we will do something that is totally inappropriate.

The base bill has an 80 percent increase in programs that promote conservation in this country, and that is good. Nobody in this room does not want to protect our environment. But when you increase that money by 400 or more percent, you are wasting that money. You are using it in ways that will take land out of agricultural production unnecessarily and increase the cost of producing grains and other food items across this country.

My farmers in Virginia, by and large, are those very folks that have been described here today who have another job in town and spend a good deal of their time attempting to make some living off of the agricultural production they have. They are mostly cattle farmers, dairy farmers, and the largest production in my district is poultry, chickens, and turkeys.

Now, these folks, in order to have a profitable livelihood, spend the vast amount of the cost of their production on buying grains from Midwestern farmers. When the price of those grains goes up because the amount of production is down, then the cost that they have to spend goes up; and for a poultry farmer, 80 percent of what they spend their money on are grains. When they do that, when the price of grain goes up, it devastates the profitability to them. That in turn results in increased costs.

Whether it is a product that directly comes from the grain, like bread and pasta and so on, or whether it is a meat product that is fed by those grains, either way the cost to the consumer goes up significantly with this amendment.

The second reason I oppose this amendment is that we are attempting to rewrite the farm bill here on the floor, when we could have had the opportunity to debate this in the committee. The amendment was discussed and withdrawn, and it was not voted on. We did not get a vote, as the gentleman from Illinois accurately portrayed earlier, from the 51 members of the Committee on Agriculture, to see what America's farmers feel. Some here have stood up and said we are doing this for the farmers. The 51 members of that committee represent America's farmers as well as anybody, and I can tell you this amendment was withdrawn because it would have had no chance of success in that committee.

Finally, I am the chairman of the Subcommittee on Department Operations, Oversight, Nutrition and Forestry; and I want to say that this amendment would have a devastating impact upon the forestry programs that have been built into the farm bill. For the first time we have a significant increase in the attention we are paying to the management of our forest lands, both public and private. This bill does the private part of that.

The amendment has redundant programs. The amendment has changes in it that eliminate important accountability requirements. Existing easement and cost-share forestry programs and the FLEP program require the involvement of the State foresters and the stewardship coordinating committee, made up of a broad cross-section of conservationists. These programs secure State, community, and local support for their objectives. The Boehlert-Kind approach gives the authority to Washington. It ignores local priorities and has no reporting mechanism to tell Congress what they achieve.

This is not good government, it is not even good conservation, and it is certainly not a good use of the taxpayers' limited dollars.

The Watershed Forestry Initiative contained in the amendment limits the practices available to land managers to achieve their goals. Forestry management is extremely complex and varies tremendously across the country.

I urge my colleagues to retain that flexibility included in the underlying bill to promote good conservation with a reasonable increase in that conservation, but, most importantly, to look after the consumer and the American worker.

Mrs. TAUSCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support this amendment because conservation payments will help boost farm and ranch income without encouraging production of even greater surpluses that lower crop prices.

As the Bush administration reported 2 weeks ago, traditional crop subsidies have triggered the production of huge surpluses that have lowered crop prices. Congress has responded by providing emergency payments to farmers, but these payments have also encouraged even greater production and even greater surpluses.

In particular, the Bush administration concluded that these subsidies have inflated farmland prices, making it harder for smaller producers to compete. The challenge, Mr. Chairman, is to boost farm and ranch income without triggering the production of huge crop surpluses. Conservation payments, unlike subsidy payments, cannot be used to produce more crops, but are instead used to change production methods to help the environment.

Conservation payments have two additional benefits: they reward farmers for protecting and improving water quality and wildlife habitat, and they ensure that we comply with our international trade agreements.

Finally, Mr. Chairman, farmers want to conserve and provide more open space. Nationally, more than 190,000 farmers were rejected this year when they sought water quality grants from USDA. In my State of California, farmers are facing a $122.8 million conservation backlog. Across the country, farmers are facing a $2 billion conservation backlog. This amendment will help all farmers boost their income without triggering the growth of huge surpluses that lower crop prices.

I urge my colleagues to adopt the Kind amendment.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bipartisan amendment before us, because it provides us with a tremendous opportunity to combine needed agricultural assistance to a broad array of farmers with environmental protection.

I would like to first of all commend the chairman of the Committee on Agriculture and ranking member, who authored the underlying bill before us, for incorporating significant increases in our conservation programs. But the fact is that we can do more. We should do more to ensure that all of our Nation's farmers have equitable access to Federal assistance by further expanding our conservation programs. This amendment provides much of this needed equity.

I share the disappointment of many farmers in my own area of Wisconsin who seek assistance for sound environmental practices, but are turned away because these programs are oversubscribed.

The benefits of this amendment for a State like Wisconsin are obvious. The dairy farmers, especially crop producers that dominate my State's agriculture, will have an opportunity to access assistance that would otherwise be unavailable to them. Farmers in my area will receive an 8 percent increase in agricultural assistance under this amendment compared with the base bill.

At the same time, this amendment does not preclude commodity producers from accessing this assistance either. The amendment simply increases the Federal Government's encouragement for sound environmental practices and gives all farmers a greater opportunity to receive assistance.

Mr. Chairman, the amendment moves the bill significantly in the direction requested by our President and our Secretary of Agriculture as outlined in their submission to the Congress and the country, over a 100-page agriculture policy statement. They have been working on this. Along with the Senate, I hope we can work better as a team with our administration.

Mr. KIND. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding so I may clarify a couple of points.

Again, our amendment and the offsets we would find under the farm bill would affect 3 percent of the farmers in this country. We hold harmless 90 percent of the commodity producers who are currently receiving subsidy payments. Of those 3 percent, they are still going to be receiving under our amendment to the base bill a doubling of the subsidy payments that they were receiving under the last farm bill passed in 1996, which just goes to point out the intense concentration of subsidy payments going to a few, but very large, commodity producers throughout the country.

Perhaps Mike Kort, the Nebraska corn farmer who received $73,000 in subsidy payments last year alone said it best: "There have to be limits. Why are we giving millions of dollars to millionaires?"

There has been some reference that we bypassed the committee process. Nothing could be further from the truth. We did not spring this amendment on people. We had a discussion in committee. We tried working with the committee and the staff to try to work something out before the bill came to the floor.

But the truth is this: over 80 percent of farm bill funding goes to 15 States in this country; over 80 percent to 15 States. Those 15 States are very well represented on the Committee on Agriculture. This is a democracy. There are 35 other States that would like to have a say in the crafting of farm policy. There are 384 other Representatives who do not serve on the Committee on Agriculture who also have a right to be heard in regards to the direction of our support for family farmers in all regions. That is why we are here today discussing this amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am proud to stand today to urge the passage of the Kind-Boehlert-Gilchrest-Dingell amendment. This amendment supports incentive-based measures critical to the success of farming and conservation programs.

As we stand here this afternoon, hundreds of thousands of farmers seeking Federal assistance to improve water quality, preserve threatened farms from sprawl or restore wetlands, grasslands and other important wildlife habitat are rejected due to inadequate funding. Nationwide, half of the farmers seeking technical assistance are rejected due to lack of funding.

This amendment would boost funding for farmland and wildlife habitat protection programs, boost funding to reduce runoff and restore 300,000 acres of wetlands each year. It would also provide grants for farmers' markets, boost funding for planting trees along urban rivers, eliminate barriers to organic food production, and encourage forest protection and enhancement.

Increasing the annual funding for voluntary incentive-based conservation programs not only will help protect the environment, but also will contribute to farm and ranch income, ease regulatory burdens, and reduce water treatment costs.

Unless we reward farmers when they meet our environmental challenges, one-third of our rivers and lakes will remain polluted and millions of acres of open space will be lost forever.

Mr. Chairman, I urge my colleagues to support this amendment, and I thank the gentleman from Wisconsin (Mr. KIND) and the other cosponsors for their leadership demonstrated in the changes proposed.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, appreciate my friends and what they are trying to accomplish with their amendment. I believe that they are well intended. But the fact of the matter is, this does have a devastating effect on all the people that we are trying to help with this bill. In fact, the analysis referred to earlier suggests that South Dakota, my home State, would lose $245 million in the first 3 years of this bill under this amendment.

Now, there has been a lot of discussion today about big States and small States and some discussion about reapportionment; and while some of the bigger States are figuring out how they are going to redivide their congressional representation, South Dakota does not have that problem. We only have one in the Congress, and so does North Dakota, with my colleague, the gentleman from North Dakota (Mr. POMEROY), and other States in the rural areas of this country.

We do not have a lot of people in South Dakota. We have about 730,000 people in my State, about 32,000 farmers. Yet those 730,000 people grow the food that feeds the world. You look at any list of production in South Dakota, whether it is wheat or corn or soybeans or livestock, or any of the areas in the Midwest. Those rural areas do not have a lot of people, but we grow a lot of food and we raise a lot of crops. It is the family farmers who are doing that.

There has been some discussion about who it benefits and who it helps. Granted, when we went across the country and had hearings, I went to places in the United States that I am not all that familiar with in terms of their farming techniques and practices. We went to California and we listened to people who raised fruits and vegetables, and we went to Kentucky and heard from people who grow tobacco. Those are not things that I am intimately familiar with when it comes to farming practices and techniques.

Yet we had to structure a balance in this bill that takes into consideration all the various aspects of agriculture, all the types of producer groups around this country. And we heard from all of them. The committee was diligent in gathering testimony and taking written record and hours and hours and hours of testimony from producers from all across the United States about what they wanted to see in a new farm bill.

What we came up with was this product. Granted, it may not be perfect. There were things in here that I would like to change, there are things I would like included, there are things I would probably like to have taken out. But the reality is, this is a balance; and we have to do our best to accommodate all the various interests.

I want to tell Members something: the environmentalists did not get slighted in this bill. The EQIP program is the Environmental Quality Incentive Program. It is currently funded at about $200 million a year. This bill increases that to $1.2 billion a year. The reason there are so many people lined up because there is not enough funding is because it was not funded adequately.

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This bill address that problem. The environmental communities, the conservation communities, they were all heard from. Everybody had an opportunity. We spent 18 months, 18 months to get to where we are today. We have a balance. Everybody may not like it, but the reality is we have to take what we have and work with it.

We have farms in South Dakota, on average about 1,300 acres. There are places I saw when I went across this country. We have bigger gardens in South Dakota than some of the farms that people are talking about here on the floor today, those small acreages. I understand that. Everybody comes to this debate wanting to make sure that their views are represented. But the fact of the matter is that we have to find and strike that balance that represents all of the agricultural interests and the conservation interests and the environmental interests and try and do it in a way and put a bill together that is good for American agriculture. We have tried to do that with this legislation.

Unfortunately, Mr. Chairman, what I would simply say, inasmuch as the authors of this amendment are well intended, that if this amendment is adopted to this bill, it will destroy what is a very fragile and delicate balance which has been built up over the last 18 months with thousands and thousands and thousands of pages of testimony, and hours and hours and hours of hearing from the groups who have an interest in this debate.

It is important, Mr. Chairman, that we move forward and that we defeat the amendment, that we adopt the final bill, and make sure that those farmers in places like South Dakota who are producing the food and fiber that is feeding the world get out of this economic recession that they have been in for the last 5 years. It is not new to them. We are talking about a recession in this country now, but believe me, the people in my State and in the Midwest and the rural areas that grow the food know what this recession is, because they have been in it for the last 5 years.

Mr. Chairman, this is about food security for America. That is what this debate is about. We need to keep this balance together and move this bill forward and do it so that we can get a farm bill passed and signed into law.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been through five of these debates on farm bills now over my almost 23 years here, and at this point in time I usually come to the same conclusion. I come back and think of the words of Will Rogers when he said, "It ain't people's ignorance that bothers me so much, it's them knowing so much that ain't so is the problem."

As I have listened to so many well-intentioned individuals who support this amendment, which I am very enthusiastically opposed to, we tend to stretch the truth for all good and valid purposes. Let me say this. As I attended all of the 10 field hearings last year and most, if not all, of every one of the full committee hearings this year, I, at some point in time, acknowledged that this was going to be the greenest farm bill in the five that I have participated in and I was going to be supporting it.

To those that criticize us for not having a green enough farm bill, look at it compared to, we have heard the numbers, a 78 percent increase in conservation. Now, I wanted $5 billion. I could have stood on this floor with those of my colleagues who are for the Boehlert amendment today and argued for them. In fact, I did. Earlier this year, when I supported the Blue Dog budget, we had $5 billion a year for conservation. The gentleman from New York (Mr. BOEHLERT) and the gentleman from Maryland (Mr. GILCHREST) voted no. The gentleman from Wisconsin (Mr. PETRI) voted no. I can go down the list of everyone else who were original cosponsors of the bill, that when they had a chance to put the money in to do what they say today, they did not do it. Which is fine.

I want to say right up front, anybody who wants to challenge me, anybody who wants to enter into a little debate, I will willing to talk to them. I will not be offended if they interrupt me. I think we need a little discussion on these points because some of our colleagues are going to get a little confused about what the facts are. I would support more. But, remember, the budget that we passed gave the Committee on Agriculture $79 billion to work with. Now, I lost, you won. I worked with my chairman to bring a bill to the floor, $79 billion, of which we spent $5.5 on emergency; and we have $73.5 left. Fine. I would love to do more for the commodities that my colleagues want to take away from.

In fact, I have a difficult time convincing my farmers and other farmers in the country that having a bill that gives you 1990 price guarantees is a good bill. Now, some of my colleagues would cut from that. This amendment that is before us, you just say we are going to hold harmless 90 percent and we are going to take it from 10 percent. Now, the 90 percent that you hold harmless are landlords, retirees, hobby farmers, investors, and some producers, some producers. The 10 percent are all producers that happen to produce 85 percent of all of the food and fiber that is produced in this country.

Now, would we like to do more? Absolutely. The problem the committee had was we had to balance competing interests. We had nutrition concerns. I am proud of the nutrition title and most everyone in this body on both sides of the aisle that are concerned about feeding the hungry people and doing more are also supportive of this bill.

I would love to do more for rural development. I could do it, but we did not have the money. And we get criticized because we are busting the budget. The President says we are busting the budget. No, we are not. We are not. The budget passed. I would love to do more in the area of research. We can justify it. But the Committee on Agriculture, 51 of us, had to look at the competing interests and had to put together a bill that would do the best possible job we could for each of those, and that was our judgment.

Now, I do not begrudge anybody for coming in here and having a different opinion. I do not. In fact, that is why we asked for an open rule. But anyone that votes for this amendment and expects us to move forward with a balanced bill, you are going to be absolutely and completely disappointed. It cannot be done. The chairman has stated it very clearly, I support him 100 percent, and to all of those who have other interests on my side of the aisle, be careful what you vote for lest you might get it. This is the best possible bill we could bring to this body to send to the other body for the President's consideration, based on the art of the possible, based on the competing interests.

Now, I find it interesting that when we start talking about payments, the gentleman from Wisconsin said, 174 percent of the net farm income last year was government payments, and yet somehow the gentleman proposes to cut those and feels that he is going to be benefited.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from Texas (Mr. STENHOLM) has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. STENHOLM. Mr. Chairman, one of the things that so many of my colleagues are overlooking or misreading is that if we are going to have conservation on farms, the farmer has to have some money in which to put up his 25 to 50 percent of the matching funds. If we take away the farm income, there will be no conservation on the ground, other than those who happen to be buying the land that are not farmers. Those of the more upper-incomed among us, who have the money through other occupations, that buy the land are the ones that will use these conservation funds if we take away the ability of the American farmer to make a profit on his farm.

That is what this amendment does today. We take away that ability, and somehow we have allowed ourselves to be convinced by some other folks who have an entirely different agenda from what agriculture ought to be, we have allowed them to convince us that we are going to be helping farmers. Could not be farther from the truth.

It was fascinating, listening to the dairy argument earlier today in which we were concerned about dairy farmers and developers. Developers will love this amendment. Farmers will hurt badly if this amendment should pass.

Mr. Chairman, I most sincerely ask my colleagues on both sides of the aisle, oppose this amendment, stick with the committee regarding this bill. It is the best possible compromise that we can have that meets all of the competing interests, not just a few.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment. I want to talk about two different aspects of this bill.

First of all, times are tough out in agriculture country right now. I do not care what farmers are growing, what part of the country they are in. We are seeing tough times from the standpoint of the hazards that farmers have to deal with, whether it is weather, whether it is hurricanes or some combination of both; but the biggest problem that farmers have out there today is that we are seeing the lowest commodity prices we have seen across the spectrum in 30 years. It does not make any difference whether it is corn in the Midwest or peanuts or cotton in my part of the world, farming is a tough, tough business today.

What the chairman and the ranking member did with this base farm bill is to come up with a proposal that actually provides a safety net for our farmers. The trigger is that if prices are high our farmers are not going to get government help; but if prices are low, they are going to get extended a helping hand from the Federal Government to help them out. And that is the way it ought to be.

This bill takes about $2 billion a year out of the commodity side of this farm bill and puts it into conservation. Do we need to concentrate on conservation? Sure we do. But what does this base bill do? This base bill takes an additional $37 billion over the next 10 years and puts it into conservation programs. The gentleman from Oklahoma (Mr. LUCAS), the chairman of the subcommittee, did an excellent job of putting more money into conservation; but the one thing that we never need to forget in this town is that the biggest environmentalists and the biggest conservationists in the world are our farmers. We do not make a living off the land. The farmer makes a living off the land, and they want to do everything they can to conserve and preserve their land.

Now, I am a sportsman. I, along with the gentleman from Minnesota (Mr. PETERSON), cochaired the Sportsmens' Caucus the last 2 years. I love to hunt and fish as much as anybody in the world. We are conservationists as hunters and fishermen, and we appreciate the outdoors. But what we need is more farmers producing more grains to feed the wildlife that we love to hunt, and we need more farmers protecting the fields and streams that we love to fish in. How do we do that? Do we do that by providing farm programs that pay people not to grow products, or do we do that by paying farmers who are having a tough time with commodity prices being what they are and encourage them to do a better job of being more efficient and growing more and better quality products so that we can enjoy the outdoors?

Mr. Chairman, I think the answer is pretty simple. I encourage a no vote on this amendment.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

The farm bill before us, Mr. Chairman, restores a critical piece to the safety net that will keep family farmers on the land. That piece is protection when prices collapse, because it does not matter how good a farmer you are, if you are paid less the elevator for your crop than it costs you to grow it, you are going to grow out of business.

Now, my problem with the Kind amendment is that it takes money away from that safety net for family farmers and puts it over into the conservation programs. I think that conservation is an imperative national goal; I also think it is an inherent part of how our family farmers operate. They cannot foul up the land. That is where they live. That is what produces their income. They are the greatest land stewards we will ever find.

I am very intrigued and interested by the notion that we ought to structure ways of paying farmers for the conservation practices they implement on their land for all of us. But not this way, not with this amendment, not by giving them the appearance of something on the one hand and taking away something very real, very tangible, protection when prices collapse, on the other hand.

It has been estimated that this amendment would cost the family farmers in my State more than $300 million over 3 years, more than $100 million a year farm income lost if the Kind amendment would pass. That is a hit we cannot take. We have people that are using machinery that is wrecked. They cannot afford new, they just make do.

We have areas of the land that are literally depopulating because the economics, the fundamental ability to make it on a farm has been placed at such risk when we have a farm program without safety net price protection. That is why we need the bill, and that is why we must reject this amendment. Again, do not get me wrong. Conservation: good thing, bad thing? Of course it is a good thing. Should we look at ways to reward farmers for their stewardship practices? I think we should.

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But what is before us right now is a farm bill at last putting in price protection for farmers, and we cannot play fast and loose with this imperative of fixing the farm program. First things first. The first thing is price protection for farmers. They desperately need it.

This whole conservation issue, let us continue to evaluate it. Maybe more can be done in the Senate. This was withdrawn before a vote in the Committee on Agriculture. It did not receive a considered discussion. It did not even go to a committee vote. So for us to come over to the House floor and kind of stomp around and start rewriting in wholesale fashion the farm bill is a terrible idea, especially when it takes away the money we need to restore the safety net for price protection.

There is another feature to the bill that I think we want to consider. That is the $3.5 billion we have been able to add for nutrition funding. If this amendment would pass, that effort is also placed at great risk. If this amendment passes, the bill may be down the tubes, taking with it the extra funding critically needed to address some of the shortcomings in the assistance we need to those who cannot afford food.

I commend the sponsor of the amendment. I know his heart is in the right place. He has fundamentally a very interesting idea, but strategically, those of us who care about agriculture, and broader than that, those of us who care about the Nation's food supply, should not do this this afternoon. It tips over the farm bill at a time when we have to fix it so badly.

Mr. PENCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. BLUNT. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I rise in opposition to the amendment and in support of the bill as reported.

Mr. Chairman, I rise to speak today in opposition to the Kind-Boehlert-Gilchrest-Dingell amendment and in support of HR 2646 as reported.

The 80% increase to conservation programs proposed by HR 2646 is proof that this congress believes in the protection of the nation's natural resources. With an over 800% increase to the EQIP program and the proposed Grassland Reserve program, those who make their living through best management practices will receive the tools needed to protect and enhance the environment. The conservation title in this Bill meets the needs of the nation's farmer's and ranchers while maintaining an affordable and abundant food supply and a clean and healthy environment. The 1996 Freedom to Farm Act started us in the right direction in making conservation a vital part of farm policy. The popularity of the EQIP program born out of that legislation is proof that farmers and ranchers respond when given the proper tools. In my district over 30% of those who apply to receive cost share under the EQIP program are rejected not because of their worthiness but because of insufficient funding. HR 2646 will make those projects a reality.

Now is not the time to rewrite the conservation title of the farm bill with an amendment that is confusing at best. Chairman COMBEST and the AG committee have spent the past two years holding more than 50 hearings throughout the U.S. to gain input to the bill that we are considering today. They have listened to producers of livestock, organic growers, crop farmers, government agencies and those who are concerned about our natural resources. Now the proposed amendment before us threatens to undo that work, not only of the committee, but by the 100's of people who took time away from their daily schedules to help craft what is before us today.

I stand here today to urge my colleagues to vote against this amendment and support the Conservation Title of HR 2646 as written. It is the right thing to do for those on the front lines of protecting our environment and conserving our natural resources for future generations.

Mr. PENCE. Mr. Chairman, I rise in respectful opposition to the amendment offered by the gentleman from Wisconsin (Mr. KIND), and I appreciate very much the comments of the gentleman from Texas (Mr. COMBEST) about getting back to the facts.

As the chairman of the Committee on Agriculture reflected earlier today, we have only had 36 hours to review the contents of the Kind amendment, but I have made an effort to do that. In recent weeks there has been a lot of talk about the large backlog of farmers and ranchers who are waiting to participate in the USDA's conservation programs. The proposal today suggests that the answer to that would be to shift nearly $2 billion from commodity support programs to conservation.

Before we accept this rhetoric, Mr. Chairman, I invite Members to break down the dollars and look at the facts of the Kind amendment and see how they purport to deal with this conservation backlog.

First, the Kind amendment allocates funding for several programs at levels substantially beyond what the Natural Resources Conservation Service has indicated is necessary to address the number of outstanding applications.

For example, in the case of the farmland protection program, the NRCS estimates it would take an additional $281 million to meet current demand. Yet, the Kind amendment funds this program at $500 million per year.

Another example: The wildlife habitat incentives program. The NRCS has stated it would take $19 million to meet demand, while the Kind amendment allocates $500 million per year.

When looking at the funding level for conservation programs, we cannot lose sight of the fact that these programs are voluntary in nature. In other words, the money does no good unless there is an equivalent level of demand from producers to use them.

Moreover, we cannot forget that these programs also involve cost share assistance, and if producers do not have an adequate safety net to sustain the bottom line, money available for cost-share arrangements will likewise go unused.

Point number two, as we look at the Kind amendment, several hurdles in the amendment will actually prevent these funds from assisting a large portion of America's farmers and ranchers with critical conservation needs. There are significant amounts of targeted and earmarked funding. The Kind amendment is actually riddled with numerous restrictions that target funding towards specific geographic regions and earmark program money for particular issue areas.

For example, the legislation would spend over $1 billion for a pilot program available to only five impaired watersheds. Similarly, it would require that over 40 percent of the $14 billion in EQUIP monies be spent on just four specific environmental efforts.

Further, the Kind amendment pumps money into programs which have a low producer interest, because this legislation has been written or encouraged by the environmental lobby, rather than by actual farmers.

Lastly, this legislation promotes pork barrel spending. Rather than responding to producer requests gathered throughout all of the hearings over the last 2 years, both on Capitol Hill and around the country, the Kind amendment spends large sums of money on projects which do nothing but feed an already thriving government bureaucracy.

Mr. Chairman, I do not represent the thriving government bureaucracy. I do not represent an environmental lobby that looks at a 78 percent increase in conservation funding and says, that is not enough. I represent farmers in Indiana. For that reason, I very respectfully oppose the Kind amendment, and urge my colleagues to join me in doing likewise.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kind-Boehlert-Gilchrest-Dingell amendment, and I thank them for their leadership on this issue of conservation policy for our Nation's farmland. I, for one, believe the farm bill has room for this amendment, and in fact, I believe the bill is improved with it.

Mr. Chairman, my district, Marin and Sonoma Counties, just across the Golden Gate Bridge from San Francisco, is very fortunate to have productive working farmland like dairies and vineyards. In fact, we provide 50 percent of the Bay area's milk products, and, of course, Members all know about Sonoma County wines.

It is because of the diversity of agriculture that the Sixth District of California has one of the lowest unemployment rates and one of the highest income levels in this Nation, and it is because of the agriculture that I represent one of the most beautiful areas in the world.

The dairies in particular in my district are mainly small, family-owned operations that have been in business for four or five generations, and because many of these dairies are within 30 miles of downtown San Francisco, preserving these productive lands is a top priority of my constituents, and it should be for the Congress.

But my farmers are often frustrated by the lack of funds and technical assistance available to them to protect water supplies, reduce pesticide applications, provide adequate habitat for wildlife, enhance food safety, or, in general, protect their farms and our open space from encroaching development.

Less than 10 percent of Federal farm spending is directed towards conservation. Without the Kind-Boehlert amendment, farm policy will continue to fail to keep up with the growing demand over the next 5 years. That is why the House must pass the Kind-Boehlert amendment and reward farmers and ranchers like my constituents, who want to participate in voluntary incentive-based conservation efforts.

If my colleague's amendment succeeds, commodity crop farmers would still receive twice as much funding as they received under the 1996 farm bill, an 11 percent increase over current funding levels. In addition to helping commodity crop farmers by passing the Kind-Boehlert amendment, we would be wisely investing in farm policy that also recognizes the value of small family farmers.

That, Mr. Chairman, is fair and smart public policy. I urge my colleagues to support this amendment.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Ms. WOOLSEY. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, one of the earlier speakers made a comment about how this amendment would be bad for the watershed. How I would like to respond to that is that contained in this amendment is a new approach to protecting watersheds so that we do not have to have each individual farmer apply for the conservation programs that will improve water quality, but we can do it with a number of farmers getting together, a number of farmers getting together in one State, or we could do it with a number of farmers getting together in a multi-State region which is protecting, truly, a broad watershed area.

So contained in this amendment is a specific program with specific criteria to use agriculture and the conservation program to protect the water quality in a watershed.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Kind Amendment to the Farm Bill. H.R. 2646, as reported by the House Agriculture Committee, provides an unprecedented 80% increase in soil and water conservation programs above current spending levels that firmly meets the needs of America's farm families. This bill builds on the popular and important conservation programs established in previous bills. The conservation section devotes over

$16 billion over 10 years to soil, water and wildlife programs. It increases CRP acreage to 39.2 million acres, WRP to 1.5 million acres, creates a Grasslands Reserve Program up to 2 million acres, funds WHIP to $500 million, and finally, the conservation title will help MANY many family farms in North Carolina by funding the Environmental Quality Incentives Program at $1.285 billion, including a $600 million fund is created in EQIP to address surface and ground water conservation issues, including cost share for more efficient irrigation systems. Obviously, this bill will go far in helping our farmers continue be our Nation's best land stewards.

To my colleagues who support this amendment, I ask why this was not brought up in Committee? At no time during the Committee's consideration of this bill did Mr. KIND offer his amendment. Why? Because he knew he didn't have the votes to pass it, and America's farmers adamantly oppose it. In addition, I would add that the sportsmen in my district oppose this amendment. This amendment undermines all the hard work we've done and it undermines future conservation benefits and I urge my colleagues to vote against this amendment.

Mr. Chairman, I would and pick up on the remarks of the gentleman from Texas about the valid and important issues in this discussion.

Simply put, Mr. Chairman, to my colleagues who support this amendment, I ask them, why was this amendment not brought up in the committee? The gentleman from Wisconsin (Mr. KIND) said that they discussed it. That is fine. But what he did not say was that as this discussion took place, it was obvious that he did not have the votes in committee to pass it.

What does that mean? It means that the people of this House who are most interested in and probably most informed about agriculture did not support his well-intentioned amendment. Sportsmen and farmers in my district in North Carolina also very strongly oppose this amendment, as I do.

An interesting contrast, the gentleman from South Dakota (Mr. THUNE) spoke very eloquently in opposition to this amendment. He also had an amendment which he brought up in committee, and we discussed it over and over and over for hours and hours. The amendment was defeated, and that was the end of that. It is not here on the floor, as this amendment is and should not be.

Because of the nature of this amendment and because of the need for balance in this bill, please join me in opposing this amendment, which undermines all the hard work, the field hearings, all of the information that has been gathered, and it undermines conservation benefits.

I urge my colleagues to vote against the amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do thank the committee for this important discussion. I find it exceedingly valuable.

I am one of the people who the gentleman from Texas (Mr. STENHOLM) referred to who is not an expert in agriculture. I do not pretend to be. But it is important to me, and I took the time this summer to talk to people in my State who are the experts, people on the board of agriculture, practicing farmers, leaders in the industry.

They made it clear to me that this was an opportunity for this Congress to seize the opportunity to begin reforming agriculture for the next century. The current system, I was told, and I dearly believe, and nothing that I have read in connection with the debate here today leads me to feel otherwise, that is, that our system was great to lead us out of the Depression, and it does indeed continue to help many economic interests, but it does not, for instance, help what happens in my State for the majority of people who are involved with agriculture.

This amendment that we are debating here today is an opportunity for us to step forward that is going to make a difference in our community. I would like to dwell on one particular item, the farmland protection program, which would receive much needed increased funding under this amendment.

There currently is a backlog of over $250 million for the voluntary purchase of conservation easements under this program. The previous farm bill in 1996 and the currently proposed farm bill did not and will not come close to providing the funding necessary to meet the current waiting list of farmers. Right now, three out of four who apply to participate are turned away.

The current bill limits the farmland protection program to $50 million a year. This amendment reauthorizes the farmland protection program through the year 2011, funded at $100 million in fiscal year 2002, increasing to one-half a billion dollars annually by 2006.

It is important to understand that the farmland protection program does not just benefit farmers, it benefits communities everywhere. The farmland protection program, as its name implies, allows the farmers to continue working the land. They receive payment for doing what they intend to do, keeping the land as farmland. This is particularly important in the vast amounts of prime farmland around our metropolitan areas, where increasing land values make it difficult for farmers to keep their land as farmland.

□ 1530

Nationally this prime farmland produces 85 percent of domestic fruit and vegetables. Almost 80 percent of our dairy production takes place in what we are calling urban-influenced counties. They are under relentless pressure. There were 3.2 million acres converted to nonagricultural uses between 1992 and 1997, double the rate of previous years. There are 90 million acres that are threatened by sprawl.

When I was born, the number one agricultural county in the United States, and this is only half a century ago, was Los Angeles. What county is going to be lost next?

We are developing land at twice the rate of the increase in population growth. But it is not just the farmers that benefit. We have talked about how disconnected the general public is from the practice of agriculture. We are protecting this land for agricultural purposes around the metropolitan area to make it easier for the public to understand how valuable it is and that sugar does not just come from candy bars and fruit and vegetables do not come from tin cans.

The Farmland Protection Act helps the surrounding communities by saving taxpayer money. Farmland or open space costs on average about one-third of the amount of money as it produces from taxes. Residential development, to the contrary, costs local governments about 25 percent more. Cities and towns can save billions of dollars in municipal water and treatment costs. Protecting wetlands and streams prevents the cost of water treatment downstream.

Our communities and taxpayers want farmland protection. Survey research demonstrates that the public would like to have their Federal tax dollars by strong majorities used to keep farmland from being developed. Seventy-five percent think that farm support payments should require farmers to practice conservation.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 1 additional minute.)

Mr. BLUMENAUER. Mr. Chairman, supporting this amendment is a step away from the Depression era of farm support. It is an opportunity to us to step forward, to help farmers voluntarily protect their land, save tax dollars, meet the needs that are building up now, and help us, in a State like Oregon, help protect farmland for generations to come.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the base bill before us. The committee has done a good job of balancing various interests before it. I am pleased that the committee has significantly increased the conservation title of the bill but has done so in a manner that does not jeopardize the rest of the agricultural needs of our Nation.

Let us look at what the base bill does, H.R. 2646. It includes an average of $1.285 billion per year in the Environmental Quality Incentives Program or EQIP, plus an additional fund of $60 million per year to address water issues. It increases total acreage in the conservation program to 39.2 million acres. It allows an additional 1.5 million acres to be added to the Wetlands Reserve Program. It provides $500 million over the life of the farm bill to eradicate the backlog and provide for new enrollment in the Farmland Protection Program. It increases funding for the Wildlife Habitat Incentive Program, or WHIP, from $25 million per year this year to $50 million a year by the year 2011. It increases enrollment in the grasslands reserve program to 2 million acres.

The ranking minority member was quite accurate when he said this is a green bill. There are good provisions that continue to move us forward in this bill in the whole arena of conservation. I joined the gentleman from New York (Mr. BOEHLERT) and other Members the last time we considered the farm bill 5 years ago in restoring cuts that have been made in the conservation title. That was a good thing to do then and that was good policy.

The bill before us continues in that responsible plan. The amendment before us I think raises some serious concerns. It raises some financial concerns. The chairman of the committee, the gentleman from Texas (Mr. COMBEST) raised some serious concerns about the possible serious adverse consequences associated with the Kind amendment on our budget.

We have just approved a $50 billion program to provide defense needs, disaster needs, to address airline concerns. We are now talking about an even larger package to get the economy going again, something in the range of $75 billion. I think we need to proceed very cautiously.

The Kind-Boehlert amendment, although maybe well intended, will mandate additional spending and will leave less room for dealing with potential economic problems that could arise for our farmers.

I join the Florida Farm Bureau in supporting the base bill and opposing the Kind-Boehlert amendment. The base bill has the support of the Florida Association of Conservation Districts and the Florida Fish and Wildlife Commission. The Florida Farm Bureau opposes the Kind-Boehlert amendment, and I urge my Florida colleagues to join me in supporting the work of the Committee on Agriculture and to vote against the Kind-Boehlert amendment.

Mr. Chairman, I include with my remarks a letter from the Florida Farm Bureau.

FLORIDA FARM BUREAU FEDERATION,
*Gainesville, FL, September 27, 2001.*
Hon. DAVID J. WELDON,
*U.S. House of Representatives, Cannon House Office Bldg., Washington, DC.*

DEAR REPRESENTATIVE WELDON: Congress will be taking up H.R. 2646, the Farm Bill, next week and we recently sent you a letter relaying our support of the bill. However, the section of the Farm Bill that deals with conservation has received a lot of attention in the media recently and there's an effort underway by Representative Kind to offer substitute language to the bill which is based on his legislation, H.R. 2375. On behalf of our members I would like to relay to you our support of the House Agriculture Committee-passed conservation language and provide you our concerns with H.R. 2375.

First off, let me say that H.R. 2375 does make an effort to increase funding for technical assistance and other important conservation programs. However, the increased funding does not necessarily mean that Florida producers will be able to access the added funding. Several requirements illustrated in the bill prohibit many of our producers from being eligible for conservation funds and the additional funds are carved out of other parts of the bill which is already stretched to meet the needs of production agriculture.

To elaborate on our concerns with H.R. 2375, I offer this:

H.R. 2375 prohibits a producer who is subject to an environmental permit under the federal Clean Water Act from receiving cost-share assistance under the Environmental Quality Incentives Program. This provision is not acceptable given that pending revised clean water rules dealing with CAFO's and AFO's could subject a large majority, if not all, livestock producers in Florida to regulation. This provision would keep a large percentage of our dairy and poultry farmers from being able to access cost-share funding for conservation practices.

H.R. 2375 would push an unmanageable level of funding into the Department of Agriculture for conservation programs and this increased funding does come at a cost for farmers in other regions of the country. Without an adequate framework in place, this money will do little to improve the environmental quality for our working lands resulting in the wasteful and inefficient use of precious taxpayer dollars. H.R. 2646, the Farm Security Act of 2001, increases conservation funding 75 percent above the current baseline. To fund environmental programs proposed in H.R. 2375 we will have to raid funds already allocated in other important areas of the bill. Politically this is not the right avenue to take and we should not cause a situation where sectors of the agriculture industry will be trying to benefit at the detriment of others. The Kind bill makes only modest gains in Florida's level of conservation funding because a large percentage of the funds go to programs such as Conservation Reserve Program (CRP) and these programs are not widely utilized by Florida's producers.

H.R. 2375 would place restrictions on producers that have nothing to do with conservation. For example, this legislation directs the Secretary to consider the extent to which livestock producers medicate their animals in selecting contracts under the Environmental Quality Incentives Program. Such restrictions would render these programs useless for mainstream agriculture.

H.R. 2375 contains extensive provisions for forestry yet none of the central forestry organizations support this legislation. The Society of American Foresters, the National Association of State Foresters, the National Council on Private Forests, the National Association of Professional Forestry Schools and Colleges, and the American Forest and Paper Association oppose this bill. They oppose H.R. 2375 because its forestry provisions cannot be implemented. The legislation is vague, restrictive and not based on sound science.

We realize that H.R. 2646 is not perfect when it comes to the conservation section but we believe that it is a more practicable and realistic approach for Florida's farmers and ranchers. It is our understanding that the proponents of H.R. 2375 have an amended version of their bill that will be offered when H.R. 2646 "The Farm Bill" is taken up by the House. We have made inquiries to the sponsor of H.R. 2375 in an effort to see if our concerns have been addressed and no one has been able to provide us that assurance. Therefore, we ask that you consider our concerns and not support this effort to amend the conservation title of H.R. 2646.

If you need to discuss this issue in more detail or have any questions please contact Ray Hodge in our office. He will be in the Capitol next week and will come by your office to discuss this and other issues with your agriculture staff person. Thank you for considering our concerns and your willingness to support the issues important to the livelihood of Florida farmers and ranchers

Sincerely,

CARL B. LOOP, JR.,
*President.*

Mr. BERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say what a wonderful job the chairman and the ranking member of the Committee on Agriculture have done. I appreciate very much the hard work the gentlemen have put into this.

Mr. Chairman, I also want to say that I think the sponsors of this amendment mean well. The people that support this amendment have the best of intentions.

When I ran for office first in 1996, it was interesting to me that all of my opponents suddenly had become farmers. If they were not farmers themselves, in some way they could contrive, they will know a farmer or their grandfather was a farmer or they would know a lot about a farmer or they had seen a farmer someplace or they had seen a crop someplace. But they all wanted to be related to farmers in some way or another.

I found that interesting today that suddenly we have this great outpouring of knowledge about agriculture in this body.

I would suspect, and I do not know for sure, that none of the sponsors of this amendment, and very likely none of the people that have spoken in favor of it, have ever raised a crop or produced any significant amount of food.

I would submit, Mr. Chairman, that our job is to make sure that this country has a food supply, a reliable, safe, reasonably priced food supply, and in the effort to produce this, we must protect our air and water quality, and that is what this base bill does. It has been said over and over that our food policy in this country and our farm policy in this country is a failure. How can we say that when our producers are the best there has ever been, they are the most efficient and we have the most reliable, the safest and the most reasonably priced food supply of any Nation in the world? Our farmers are on the edge. They simply are not going to do it any more.

I would submit to the Members a report about USDA's last quarterly stocks estimate. One of the last paragraphs in that report says if there is one thought for the Members to be left with regarding today's stock report, it is that U.S. stocks of every commodity except corn are smaller today than a year ago, and in some cases dramatically smaller. Our stocks of food in this country are shrinking.

The national security interest is served by our farmers being able to stay in business. Certainly they are not getting rich. Most of them are not even making the cost of production, but one thing I can tell my colleagues that they do not need is for someone else to create one more way where the Federal Government can come and tell them what they have to do with their land.

This amendment would destroy the safety net and drive production offshore, and it most certainly would cause consolidation, and if we want to see what corporate farms really look like, we can see what the result of this amendment would be because it would cause dramatic consolidation.

The worst thing we can do to conservation is to continue to have a situation where our farmers cannot stay in business. Poor folks have poor ways and there is nothing they can do about it because that is all they have to work with.

We do not need a social engineering program. We need a balanced bill and that is what this base bill is. I wonder, if this amendment is such a good idea for farmers, why in the world is there not one, not one farm organization supporting this bill? I think that pretty well says it.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose, strenuously oppose the amendment that is being offered here today. The House Committee on Agriculture has spent months, years now, beginning in Kansas at the Kansas State Fair 2 years ago September, taking input from farmers about what we can do to address the crisis that we face in agriculture. That crisis is real.

We face the circumstances in which the farmers of this country will not be farming. The economic conditions that American farmers and ranchers face are serious and getting worse. My farmers talk about what they do to serve to the next week, to the next month, to the next year. They talk about if things get any worse they have no option but to sell the farm and move to town.

The average age of a farmer in Kansas is 58½ years old. There is no next generation waiting to take over the farm because there is no profitability in agriculture, and the idea that we can remedy this situation by putting more money elsewhere than into farmers' income is terribly, terribly flawed.

There will be no farmers as stewards of the land absent an income in which to continue farming. What do we expect ourselves to do when the farmers are no longer on the land? Do we expect us to hire government employees to go out and manage the land so that they can perform conservation practices that our farmers are practicing today?

I care greatly about the use of land, about water quality, about water quantity. There is no greater conservation environmental issue in the State of Kansas than the quality of water, and if we have a future in the State of Kansas, it is because we have a clean and adequate water supply. I am proud of the efforts of the House Committee on Agriculture to address conservation environmental issues.

We have spent a lot of time and a lot of effort taking a lot of input. Our ability to have the people necessary to be in the fields performing conservation practices is gone, absent the kind of assistance in the commodity title of this farm bill.

The reality is that life on the farm is tough. It is getting tougher, and if we care about conservation, if we care about the environment, we will make certain that those farmers and ranchers are there and we will oppose the amendment offered by the gentleman from New York (Mr. BOEHLERT).

We need the assistance or we are going to have larger and larger farms. The gentleman from Arkansas (Mr. BERRY) is absolutely right, if we want to see greater concentration in agriculture, put our farmers out of business and then only those who are large will be left.

This issue is at the core of whether or not we care about America, and especially whether or not we care about rural America and if we want children in the schools across the State of Kansas and across rural areas of the country and if we want people shopping on Main Street, the critical issue we face is whether or not our farm families can make ends meet, and they are not doing it today, and they will not be helped with the passage of this amendment.

I urge my colleagues to oppose it.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

I represent the farmers and ranchers and small woodland owners whose voice is not heard here and have been ignored in some of the previous debate by other Members.

□ 1545

These commodity programs flow to a favored few. Now, certainly some of them are producing crops that are vital to feed our Nation. Others are producing surplus cotton and other crops and getting subsidized for that. It is an extraordinarily market-distorting thing. Now, usually that side of the aisle is arguing for markets, but in this case they are arguing for market-distorting subsidies. Many of the same people who are arguing against this amendment were gung ho for the Freedom to Farm bill a number of years ago. I voted against it. I thought it might lead to some of these problems. It has led to a record increase in commodity supports.

And even if this amendment is adopted, there will still be $101 billion going to the commodity support programs. Now, who does it go to, and who would be hurt under this amendment? Well, under this amendment, actually 70 percent of the farmers, those who seem to be ignored in the debate on that side and by a few on this side, that is dairy, ranchers, fruit and vegetables. I have a lot of those. I have some dairy, have a few ranchers, do not have peanut, sugar, tobacco, and then we have trees, those are my small wood-lot owners, people who practice forestry, people who are waiting in line now to get this conservation money because of problems we have in recovering our salmon runs in the Pacific Northwest. They are lined up. They are not getting the money, even with the increase in this bill.

I appreciate the modest increase in the bill, but more is needed. And this money will benefit this 70 percent of the people who are pretty much left out of this bill.

Now, there is another 30 percent. And under this amendment, 27 percent of them, almost all of them, will be held harmless. But my colleagues are right, the top 3 percent, the people who get the largest subsidies in this country, the ones we read about and hear about on TV, some of them are even TV commentators, they will get a cut. That is right, they will get a cut. But they will still get subsidies, very substantial subsidies, and we will spread this needed money elsewhere.

How needed is it? Well, if we refer to this chart, we see, in fact, it is quite needed. Right now we are funding conservation at this level. This is the demand. We are not matching supply and demand. I wish this side of the aisle, which is always for markets, would help us better match supply and demand. Here is the demand. Here is the supply.

Now, true, this bill, the base bill, would actually help a little bit. It still does not meet the demand and the backlog. And even if we get this amendment, we will not quite match supply and demand. There is an extraordinary unmet demand out there, demand that flows to those other 70 percent of the farmers, small farmers, truly small farmers, who I represent, who are left out of this bill. So we are of $1.285 billion per year in the Environmental Quality Incentives Program or EQIP, plus an additional fund of $60 million per year to address water issues. It increases total acreage in the conservation program to 39.2 million acres. It allows an additional 1.5 million acres to be added to the Wetlands Reserve Program. It provides $500 million over the life of the farm bill to eradicate the backlog and provide for new enrollment in the Farmland Protection Program. It increases funding for the Wildlife Habitat Incentive Program, or WHIP, from $25 million per year this year to $50 million a year by the year 2011. It increases enrollment in the grasslands reserve program to 2 million acres.

The ranking minority member was quite accurate when he said this is a green bill. There are good provisions that continue to move us forward in this bill in the whole arena of conservation. I joined the gentleman from New York (Mr. BOEHLERT) and other Members the last time we considered the farm bill 5 years ago in restoring cuts that have been made in the conservation title. That was a good thing to do then and that was good policy.

The bill before us continues in that responsible plan. The amendment before us I think raises some serious concerns. It raises some financial concerns. The chairman of the committee, the gentleman from Texas (Mr. COMBEST) raised some serious concerns about the possible serious adverse consequences associated with the Kind amendment on our budget.

We have just approved a $50 billion program to provide defense needs, disaster needs, to address airline concerns. We are now talking about an even larger package to get the economy going again, something in the range of $75 billion. I think we need to proceed very cautiously.

The Kind-Boehlert amendment, although maybe well intended, will mandate additional spending and will leave less room for dealing with potential economic problems that could arise for our farmers.

I join the Florida Farm Bureau in supporting the base bill and opposing the Kind-Boehlert amendment. The base bill has the support of the Florida Association of Conservation Districts and the Florida Fish and Wildlife Commission. The Florida Farm Bureau opposes the Kind-Boehlert amendment, and I urge my Florida colleagues to join me in supporting the work of the Committee on Agriculture and to vote against the Kind-Boehlert amendment.

Mr. Chairman, I include with my remarks a letter from the Florida Farm Bureau.

FLORIDA FARM BUREAU FEDERATION,
*Gainesville, FL, September 27, 2001.*

Hon. DAVID J. WELDON,
*U.S. House of Representatives, Cannon House Office Bldg., Washington, DC.*

DEAR REPRESENTATIVE WELDON: Congress will be taking up H.R. 2646, the Farm Bill, next week and we recently sent you a letter relaying our support of the bill. However, the section of the Farm Bill that deals with conservation has received a lot of attention in the media recently and there's an effort underway by Representative Kind to offer substitute language to the bill which is based on his legislation, H.R. 2375. On behalf of our members I would like to relay to you our support of the House Agriculture Committee-passed conservation language and provide you our concerns with H.R. 2375.

First off, let me say that H.R. 2375 does make an effort to increase funding for technical assistance and other important conservation programs. However, the increased funding does not necessarily mean that Florida producers will be able to access the added funding. Several requirements illustrated in the bill prohibit many of our producers from being eligible for conservation funds and the additional funds are carved out of other parts of the bill which is already stretched to meet the needs of production agriculture.

To elaborate on our concerns with H.R. 2375, I offer this:

H.R. 2375 prohibits a producer who is subject to an environmental permit under the federal Clean Water Act from receiving cost-share assistance under the Environmental Quality Incentives Program. This provision is not acceptable given that pending revised clean water rules dealing with CAFO's and AFO's could subject a large majority, if not all, livestock producers in Florida to regulation. This provision would keep a large percentage of our dairy and poultry farmers from being able to access cost-share funding for conservation practices.

H.R. 2375 would push an unmanageable level of funding into the Department of Agriculture for conservation programs and this increased funding does come at a cost for farmers in other regions of the country. Without an adequate framework in place, this money will do little to improve the environmental quality for our working lands resulting in the wasteful and inefficient use of precious taxpayer dollars. H.R. 2646, the Farm Security Act of 2001, increases conservation funding 75 percent above the current baseline. To fund environmental programs proposed in H.R. 2375 we will have to raid funds already allocated in other important areas of the bill. Politically this is not the right avenue to take and we should not cause a situation where sectors of the agriculture industry will be trying to benefit at the detriment of others. The Kind bill makes only modest gains in Florida's level of conservation funding because a large percentage of the funds go to programs such as Conservation Reserve Program (CRP) and these programs are not widely utilized by Florida's producers.

H.R. 2375 would place restrictions on producers that have nothing to do with conservation. For example, this legislation directs the Secretary to consider the extent to which livestock producers medicate their animals in selecting contracts under the Environmental Quality Incentives Program. Such restrictions would render these programs useless for mainstream agriculture.

H.R. 2375 contains extensive provisions for forestry yet none of the central forestry organizations support this legislation. The Society of American Foresters, the National Association of State Foresters, the National Council on Private Forests, the National Association of Professional Forestry Schools and Colleges, and the American Forest and Paper Association oppose this bill. They oppose H.R. 2375 because its forestry provisions cannot be implemented. The legislation is vague, restrictive and not based on sound science.

We realize that H.R. 2646 is not perfect when it comes to the conservation section but we believe that it is a more practicable and realistic approach for Florida's farmers and ranchers. It is our understanding that the proponents of H.R. 2375 have an amended version of their bill that will be offered when H.R. 2646 "The Farm Bill" is taken up by the House. We have made inquiries to the sponsor of H.R. 2375 in an effort to see if our concerns have been addressed and no one has beeh able to provide us that assurance. Therefore, we ask that you consider our concerns and not support this effort to amend the conservation title of H.R. 2646.

If you need to discuss this issue in more detail or have any questions please contact Ray Hodge in our office. He will be in the Capitol next week and will come by your office to discuss this and other issues with your agriculture staff person. Thank you for considering our concerns and your willingness to support the issues important to the livelihood of Florida farmers and ranchers

Sincerely,

CARL B. LOOP, JR.,
*President.*

Mr. BERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say what a wonderful job the chairman and the ranking member of the Committee on Agriculture have done. I appreciate very much the hard work the gentlemen have put into this.

Mr. Chairman, I also want to say that I think the sponsors of this amendment mean well. The people that support this amendment have the best of intentions.

When I ran for office first in 1996, it was interesting to me that all of my opponents suddenly had become farmers. If they were not farmers themselves, in some way they could contrive, they will know a farmer or their grandfather was a farmer or they would know a lot about a farmer or they had seen a farmer someplace or they had seen a crop someplace. But they all wanted to be related to farmers in some way or another.

I found that interesting today that suddenly we have this great outpouring of knowledge about agriculture in this body.

I would suspect, and I do not know for sure, that none of the sponsors of this amendment, and very likely none of the people that have spoken in favor of it, have ever raised a crop or produced any significant amount of food.

I would submit, Mr. Chairman, that our job is to make sure that this country has a food supply, a reliable, safe, reasonably priced food supply, and in the effort to produce this, we must protect our air and water quality, and that is what this base bill does. It has been said over and over that our food policy in this country and our farm policy in this country is a failure. How can we say that when our producers are the best there has ever been, they are the most efficient and we have the most reliable, the safest and the most reasonably priced food supply of any Nation in the world? Our farmers are on the edge. They simply are not going to do it any more.

I would submit to the Members a report about USDA's last quarterly stocks estimate. One of the last paragraphs in that report says if there is one thought for the Members to be left with regarding today's stock report, it is that U.S. stocks of every commodity except corn are smaller today than a year ago, and in some cases dramatically smaller. Our stocks of food in this country are shrinking.

The national security interest is served by our farmers being able to stay in business. Certainly they are not getting rich. Most of them are not even making the cost of production, but one thing I can tell my colleagues that they do not need is for someone else to create one more way where the Federal Government can come and tell them what they have to do with their land.

This amendment would destroy the safety net and drive production offshore, and it most certainly would cause consolidation, and if we want to see what corporate farms really look like, we can see what the result of this amendment would be because it would cause dramatic consolidation.

The worst thing we can do to conservation is to continue to have a situation where our farmers cannot stay in business. Poor folks have poor ways and there is nothing they can do about it because that is all they have to work with.

We do not need a social engineering program. We need a balanced bill and that is what this base bill is. I wonder, if this amendment is such a good idea for farmers, why in the world is there not one, not one farm organization supporting this bill? I think that pretty well says it.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the requisite number of words.

I rise to oppose, strenuously oppose the amendment that is being offered here today. The House Committee on Agriculture has spent months, years now, beginning in Kansas at the Kansas State Fair 2 years ago September, taking input from farmers about what we can do to address the crisis that we face in agriculture. That crisis is real.

We face the circumstances in which the farmers of this country will not be farming. The economic conditions that American farmers and ranchers face are serious and getting worse. My farmers talk about what they do to serve to the next week, to the next month, to the next year. They talk about if things get any worse they have no option but to sell the farm and move to town.

The average age of a farmer in Kansas is 58½ years old. There is no next generation waiting to take over the farm because there is no profitability in agriculture, and the idea that we can remedy this situation by putting more money elsewhere than into farmers' income is terribly, terribly flawed.

There will be no farmers as stewards of the land absent an income in which to continue farming. What do we expect ourselves to do when the farmers are no longer on the land? Do we expect us to hire government employees to go out and manage the land so that they can perform conservation practices that our farmers are practicing today?

I care greatly about the use of land, about water quality, about water quantity. There is no greater conservation environmental issue in the State of Kansas than the quality of water, and if we have a future in the State of Kansas, it is because we have a clean and adequate water supply. I am proud of the efforts of the House Committee on Agriculture to address conservation environmental issues.

We have spent a lot of time and a lot of effort taking a lot of input. Our ability to have the people necessary to be in the fields performing conservation practices is gone, absent the kind of assistance in the commodity title of this farm bill.

The reality is that life on the farm is tough. It is getting tougher, and if we care about conservation, if we care about the environment, we will make certain that those farmers and ranchers are there and we will oppose the amendment offered by the gentleman from New York (Mr. BOEHLERT).

We need the assistance or we are going to have larger and larger farms. The gentleman from Arkansas (Mr. BERRY) is absolutely right, if we want to see greater concentration in agriculture, put our farmers out of business and then only those who are large will be left.

This issue is at the core of whether or not we care about America, and especially whether or not we care about rural America and if we want children in the schools across the State of Kansas and across rural areas of the country and if we want people shopping on Main Street, the critical issue we face is whether or not our farm families can make ends meet, and they are not doing it today, and they will not be helped with the passage of this amendment.

I urge my colleagues to oppose it.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

I represent the farmers and ranchers and small woodland owners whose voice is not heard here and have been ignored in some of the previous debate by other Members.

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These commodity programs flow to a favored few. Now, certainly some of them are producing crops that are vital to feed our Nation. Others are producing surplus cotton and other crops and getting subsidized for that. It is an extraordinarily market-distorting thing. Now, usually that side of the aisle is arguing for markets, but in this case they are arguing for market-distorting subsidies. Many of the same people who are arguing against this amendment were gung ho for the Freedom to Farm bill a number of years ago. I voted against it. I thought it might lead to some of these problems. It has led to a record increase in commodity supports.

And even if this amendment is adopted, there will still be $101 billion going to the commodity support programs. Now, who does it go to, and who would be hurt under this amendment? Well, under this amendment, actually 70 percent of the farmers, those who seem to be ignored in the debate on that side and by a few on this side, that is dairy, ranchers, fruit and vegetables, I have a lot of those, I have some dairy, have a few ranchers, do not have peanut, sugar, tobacco, and then we have trees, those are my small wood-lot owners, people who practice forestry, people who are waiting in line now to get this conservation money because of problems we have in recovering our salmon runs in the Pacific Northwest. They are lined up. They are not getting the money, even with the increase in this bill.

I appreciate the modest increase in the bill, but more is needed. And this money will benefit this 70 percent of the people who are pretty much left out of this bill.

Now, there is another 30 percent. And under this amendment, 27 percent of them, almost all of them, will be held harmless. But my colleagues are right, the top 3 percent, the people who get the largest subsidies in this country, the ones we read about and hear about on TV, some of them are even TV commentators, they will get a cut. That is right, they will get a cut. But they will still get subsidies, very substantial subsidies, and we will spread this needed money elsewhere.

How needed is it? Well, if we refer to this chart, we see, in fact, it is quite needed. Right now we are funding conservation at this level. This is the demand. We are not matching supply and demand. I wish this side of the aisle, which is always for markets, would help us better match supply and demand. Here is the demand. Here is the supply.

Now, true, this bill, the base bill, would actually help a little bit. It still does not meet the demand and the backlog. And even if we get this amendment, we will not quite match supply and demand. There is an extraordinary unmet demand out there, demand that flows to those other 70 percent of the farmers, small farmers, truly small farmers, who I represent, who are left out of this bill. So we are talking about hundreds of billions of dollars in this bill; but we are leaving out millions of farmers, small farms, dairy, small wood-lot, row crops, fruit and vegetable folks they represent.

So let us put an end to the rhetoric of saying this is not for farmers, this money will not go to farmers, it will put new controls. It is a voluntary program, a program that people are lined up to get into in my State; and the USDA simply says there is not enough money, come back next year, the year after, or the year after. We need that funding now. We need these increases. In fact, we need even more than will be provided under this amendment.

Mr. REHBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Arkansas (Mr. BERRY) was correct when he commented on the fact that the supporters of this amendment do not come from this industry. I did a quick note. Most are attorneys. And I do not fault their desire or their ability or their right to be involved in this issue, but I can tell my colleagues that those who call themselves environmentalists in this Congress are loving their land to death.

I represent Montana. It happens to be one of the largest agricultural-producing States, one of the largest States, and perhaps one of the ones most screwed up because of many of the conservation practices that are occurring because of this Congress. Let me point out to my colleagues what some of this Congress' conservation plans have done to us.

This is what government farming practices look like. This is a forest fire. And I will tell my colleagues that underthinned forests kill forests every bit as much as overlogged forests. Undergrazed grass kills grass every bit as much as overgrazed grass. So we are going to exacerbate our problem? Are we going to put more in? Well, then, we will kill our land with kindness, and I hope we do not do that.

This is what a managed environment looks like, so I am not standing before my colleagues today and trying to bring up dollars, which it seems like the majority of the argument has been on dollars in farmers' pockets. This is my first farm bill, and the way things go around here, it may be my last. One never knows. But I want to thank the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. COMBEST), because if it is my only farm bill that I have an opportunity to speak on and to be involved in, I am proud to put my name on something that understands American agriculture.

I came here not anticipating I was going to win every issue. In fact, I did not. But I voted for this bill. I supported this bill because it truly understands the needs, the desires, the wants of those of us in Montana agriculture and American agriculture.

Now, I was not a supporter of increasing additional conservation act money. I use myself as an example. My place is getting smaller. Just 9 months ago yesterday, I was in the agricultural business. This suit was not bought with agricultural money, because I did not have it. I do now, because of this job. But as I tried to expand my business, do my colleagues know what I could not do? I lost a lot of acreage because of the estate tax. I can live with that. I can live with that. But at a time when I should have been getting bigger, I got smaller. And as I tried to get bigger, my neighbor puts his land in conservation reserve. I cannot rent land and I cannot buy land. I could not expand my ranch to pay for my children's shoes, their college education, and my retirement.

Now, I might seem a little angry because I am a little angry. Because what I see happening in this Congress is that we are attempting to use the farmer for an environmental policy in this country, and I believe that is misguided. We do not want to see more of this. This is a forest, but it is the same in the pasture land. The conservation practices that preserve property in this country without active management in fact are killing our environment.

So it is not about jobs, and it is not about money. It is about our environment. And what is the best way to manage our environment? This bill does, in fact, without this amendment, do that. It maintains maximum planting flexibility, it provides countercyclical protection, it allows farmers to update their base acreages, it increases conservation programs, it addresses trade, research, nutrition, and includes one of my favorite issues, rural development and adding value to agricultural products. That is how we are going to save the American farmer. That is how we are going to create a better environment.

Support the bill. Kill the amendment.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that on this amendment and all amendments thereto the remaining time be 40 minutes, equally divided between a proponent and an opponent of the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. BOEHLERT), the author of the amendment, will be recognized for 20 minutes.

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that 10 minutes of my time be allocated to the cosponsor of the amendment, the gentleman from Wisconsin (Mr. KIND).

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin (Mr. KIND) will control 10 minutes in favor of the amendment, and the gentleman from Texas (Mr. COMBEST) will control the time in opposition.

There was no objection.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that 10 minutes of the time allocated to the opponents be given to the gentleman from Texas (Mr. STENHOLM).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I thank the gentleman for yielding me this time.

We have heard a lot of debate over this amendment in the last few hours. My colleagues, this is not about rich farmers against poor farmers. It is not about corporate farmers against noncorporate farmers. It is not even about conservationists against those who feed America. Because our farm families, our row croppers were this country's first conservationists. This is about whether we want this country to become dependent on other countries for our food and fiber the way we have for our oil.

We spent 8 months in the House Committee on Agriculture, where I sit, writing this farm bill in a bipartisan effort. It is not the bill I would have written. I am sure the gentleman from Wisconsin (Mr. KIND) would have liked to have seen more in it for conservation. I would have liked to have seen more in it for row crops. But this is a democracy, and in a democracy and in our committee we compromised. And let us never forget that that compromise included increasing baseline spending for conservation by 78 percent.

The 1996 farm bill did not work. If this amendment passes, the 2001 farm bill will not work. Farmers are going broke across the delta, across the southern half of Arkansas, and across much of America. Despite the fact that they are able to produce yields that they never dreamed of just 10 years ago, they cannot control market prices. Market prices are down.

Now, I am not real good in math, I will confess to that, but it does not take a rocket scientist to figure it out that if it costs 70 cents a pound to grow cotton, and the market price is 40 cents a pound, that farmer has to have some help. My farm families do not want to be welfare farmers. They do not want to be insurance farmers. But they need America to be there for them when market prices are down, just as those farm families have been there doing what they know how to do best, and that is feed America for many, many generations.

Many are worried about a recession. If this amendment passes, I believe we will have a serious recession, not only with our farm families but many of the smaller banks located in the delta. This amendment will directly take, next year alone, $183.7 million out of the pockets of our farm families in Arkansas.

Finally, let me say this. We all want to try and represent our districts. I truly respect the gentleman from Wisconsin (Mr. KIND) for trying to represent the people of his district. I am trying to represent the people of mine so they can continue to feed America.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to this really misguided amendment.

The Boehlert/Kind Amendment takes over $9 billion out of the farm program (and rural economies) in the first three years and only gradually makes available more conservation funds with heavy strings attached. This is not what farmers or rural America needs when it is currently reeling from 4 years of incredibly depressed prices.

This amendment replaces the counter-cyclical components of the farm bill which is designed to avoid costly ad hoc programs, with statutory maximum payments which decline each year to $1.6 billion in the last year. If prices fall again in the future, the farm program could not respond under this amendment leaving Congress with the choice of another farm bailout. The 2 years invested in writing a farm bill that will respond to market conditions would be wrecked.

This amendment cuts program benefits to real farmers. They say their cut comes from the top 10% of recipients in each region of the country, but that top 10% consists of 100% producers.

In closing, this amendment pits farmer against farmer. In the most ludicrous, but very real case, a farmer with 400 acres would have their payment cut by 66%. But the producer with 399 acres would receive every bit of their payment. Remember, this is the farm bill, not the environmental bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), whose State will be one of the many beneficiaries of all 50 States under the conservation amendment offered by the gentleman from Wisconsin (Mr. KIND), the gentleman from Maryland (Mr. GILCHREST), the gentleman from Michigan (Mr. DINGELL), and me.

Mrs. JOHNSON of Connecticut. If I were not such a civilized soul, I would have objected to this agreement. I have been in and out of this Chamber all afternoon waiting a chance to speak and I have 5 minutes' worth to say. Now I have my 2 minutes to say it in.

I just want all of my colleagues to know that the Committee on Agriculture did not hold a single hearing in New England; that its membership does not include any of us; that my friend, the gentleman from Kansas (Mr. MORAN), could have made exactly the speech he made word for word and had the final sentence say, and that is why I support the amendment.

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Mr. Chairman, my colleagues do not understand. Members want a farm subsidy program for their farmers. Members want it to be countercyclical. The compact is countercyclical, and it does control production, and get Members will not even give us a chance to do for our farmers what they so desperately want to do for their farmers.

My colleagues increase the conservation money. I am glad this bill does that, but it will take $60 million of EQIP money to help my farmers, just the ones that have projects lined up, because we are the first State that is going to comply with those AFO/CAFO regulations that were put into place in this House to address nonpoint source pollution. It has to be done but it's very costly.

Though my small farmers have no margin. It will cost a million dollars a farm for the ten biggest farms in Connecticut and sizable dollars for every farm. Where are they going to get it? So increasing the funding for EQIP, I appreciate that, but it is not enough for even Connecticut. Doubling the money for WHIP from $25 million to $50 million helps but currently 12 of our landowners are served. There are 46 applicants unserved right now.

My colleagues have got to pay more attention to New England and parts of the country where we have small farms where people are spending full time farming. These are not hobby operations. These are farmers who want their kids to take over their farms.

And they are creative entrepreneurs. For example, we have the most progressive manure management program in the Nation, and the agricultural research funds will not allow us any money because it is an integrated system, and all of our research monies are in silos. Old-fashioned.

Mr. Chairman, it pains me as a Republican that my party cannot even hear New England farmers. I am going to support this amendment because it is the only way I can help the people who depend on land for their living.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong support of this amendment. It seems what the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have done is bring our entire House together. Everybody today is in support of agriculture, and I say hallelujah. But do not think for a moment that one bill addresses all of the agriculture in the country. I happen to represent the most productive agricultural county in the United States. This bill does little to help it.

Monterey County grows 85 crops. No other county in the United States grows 85 crops, and it is a $3 billion industry. What is the one thing they need? It is to preserve the land. All of this debate has been on the side of let us preserve the commodity bank account versus preserve the land. We are not going to have any agriculture without land.

Mr. Chairman, let us support this amendment. I used to be an authorizer, and I am an appropriator now. Guess what the appropriators lack? It is authorization to put the money where people want it. This amendment raises that authorization. It allows the appropriators to meet the demand we are talking about to help preserve Ag land.

In California alone, we have farmers who are offering to sell their development rights so that the land will not be urbanized, so it will not be lost to agriculture. That queue is $47 million today. The bill only authorizes $50 million. Just California could use that entire authorization in our one State.

If my colleagues look at it nationally, farmers on the urban fringe face a $280 million backlog. Even the amendment will not bring us up to the level of demand. If Members want to preserve agriculture, preserve the land that agriculture is grown on, support this amendment.

Mr. STENHOLM. Mr. Chairman, I reserve the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I appreciate my colleague's compliment in calling Members like me a farmer because I have 60 acres and happen to live on the farm. But if Members look at the book that the USDA put out on food and agriculture policy, they note that this farmer group that we have been hearing the proponents of the Kind amendment talk about, represent that 62 percent of the farmers are rural residential farmers that, quote, "view farming as an investment opportunity and a way to enjoy rural amenities" they describe that they have little dependence on the farm economy for their income, and that they typically have incomes comparable to those of nonfarm households.

These are the farmers that we are supposedly neglecting in this amendment. We have to focus on the farm bill in the farm bill. I am pleased with the way the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have come up with a bill that addresses the needs of farmers.

We have a better safety net for our farmers. There is an 80 percent increase in conservation funding. I am an ardent supporter of conservation programs and have worked on behalf of conservation; and absent the constraints that budgets or public policy would allow, this would be a good amendment. But in this amendment we are pitting farmer against conservationist, and that is not the way to do it.

We already have a significant increase in the programs that will allow the backlog that has been talked about to be taken care of. I, like many in my district, understand the importance of a strong agricultural economy. We need to have a balanced approach. This bill is a balanced approach.

This amendment would gut the farm program. It would make us have to go back to supplemental assistance every year and be damaging to the budget. We need to create a bill that is based on the consensus that has been developed over the last 2 years. Let us remember to keep farmers in the farm bill. Do not vote for this amendment. Vote for farmers and oppose the Kind amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I rise in support of the Boehlert-Kind amendment, but also to express my concern about the underlying bill.

I was here on the floor in 1995 when we adopted the Freedom to Farm Act, and I thought it was a step in the right direction. This bill codifies a direction that we should not be going. The payments in here are for countercyclical commodity farmers, but it is $40 billion over 10 years. It goes a long way to reducing the farmer's market risk, and encourages farmers to grow without regard to market forces.

What I am concerned about and want to express my concern about is what it does fundamentally to put us at risk with our international trade policy.

It is a clear step backwards for U.S. trade when it comes to agriculture. It would increase farmer dependency on Uncle Sam; thus, it sends a signal to U.S. trading partners and developing worlds that we are not serious about our success in another round of global trade negotiations where we are arguing that we should get access to their markets with our commodities.

The new language that would give authority to the Secretary of Agriculture to shift spending if U.S. subsidy commitments are exceeded, that is only an effort to abdicate political responsibility for what ought to be good policy in the first place.

I think the Boehlert-Kind amendment at least moves us from spending more in what is called the "amber box" programs, those are programs that are trade distorting, to programs that are considered nontrade distorting, or "the green box." It moves spending from those trade distorting programs into the conservation programs, and they are considered nondistorting; and, therefore, consistent with the trade agreements the Congress and the President have approved.

In the development of farm policy, we have to lead by example. Passing this amendment will help remedy components of a fundamentally flawed bill, but we should recognize that it does not completely reverse the direction in U.S. trade policy that this legislation would have us take.

I find some reassurance in the President's statement of administration policy. The Congress and the President should have the ability to help U.S. farmers, and I support the amendment and have expressed my concerns about the underlying bill.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, they say a picture is worth a thousand words. We have talked a lot about this farm bill and how much it increases conservation programs.

This was the 1996 farm bill. This was seen by many, and stated by many of the environmental groups today supporting this amendment, as the greenest farm bill that had ever been written. That was 1996.

Look what we do with conservation programs in this bill. They are increased substantially. If Members look at the individual programs and how much they go up compared to nonpassage of this bill, it is a substantial increase in environmental programs.

Ducks Unlimited have said they do not support this bill because it does not do enough to preserve wetlands. Look at what has happened in wetlands over previous years. This is how much we were losing from 1954 to 1974. Today it is down to this. Look how much of it is lost because of agriculture, the top part, and how much is lost in urban areas. It is primarily the urban areas.

This amendment has problems that are unintended. When you idle farmland, it not only affects the farmer, it affects every community that depends on that farm. This year, in Idaho we idled 150,000 acres due to a power buyback because of the energy crisis. I can tell my colleagues that businesses in every small community that depend on agriculture have seen their businesses decline. Some of them by as much as 50 percent, and that is exactly what will happen when we take land out and set it aside and do not produce on it.

We need to make sure that those businesses stay in business and that they are doing the job that they can for their communities.

Some people are concerned about the fiscal impact of this legislation. Our hope is that farmers do not have to rely on government for payments, that commodity prices cover the cost of raising their crops. And if commodity prices go up, we will spend less under the underlying bill than we have said it will cost.

But with the Kind amendment when Congress puts that money into the environmental programs, it will be spent regardless of what the commodity prices are. That money will be spent, and it will go on forever because once we start those programs, we are never going to stop them, once we increase that acreage as much as my colleagues want to.

We all are concerned about the environment. We are doing in this bill a great deal to improve the environment. Much has been said today about the statement of administration policy or SAP, as it is appropriately called. I want to say this bluntly. I am sorry I have to say it, but we are right and they are wrong.

Mr. Chairman, I hope that once the administration has an opportunity to study this bill and to study farm policy the way that this Committee on Agriculture has for the last 2.5 years and how we can improve the environment and how we can improve the commodity prices for our producers, they will come on board with our bill and see that it accomplishes the goals that they have set forward. I urge my colleagues to defeat the Kind amendment and pass the underlying bill.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, family farmers are hard working and disciplined; but I want to point out that there are some other groups of people who provide us nourishment, and one is the family fisherman and fisherwoman.

I know a guy named Rudy who used to run a boat called the Shirley Anne when there were abundant salmon stocks in the State of Washington. His family does not fish any more because the salmon are gone, destroyed, caput, because we have silted up the rivers and destroyed a great natural resource.

What this amendment will do and why I am supporting it in part is it will expand the number of farmers and crops who can use this money to help other people who provide food, namely fishermen and fisherwomen. I do not think that is too much to ask.

We are taking only 3 percent of the people who benefit from this, and we are spreading it around to every farmer in the country and saying if they want to help, they are going to have this money simply for conservation.

Let me point out also, this is not a question of taking money away from farmers. It is only a question of what they will do in return for the money. All this amendment suggests is instead of asking them to grow corn, help us grow some fish because it is not corn that is on the Endangered Species Act, it is fish. We are asking farmers who want to help to be allowed to help in that regard.

I want to quote the President of the United States, who has been doing a good job for us lately. His administration policy statement says, "While overall farm income is strengthened, there is no question that some of our Nation's producers are in serious financial straits, especially smaller farmers and ranchers. Rather than address these unmet needs, H.R. 2646 would continue to direct the greatest share of resources to those least in need of government assistance. Nearly half of all recent government payments have gone to the largest 8 percent of farms, usually very large producers, while more than half of all U.S. farmers share in only 13 percent of the payments."

Mr. Chairman, H.R. 2646 would only increase this disparity.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

□ 1615

Mr. GRAVES. Mr. Chairman, I rise today in strong opposition to this amendment. This amendment is not in the best interests of farmers and ranchers in the State of Missouri nor anywhere else in the Nation.

This amendment diverts money out of the hands of working farmers. Throughout this debate, I have heard my colleagues discuss the current farm crisis, the low commodity prices, the struggling family farm operations. I know all too well just how hard it is to stay in production agriculture today. I am a farmer.

I want to remind my colleagues that the legislation we are debating today will guide the agriculture industry for the next 10 years. I believe that farmers in my district would agree that the base bill is a very good bill. It provides the stability that producers need to stay in business while dramatically increasing funding for conservation incentive programs. This amendment that we are talking about disrupts the balance that that base bill tries to strike.

This amendment diverts $15 billion from the farm safety net, hitting those farmers who are hurting the worst the hardest. Furthermore, this diversion of funds from the financial safeguard would be used to expand Federal control and ownership of private lands. Mr. Chairman, this amendment takes lands permanently out of production by devoting billions of dollars to land retirement. This amendment retires productive farmland. Taking land out of production does not ensure the continuation of a safe, affordable, domestic source of food and fiber for our country. In this time of international uncertainty, we do not want to tie the hands of the world's most productive farmers.

I urge my colleagues to defeat this amendment.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise also in strong support of this amendment. The underlying bill fails to provide adequate help to small farmers and once again disproportionately benefits the larger commodity producing farms.

The fact of the matter is that this bill does not truly reform the current failures of our Nation's farm policy. I agree with the Bush administration's statement of administration policy on the bill which states, "The Nation's farm sector has changed significantly due to new technologies, globalization, and environmental concerns, and this bill does not reflect those changes."

The Kind-Gilchrest-Boehlert amendment will help balance this bill's lopsided payment structure by making more conservation funds available to small family farmers. Due to the dramatic increase in commodity payments, only 5 percent of the USDA's funding has gone towards conservation programs. Rural housing programs have also been squeezed.

Numerous Delaware farmers and growers who do not grow commodity crops have applied for conservation funding to improve our State's water quality, contain nutrient pollution, combat sprawl and assist in wildlife protection. Unfortunately, applicants are being turned away left and right because of a lack of funding for vital conservation programs. Delaware has an almost $10 million backlog in conservation assistance applications. Federal conservation programs have greatly assisted Delaware in its longtime efforts to conserve farmland, protect the environment and improve water quality.

I believe that the bill also will not solve the long-term problem. Due to large agriculture subsidies abroad, particularly Europe, some level of American subsidies for farmers is required. Indeed, even if this amendment passes today, Mr. Chairman, the Nation's commodity farmers who benefit the most from our government subsidies will still receive an 11 percent increase in their annual payments.

I want to highlight a quote from the administration's statement of policy which states, "H.R. 2646 would depart from this pro-trade direction by significantly increasing domestic subsidies to levels that would undermine our negotiating position in the next round of World Trade Organization negotiations. This bill would likely induce other countries to raise barriers to our products."

I will not support a bill that harms our ability to open foreign markets to U.S. products. I encourage everyone here to support the amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. I thank the gentleman for yielding time.

Mr. Chairman, I think we have to be honest with ourselves. The reason that we have a Federal agriculture policy at all is to provide a dependable, abundant supply of cheap food for the American people. That is why we do this.

I think that if you look at this amendment and what the impact of the underlying policy goal of Federal ag policy, what the impact would be on that, you have to go to the very source. They take millions of acres of land out of production. Now, some people may like that. Some people may not. But the truth is, is that it puts us in the position of providing less food and fiber for the consumption of the American people, because you are taking millions of acres of land out of production.

I heard earlier in the debate somebody said that we want to give more money to our family farmers, that we want more money for them. And somehow, in the twisted logic, they think that putting them out of business gets more money to them. It does not work that way. We also heard on the debate on dairy earlier about how much people cared about their small dairy farmers. What do you think your small dairy farmers are going to think when their grain prices double or triple or more, because the guys who were producing their grain now put their land in CRP or put their land in wetlands reserve or put their land in one of these biological corridor things that you guys are cooking up in this?

The impact on the dairy farmers is going to be immense. Now, you want to take care of that. You put rotational grazing in there. Just on the back of an envelope trying to figure this out, I figure it is going to take 200 to 300 million acres of land in this country to do rotational grazing with the current dairy stock that we have; 200 to 300 million acres. But we are not going to have that because we are taking it out of production.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Payne).

Mr. PAYNE. Mr. Chairman, I am in full support of the Boehlert-Kind-Gilchrest-Dingell amendment. This amendment will increase funding for conservation programs and give farmers and ranchers the ability to solve water quality problems, to improve the health of the land and to protect wildlife. Conservation programs preserve land by encouraging farmers not to farm on highly erodible lands, provide assistance in controlling polluted water runoff and encourages preservation of wetlands.

This amendment successfully addresses the concerns of 70 percent of all farmers who produce at least 80 percent of all agricultural products by increasing conservation programs accessible to all kinds of farming.

This amendment does not take money away from the agriculture community. It will simply shift $1.9 billion a year away from commodity programs to conservation programs, which will subsequently reach more regions of the country.

This amendment also extends the wetlands reserve program. This program continues to be popular in my area of the country in New Jersey, and I am equally pleased to acknowledge the benefits that this amendment will provide to States along the Mississippi River as well as the West and in Florida. I would even like to see us go further, but I will ask that we fully support this amendment and urge my colleagues to vote for it.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the amendment. A lot has been made about the fact that this amendment would take land out of production. Unfortunately, it is a reality in my State of New Hampshire that farms are really not economic. I would only draw to your attention a farm like Sunny Crest Farm in Concord, New Hampshire, which has benefited from the farmland protection program and can now produce apples for the foreseeable future instead of houses. These programs are critical to the maintenance of a very sad farming situation in the Northeast. I hope that the Congress will adopt this important amendment.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to the Kind amendment and want to comment about the comments that have been made regarding trade distortion that would come out of this farm bill, the underlying farm bill, that I think has been crafted so well by the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) and the Committee on Agriculture.

One of the problems with the freedom to farm implementation has not been the freedom to farm concept, but the implementation of it. The Congress has failed until just last year to open markets to our farmers so they could have markets around the world that they could compete in. And so it is improper to say that this is somehow trade distorting, when in fact, farmers have been begging over the years to have access to markets that have been closed to them and that food has been used as a weapon in foreign policy.

What we need certainly is trade promotion authority for this President to go negotiate our agreements with other countries to lower their tariff barriers so that we can have access to their markets, our farmers can.

This amendment, with all due respect to the sponsors and the supporters, would take land out of production. And when it takes land out of production, we jeopardize the food safety and security of our country. If you do not have farmers farming, you are not going to have food produced domestically which we may need in years ahead just as we need it today.

It also has a negative impact. As you put money and land into conservation programs, like CRP and wetlands reserve, you take it out of production. The production agriculture does not then help rural communities, such as the implement store or the seed guy or the food store in rural communities. We are seeing our rural communities in jeopardy around this country. So production agriculture is promoted and assisted in the underlying bill. That is why we must support this bill and reject the amendment.

Mr. KIND. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN), another distinguished member of the Committee on Agriculture.

Mr. LARSEN of Washington. Mr. Chairman, I rise today in support of this amendment. There are three issues that are really driving my support for this amendment. One is the ag economy in my district is in as much desperation as any other district in this country. Second, one of the issues affecting my farmers is suburban encroachment. They need help to continue farming. The third is the listing on the Endangered Species Act of the Puget Sound Chinook salmon, which is wreaking havoc for my family farms.

Having a strong conservation title is important. When I went around my district in April, my farmers asked for three things in a farm bill, a strong trade title, strong research and a strong conservation title. I have learned a lot from the farmers in my district. I have also learned a lot from two people on the committee, the chairman and the ranking member. I want to thank them for the hard work that they have put in to getting the farm bill as far as it has gone. But for my farmers in my district, having a strong conservation title is critically important, which is why I stand today in support of the Kind amendment.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank the gentleman for yielding me this time.

Mr. Chairman, I represent an area that should be the target population for this amendment, a State that does not benefit from the traditional commodities programs, a State that has a tremendous agricultural base, a lot of family farms. But contrary to what the propaganda has been that has been put out there, this bill gives the perception that the money is going to States like Florida, like fruit and vegetable producing States that do not have the grains, but it takes it away with these size limitations.

Forty percent of the dairy farms in Florida would not qualify for any of the benefits placed under the Kind amendment. Ninety percent of the poultry farms would not qualify as put out by our Commissioner of Agriculture in a letter to the delegation this morning.

It is time for some of those environmental groups and sportsmen's groups to pull off the interstate, step out of the Range Rover, get your feet dirty and see what farmers need. Farmers need the ability to continue to produce food and fiber for this Nation. Farmers need the ability to stay in business, with working lands, with productive lands, with assistance to do what they want to do, to raise crops, to grow livestock, not to raise government payments, not to harvest checks from the mailbox, not to be a part of an environmental movement.

If the farm organizations were going to benefit from this program, then how come none of them support this amendment? Do not scratch our ear and walk us to the kill floor. This amendment is bad for farmers. It is bad for agriculture. It is time that we step back and support the original bill that bumps up conservation support, encourages good stewardship of the land and reinforces private property rights and entrepreneurial spirit in the United States and in the agricultural economy.

Mr. BOEHLERT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Boehlert-Kind-Gilchrest-Dingell amendment that will strengthen our existing conservation programs. The amendment embodies many of the important provisions that encourage all agricultural developers to participate in Federal conservation programs. It will help farmers and ranchers improve water quality, protect farmland from urban sprawl, preserve critical wildlife habitat, as well as provide farmers with technical assistance to implement such conservation measures.

□ 1630

The amendment also provides additional funding for small farmers and ranchers to participate in conservation programs. They have in the past been deterred from participating in those programs because of funding shortages.

The amendment provides $1.9 billion above the current amount included in H.R. 2646 for conservation programs. This additional funding for maintaining and expanding the programs does not increase the cost of the farm bill. The amendment simply shifts funds from commodity programs to conservation programs that reach more farmers in more areas of the country. In addition, the amendment does not reduce the amount of funding commodity programs receive. These programs would still receive funding above the average level of the last 10 years.

Maryland conservation efforts will benefit from this increased conservation funding, as will those from other States. The funding for the Conservation Reserve Program, especially for grass and tree buffers near water bodies, would help reduce agricultural pollutants in many Maryland watersheds. In addition, suburban sprawl is swallowing many parts of Maryland. Without some farmland and protection money to pay farmers for the development rights, even more farmland would be lost.

Mr. Chairman, I certainly urge all Members to vote in favor of this amendment.

The CHAIRMAN pro tempore (Mr. HANSEN). The Chair would announce that the gentleman from Wisconsin (Mr. KIND) has 3½ minutes remaining and will be first to close; the gentleman from Texas (Mr. STENHOLM) has 2 minutes remaining and will be second to close; the gentleman from New York (Mr. BOEHLERT) has 2 minutes remaining and will be third to close; and the gentleman from Texas (Mr. COMBEST) or the gentleman from Oklahoma (Mr. LUCAS), as the case may be, has 2 minutes remaining and will close.

Mr. KIND. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I was on a hike one day in the northern part of my district, crossing it with my wife, and we ran across this farmer who was working in his fields. He came out to greet us. He had an orange that he took out of his knapsack and started to peel it and stopped, and he held it in his hand and he said to me, "Look at this." I looked. And he said, "See my thumbnail around this orange?" I said "Yes." He said, "That is what we have left of prime agricultural land on the planet Earth."

We are losing 68 square miles of prime agricultural land in the State of Michigan every year. That is comparable to the size of two townships.

Our current backlog request for conservation measures is $45 million. Approximately 88,000 square miles of Great Lakes Basin are devoted to agriculture; yet we lose 63 million tons of top soil from farmland basins each year in our State.

We have got a huge problem with unchecked combined animal feeding operations in the southwest part of our State, raising serious environmental problems. If you do not believe that, ask the people in Milwaukee, Wisconsin, where 104 people died of cryptosporidium that was thought to be caused by animal waste.

Above all, we need to remember that our farmers play a crucial role in preserving our environment, and we should never forget that they are truly the stewards of our land. This amendment does that. It takes care of our land.

The amendment will provide a 63 percent increase in conservation dollars for Michigan farmers. It will increase funding for farmland protection programs so that family farmers can stay in business, despite threats of sprawl and over development.

Finally, and perhaps most importantly, it makes a long-term investment in the rural heritage of our country.

I urge my colleagues to support the Kind amendment.

Mr. KIND. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all I want to thank the chairman and ranking member and my other colleagues on the Committee on Agriculture for the obvious hard work all of us have put in in trying to craft the next farm bill. This is not easy stuff.

I want to commend my colleagues for the spirited debate we had on the floor today. This is what democracy is all about. It is being able to raise varying issues, have a discussion about them, and then ultimately a vote. But, again, let me just emphasize a couple of key points in this.

The current commodity subsidy recipients now are going to be getting double the amount of subsidy payments, even under our own amendment under this new farm bill, so it is not like they are going to be experiencing a net loss or we are taking something away. We are only saying that perhaps a little bit of the huge increase that they are going to be getting could be shifted into these voluntary conservation programs so all farmers in all regions will be able to benefit.

There are some who have claimed that we need to send the money to those who are producing the food in the country. I agree. But let us also remember, 70 percent of the farmers in this country are not receiving any commodity subsidies at all; yet those 70 percent of farmers are producing 80 percent of the food market value in this country. I think the time has come to include them into the farm bill and the benefits of the farm bill in a fair and more equitable fashion with the societal benefits that our amendment would also bring.

Mr. Chairman, I urge my colleagues to support our amendment.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is not by accident that this Nation has the most abundant food supply, the best quality of food, the safest food supply, at the lowest cost to our people of any country in the world. It is because our agricultural policy has been balanced.

This bill today is more than just commodities and conservation. It is also forestry, trade, research, nutrition, rural development, and credit.

The Committee on Agriculture had a difficult time. We had to fit it within a $73.5 billion budget. Therefore, we had to make tough choices, and that is what we did.

To those who support the amendment today, who I most ardently oppose, let me point out to our colleagues, we are spending on the same programs; it is just the amount of money that you are wanting to spend.

The backlog that everybody has talked about, 561,000 acres in the wetlands reserve, we provide in our $1.5 billion, three times the backlog. In the environmental quality program that the gentlewoman from Connecticut (Mrs. JOHNSON) spoke about a moment ago, we put $800 million more into it than the amendment. In the wildlife habitat, 3,017 applicants for $19 million, we put $385 million. Farmland protection, the backlog, $281 million, we put $500 million.

We meet the needs of the environmental community. This is the greenest farm bill that has ever passed this Congress, and I support it enthusiastically. I oppose the amendment. The amendment will do drastic harm to all of the causes that those who support the amendment profess to believe that they will help.

Mr. BOEHLERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the bipartisan and geographically dispersed sponsors of my amendment and the administration looked at the base bill and drew the same conclusions.

Let me read from the statement of administration policy: "The administration believes it is possible to craft a policy that is better for rural America, better for the environment and better for expanding markets for our producers than H.R. 2646." We agree. That is why we have sponsored this amendment.

The administration says: "H.R. 2646 misses the opportunity to modernize the Nation's farm programs through market-oriented tools, innovative environmental programs, including extending benefits to working lands and aid programs that are consistent with our trade agenda." We agree. That is why we sponsored this amendment.

The administration notes that the base bill fails to help farmers most in need, those in serious financial straits, especially smaller farmers and ranchers. We agree. That is why we support this amendment.

The administration observes that nearly half of all recent government payments have gone to the largest 8 percent of farms, usually very large producers, while more than half of all U.S. farmers share in only 13 percent of the payments. H.R. 2646 would only increase this disparity. We agree. That is why we support this amendment.

The farmers who do not receive commodity payments, 70 percent of all farmers produce 80 percent of the value of all agricultural products. If you want to help farmers, if you want clean water, if you want open space, vote for our amendment.

Let me observe, we have heard all day that the bill already increases conservation funding, and it does. But it puts that increase almost exclusively in one program, then it changes the rules to target the program to the largest farmers in the fewest number of States.

I say vote for the Boehlert-Gilchrest-Kind-Dingell amendment. Support America's farmers. Take care of the little guy. I urge passage of the amendment.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield myself the balance of my time.

First of all, I would like to take note that the administration does not endorse this amendment. Nowhere do I see the administration endorsing the Kind amendment. Furthermore, when the question comes to the big picture of agriculture, perhaps some of the bureaucrats within the administration do not fully appreciate everything that we see going on. So they may be wrong in their general statement about it.

But let us remember this: we have passed comprehensive farm bills since 1933, and the goal of every farm bill is ultimately to provide a safe supply of food and fiber to dress and feed this great Nation. And we have succeeded so well; we have never known a famine in this country in the history of Federal farm policy. That is nothing short of incredible.

Now, the question about backlogs and the needs out there for conservation, we had hearings at full committee, we had hearings at subcommittee. We listened to 23 groups. We listened to everybody who had an interest in this issue, and we addressed every one of their needs.

In the first year of funding in this bill, whether it is EQIP or farmland or every other provision of conservation, we address the needs. We wipe out the backlog, and we go farther. We go farther; $37 billion to be spent on conservation over the next 10 years. It is amazing.

If you had said 10 years ago we could do that, people would have thought you were crazed. If you said 30 years ago we could do that, they would have even been even more amazed.

We have risen to the occasion on the committee, we have addressed all of the needs out there, and we have done it within the resource allocation given to us by the Committee on the Budget.

Yes, we still take care of production agriculture. You will still be able to eat; you will still be able to dress in this country, thanks to the American farmer and rancher. We owe them this.

And, oh, yes, do not forget those conservation programs are cost-share, so when that farmer and rancher is doing things to preserve the soil and water, the wildlife, he is putting down a big chunk of his or her own money. There is nothing free about this.

American farmers and ranchers are the ultimate stewards of the soil, of water, of the wildlife, of the environment, the ultimate stewards; and in this bill we help them become even better stewards, using their resources and some Federal resources together.

Mr. Chairman, let us defeat this amendment, let us pass this bill, let us get on with the agenda of the future of production of agriculture and the environment in this country, and start our hearings on the next bill.

Mrs. KELLY. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York, Mr. BOEHLERT.

I rise in support of the amendment offered by my colleague from New York, Mr. BOEHLERT.

This proposal significantly increases the investment in an array of important programs which are critical to conservation efforts in my state of New York and in other states across the country: the EQIP program, the Farmland Protection Program, the Wetlands Reserve Program, the Conservation Reserve Program, and the Wildlife Habitat Incentives Program.

This amendment will help us reach more farmers in more parts of the country. And will assist these farmers in their efforts to protect and restore the health of their land and the livability of their communities.

So I thank my colleagues—Mr. BOEHLERT, Mr. KIND, Mr. GILCHREST, and Mr. DINGELL—for their work on this proposal, and offer my strong support for this amendment.

Ms. KAPTUR. Mr. Chairman, I rise in support to the Boehlert-Kind-Gilchrest-Dingell amendment. It puts added emphasis on conservation programs, and offers more resources based on conservation to all farmers, rather than a limited group.

There is nothing more precious than our land. Without it, we cannot sustain life. Without appropriate measures of assistance, too many producers of row crops, as well as fruits, vegetables and livestock—all find themselves without the ability to undertake the full degree of conservation practices necessary.

At the same time, one of the most significant issues facing our communities is urban sprawl. Across the Nation more than 90 million acres of farmland are threatened by sprawl, and we lose more than 2 million acres every year to development. Unplanned and inefficient development is consuming land at twice the rate of population growth. The Boehlert-Kind-Gilchrest-Dingell amendment provides funding for conservation programs that can help alleviate the consumption of valuable, productive agricultural lands. While putting greater emphasis on conservation.

Why should funding be increased for conservation programs that protect farmland from development?

Sprawl cost taxpayers more dollars for new infrastructure. Farmland or open space generates only 38 cents in costs for each dollar in taxes paid, whereas residential development requires $1.24 in public expenditures for every dollar it generates in tax revenues.

Farms located near urban centers serve as the primary source of fresh, locally grown food. Seventy-nine percent of our fruit, sixty-nine percent of our vegetables, and fifty-two percent of our dairy goods are produced on high quality farmland that is threatened by urban growth. One-third of America's agricultural production occurs on farms near cities. America cannot afford to squander this resource.

Cities and towns can save billions of dollars in municipal water treatment costs. Protecting wetlands and streams prevents costs of water treatment systems downstream.

We know that there is great concern on the part of the Agriculture Committee about the offsets provided by this amendment. The sponsors of the amendment have attempted to target these reductions in a fashion to minimize the impact on over 90 percent of all producers receiving payments.

But keep certain facts in mind. First, even though the last Farm Bill was for seven years, it did not go untouched during its life. If anyone of us here today truly believes that this is the last time we will visit the farm bill until 2011, you have far greater faith than I. There always remains room for improvement.

Second, the emergency programs that we have seen in recent years did not treat producers fairly. Many growers in my district told me how unfair they thought they were, and this included some of the growers receiving the benefits. Even though the bill before us today suggest that it will avoid the problems of emergency bills, it still fails to correct many of the imbalances that exist in the current program, and it fails to provide a broad range safety net for other producers. Where is the Freedom to Farm in protection for some commodities but not for others?

We are at a stage where we need a broad recasting of our farm policy. We need programs that promote conservation. We need to provide support for alternative products like biofuels. We need new thinking, higher value added not old hat solutions.

I urge a "yes" vote on the Boehlert-Kind-Gilchrest-Dingell amendment.

Ms. LEE. Mr. Chairman, I rise in strong support of the Boehlert-Kind-Gilchrest-Dingell amendment.

This amendment to the farm bill will help farmers help the environment by providing funding for vitally important conservation efforts. These include: the Conservation Reserve Programs; restoration of 250,000 acres of wetlands; increased funding for Wildlife Habitat Incentives Program; and the creation of a 3-million-acre grassland reserve.

According to the Kansas City Star and in a recent poll, 75 percent of Americans want conservation to be included in any farm package established by the U.S. Government.

The farm bill, in its current form, excludes equitable relief for 60 percent of farmers. These farmers currently do not receive any benefits from the traditional commodity support programs. This amendment redistributes money more widely and equitable to producers and also improves the environment.

This bill would also save billions of dollars in municipal water treatment costs and would reduce erosion and sediment in the water by providing natural buffers along rivers and streams.

In the past, the U.S. Department of Agriculture opposed small farmers', ranchers', and forest landowners' requests for assistance in order to restore lost habitat. Also, according to the Bush administration, payments have gone to the largest 8 percent of farms, while more than half of all U.S. farmers share only 13 percent of the payments.

As we establish a legislative framework to assist with land cultivation, we must also invest in sound environmental policies and practices.

The Boehlert-Kind-Gilchrest-Dingell amendment is supported by numerous organizations including: the League of Conservation Voters, the Water Environment Federation, the National Association of Water Companies, the U.S. Conference of Mayors, Ducks Unlimited, Trout Unlimited, the Izaak Walton League, and Defenders of the Wildlife.

I urge my colleagues to join me in voting "yes" for the Boehlert-Kind-Gilchrest-Dingell amendment.

Mr. MCINTYRE. Mr. Chairman, I would like to take this opportunity to thank the gentlemen from Texas, Chairman COMBEST and CHARLIE STENHOLM, not only their hard work in crafting this farm bill, but also for the way in which they worked with members from all areas of the country to make sure we had the best bill that could have been drafted under the tough circumstances we faced.

This bill will go a long way to help many of the producers that I represent in southeastern North Carolina, and believe me: the timing could not have come sooner. The agriculture sector is struggling in America, and farmers need our help. This bill provides an additional $73.5 billion for agriculture and our rural communities during a time they need it most.

However, I would like to mention one area that could have used additional funding. For the past 6 years, peanut producers have been operating under a price support system that guaranteed $610 per ton of peanuts. During this time, the farmers' input costs, such as fuel and fertilizer, have also steadily increased, squeezing already thin profit margins. This bill changes the current program, and I fear North Carolina peanut producers will earn even less, only exacerbating farm sales in my area. Therefore, as this bill moves forward, I hope additional funds will be found for peanut producers.

Nonetheless, Mr. Chairman, this is a good bill overall; I urge my colleagues to support it.

Mr. UDALL of Colorado. Mr. Chairman, I support this bipartisan amendment because it will help farmers and ranchers to be even better stewards of their lands.

Farmers provide the backbone of America by putting food on our tables. But agriculture is a hard business.

Food prices fluctuate for a number of reasons, which in turn can affect the demand and price for certain crops. Poor crop prices hit farmers were it hurts the most—the pocketbook. When a farmer is having trouble taking care of his or her own family, taking care of the land can become a less important priority.

But we can change that with this amendment, which will put a new and greater emphasis on successful conservation programs.

The Wetland Reserve Program, the Wildlife Habitat Incentives Program, Farmland and Ranchland Protection Program, and the Conservation Reserve Program are just a few of the programs that are the focus of the amendment.

These programs give incentives to farmers to restore wetlands, improve natural habitats for endangered species and hold the line against urban sprawl by preserving open space.

Farmers and ranchers want to participate in these programs. Unfortunately, many cannot. These programs have not had the resources to allow everyone who qualifies to take part. This amendment will go far to remedy that situation.

This farm bill will leave a lasting mark and provide the direction for American farm policy for the next 10 years. So, it is important that we make it as good as we can. Passing this amendment will be a big, important step in that direction.

I urge adoption of the amendment. If we do we will strengthen our family farms while making conservation an even bigger part of the foundation of our farm policy.

For the benefit of my colleagues, I would like attach an editorial that was printed in the Denver Post that helps illustrate why we need to pass this important amendment.

AID FARMERS AND ENVIRONMENT

Ever since Franklin D. Roosevelt's New Deal tried to stabilize farm prices during the Great Depression, laws passed by Congress have waged a losing fight against the laws of economics.

This year, four U.S. representatives—Sherwood Boehlert, R-N.Y.; Ron Kind, D-Wis.; Wayne Gilchrest, R-Md.; and John Dingell, D-Mich.—are trying to introduce a note of realism into U.S. farm policy by amending key parts of their Working Lands Stewardship Act, HR 2375, into the latest farm bill.

To understand why the new approach is promising requires a quick look at why the old one failed. Low farm prices are caused by an oversupply of farm commodities. Seven decades of subsidies haven't cured that problem because—by definition—subsidies encourage more production of the very commodities that are already in oversupply.

To be sure, for more than 60 years, the U.S. imposed half-hearted restrictions on production of subsidized crops. But a farmer who planted 100 acres of wheat and later received a 90-acre allotment invariably tore up his or her least productive land. Then, that supposedly "idled" land would be sown with millet, barley or some other unsubsidized crop—as allowed by the subsidy law—and thus go on contributing to the overall surplus of feed grains.

The 1996 Freedom to Farm Act separated subsidies from production and supposedly intended to phase out subsidies entirely in seven years. But the Asian currency collapse ruined U.S. export markets, farm prices plunged and Congress hurriedly renewed the counterproductive policy of subsidizing overproduction.

The Boehlert amendment is designed to help farmers and the environment alike by diverting $5.4 billion per year from subsidies to conservation. Instead of merely diverting acreage from one crop to another as the discredited allotment system did, the Boehlert amendment pays farmers to put more land into conservation programs, including:

The Environmental Quality Incentives program, which helps farmers and ranchers preserve watersheds.

The Wildlife Habitat Incentives Program, which helps landowners enhance wildlife habitat.

The Wetlands Reserve Program, which protects, preserves and restores wetlands on marginal soils.

The Grassland Reserve Program, which authorizes preservation of 3 million acres of fragile grasslands that should not be plowed.

The Conservation Reserve Program, a long-term cropland retirement program that enables producers to convert highly erodible or environmentally sensitive cropland to cover crops.

The environmental benefits of such programs are obvious. The benefit for the farmers who receive such payments is equally clear. But even farmers who don't participate in such programs also benefit indirectly—because taking environmentally fragile farmland out of production also reduces the surpluses that keep farm commodity prices at ruinous levels.

For nearly seven decades, Congress fought the law of supply and demand—and the law of supply and demand won. It's high time to stop subsidizing the very overproduction that causes the need for subsidies in the first place.

We urge all members of Colorado's congressional delegation to support the Boehlert amendment.

Ms. ESHOO. Mr. Chairman, as a cosponsor of the Working Lands Stewardship Act, I rise in strong support of the Boehlert-Kind-Gilchrest-Dingell amendment to H.R. 2646.

Like the Working Lands Stewardship Act, this amendment will substantially increase resources for farm conservation. American farmers are the most productive in the world and are responsible for the largest export sector in our economy. Yet our farmers are also sensitive to the environment on which they depend for their livelihoods. The competition for federal farm conservation programs proves this fact. Three of every four applications for conservation programs are turned down because of a lack of funding.

Clearly, American farmers want to be good stewards of the environment and want greater funding for conservation programs. This amendment provides these resources.

The amendment will also provide more equity to farmers who do not grow traditional commodity products, such as corn, soybeans, and wheat. In my district, farmers grow specialty crops, such as brussels sprouts, which are eligible for commodity assistance. Through this amendment, more of these farmers will be eligible for federal assistance under conservation programs.

This investment will not only benefit our farmers, it will benefit our environment, protect wildlife habitats and wetlands, and promote organic and environmentally friendly farming techniques.

I urge my colleagues to vote for the Boehlert-Kind-Gilchrest-Dingell amendment.

Mr. RAMSTAD. Mr. Chairman, I rise in strong support of the Boehlert-Kind-Gilchrest conservation amendment to H.R. 2646, the farm bill of 2001.

Based on the Working Lands Stewardship Act, this important amendment would go a long way to protect and preserve the environment through existing, voluntary, incentive-based conservation programs.

Mr. Chairman, our farm policy should reward farmers and ranchers when they meet our Nation's environmental challenges. As we all know, two of three farmers currently seeking USDA conservation assistance are denied due to lack of funding. Unless we increase conservation funding, one-third of our rivers and lakes will remain polluted, millions of acres of open space will be lost and scores of species will become extinct.

This critical conservation amendment will improve water quality, protect against flooding and provide a safe haven for wildlife. That's why it's so important to not only rural America, but suburban and urban America as well. After all, preserving and protecting the environment is an obligation all Americans share.

The committee's bill is totally inadequate as a conservation measure because it fails to tie government farm payments to conservation practices, and the funding for conservation programs is clearly insufficient.

The amendment before us is absolutely essential to increase access to the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), the Grasslands Reserve Program (GRP), and the Wildlife Habitat Incentives Program (WHIP).

Let's pass the Boehlert-Kind amendment. Let's do the right thing for America's future and increase conservation of our precious natural resources.

Make no mistake about it. This vote is one of the most important environmental protection votes of the decade. I urge a "yes" vote for this critical conservation amendment.

Mr. KUCINICH. Mr. Chairman, as a representative of an urban district, I am proud to express my strong support for the Boehlert-Kind-Gilchrest-Dingell amendment.

My citizens in Parma, OH, a suburb of Cleveland, have been struggling for over a year to save wetlands in their city from development. A century of sprawl has left only 153 acres of wetlands there. These wetlands are part of a watershed of the Cuyahoga River, an American Heritage river that feeds into Lake Erie, and these wetlands are critical to ecological health. The citizens in my district, in their effort to set wetlands aside and restore them, need a federal solution.

The programs in the Boehlert-Kind-Gilchrest-Dingell amendment are needed now more than ever to help. These programs are critical in order to preserve urban greenspace and dedicate resources to wetland preservation before development takes over all greenspace and wetlands.

The Boehlert-Kind-Gilchrest-Dingell amendment would help protect the more than 90 million of acres of farmland that are currently threatened by sprawl by increasing funding to $100 million for FY2002 and increasing this amount through 2011. It would protect urban greenspace by boosting mandatory funding to $50 annually through 2011.

These programs are crucial to cities across America. My citizens are struggling with the problems of sprawl and lack of wetlands protection now. Small, individual communities and farmers don't have the planning strategy and resources to effectively prevent these problems. There is a need for the programs and funding in this amendment, and this need existed years ago. This amendment is overdue.

We should approve this amendment so other communities don't have to put up the same fight to save greenspace in their cities, and I urge my colleagues to vote for the Boehlert-Kind-Gilchrest-Dingell amendment

Ms. SLAUGHTER. Mr. Chairman, I rise today in support of the Boehlert-Kind-Gilchrest-Dingell amendment to H.R. 2646, the Farm Security Act of 2001. This amendment would expand Federal conservation efforts and more equitably distribute federal funds from USDA income support programs.

The Boehlert-Kind-Gilchrest-Dingell amendment would expand several conservation programs that are incredibly beneficial to farmers in my home State of New York, as well as farmers across the country. According to USDA, New York State received only 0.53 percent of the total conservation funding. We can do much better.

In fact, 34 States fare better under this amendment than under H.R. 2646. By shifting just 15 percent of the $12 billion spent annually on commodities from these programs to conservation, more farmers in more States will get assistance. Programs such as the Environmental Quality Incentives Program, Farmland Protection Program, Wetlands Reserve Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program are all improved to address the needs of smaller and disadvantaged farmers more adequately.

In addition, New York farmers receive only about 0.65 percent of the total Federal crop funding. This amendment would ensure that noncommodity crop producers are eligible for a larger share of Federal farm spending, which is currently concentrated in select States.

In fact, farmers in New York, as well as those in California, Florida, North Carolina, and Pennsylvania receive only 3 cents in Federal funds for every dollar they earn, compared with the 20 cents per dollar received by farmers in the Great Plains States.

However, this measure does not destroy the safety net for commodity producers. Under the Boehlert-Kind-Gilchrest-Dingell amendment, producers—even the top 10 percent of producers—still get higher payments than the average of the past 10 years, and many times more than they were slated to receive under the last farm bill.

In fact, the Bush administration agrees that H.R. 2646 directs Federal payments to those with the least need, saying yesterday that "there is no question that some of our Nation's producers are in serious financial straits, especially smaller farmers and ranchers. Rather than address these unmet needs, H.R. 2646 would continue to direct the greatest share of resources to those least in need of government assistance."

Many prominent State agencies, agricultural and conservation groups have endorsed the Boehlert-Kind-Gilchrest-Dingell amendment to H.R. 2646, including the New York State Department of Agriculture, the Audubon Society, and the Wildlife Management Institute. This amendment is a step forward in our efforts to ensure the future of American agriculture and preserve our environment simultaneously. I urge my colleagues to support this important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 226, not voting 5, as follows:

[Roll No. 366]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Berman
Biggert
Bilirakis
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Ehrlich
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fossella
Frank
Frelinghuysen
Gephardt
Gilchrest
Gilman
Goss
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Harman
Hart
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reynolds
Rivers
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Sununu
Sweeney
Tauscher
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Walsh
Waters
Watson (CA)
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bentsen
Bereuter
Berkley
Berry
Bishop
Blagojevich
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr

Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Carson (OK)
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Evans
Everett
Flake
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Ganske
Gekas
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kingston
Knollenberg
LaHood
Lampson
Largent
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Mica
Miller, Gary
Mink
Moore
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Radanovich
Regula
Rehberg
Reyes
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Rush
Ryun (KS)
Sabo
Sandlin
Schaffer
Schrock
Scott
Sessions
Shadegg
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Traficant
Turner
Vitter
Walden
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

### NOT VOTING—5

Burton
Collins
Gibbons
Houghton
Visclosky

□ 1706

Messrs. ROGERS of Michigan, RILEY, THOMAS, HUNTER, and RUSH, and Mrs. MEEK of Florida changed their vote from "aye" to "no."

Ms. MILLENDER-McDONALD changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 8 OFFERED BY MR. BLUMENAUER

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### VACATING REQUEST FOR RECORDED VOTE ON AMENDMENT NO. 8 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, since my request for a recorded vote on my amendment that would have banned interstate transfer of game birds for cockfighting purposes, I have had conversations with the Chair and ranking member of the Committee.

I would like to express my appreciation for their commitment to work to keep these provisions in the bill, I would like to acknowledge it, and accordingly, I ask unanimous consent to withdraw my request for a recorded vote and ask that that be vacated, and that the question on agreeing to the amendment be put to the Chamber de novo.

The CHAIRMAN pro tempore. Without objection, the demand for a recorded vote is vacated.

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

### AMENDMENT NO. 16 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. CONYERS:

In title V, strike section 517 and redesignate succeeding sections (and amend the table of contents) accordingly.

At the end of title IX, insert the following:

**SEC. 9 . TRANSPARENCY AND ACCOUNTABILITY FOR MINORITY AND DISADVANTAGED FARMERS.**

(a) PURPOSE.—The purpose of this section is to ensure compilation and public disclosure of data critical to assessing and holding the Department of Agriculture accountable for the equitable participation of minority, limited resource, and women farmers and ranchers in programs of the Department.

(b) USE OF TARGET PARTICIPATION RATES IN ALL DEPARTMENT OF AGRICULTURE PROGRAMS FOR FARMERS AND RANCHERS.—

(1) ESTABLISHMENT.—For each county and State in the United States, the Secretary of Agriculture shall establish an annual target participation rate equal to the number of socially disadvantaged residents in the political subdivision in proportion to the total number of residents in the political subdivision. In this section, the term "socially disadvantaged resident" means a resident who is a member of a socially disadvantaged group (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act).

(2) COMPARISON WITH ACTUAL PARTICIPATION RATES.—The Secretary shall compute annually the actual participation rates of socially disadvantaged and women farmers and ranchers as a percentage of the total participation of all farmers and ranchers, for each program of the Department of Agriculture in which a farmer or rancher may participate. In determining these rates, the Secretary shall consider the number of socially disadvantaged farmers and ranchers of each race or ethnicity, and the number of women participants in each county and State in proportion to the total number of participants in each program.

(c) COMPILATION OF ELECTION PARTICIPATION DATA, AND PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.—Effective 90 days after the date of the enactment of this section, section 8(a)(5)(B) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 509h(a)(5)(B)) is amended by adding at the end the following:

"(v)(I) The committee shall publicly announce at least 10 days in advance the date, time, and place where ballots will be opened and counted. No ballots may be opened until such time, and anyone may observe the opening and counting of ballots.

"(II) Within 20 days after the elections, the committee shall compile and report to the State and national offices the number of eligible voters in the county and in each open local administrative area or at large district, the number of ballots counted, the number and percentage of ballots disqualified, and the proportion of eligible voters compared to votes cast. The committee shall further compile, in each category above, the results aggregated by race, ethnicity, and gender, as compared to total eligible voters and total votes. The committee shall also report as provided above, the number of nominees for each open seat and the election results, aggregated by race, ethnicity and gender, as well as the new composition of the county or area committee.

"(III) The Secretary shall, within 90 days after the election, compile a report which aggregates all data collected under subclause (II) and presents results at the national, regional, State, and local levels.

"(IV) The Secretary shall analyze the data compiled in subclauses (II) and (III) and within 1 year after the completion of the report referred to in subclause (III), shall prescribe (and open to public comment) uniform guidelines for conducting elections for members and alternates of county committees, including procedures to allow appointment as voting members of groups, or methods to assure fair representation of groups who would be demographically underrepresented in that county.".

(d) REQUIREMENTS FOR ELECTRONIC, WEB, AND PRINTED DISCLOSURE OF DATA.—The Secretary shall compile the actual number of farmers and ranchers, classified by race or ethnicity and gender, for each county and State with national totals. The Secretary shall, for the current and each of the 4 preceding years, make available to the public on websites that the Department of Agriculture regularly maintains, and in electronic and paper form, the above information, as well as all data required under subsection (b) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act, at the county, State, and national levels in a manner that allows comparisons among target and actual program and election participation rates, among and between agricultural programs, among and between demographically similar counties, and over time at the county, State and national levels.

(e) REPORT TO CONGRESS.—The Secretary shall maintain and make readily available to the public all data required under subsections (b) and (d) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act collected annually since the most recent Census of Agriculture. After each Census of Agriculture, the Secretary shall report to Congress and the public the rate of loss or gain in participation by each group, by race, ethnicity, and gender, since the previous Census of Agriculture.

(f) ACCOUNTABILITY.—The Secretary may also use the above data, including comparisons with demographically similar counties and with national averages, to monitor and evaluate election and program participation rates and agricultural programs, and civil rights compliance, and in county committee employee and Department of Agriculture employee performance reviews, and in developing outreach and other strategies and recommendations to assure agriculture programs and services meet the needs of socially disadvantaged and women producers.

(g) CONFORMING AMENDMENT.—Section 355(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2005(c)(1)) is amended to read as follows:

"(1) ESTABLISHMENT.—In paragraph (2), the term 'target participation rate' means, with respect to a State, the target participation rate established for purposes of subtitle B of this title pursuant to section 9 (c)(1) of the Farm Security Act of 2001.".

### MODIFICATION TO AMENDMENT NO. 16 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to replace the amendment with a conforming amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 16 offered by Mr. CONYERS:

In title V, strike section 517(a).

Conform the section heading (and table of contents) accordingly.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. CHAMBLISS. Mr. Chairman, reserving the right to object, I would just like to engage in a colloquy with the gentleman from Michigan.

This particular amendment offered by the gentleman from Michigan deals with a provision that I asked to be inserted in the bill and was inserted during the course of the markup in the Committee on Agriculture, and it did pass and is in the mark.

The particular provision deals with direct operating loans made by the Farm Service Agency to farmers versus guaranteed operating loans that are made by the Farm Service Agency that are guaranteed by banks.

The problem that I seek to address with this particular provision is that the default rate on loans, direct loans made by the Federal Government, is somewhere historically in the 10 to 12 to 14 percent range, whereas the default rate on guaranteed loans has historically been more in the range of 1 to 2 to 3 percent.

Now, that is a lot of money that the Federal Government is losing because of the direct operating loans made by the bank. What we simply sought to do was to basically get the government out of the farm lending business and let the financial institutions make those loans.

The gentleman, I understand, has agreed to modify his amendment, which I am willing to accept, because what we asked for in addition to the sunset was a study to be done by GAO on the guaranteed as well as the nonguaranteed loans. I am perfectly willing to do that, and we agreed to modify the sunset provision.

But I wanted to explain exactly why we did ask for this provision. It is not directed to any particular group of farmers around the country or types of farmers around the country, but if we are losing money on these loans and the banks are not, we need to know what we are doing wrong.

With that, I will refer back to the gentleman, on his amendment.

□ 1715

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. Reserving the right to object, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I wanted to thank the gentleman for his statement and for his understanding that we have a serious problem here with the minority farmers in America, the black farmers in particular.

We have got a problem here with the participation rates, with the Farm Service Agency, county committee elections and a number of other very genuine concerns. What I thought might be appropriate and part of our agreement, Mr. Chairman, is that we proceed at some expedient time to have hearings in the committee on these aggregate issues that are before us. Is that part of the Chairman's understanding?

Mr. CHAMBLISS. Mr. Chairman, that is a fair request and we are absolutely willing to work with the gentleman on doing that.

Mr. CONYERS. Mr. Chairman, I am very glad to hear that. As the gentleman knows, there are a number of organizations that are working with us on this because we have these elections procedures that also are part of the review that we would like the Committee on Agriculture to make.

So with those understandings I would be happy to yield to the gentlewoman from North Carolina if she wanted to add something, or she can secure time on her own.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. Mr. Chairman, further reserving the right to object, I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman from Michigan (Mr. CONYERS) for his leadership in this issue.

There were two issues that this amendment addressed. One was the direct loan being sunset, denying disadvantaged and small farmers and ranchers the opportunity to go directly to the Department of Agriculture and borrow money other than through the guarantee loans. Many of us felt that to deny that opportunity would deny small farmers and ranchers an opportunity that more secure persons had. So we felt very strongly and I thank the gentleman for raising that.

I understand that what the gentleman has done is to say that he is willing to strike that altogether and just have the study.

Mr. CHAMBLISS. Mr. Chairman, that is correct. We have worked with the gentleman from Michigan (Mr. CONYERS) earlier to strike that sunset provision. We will proceed ahead with the studies that we had in there as another part of it. We will have hearings on it after the studies are done and we will see what is the best route to take.

Mrs. CLAYTON. Mr. Chairman, the other part of the Conyers amendment spoke to the civil rights issues both in the equity and distribution of Farm Services that are administered through Farm Services, whether they are loans, technical assistance or environmental programs. The array of programs we give all farmers. We wanted public record of that so that we knew that that would be going to all farmers equitably, without regard to race, without regard to gender or size.

The second part of that was a fair distribution of the election of the committee. My understanding on that was that we would have hearings to vet that and come to see how we could get a more fair representation on the committee and have some public disclosure on how public funds were being spent in various counties. Am I correct in my understanding?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, the gentlewoman has stated it perfectly.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I just want to share with the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from Michigan (Mr. CONYERS) my total cooperation with the spirit of this unanimous consent request. The study will go forward, but there will be hearings to address all of the questions that are raised with this. I will be more than happy to work with the gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from Texas (Mr. COMBEST).

Mr. CHAMBLISS. I think the requests are fair and I look forward to working with my colleagues.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the modification?

There was no objection.

The CHAIRMAN pro tempore. The modification is agreed to.

Does the gentleman from Michigan (Mr. CONYERS) seek time on his amendment?

Mr. THOMPSON of Mississippi. Mr. Chairman, for more than 60 years, the Federal government has fostered rural development through farm credit and other programs that are vital to small farms. Small, minority, women and beginning farmers have often had no other access to credit than USDA and Farmers Home Administration.

The Conyers amendment preserves this traditional role as the "lender of last resort", maintaining open entry for a new generation of farmers by restoring the direct lending role that would otherwise end in five years.

The programs and services of the Federal government should be freely accessible and open to all who are eligible to receive them. Local participation has been one of the high-points of USDA programs for years. To make this goal a reality, Mr. Conyers has worked with the Majority to reinstate the direct lending provisions of H.R. 2646.

However, some farmers have been excluded who do not meet some local idea of eligible farmers. Minority farm loss in previous decades has skyrocketed at a rate more than three times that of other farmers. Between 1987 and 1997, an additional 20% of African-American farms were lost.

The lack of clear data on how many minority and women producers are on the land and participating in USDA programs is a critical barrier to any efforts to seek fairness.

To address this problem, it is my understanding that the majority has agreed to hold full committee hearings on the subject of equitable participation in the FSA county committee system. As a member of the Agriculture Committee, I expect that we will be able to recommend that target participation rates be computed for each county and state based on the total number of socially-disadvantaged residents in a county in proportion to the number of residents as a whole. This data would then be posted for each USDA program by county, state, and nationally on all USDA websites.

We want to ensure equitable participation by all farmers in county committee elections and to provide public information and oversight of elections. To accomplish these goals, the responsible course of action is to require the opening of all ballots be open to the public. Election results would be posted to the Internet and the Secretary would have authority to intervene when adequate representation is not achieved.

Mr. Chairman, the success of our smallest farmers depends largely the willingness of the Federal government to ensure a fair process. I submit that the Conyers amendment seeks to level a playing field that has operated to their disadvantage for some time. I urge my colleagues to support the Conyers amendment and vote for its passage.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Michigan (Mr. CONYERS).

The amendment, as modified, was agreed to.

### AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TRAFICANT:

At the end of title IX (page , after line ), insert the following new section:

**SEC. . COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES USING FUNDS PROVIDED UNDER THIS ACT.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, person, or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

(c) NOTICE TO RECIPIENTS OF FUNDS.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

### MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be modified with the language at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 1 offered by Mr. TRAFICANT:

Page 361, add after line 3 the following:

### TITLE X—REPORTS

**SEC. 1001. ANNUAL REPORT ON IMPORTS OF BEEF AND PORK.**

The Secretary shall submit to the Congress an annual report on the amount of beef and pork that is imported into the United States each calendar year.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request to the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this modification strictly says that shall be a study as to the impact of beef and pork being imported to America and it shall report back to the respective committees on these imports which affect our cattle and pork producers which have suffered some grave problems.

Mr. Chairman, I yield to the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding. We have had a discussion on this amendment and it is acceptable to us. I appreciate the gentleman's help.

Mr. TRAFICANT. We have seen news reels of farmers literally shooting their livestock. We have seen live hogs selling for 17 cents a pound. This basically is a study that will inform the leadership of our Congress as to the impact of foreign beef and pork into America, hogs and cattle.

Mr. Chairman, with that I ask that the amendment be accepted. I believe it makes sense that we should do this and have the exact quantification of the numbers and its impact on many small farmers who use land that is not necessarily able to produce good cash crops but can raise, in fact, good nutritious meat and other by-products.

Mr. Chairman, I yield to the distinguished chairman of the committee, the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Chairman, I am not sure about what the earlier statement that I did make that was not clear, but as I indicated, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished ranking member, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, we also accept the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment, as modified, offered by gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

### AMENDMENT NO. 41 OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer Amendment No. 41.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. MILLER of Florida:

Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

**SEC. 151. SUGAR PROGRAM.**

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (a), by striking "sugar." and inserting "sugar through the 2001 crop of sugercane and 17 cents per pound for raw cane sugar for the 2002 through 2011 crops of sugarcane.";

(2) in subsection (b), by striking "sugar." and inserting "sugar through the 2001 crop of sugar beets and 21.6 cents per pound for refined beet sugar for the 2002 through 2011 crops of sugar beets."; and

(3) in subsection (i), by striking "2002" and inserting "2011".

(b) Expiration of Marketing Assessment.—Effective October 1, 2003, subsection (f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is repealed.

(c) Increase in Forfeiture Penalty.—Subsection (g)(2) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended by striking "1 cent" and inserting "2 cents".

(d) Availability of Savings for Conservation and Environmental Stewardship Programs.—

(1) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture.

(2) Priority.—In using the funds appropriated pursuant to the authorization of appropriations in paragraph (3), the Secretary shall give priority to conservation and environmental programs administered by the Department of Agriculture that conserve, restore, or enhance the Florida Everglades ecosystem.

(3) Authorization of appropriations.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

Mr. MILLER of Florida. Mr. Chairman, before I begin, I yield to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank my friend for yielding.

I want to congratulate my colleagues, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER) on a worthwhile amendment.

Mr. Chairman, I rise in support of this amendment because reforming the sugar program will help clean up the Everglades. It will allow our constituents to keep their hard earned tax dollars instead of handing them over to sugar growers.

We are asking taxpayers to spend $8 billion to clean up the Everglades. At the same time—the sugar industry, which continues to pollute this national treasure, is being subsidized by those same taxpayers. Taxpayers should not be asked to support this program.

With my statement, I am submitting an editorial from the Orlando Sentinel illustrating the substantial damage the sugar program has done to the environment. Reforming the sugar program will help clean up the Everglades at a faster pace.

The current sugar program costs consumers over $1.9 billion per year according to the General Accounting Office (GAO). The program, which sugar growers claim operates at no net cost actually cost taxpayers $435 million last year when the growers forfeited roughly one million pounds of sugar. To compound that injury, all our constituents are helping to pay $1.4 million per month to store sugar the government can't get rid of.

If that isn't enough, the Orlando Sentinel article states that, Big Sugar is back asking for more government bailouts. Last summer sugar growers were bailed out again when $54 million worth of sugar was purchased by the Department of Agriculture. They emphasized that this wouldn't happen again, yet this year they had another payment in Kind program (PIK) where they told beet farmers, plow up $20,000 worth of sugar and we will give you $20,000 worth of sugar sitting in our warehouses. What a waste of money. We ask you to stand up to the attempts of the sugar growers to line their own pockets with your constituent's tax dollars.

The Miller-Miller Amendment:

Reforms but does not eliminate the program.

It is consistent with the Administration's principles that we should not rely on production controls and we should get away from government run price supports.

Makes the program more market-oriented by reduced support levels.

Protects the environment through reduced production.

Provides for savings to protect surplus.

Provides for increased funding for protecting the environment, particularly the Everglades.

The Miller-Miller amendment is an attempt to bring some sanity to this sugar program. It is supported by taxpayer, consumer, environmental and business groups from across the spectrum. It deserves your support.

[From the Orlando Sentinel, Oct. 1, 2001]

### Derail Sugar Aid

Our position: The sugar industry's attempt to protect itself is downright obscene.

The nation's financial needs in the wake of the horrific terrorist attack of Sept. 11 are staggering. The airline industry is on the verge of collapse. The markets are weak and volatile. America is struggling, emotionally and financially.

The sugar industry, though, seemingly couldn't care less.

While the nation mourns, sugar farmers have been scurrying around Washington in a fervent bid to protect their own interests. And they just might prevail. The U.S. House of Representatives is expected to take up a hastily conceived farm-aid bill this week. The package includes a provision that would, with a few minor tweaks, continue to cost American consumers nearly $2 billion a year in added food costs, accordingly to a recent government analysis.

In a time of plenty, those demands could be considered arrogant. But in this time of uncertainty, they are downright obscene.

For more than six decades, government leaders have coddled the sugar industry, a relationship nurtured by the millions of dollars sugar producers pump into federal campaign coffers. The industry has relied on Americans to provide them with government-inflated price guarantees, foreign-import restrictions and low-interest federal loans. Last year, sugar farmers defaulted on about $460 million worth of those loans.

Not surprisingly, though, industry executives blame everyone but themselves for their failures. The can't compete with foreign sugar producers because of foreign price supports. They're not allowed to sell their products overseas. Government forced the industry to default on the loans last year.

Woe are the sugar barons.

If trade agreements prohibit sugar from effective free-market competition, that shouldn't be remedied by a convoluted, decades-old bailout program. It should be addressed at the negotiating table.

Why, too should taxpayers continue to prop up the industry when, at the same time, they're supporting an $8 billion Everglades restoration effort? Sugar-cane production in Florida, concentrated south of Lake Okeechobee, has exploded from 50,000 acres in 1960 to approximately 500,000 acres today, thanks in part to government support of the sugar industry. Does anyone realize that polluted runoff from those farm expansion helped make the restoration necessary in the first place?

There are intriguing alternatives. Rep. Dan Miller, from Bradenton, has proposed an amendment that would wean sugar from the taxpayer teat, pump an additional $300 million into Everglades restoration and save consumers up to $500 million a year.

Ultimately, that may be the best solution.

But as the editorial below explains in further detail, far more pressing issues now demand the attention of government leaders. Sugar's needs don't even make the list.

Mr. MILLER of Florida. Mr. Chairman, this amendment, the Miller-Miller amendment, is a modest and simple reform of the sugar program. It is not the elimination of the program. In 1996, we tried to eliminate the program, missed by 5 votes then, but we kind of are reluctant in this Congress to eliminate anything, especially in the agriculture program.

So this is a modest one-cent change in sugar. That is right. We are only going to lower the price from 18 cents to 17 cents, a 5 percent reduction in the price of sugar, which amounts to a $500 million savings, according to the Congressional Budget Office, $500 million worth of savings over the next 10 years.

This is a very bipartisan bill, as my colleagues will see from the vote on this particular amendment. Even the secretaries of agriculture from three different administrations have come out in favor of this amendment. Secretary Glickman, Secretary of Agriculture under President Clinton, Secretary Clayton Yeutter under President Bush, and Secretary Jack Block under President Reagan, have all come out and said the sugar program is no longer sustainable, we need to change it, and this amendment is a good step in the right direction.

Let me briefly comment about what the sugar program is. Well, the sugar program is a Federal program where we maintain a very high price for sugar in the United States. In fact, sugar prices in the United States are two to three times world prices. That is right, we pay two to three times world prices for sugar, and what it does is it hurts consumers, it hurts jobs, it hurts the taxpayers, bad on the environment, bad on trade.

The way it works is the Federal Government tries to manage how much sugar is imported into the country, a very difficult challenge, but we have to allow some imports, and we do not grow enough in the United States. So it tries to manage trade, and here we are, the great free trading country of the world and we are managing trade for sugar. Then what it does, it loans sugar farmers money, and it kicks the sugar as a guarantee and, if they cannot get this high price for sugar, the government says we will buy it back, and we were told back in 1996 it was no cost to this program. No cost to the sugar program.

Last year the Federal Government bought $435 million worth of sugar and does not know what to do with the sugar. It is bad for the consumers as I have said. What I mean by bad for consumers is the General Accounting Office, which is the independent agency of Congress, we, division of Congress, branch of Congress, spend $400 million with the General Accounting Office to do studies for us. Their studies show it costs $1.9 billion a year. I know the other side is going to say, oh, that is not right. We spend $400 million for this agency in Congress to do these type of studies, and that is what it says, $1.9 billion.

As far as the taxpayers, they have already got this $435 million worth of sugar from last year, and they do not know what to do with it. The latest idea is they are going to have all these sugar farmers where we just bought their sugar, said if they will plow up $20,000 worth of sugar, we will give them $20,000 worth of sugar.

Explain that one to the people back in Florida that we are going to buy their sugar and then give it back to them. It makes no sense.

When it comes to jobs, we are losing jobs in this country, and I am sure my colleagues from Chicago will talk about how the candy industry is being really hurt in Chicago, whether it is a Bob Candy Company in Albany, Georgia, or the closing down of sugar plants in the city of Chicago. Mayor Daley and the city council of Chicago have come out in support of this amendment.

When it gets to the environment, we are very concerned about our Florida Everglades, and last year Congress passed an $8 billion program for restoration of the Everglades, half paid by the State of Florida and half by the Federal Government. A large part of the problem is sugar farming. In 1960 there were 50,000 acres of sugar cane grown. Now, we have 500,000 acres of sugar cane, and it keeps increasing because our program encourages overproduction of sugar.

What is included in this bill also is out of the $500 million worth of savings is a program where 300 million can be used for environmental purposes, for conservation and hopefully for the Everglades. It will be controlled by the Committee on Appropriations, but it creates a program that some of the savings can go back into conservation, and hopefully for the Everglades.

Then we talk about trade. We are one of the great free traders in the world, except for its sugar. That is the reason the Secretaries of Agriculture have been opposed to this program because they cannot go negotiate and say we want to sell more corn, we want to sell more beef, we want to sell more soybean. We cannot do that because we are always defending the sugar program. So we need to be fair on this whole trade issue.

As I said, this has got widespread support and lots of organizations are supporting it. Whether it is good government organizations or conservation groups, they are very strong in favor of this amendment.

The sugar program is an anti-free trade, anti-free market movement, and I hope my colleagues will support me on this amendment.

Mr. COMBEST. Mr. Chairman, I rise to propose a time agreement on this amendment. I ask unanimous consent that all time on this amendment be limited to 1½ hours, equally divided between a proponent and an opponent of the amendment and all amendments thereto.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MILLER of Florida. Mr. Chairman, would that be divided?

Mr. COMBEST. It would be divided between a proponent and an opponent.

Mr. MILLER of Florida. Mr. Chairman, on our side the gentleman from California (Mr. GEORGE MILLER) and I could divide that 45 minutes that we would have?

Mr. COMBEST. In response to the gentleman from Florida's question, my next request would be a unanimous consent that half of the time for the opponent would be given to the gentleman from Texas (Mr. STENHOLM), and the gentleman from Florida (Mr. MILLER) could propose the same unanimous consent request.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that half of the time for the opponent be given to the gentleman from Texas (Mr. STENHOLM).

The CHAIRMAN pro tempore. Without objection, the proponent and the opponent under the unanimous consent request each will be recognized for 45 minutes. The time allocated on both sides to the proponents and opponents will be divided equally accordingly.

There was no objection.

Mr. COMBEST. Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. EVERETT).

□ 1730

Mr. EVERETT. Mr. Chairman, we are now to what I call the M&M amendment, and I rise in opposition to the M&M amendment and hope my colleagues understand what this amendment will do. It may have been dressed up a little, softened a little, and added a section on giving money to the Everglades; but the intention is the same, to destroy the domestic sugar industry.

I want to touch on two points that the proponents of this amendment will try to claim: first, we have all read about the candy manufacturers threatening to move to Mexico, they say because of the high price of sugar in the U.S.; that that is the reason they want to go. Let us be clear. That is not the reason they want to move to Mexico.

According to USDA agriculture data, wholesale refined sugar prices are actually higher in Mexico than they are here. They have been running about 3 cents per pound higher for most of the last 2 years. The real reason they are moving is that American wages are 25 times higher, at $13.46 an hour in Chicago versus 53 cents an hour in Mexico. American energy costs are five times higher, at $11 per kilowatt in Chicago versus $2.38 in Mexico. American tax burdens are at least seven times higher. American protection for workers, the environment, water and air quality are much higher than Mexico's.

Secondly, do not fall for the comparison of the U.S. price to the world market price. The so-called "world market" for sugar is just a dumping ground for surplus sugar from countries that subsidize sugar production and exports. The world market is distorted because of the elaborate sugar programs that exist in virtually every country that produces sugar. U.S. sugar policy has acted as a cushion against imports from the world dump market, where prices have run only about half the world average of cost of producing sugar for most of the last 2 decades.

America's sugar farmers are efficient by world standards and willing to compete on a level field against world sugar farmers, but cannot compete against foreign governments.

In closing, let me be up front. The real purpose of the M&M amendment is to drive sugar down further. They are already down nearly 30 percent since 1996, for the benefit of the grocery chains, candy manufacturers and food manufacturing corporations, who are behind the M&M amendment.

I oppose this and ask my colleagues to oppose it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of this amendment to reform the outdated sugar program. This amendment is supported by Republicans, it is supported by Democrats, it is supported by conservatives, liberals, Easterners, Westerners and all those in between.

Three former Secretaries of the Department of Agriculture also support this amendment. In a recent letter, which I will submit for the RECORD, former Agriculture Secretaries Block, Yeutter, and Glickman say, "The sugar program no longer serves the intended public policy goals." And they continue on by saying, "The reform of the sugar program is long overdue."

That is what this amendment does. It provides for long overdue reform. I have joined with my colleagues, the gentleman from Florida (Mr. MILLER) and the gentleman from Illinois (Mr. DAVIS), in support of this amendment. We have joined together to support the reform of the sugar program for several clear and convincing reasons.

The sugar program costs the taxpayers money. In fact, real money. In fact, a lot of money: $465 million last year alone. The sugar program costs consumers money. In fact, real money and a lot of money: $2 billion in higher prices, according to the General Accounting Office. The sugar program takes away good paying jobs from the American workers. Hundreds of jobs have been lost at the C&H sugar refinery in California in my congressional district, and thousands of candy jobs in the district of the gentleman from Illinois (Mr. DAVIS).

The sugar program concentrates its rewards on a small number of wealthy farmers. In fact, the General Accounting Office reported that the largest 1 percent of the growers get 40 percent of the sugar program's benefits. The sugar program hurts the environment. In fact, the overproduction of sugar caused by the program is one of the main factors behind the tragic pollution of the Everglades in Florida.

The Miller-Miller amendment is reasonable, and it provides the kind of reform we need. It does not end the sugar support program, but it does make the program less generous to the sugar growers and thereby makes sugar farming more of a market-based decision rather than a decision on how big the Federal subsidy will be. The effect is to control the overproduction, which has caused so many of these fiscal and environmental problems.

The Miller-Miller amendment would save taxpayers money by reducing the direct purchases of excess sugar, putting those savings into agriculture conservation programs in desperate need of our support.

Mr. EVERETT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in opposition to this ill-thought-out amendment.

The cost of sugar included in a $1.72 bag of candy is roughly 8 cents. Candy companies actually spend more money on the wrapper than they do on the sugar that goes into the candy. So how exactly is it that the sugar producers are ripping off consumers? It is simple: they are not.

In fact, while domestic sugar prices have dropped dramatically in recent years, a 25 percent decrease since 1996, the price consumers are paying for sugar in the grocery store has increased 4 percent during that same time period. Producer prices for sugar are at a 22-year low and consumer prices for sugar are at a 20-year high. Now, why is that? Where is that money going? Well, let me tell my colleagues.

The price for raw sugar has been reduced 14.8 percent, it has been reduced 28.8 percent for wholesale sugar, at the same time the prices for sugar for cereal have increased 4.3 percent and candy at 7.7 percent. So when I hear about all of those jobs lost in the candy industry, I am sorry that that has happened; but to try to lay the blame on sugar simply does not cut the mustard.

The price of cookies has increased 8 percent, bakery products 8.5 percent, ice cream 13.7 percent. Even more telling is the fact that cereal has increased by over 4 percent, as I said earlier, and candy, cookies, and so on. So when we hear the argument of the Miller-Miller amendment that this program will equal savings to consumers, think again. It will not equal savings to consumers; it will simply hurt producers because they are the ones who continue to pay for the reductions in sugar. The reduction in current producer prices has historically stopped at the pockets of the manufacturer, with consumer prices increasing while the struggling sugar industry continues to suffer.

I have beet farmers in Wyoming. They are great stewards of the land. There is no pollution due to sugar beet farming, and these sugar beet farmers would be very ill affected. I ask all my colleagues to vote against this amendment.

Mr. Chairman, I submit for the RECORD additional information on our sugar policy:

### Grocers Boost Retail Sugar Price to 20-Year High While Producer Prices Fall to 22-Year Low

The price farmers receive for their sugar—the wholesale refined sugar price—has been running at about a 22-year low for most of the past years. Have consumers seen any benefit? None. In fact, consumer prices for sugar just hit a 20-year high. The big grocery chains not only failed to pass any of their savings on lower producer prices for sugar along to consumers. They did the opposite. They chose instead to increase their retail sugar prices, and their profits.

According to USDA data, the grocery-store price of sugar rose to 44.3 cents per pound in July. That's the first time since April of 1981 that the U.S. retail price of sugar has reached 44 cents. And these grocers want this Congress to believe that knocking the producer price for sugar down even further would benefit consumers. How gullible do they think we are?

Lower producer prices for sugar mean more American beet and cane farmers go out of business and more profits for grocery chains. But the numbers irrefutably show that lower producer prices for sugar do not mean lower prices for consumers.

### Food, Candy Manufacturers Benefit When Sugar Producer Prices Fall, Consumers Do Not

The previous speaker described the windfall profits grocery chains have siphoned from the pockets of American sugar farmers—farmer prices are down 29%, but consumer prices have risen since 1996. More than half the sugar we consume is in the form of products, particularly highly sweetened products such as candy, cookies, cakes, cereal and ice cream. Have the food manufacturers given consumers a break on prices for these products? Of course, not. Since 1996, cereal prices are up 4%, candy prices are up 8%; cookies, cakes, and other baked goods up 8%; ice cream, up 14%. All this while the price they pay for their sugar is down by 29%. The food manufacturers, like the grocery chains, want to keep sugar farmers' prices down, so they can keep their corporate profit margins up.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I rise against the M&M amendment and ask my colleagues to vote against it. I am deeply disturbed by the constant attack on the sugar industry. When they attack the sugar industry, they are really attacking my working people that are out there in the fields planting the cane and harvesting it, going to the mills and reducing it to brown sugar or molasses. There are about 6,000 jobs in my State that are dependent upon this industry, and throughout the country maybe 300,000 or 400,000 individuals.

I consider this really an attack upon an industry of hardworking farmers who have struggled to survive. There was a time, only 10 years ago, when we had 13 sugar plantations in operation. They have struggled to stay alive. There is nobody making tons of money in this industry, but Hawaii has benefited in the past from these plantations that have been permitted to exist, and they have existed because there had been a strong farm program. I thank the Congress and I thank the leadership for continuing to support that concept.

Somehow or other there is a myth out there that there is a huge subsidy for sugar in this bill or anywhere. There is no subsidy. In fact, there is explicit language in the bill that says, and it directs the Secretary of Agriculture to operate the sugar program at no cost to the American taxpayer. So what are we talking about? We are talking about the candy factories and people in the international marketing combine.

And, incidentally, the three former Secretaries of Agriculture that distributed a letter are all lobbyists for mega industries that are selling candy, Nabisco and Nestles and whatever. So we have to look critically at this letter.

This is about farmers. Hardworking people. There is no subsidy. In fact, there is a provision in this bill that says it should have no cost to the American taxpayer. So where is the conflict? There is none. It seems to me that we are generally for the people who produce an essential commodity for our American market, so we should not be considering this kind of destructive amendment which would kill our industry and destroy the only two that remain now in my State. Two struggling plantations.

If this amendment should pass, we will be wiped out, and 6,000 workers in my State will be out of work. Already my State has been decimated after September 11 because of what happened and the closing down of the tourist industry. We simply cannot tolerate this. So I ask my colleagues to balance the equities today. It does not cost the taxpayers a dime. There is no subsidy. This is a genuine farm product that we are producing.

Kill the M&M amendment.

Mr. Chairman, I rise to speak against the amendment offered by Representative DAN MILLER and Representative GEORGE MILLER and ask that my colleagues vote against it.

I am deeply disturbed by the determination of the amendment's sponsors to destroy our nation's sugar industry. I shudder to think of the impact that this amendment would have on my state's economy. Hawaii has already been hit very hard by the tragedy of September 11th. In the past 2 weeks, some 6,000 workers have been added to our State's unemployment lines because of the dramatic decline in the number of visitors coming to our islands.

I must admit that I take this attack on the American sugar industry very personally. I do not believe that any sugar-growing area of the country has taken the hits that my rural district in Hawaii has. In 1986, 13 sugar factories were operating and sugarcane was grown on all of the four major islands. The beautiful fields of green waving sugarcane were a cherished part of our landscape. Today, only two sugar companies are still operating—one on the island of Maui and one on Kauai. The survival of these remaining companies on which the fragile rural economies of these islands depend would be severely jeopardized if Miller-Miller became law.

Ironically, Hawaii produces more sugar per acre with fewer person hours per ton of sugar produced than anywhere else in the world. But we pay our productive workers a fair wage and good benefits and we adhere to the world's highest environmental standards. Those who seek to kill America's sugar industry—and make no mistake, that is the goal here—would export good American jobs to countries that exploit their workers and employ child labor.

I tire of engaging in this same fight year after year and having to address the misinformation promulgated by opponents of the U.S. sugar program. I deeply respect the integrity of the sponsors of this amendment, but I am puzzled by their relentless vendetta against American sugar farmers.

I have read letters in support of the Miller-Miller amendment which lead me to believe that the sponsors truly do not understand the issue. One of the letters claims that

"Jobs are being lost by the thousands as candy makers, bakeries, sugar cane refiners, cranberry farmers and jobs that depend on these industries are lost because the rest of the world pays 7 cents per pound for sugar while American businesses are forced to pay prices at least 150% higher."

This is simply untrue! Opponents of the U.S. sugar program point to the cost of American-grown sugar compared with the so-called "world price" of sugar. But this "world price" sugar represents a mere 20% of the worldwide sugar traded and sold. This 20% is offered at dump market prices that are barely half the actual cost of production. Nations that sell this dump sugar can only do so because the bulk of their production is being purchased at prices that cover or exceed actual production costs. For example, growers in the European Union receive 31¢ per pound compared with the 18¢-22¢ price floor for American sugarcane and sugar beet growers provided by H.R. 2646.

No one—not even countries that use child labor—can product raw sugar for 7¢ a pound. The "world price" dump market represents the subsidized surpluses that countries dump on the world market for whatever price the surplus sugar will bring.

Two-thirds of the world's sugar is produced at a higher cost than in the United States, even though American producers adhere to the world's highest government standards and costs for labor and environmental protections. U.S. beet sugar producers are the most efficient beet sugar producers in the world, and American sugarcane producers rank 28th lowest cost among 62 countries—almost all of which are developing countries with deplorable labor and environmental practices.

So clearly, the "rest of the world" is not paying 7¢ per pound for sugar—many are paying far more than Americans. In fact, the retail cost of sugar in the United States is 20% below the average paid in other developed countries. U.S. sugar is about the most affordable in the world—third lowest in the world in terms of minutes of work (1.9 minutes) to buy one pound of sugar.

We are told that jobs are being lost because manufacturers of candy and baked goods will move to Mexico for cheaper sugar. I am sorry if any of my colleagues have been sincerely taken in by this claim, but it too is utterly false. In fact, the wholesale price that manufacturers pay for sugar is higher in Mexico than in the Unites States. Businesses are moving south for cheaper labor, cheaper energy, lower taxes, and lower or nonexistent environmental standards—not for cheaper sugar.

Many claim that their opposition to the U.S. sugar program is based on a concern for consumers who would benefit from lower prices. Now, I read all the mail that comes from my constituents and I must admit that I do not remember a single letter from a constituent who was concerned about the impact of sugar prices on their family's budget. Sugar in America is so cheap that it is given away in restaurants—it only costs 43¢ a pound retail! Give me a break!

U.S. producer prices for sugar have been down nearly 30% since 1996, a financial disaster for thousands of American sugar farmers. But grocers and food manufacturers—the principal supporters of the Miller-Miller amendment—have passed none of these lower prices along to consumers. Retail prices for sugar, candy, ice cream, and other sweetened products are up, not down, though producer prices have fallen significantly over the past five years.

The deeply flawed study by the GAO has been thoroughly discredited by the USDA. Economists at the USDA have "serious concerns" about the GAO report, which "suffers in a number of regards relative to both the analytical approach and . . . the resulting conclusions." USDA concluded: "GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively." As with the 1993 version of this report, the GAO assumes that food retailers and manufacturers would pass every cent of savings along to consumers—we have convincing evidence that this has not happened, nor will it ever.

Why is the sugar industry being singled out? According to USDA, last year was the only year in which U.S. sugar policy was not a revenue raiser. And this one-time outlay will be defrayed or possibly eliminated when the government sells its surplus sugar. The remaining two sugar companies in Hawaii provide some of the best jobs on these islands. These long-time "kama'aina" companies are struggling to keep this historic industry alive. Sugar has been grown on many of these lands for more than 100 years.

Do not be concerned about the cost of the sugar program in this bill. H.R. 2646 contains language that directs the Secretary of Agriculture to operate the sugar program at no cost to the American taxpayer.

I was frankly astonished to read the poorly written, inaccurate letter signed by 3 former Secretaries of Agriculture. The Miller-Miller proponents have obviously confused the former Secretaries on a number of issues. They claim that Miller-Miller reduces price supports by a modest amount—in fact, it effectively reduces the support price by 3 cents—from 18 cents to 15 cents. Let's remember that the loan rate has been frozen at 18 cents for the past 16 years! In any other crop we'd be looking at an increase—not a reduction.

The former Secretaries say the sugar program is "costly to taxpayers" but sugar is the only commodity program in the new Farm Bill designed to run at no cost to taxpayers. The Miller-Miller amendment would remove the supply management tools that would enable the Secretary of Agriculture to operate the program at no cost—Miller-Miller would make sugar policy costly to taxpayers.

The U.S. sugar and corn sweetener producing industry accounts, directly and indirectly, for an estimated 420,000 American jobs in 42 states and for more than $26 billion per year in economic activity.

I urge my colleagues to reject the Miller-Miller amendment and to support America's efficient and hard-working sugar farmers.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume to mention that while my colleague from Hawaii brings up the fact there is no net cost, that is not what we were told back in 1996. Last year, the Federal Government bought $435 million worth of sugar. They have no use for it. They cannot even give it to Afghanistan, let alone give it away in this country. And we are paying millions of dollars to store that 750,000 tons of sugar. So it does cost real dollars.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of the Miller-Miller amendment to reform the U.S. sugar program. Over the next 2 months, millions of Americans will go to their neighborhood grocery stores to do some food shopping. Very few, if any, of our citizens will realize that the sugar in the processed foods, cereal, and ice cream they buy is subject to a cost about double the world price, courtesy of the U.S. Congress and the sugar program.

Some of these grocery shoppers may head over to the candy cane aisle, particularly as we get closer to the Christmas season. However, once again, very few will know that Bob's Candies of Albany, Georgia, the Nation's largest candy cane manufacturer, had to ship some of its manufacturing jobs out of the country, to Jamaica, so it could buy sugar that was 50 percent cheaper than in the United States. They do not know that the president of Bob's Candies, Mr. Greg McCormick, stated that reforming the U.S. sugar company would allow his company to keep those same jobs in America and allow the retail price of his candy canes to be lowered by 10 to 15 cents a package.

As our citizens walk up to the cash register at this grocery store to pay their food bill, they will not realize the sugar program is costing American consumers nearly $2 billion a year in added food costs, according to the General Accounting Office. As they pull the dollars out of their wallet, they will not realize that last year our Federal Government had to spend 465 million taxpayer dollars from the U.S. treasury to buy surplus domestic sugar and keep the price artificially high.

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Well, while very few Americans may realize these facts, there are several well-respected watchdog groups who are aware of the problem. For example, Citizens Against Government Waste, Americans for Tax Reform, and the Heritage Foundation all oppose the sugar program.

The sugar program has also caught the attention of well-respected environmental groups such as the National Audubon Society and the Everglades Trust. These groups know that sugar cane in the Everglades agricultural area has exploded from 50,000 acres in 1960 to nearly 500,000 acres today, thanks in part to the U.S. sugar program.

If these facts are true, and they are, why do we have the sugar program? Are these sugar growers bad people? Absolutely not. They are hardworking Americans. They pay taxes. They create thousands of jobs. They are now applying fertilizer to their crops in a very environmentally friendly manner, and they are frustrated that foreign markets are closed to them.

In light of these trade barriers erected by certain foreign countries, our domestic sugar growers feel they need this complicated system of price supports, import restrictions, and loan guarantees to continue in order to thrive.

Well, I agree 100 percent that our country should do everything in its power when negotiating these trade agreements to open up foreign markets for our domestic sugar, citrus, and vegetable growers. These concerns should be addressed head-on at the negotiating table by the Bush administration.

Until that happens, I believe that the Miller-Miller amendment strikes the appropriate balance between consumers and sugar growers because it mends, but does not end, the U.S. sugar program. Under this amendment, the price support is lowered one penny, from 18 cents to 17 cents per pound. This, coupled with other reforms, will save the Federal Government $500 million over the next 10 years, according to the CBO.

Of that amount, the Miller-Miller amendment states that up to $300 million will be used to restore the Florida Everglades. For these reasons I ask my colleagues to vote "yes" on the Miller-Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, if my colleagues eat, they are involved in agriculture and they have a stake in America's oldest and most basic policy. But our sugar policy is defective, counterproductive, and is suffocating our economy. The media has characterized it correctly as being a scandal.

I am proud of the fact that I come from the State of Illinois, an agricultural powerhouse. I was raised on a small farm in Arkansas, and so I grew up enjoying the values of rural life. And I know what it means for a family to survive on hard work, ingenuity, creativity, and the sweat of their brow.

I support Federal programs which create decent, livable help so that farmers can live a decent life. But when I find a program like the sugar program where 1 percent of the farms, just 17 farms, 1 percent, collect 58 percent of the subsidy, I am outraged. I am outraged because what it means is that the pot has already been sweetened for the wealthy, for the few.

Mr. Chairman, subsidies should be given to the needy, not the greedy. The fallout from this wrong-headed sugar subsidy program ripples across our entire economy. I represent what could be called the candy capital of America. Illinois has 31,000 individuals employed in the confectionery industry, but we have lost 11 percent of our workforce, and there has been no new plant development since the institution of this program. We spent over $250 million for sugar last year. Had this program not been in effect, we would have spent probably only half that much, while the giant corporate agricultural combines who benefit the most from the sugar subsidies are not only taking our money, but in some instances they are causing pollution in certain parts of the country.

Mr. Chairman, it is time for change. It is time for America to stop playing sugar daddy to a handful of monopolistic sugar plantations. The Miller-Miller amendment brings some rationality and fairness to the industry. The Miller-Miller amendment will protect family farms, protect jobs in the sugar and confectionery industry and protect our environment.

We cannot allow ourselves to get sugar-daddied out and sweetened into bad policies. I would urge every Member who believes in fairness, who believes that small farmers should have help and assistance, I would urge them to support the Miller-Miller amendment and do not be a marshmallow and get suckered in.

Mr. EVERETT. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I appreciate the efforts of the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. GEORGE MILLER). I appreciate the importance of the Everglades; however, I oppose the amendment.

Sugar policy, contrary to what Members have been hearing, has been one of the most successful farm programs from 1991 to 2002. It has been the most successful. We have heard about $465 million in payment, that was for 1 year. That was the year 2000. Every other year, 11 out of 12 years, the sugar industry has paid the Federal Government more than it has gotten back, but we are labeling this as a boondoggle.

I would like to also point out, as my colleagues have said, sugar prices have fallen 30 percent since 1996. This has been primarily due to dumping of sugar by Mexico since NAFTA was formed.

In my State, the State of Nebraska, we have seen the fallout. Currently there have been 17 sugar factories that have closed in the last 4 or 5 years which represents roughly 40 percent of all of the factories in the country, in the United States. We currently have

750 producers in the State of Nebraska. In order to open their sugar factory, in order to survive, they have had to go together and form a cooperative and pay $185 to $220 per acre in order to keep this thing going. They are trying to save the sugar beet industry in Nebraska, in Montana, in Idaho, in Wyoming.

Mr. Chairman, I ask to have it explained to me why producers in those States need to be taxed 2 cents a pound on sugar additionally, and also have their loan rate reduced below the cost of production, in order to pay for renovation of the Everglades?

We just went through a big debate where 10 or 12 or 15 States were possibly getting a disproportionate amount of commodities; and now we are talking about laying the wood to, to coin a term, to a group of States that have nothing to do with the Everglades to pay for the Everglades. This has already been taken care of. The 1994 Everglades Forever Act provided $685 million, and the 2000 Comprehensive Everglades Restoration Plan also addresses this problem.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I oppose this amendment, and I support the bill.

Government's primary function is to protect the people. A stable domestic food supply is as important to national defense as a military weapon. Because of a national farm policy, and we all know this and all Members have to do is look around the country and the world. American consumers spend less than 11 percent of their income on food.

If Members believe this amendment will reduce the cost of products containing sugar, they need to listen to these facts. Between 1990 and 2000, the price of raw sugar fell 18 percent; wholesale refined sugar fell nearly 31 percent: but during that same period of time the consumer price of cereal, candy, ice cream, and bakery products increased by 25 to 36 percent.

Few of us remember the rationing of basic foodstuffs in World War II. In addition to steel and rubber, sugar was rationed. Why? Because it is essential to a balanced diet, and domestic sources were limited. Even today, domestic sugar product is not enough to meet our domestic demand.

If Congress passes this amendment, the domestic sugar industry will be devastated and American consumers will have to depend on uncertain foreign sources, which by the way, subsidizes their sugar program. But as we are also talking about the economy and stimulus packages around here and with unemployment going up, let me make this point. There are over 40,000 workers that are involved in this industry. These are machinists. These are people making $35,000 to $40,000 with health care insurance.

If Members wonder why I am supporting this amendment, those are three or four good reasons. I support a strong domestic food production industry because it helps our economy and it protects our people.

Mr. Chairman, if Members truly believe in buying American and made in America, Members need to reject this amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, after the September 11 attack, our economy was weakened and our military expenses have gone up. This is not the time to levy a $1.8 billion indirect tax on American consumers to charge a Stalinist high sugar price set by bureaucrats in Washington.

This program also costs over $400 million in taxpayer funds to overproduce sugar. These funds should go directly to our men and women in uniform, for the reconstruction of New York, and for securing Social Security, not politically connected sugar growers lobbying the government for a government handout in time of war. To these sugar growers we should say we cannot afford to give a government handout, there is a war on.

Mayor Daley of Chicago wrote to me with concerns for the jobs of 31,000 workers in Illinois threatened by the sugar program. These jobs are in many disadvantaged communities like North Chicago, Illinois, my State's second poorest community; and the legendary Brach's Candy Company, a Chicago institution, recently shut its doors for good, moving 1,100 jobs overseas due to high production costs caused by this sugar program.

The simple fact is: as a result of this program, foreign candy sales have gone up over 70 percent in the last 5 years and could reach 40 percent of total sales within the next 5 years. Companies such as Jelly Belly of North Chicago and Craft of Glenview will suffer the same fate as Brach's if we do not reform this program.

We cannot sit idly by while thousands of people lose their jobs so that sugar growers can reach into the taxpayer's pocket for yet another handout. These subsidies cannibalize our economy and segregate us into economic winners and losers.

The Miller-Miller sugar reform amendment is different from past reform amendments which would have ended the sugar subsidy program. This amendment will reform, not eliminate the program; and it will make it more market oriented, bringing it in line with the administration's principle that we should move away from price supports towards our core belief in free and open markets.

The sugar subsidy program cost the taxpayers $465 million last year, and now costs the government $1 million a month just to store excess sugar. We cannot sit by while thousands of our constituents lose their jobs because politically connected growers raid the treasury and millions of tons of sugar rots away in storage.

Mr. Chairman, please join me in voting against this outdated, unfair subsidy that pits American's economic interests against each other and against the principles of free enterprise.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, today I rise in support of the Miller-Miller sugar amendment. The U.S. sugar program is in critical need of reform. Unlike most farm programs, the U.S. sugar program has avoided any market-oriented reform for many years. Artificially high price supports have distorted the markets leading to expanded domestic production and oversupply of the U.S. market.

Approximately 50 percent of government payments go to the largest 8 percent of farms, usually corporate owned. A little more than half of all U.S. farmers share in only 13 percent of the government payments. The artificially stimulated domestic price of sugar is often twice the world price. This hurts the American consumers who are forced to pay substantially more for sugar and sugar-containing products.

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Although we do not have a sugar cane crop of any size in Missouri, we do have corn growers who produce a substantial amount of sweeteners. The Missouri corn growers do not create the environmental concerns as do the cane growers and they also make outstanding contributions to our alternative fuels industries and associated research. We will have to find common ground on effecting remedies for the problem.

The Miller-Miller amendment does not gut or eliminate the sugar program. The amendment reduces the sugar price support rate and current incentives for overproduction. The amendment increases the penalties that big sugar processing plants must pay if they fail to repay government loans. It would make some modest reforms to make the program more market-oriented, and at the same time, promote conservation. I am in favor of most conservation aspects of the bill.

Mr. Chairman, I must admit that I am troubled that the bill shows no concern for fiscal constraint. Most of us promised voters that we would protect the Social Security trust fund and Medicare funds.

Let us vote for the Miller-Miller amendment. Let us refrain from passing several of the budget-busting programs without consideration of the overall budget. We need a farm bill that is responsible, and we need a bill in a form that we can vote for. I cannot vote for this bill in this form.

Mr. EVERETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in opposition to the Miller-Miller amendment. I cannot debate the issue with my colleagues from the urban areas on subsidization because they obviously do not understand the sugar program. It is not subsidized. Read my lips. It is not subsidized.

What we have in this country is a problem. We have an oversupply of foreign sugar being brought into the country. That is the problem we have got. Prices are down but demand is up. So what creates the prices being down? The subsidization of foreign sugar. When you talk about these rich corporations, they are so rich they are filing bankruptcy. Does that not tell you a lot?

When was the last time a rich corporation making all this money in a farm program would file bankruptcy? Now we have a situation in Montana where finally some of the producers are trying to pull themselves up by their bootstraps, buy those factories, reopen them under a value-added idea, and we are going to kick them. We are going to say, "No, we're sorry, that's just not good enough. We not only don't want you to be in business, we're going to now consider additional trade promotion authority so we can bring more subsidized product in to put the rest of you out of business."

I am a supporter of free trade, but I am here to tell you right now, after reading the documents that have been floating around from the administration, Mr. President and your administration, if you are listening, you are rapidly losing me, because I do not get it. We do not have an oversupply of sugar in this country. What we now have is an oversupply of foreign competition that do not respect our labor laws, do not respect our environment and do not respect American agriculture.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from Montana on his eloquence. I also want to let him know, however, that this is one Member from an urban area that understands that there is no subsidy in this program. And let me be clear about that and if there are Members from the urban cities and suburbs that think there is, there is not a cash subsidy here. That is a misrepresentation.

But I suggest, Mr. Chairman, that this amendment offers us a really easy choice. Do we really want sugar grown by American farmers? Do we really? Because if we do not, then vote for this amendment, because its import will effectively put out of business farmers dealing in sugar in this country. Understand that and be clear about it.

Now, some argue that this amendment would produce savings for consumers. Well, let me suggest, do not hold your breath. Okay? Do you really believe a Milky Way bar or a can of Pepsi is going to go down in price? Give me a break. The hard empirical evidence establishes clearly that none of the savings on cheap, subsidized, foreign sugar will be passed along to consumers. And neither will increased wages for the workers in my friend from Illinois' district. Be assured of that. Be assured of that.

So if you support American farmers, if you are concerned about environmental standards and want to protect American jobs, then vote against this amendment and support the committee's sugar provision in the farm bill. It is an easy choice.

Mr. Chairman, make my sugar American. Oppose the Miller-Miller amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I rise in strong support of the Miller-Miller amendment. I must say that I oppose this entire bill. I think it is subsidy run amuck. I did not come here to Congress to reward this industry or another or pit one industry against another, and I think that that is what we are doing in this farm bill. It is a chicken-in-every-pot syndrome. We criticize every other country in the world for doing this and then we embrace it ourselves.

This is one element of sanity in a very bad bill. I would encourage my colleagues to support it.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I rise in strong support of this amendment. I am only sorry that it is not cosponsored in addition by our friend, the gentleman from California (Mr. GARY MILLER) so it could be the Miller sugar cube.

This program is one example where we are led to believe that it is not a problem of subsidization that ends up distorting our markets, disadvantaging consumers and posing great risks to the environment. This year, the bizarre system that artificially raises the price of sugar in the United States, puts import restrictions on the commodity while at the same time paying farmers to plow over their crop and allowing the sugar producers to pay back their loans with sugar is not subsidization, not dealing with the market, I beg to differ.

I would suggest that any econ student 101 armed with the basic information from the GAO reports could argue persuasively to the contrary. And all of this for a crop that wreaks havoc on the environment, especially in the Florida Everglades.

We have heard that there is a disproportionately few number of people who benefit from this program, and of those the majority are large scale farmers and producers. We have heard that 40 percent of the benefits go to 1 percent of the growers, precious little getting to the small family farm, and they continue to go out of business every year. We must reassess the myth that somehow this subsidy to corporate sugar producers is paid for by magic and that there is no risk to the consumer or the taxpayer.

As my friend the gentleman from Florida (Mr. MILLER) pointed out, we heard that before in 1996. The sugar subsidy we are talking about here costs American consumers almost $2 billion a year. And that has no effect on the economy? I beg to differ. I would think that some of my free market friends would be laughed out of the room if they suggested it in other areas.

In addition to costing the taxpayer, inflating the cost to two or sometimes three times the world price, we are, as we have heard, losing American jobs now, not theoretically, but because it is cheaper to move the production overseas while the American public is paying a million dollars a month just to store the excess sugar right now.

As we move into a more globalized economy, we should not be supporting a backward program that makes it difficult for us to meet the demands of our agreements with the World Trade Organization and NAFTA. We have heard people here on this floor call for fairness, and then we turn around and do something that is goofy.

But I oppose this not just because of the cycle of subsidization, the limitation on free trade and the stockpiling, my particular interest has to do with the environment. We have been involved in Congress here trying to repair decades of damage to the Everglades. The sugar program has expanded sugar cane production in Florida. What was it in 1960? 50,000 acres. What is it today? Almost 500,000 acres, severely harming the natural environment of southern Florida, while we in this Chamber invested $8 billion as a down payment to restore the damage, and we are still subsidizing an industry that is polluting it with the phosphorous-laden agricultural runoff.

I would strongly suggest that we break this vicious cycle. The amendment before us would reduce the damage the sugar program does to the environment, to our international trade agreements and to the consumer pocketbook. It would reduce price supports, government quotas, and bring a greater market orientation to the program, not abolishing it. It would authorize up to $300 million in savings from the amendment to go towards conservation and environmental stewardship, which are a priority to all of us because the Everglades problem is a national problem.

This is where our priorities need to be, supporting our natural ecosystems, saving the public money, not monkeying around with the market. I urge its adoption.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. COMBEST), the chairman of the full committee.

Mr. COMBEST. I thank the gentleman for yielding time.

Mr. Chairman, I rise in opposition to the Miller-Miller amendment. It kicks the sugar farmers when they are down. It is interesting that since 1996, prices of sugar are down nearly 30 percent. It is also, if you look at it among the comparative in the world, it is among the most affordable in the world, 20 percent below the developed country average and essentially unchanged since 1990.

Who benefits when prices are down? It is certainly not the consumer. And who suffers? It is certainly the farmer. In reality, history shows inarguably that users of sugar do not pass their savings on for sugar and other ingredients to the consumer. Lower commodity prices are just an opportunity for higher profits at the expense of the farmer. As evidence, retail prices for sugar, candy, ice cream and other sweetened products are up, not down, though the prices that are received by the farmer are substantially down over the last 5 years.

This is an amendment that would have tremendous implications to the farmer. It does nothing to help the consumer in terms of lower prices for commodities. I would urge my colleagues to oppose the amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I rise today to voice my strong opposition to the Miller-Miller amendment. This amendment is bad public policy for two simple reasons. First, it would have a devastating effect on sugar producers, not only in my district, but in districts across 42 other States as well. These producers generate 370,000 jobs and have an annual impact of $26 billion per year on the national economy.

Second, it hurts consumers, because without our current sugar policy, prices for this important commodity would skyrocket. Sugar is an essential, even strategic ingredient in our Nation's food system, yet we are the fourth largest importer of sugar in the world. Our family farmers who grow sugar are globally competitive but cannot compete against foreign treasuries and predatory trade practices. Maintaining a reliable supply of sugar at competitive prices for consumers, responding to unfair foreign trade practices and letting farmers receive their income from the market and not the government is at the heart of U.S. sugar policy.

Sugar prices have plummeted over the past 2 years and family farmers are facing a monumental challenge: Buy the factories that process your beets or go out of business. Almost half of the remaining sugar beet factories in the United States are currently for sale to the farmers who grow sugar beets. In fact, producers in my district are pooling their resources to buy the Michigan Sugar Company. The producers in my district need all the help and advantages we can give them.

Today, we have an opportunity to ensure our farmers global competitiveness. Given the depressed sugar market and the overall agricultural economy, it is almost impossible for America's family farmers and rural bankers to take the next step and form farmer-owned cooperatives.

□ 1815

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), a classmate from the 103rd Congress.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I guess the bottom line is that last year the U.S. Treasury spent a total of $465 million buying sugar and then spent another $1.4 million a month, a month, to store the 1 million tons of surplus sugar produced. In other words, the Government basically encourages growers to overproduce excess sugar, and then purchases this back at the expense partly of the American taxpayer.

The General Accounting Office estimates that consumers and users pay an extra $1.9 billion annually in what can be called a hidden tax because of the sugar program. So every time an American buys a candy bar or a carton of ice cream or anything that is not sugar-free, basically they are affected by this policy.

Now, if we go back to the 1996 Freedom to Farm Act, as I understood the act, what it was supposed to do was to be just that, the freedom to farm. It was meant to gradually decline payments so farmers could wean themselves from the Government's micromanagement and send them on a path toward free markets. But the Federal Government continues basically through this arrangement to subsidize sugar producers by maintaining higher prices than the prices would be.

The sugar program keeps U.S. sugar prices more than twice as high as the world market, and the Government's involvement, arguably, has helped force the three-quarters of U.S. sugar refineries that have gone out of business to close down. So we have had three-quarters of the refineries close down the last few years. Basically, those refineries have been moved offshore, so thousands of jobs have been lost in that sector.

The Miller-Miller amendment, this amendment, rejects government quotas on marketing; it reduces price supports and brings greater market orientation to U.S. sugar policy. That is why I support the amendment. I think it moves us away from corporate welfare.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, today I rise in support of the Miller-Miller, or M&M, amendment, to scale back the sugar price support provisions of the Farm Security Act. In a year in which we have seen major reductions in taxes to spur our ailing economy, it is only fitting that we scale back the sugar program.

Clearly the sugar program is a tax. It artificially raises the price of sugar on consumers, small businesses, and the confectionery industry. The GAO estimates that the sugar tax costs consumers $1.8 billion annually. Whether you live in the suburbs, the countryside or in a major metropolitan area, you pay a higher price for this basic commodity. Unfortunately, because this tax is regressive, the burden of the sugar program disproportionately impacts the poor.

The sugar tax also hurts small businesses, such as mom and pop grocery stores and small bakeries. Unfortunately, many of these corner stores, which serve small urban towns and inner-city neighborhoods, must pass the cost of high sugar prices on to consumers.

Finally, large U.S. businesses have been hurt by the sugar tax. The confectionery industry has been placed at a competitive disadvantage because foreign competitors have access to cheaper sugar. Many of these industries are being forced to consider relocating abroad to remain competitive. In Chicago alone, employment in the confectionery sector is down by 11 percent.

However, the sugar tax is a national problem. As many as 293,000 workers in 20 States depend on the confectionery industry for their livelihood. The sugar tax must be scaled back to help U.S. consumers, small businesses and industry.

We are not asking for a repeal of the sugar program, but merely a fair and equitable reduction in some of its most onerous provisions. The M&M amendment continues to protect sugar growers without unduly burdening U.S. consumers and businesses.

To the opponents of this amendment, I say to you that your words are strong, but your conclusion is wrong. Scale back the sugar price cost provision.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would advise Members that the gentleman from Florida (Mr. MILLER) has 12½ minutes remaining; the gentleman from Alabama (Mr. EVERETT) has 12 minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 13 minutes remaining; and the gentleman from Illinois (Mr. DAVIS) has 7 minutes remaining.

Mr. EVERETT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I am a free-trader, a fair-trader, an original cosponsor of the bill to grant the President Trade Promotion Authority, and I am a strong supporter of markets, if efficient markets exist. But our hard-working sugar producers are amongst the most cost efficient in the world. In fact, our sugar beet growers, including over 600 growers in my district in Southwest Minnesota, are among the lowest-cost producers of sugar in the world. They are willing to compete on a level playing field, but cannot compete against foreign governments that encourage excess production and dump that excess production on the world market. The world dump market price is well below the world cost to produce sugar and is not sustainable.

We do need to continue to push for fair trade in sugar. With a level playing field, I am confident that our sugar producers cannot only compete, but they can prosper. But if we sacrifice our sugar farmers now and become ourselves dependent on a dump market price, we will become dependent on foreign producers. If they stop subsidizing those foreign producers, we are going to be paying higher prices for sugar than we are today.

Let us not abandon an efficient, cost-effective industry that is providing jobs and incomes for our rural areas. I encourage Members to oppose the Miller-Miller amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I would like to ask this body, are there any Members here who know more about this farm bill than the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM)? The answer is no. And both of them oppose this particular measure.

The sugar industry supports 420,000 jobs in America. I do not know of any candy manufacturer or big food chain that has gone out of business because of the price of sugar.

I wish I could answer all of my colleagues' statements, but I cannot. Assuredly, they are dead wrong about the Everglades. I do not just fly there; I live there. The sugar industry has reduced its circumstances with reference to the Everglades by 55 percent and is ahead of the Everglades restoration schedule all the way around the board. What you need to know is, among other things, the sugar industry has contributed $279 million towards paying off the national debt since 1991. No other commodity has done that.

I personally am just tired of the misinformation that I continue to hear. I understand Members' parochial concerns. That is what I have. The gentleman from Florida (Mr. FOLEY) and I represent 75 percent of the sugar cane growing that is done in the United States of America. But I can tell you this, I have checked a little bit around the world. Our nearest neighbor, our biggest, nearest neighbor, Mexico, Mexico's sugar costs 3 cents more today than in America.

I do not understand whether or not these people have traveled anywhere in this world or not, but there is a basic economic principle: find a void and fill it. That is what other sugar producing countries are waiting for. Kill the sugar industry, if you will, and you expect that they are just going to sit on the sidelines? Name me the product that when it went out of business in America, all of a sudden became cheaper? How about steel as an example? We are driving our industry offshore.

Now, understand this: as I said, I do not just fly there; I live there. When I drive down Highway 27 to Pahokee, I see a town choking. When I go there to Okeechobee, I have tears in my eyes at the pain that is caused because of the loss of jobs. The same holds true for Belle Glade and Clewiston. I was in Clewiston on a day when 44 people were told they did not have their jobs anymore.

Now, I want candy to exist, I want the food chain to exist, and I want the sugar program to exist; and I want all of us to do right by each other, rather than kicking each other when we are down.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to a couple of questions that have come up in this debate. First of all, they talk about the cost of it, and they say, well, the sugar is lower here, there, it does not cost anything.

I want to refer once again to the General Accounting Office report, the GAO. We pay this agency, which is a part of Congress, $400 million a year to do studies for us. It is not a partisan organization; it is not a biased organization. It has the experts, or brings in the consultants, to come up with the best knowledge they can.

In this case it was asked, what is the cost of the sugar program? It was a very detailed report. They are the ones that came up with the $1.9 billion cost. So the program really does cost money. You say it does not cost anything.

My colleague from Florida was talking about jobs. We are concerned about jobs. But what about the candy companies that are losing jobs? Here is an article from the Nashville Business Journal about a company, Bradley Candy Corporation, on June 29 closed their doors and went out of business.

My colleague from Chicago talks about the companies in Chicago going out of business. Bob's Candy from Albany, Georgia, makes candy canes. Hard candy is the one that uses a lot of sugar. They are being driven offshore for production because the cost of sugar in something like candy canes just makes it prohibitive to compete.

Let me also make a comment about the trade issue. Many of my colleagues say they are free-traders. I am a little baffled by my colleagues that support free trade, especially if you support it in the grains and soybeans and such. We are big exporters of agricultural products. That is great.

But the problem we have with our trade negotiators is they go sit at the table to negotiate trade and say, we want to sell more corn or wheat to your country, but do not sell us any sugar. We are hurting ourselves opening up markets for the grains and other products that we do manufacture so efficiently and produce in this country so efficiently, because we have to defend sugar. That is the reason those former Agriculture Secretaries say get rid of the program; we cannot negotiate more markets for our agricultural products when the one product we have to defend is sugar.

Mr. DAVIS of Illinois. Mr. Chairman, this amendment has been characterized as the M&M amendment. M&M is a good candy. Mantle and Maris were a good team from the New York Yankees.

Mr. Chairman, it is my pleasure to yield 2 minutes to another Yankee who hits a lot of home runs, the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, it is my pleasure to be associated with the second best team in New York. It is also my pleasure to join with two-thirds of the People-Named-Miller caucus here in Congress, actually over two-thirds, because the gentleman from California (Mr. GEORGE MILLER) is a pretty big fellow.

I have to say to my colleagues, I support agriculture programs. I voted for every agriculture bill, and I believe it is very important for coalitions to be formed in this body between urban Members, who probably are only consuming agriculture product, and their rural counterparts, because it is an important part of the stream. But just as my colleagues on all sides of the aisle have demanded accountability from urban programs, I think it is fair that we demand the same accountability here.

This amendment does not seek to end the program, simply to amend the program. I have to tell Members that I do not mind the fact that is a $465 million program.

□ 1830

That, to me, is not offensive. What is offensive is the additional cost to the taxpayers that are hidden.

The gentleman from Florida just talked about the $1.9 billion annually that consumers pay for this program. That is putting aside the $1.4 million a month to store the sugar that is purchased and then held in essentially escrow to be paid back against the debts as part of this program.

But I have to say that one of the things that leads me to be so strongly in favor of the Miller and Miller amendment is the experience of the Madeline Chocolate Novelties Company in Rockaway, New York in my district. It is not a mammoth company by any stretch of the imagination. They employ about 500 people. But the reason they do not employ more people, they say, is their inability to export more of their products. They do not manufacture chocolate, they create novelty chocolate products like the kind we customarily would get at Easter and in my district at Passover. But they estimate there is about a 10 percent difference in the price of the chocolate that they buy because of this program and this program alone. They travel around to international trade shows, they contact me for help with international export programs.

The fact of the matter is this program and this program alone has meant jobs in my district.

Mr. EVERETT. Mr. Chairman, let me yield myself 10 seconds to comment on the GAO report. If we look at page 55 where they conclude the validity of the report, it says, "The results are, therefore, suspect and should not be quoted authoritatively."

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding me time.

Sugar is an essential and even strategic ingredient in our Nation's food supply, yet we are the fourth largest importer of sugar in the world. The United States sugar industry is in trouble. I know firsthand because I represent thousands of family farmers and factory workers who grow and process sugar beets in Michigan. Sugar prices have plummeted over the past 2 years, and family farmers are facing a monumental challenge.

Almost half of the remaining sugar beet factories in the United States are currently for sale, for sale to the farmers who grow sugar beets. Given the depressed sugar market and the overall agricultural economy, our family farmers cannot form farmer-owned cooperatives. This is an industry that is the very backbone of the rural economy. We must not and cannot let it collapse.

The Miller amendment will end any opportunity for these farmers and factory workers to be reliable and competitive suppliers to America's consumers. The Miller amendment will cut the supply lines of an essential ingredient and deliver another economic blow to America's struggling rural economy.

Vote against the Miller amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding me time. I rise in strong opposition to this amendment. It is kind of hard for me to understand why we keep having this debate every year, because there is really no reason for it.

I represent an area where, along with the gentleman from North Dakota (Mr. POMEROY), we produce the most sugar in our region of anyplace in the country. Small farmers, 200, 300 acres in sugar beets. It has been the one crop that is making us a little bit of money, although that is getting thinner and thinner every year.

One of the reasons, frankly, is because of all of the free traders that created this problem, because of these trade agreements. If my colleagues think that this world market or this so-called price is a real price, you got another thing to consider. It is a dump price. You need to get out in some other parts of the world and find out what is going on.

I had a chance to go to Romania and they are next, of course, to Western Europe. The Europeans have a 50 percent higher price support on beets or on sugar than we do. So what happened? The World Bank went in there, Romania needed money, and they said, we will give you the money if you get rid of your agriculture subsidies. They did. Romania had 12,000 sugar beet farmers. Today they have zero. They had 36 plants; today they have 11. The Europeans own those plants and the Europeans ship every bit of sugar into Romania to be processed in those plants, and nothing is being produced in Romania.

That is what is going to happen in the United States if we pass this amendment and we get rid of the sugar program. Do not kid yourselves. This is not a level playing field, this is not a fair deal, and we will turn this industry over to other countries and put our people out of business. It makes zero sense. Defeat this amendment.

Mr. MILLER of Florida. Mr. Chairman, before I yield to the gentleman from Ohio, let me make a couple of comments, and I yield myself such time as I may consume.

The sugar program is not being eliminated. Under the Miller-Miller amendment, the sugar program will be here 10 years from today just like it is now. All we are talking about doing is lowering the price from 18 cents to 17 cents; one penny, 6 percent change. The world price, as of October 2, if we look in the Wall Street Journal or any of the financial pages, is 6½ cents. Now, I agree; that probably is a dump price, and I would not want that price in the United States. But we are only talking about 18 cents down to 17 cents.

We do have requirements and other laws on the books, and I fully support them, to keep subsidized products from coming into the United States. France subsidizes their sugar production. And we should not allow France to sell sugar to the United States, and they do not. So if there is a company that subsidizes it, we keep them out.

One of the largest sugar producers in the world is Australia. They have a free market on sugar. They sell it around the world for 6.5 cents. Of course, when they sell it to the United States, we pay them 18 cents. That is even the dumber part of the program.

So the fact is there is a dump price that I agree is like 6.5 cents, but all we are talking about is going to 17 cents.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I rise in support of the amendment. American consumers essentially are being ripped off and the time has come for Congress to finally do something about it.

The sugar program guarantees domestic cane sugar and beet sugar producers a minimum price for sugar which, at times, during the past year was about three times the world market price. The sugar program supports domestic sugar prices by offering loans to sugar producers at a rate established by law, 18 cents per pound for raw cane sugar, 22.9 cents per pound for refined beet sugar, with sugar serving as collateral for these loans. The sugar program keeps the price of sugar artificially inflated and above the world market price.

In 1998, the General Accounting Office found that the Federal sugar program cost American consumers more than $1.9 billion, almost $2 billion, up from $500 million from the $1.4 billion inflated cost cited in a similar 1993 GAO study.

It is time for Congress to eliminate this particularly egregious form of corporate welfare for the sugar-producing industry. American consumers essentially get hit twice. Their hard-earned tax dollars are being used to fund a wasteful program, which, in turn, results in artificially higher prices of sugar and sugar products on the grocery self. Any way we look at it, it is bad business. Their tax dollars are being wasted, and then they are paying higher prices at the grocers, so they get hit twice.

Mr. Chairman, I urge support of the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me time.

Instead of the Buy America Act, you could call this the Buy Anything But America Act subjecting us to dumped sugar. Instead of Correct the Trade Balance Act, you could say Compound the Trade Balance Act. That is what Miller-Miller is all about. It takes the one commodity where we actually consume more than we grow and wants to throw it open to world-dumped sugar shorting our markets.

Instead of a stimulus package, you could call this amendment the recession package, because it would surely bring recession to those areas producing sugar. That is 420,000 U.S. jobs, contributing $26.2 billion in the economy.

They call it a consumer bill; actually, it is a candy bar manufacturing bill. We have seen a 30 percent drop in the price for refined beet sugar. Have you seen cheaper candy bars? Absolutely not. This is about candy bar manufacturer profit line, not about a deal for consumers.

We have a program that works. We have a program that has available sugar at below the price available in the developed countries. We have price stability for this essential component for groceries. We need to keep the sugar program and defeat the Miller-Miller amendment.

Mr. EVERETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I would say, a penny for your thoughts. It seems like this program, this one commodity is always singled out on this House floor as some egregious program.

Now, if we tied the Miller-Miller amendment to the price of candy and forced them to reduce their prices for every penny we reduce the sugar product, then maybe I would understand there is a rationale behind this argument.

Now, I associate myself with the words of the gentleman from Florida (Mr. HASTINGS), my good friend, who talks about families in his district. Now, some use this program and attack certain families that may be successful and they hold them up as examples of corporate waste. Well, folks, we can use that in almost anything we do on this House floor: single out one individual and say that is the bad actor or the bad apple. We ignore the fact that there are thousands of people in my district.

Now, I know when you hear MARK FOLEY'S name, you think of Palm Beach and Worth Avenue. But let me take you to Belle Glade, Clewiston, Pahokee, Canal Point, where people get up every morning and go to the farms and work hard 5, 6 in the morning to harvest a crop that is difficult and is burdensome, but they bring it to market. Then all of a sudden they turn on their TV set to the government that they pay taxes for and to and hear people demeaning their way of life, their product that they produce, and act like somehow, we have some communistic cartel operating under the auspices of the Federal Government.

Now, I take exception. I invite you to come to my communities; and I invite you to meet the farmers, those individual farmers who farm 100 acres, 50 acres, 20 acres, to try to make a living for themselves and their families.

Please defeat this amendment and let us get this over with. We have done this for 7 years, and 7 years we have beaten them back. Help us do it again.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Look, this is our annual fight. We are all used to it. It is a fight between special interests, on one side the candy manufacturers, and on the other side the farmers of America and the countries that we support in other parts of the world. I think when one has a choice, go with the farmers. They are the ones that are farming the land and harvesting the product. In fact, when we buy the sugar at our price, we are also helping, our neighboring countries; we are helping the people of El Salvador who suffered from Hurricane Mitch. We are helping the other Central American countries, and our friends in the Caribbean, because we pay a much better price than the world market, and we allow these countries then to get a better sugar price and pass that on to their workers. We also help some African nations by importing their sugar.

If you vote against this amendment, you are not only helping the farmers of America, you are helping the foreign farmers that our foreign aid programs are also trying to help in a much better way than just doling out money.

This is an amendment that we argue against every year, and it should be continually defeated.

Mr. EVERETT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding. Mark Twain said there are lies, there are damn lines, and then there are statistics. It has been interesting to listen to the debate. We have heard a lot of statistics, and I am going to share some of my own. I am one of the few Members that serves on both the Committee on Agriculture as well as the Committee on the Budget. We have heard this term "subsidy" thrown around so freely here tonight as we talk the sugar program.

I would like to just read from the Economic Research Service put out by the USDA, their latest report, the Agriculture Outlook, September 2001. This is what the sugar program costs in 1993. We had a net profit to the Federal taxpayers of $35 million. In 1994, we had a net profit of $24 million. In 1995, the taxpayers made $3 million. In 1996, it was $63 million; and the next year, it was $34 million. The next year, we made a profit of $30 million. In 1999, we made $51 million. It is true in fiscal year 2000 it cost the Federal taxpayers $465 million.

Now, that was not the fault of the sugar beet growers or the sugar cane growers, it was not the fault of the farmers in the United States, it was the fault of failed trade policies.

□ 1845

It was the fault of the Federal Government of not doing its job of policing the system.

Do not blame the farmers for our failures by the bureaucrats here in Washington. That is what this amendment is all about. This has been a very successful program. We are a net importer of sugar. We need the sugar industry. We need predictable prices.

Defeat the Miller-Miller amendment. Let us vote for the underlying bill.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been taking a couple of notes here today. We talk about the sugar program; but Mr. Chairman, we are really talking about people, because sugar is people. Yes, there are differences that we have with one another, but I hardly think it is worth anything to characterize each other or our positions in such apocalyptic terms. I think it makes more sense to try and think: What is it that we want to accomplish?

The proponents say that there are trade barriers, but what we are really talking about here is whether or not we want to benefit from the importation of slave-driven wages in the rest of the world that provides this so-called cheap sugar. Why should we apologize, whether it is in Florida or whether it is in Hawaii, because our workers are the best-paid agricultural workers who produce the most?

The way I learned this economics that I am always being preached to about is that if one works hard and is the best producer and is the most efficient, one is supposed to be rewarded, not castigated. Yet, that is what this would do.

Let us remember what this particular amendment is all about. It is not about the program as such, it is to lower the price 1 cent. I can tell the Members, if they lower the price 1 cent, they will drive the producers out of business because their margin of profit, which the proponents said was only 5 percent, this is just lowering it 5 percent. So if we lower it 5 percent, we are going to drive these folks out of business because their margin of profit is not anything like the candy manufacturers.

If the workers in Illinois or anyplace were going to get the benefit of this, I could see, okay, let us work on this. But they are not. It is just going to be for the profit that is being taken.

So I want to indicate to the Members that we do not just have to look to the free sugar in the restaurants that is out there, but I ask Members to do this. In my right hand is a Diet Coke. In my left hand is a Coca-Cola Classic. Now, I got this from the cloakroom on the Democratic side of the aisle; and I guarantee Members, if I go to the cloakroom on the Republican side of the aisle, both of these cans of Coca-Cola cost the same amount of money. One has the sugar in it and one does not have the sugar in it; and they are taking the money, the same price for both cans of Coca-Cola, and they are taking the American public the same way.

Mr. Chairman, I return the rest of my time and rest my case.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to bring to the attention of the gentleman, no sugar is in soft drinks in the United States. The price of sugar is so expensive that we use corn syrup. Sugar is not used in the products in the United States; it was driven away from the market.

The more we put up the price of sugar, the less uses we will find. We will find an alternative. That is the reason corn syrup has been used as a substitute for soft drinks, so we will not find that in soft drinks, sadly, in the United States. It is used in the other countries in the world where they have a free market in sugar.

We keep referring to candy. That is just one of the uses for sugar, and they use a lot of it. It is in so many different products we use. I have a colleague who has a company that produces medicine. They have cough drops. Cough drops have a lot of sugar in them. This company manufactures them in England because they cannot bring them to the United States for production because of the cost of sugar, they say.

My colleagues started to discredit the General Accounting Office: "Why are we paying them $400 million to do all these studies?" In the case of this one, that is the $1.9 billion. That is the most authoritative source we have. They contracted out a lot of this work with a professor from the Department of Agriculture, one from Iowa State University, a professor from the University of Maryland, a former assistant professor of economics at USDA, a number of other professors from the University of Florida, from the University of California, Davis, from North Carolina State University. They all participated in this study that came up with the $1.9 billion number.

The Department of Agriculture would not participate in this, did not want to get involved in it, and they want to discredit it, which is really sad. But of course, we have to remember, the Department of Agriculture has hundreds of people over there trying to manage this program, and it is a jobs program there. So what we are doing is the cost, which is no net cost, even though we have to buy and store all this sugar, we have hundreds of employees that have to kind of maintain this program and manage the imports allowed in this program.

So yes, it is a $1.9 billion cost to all the consumers of America, and consumers are taxpayers.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I know we do not pay much attention to Secretaries, former Secretaries, newspapers, and all of those things; but I just happened to be looking. I saw where Jack Block, 1981 to 1986, Secretary of Agriculture; Clayton Yetter, 1989 to 1991, Secretary of Agriculture; Dan Glickman, 1995 to 2001; the Boston Herald; The Baltimore Sun; USA Today; Crain's Chicago Business Newsroom; the Sun Sentinel; The Miami Herald; and the current Secretary of Agriculture have all expressed concern about the subsidies.

One of the papers suggested that of all of the subsidies, the sugar subsidy is the worst. As a matter of fact, it says, "Who benefits?" That is in USA Today. "A handful of sugar growers and processors—and the politicians whose campaigns they fund to the tune of $1.5 million a year."

It says, "The sugar crowd is small but generous."

Then The Baltimore Sun says that Domino has lost money for 9 months because they paid just about the same for raw sugar that they end up selling the processed sugar for. Therefore, they are not making a profit.

The Boston Herald said "It would be better to kill this outrageous giveaway program. But the Miller-Miller amendment may be the only reform effort on the table. It deserves the support of all New England representatives." But I would go further than that, and I would say that it deserves the support of all Representatives, because once again, when it was in vogue, when it was needed, we needed it then.

Mr. Chairman, I reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think we are going to discredit any Government employees. I yield myself 10 seconds to quote the career USDA analyst used in describing the GAO report: ". . . naive, inconsistent, inadequate, a puzzlement, inflammatory, unprofessional, not well documented, incomplete, and unrealistic."

Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was just going to quote the same language the USDA used in describing the GAO report.

I agree with what my friend said earlier, the gentleman from Nebraska (Mr. OSBORNE), when he said "I do not understand why the sugar beet growers in Idaho and Nebraska and other States ought to be paying for the restoration of the Florida Everglades," as much as I like the Florida Everglades.

But let me talk for just a minute if I can about Bob's Candies, because Bob's has been mentioned several time here. Bob's came and testified before our committee. They said they had to build a plant in Mexico because they could get sugar cheaper there than they could get it in the United States. They could not compete here in the United States.

I found that ironic because the retail price of sugar in Mexico is more expensive than it is in the United States. So I thought, there must be some other reason that they are going to Mexico, labor costs or something else.

But then he explained it to me. He said that in Mexico, the Mexican government will allow them to buy the world dump price of sugar, make the candy, and then export it to the United States; but they cannot sell that candy that is made with dump price sugar in Mexico. Do Members not find that rather ironic?

Mr. Chairman, there is not a free market out there in sugar. I am unwilling to sacrifice our farmers, our sugar producers, on the alter of free enterprise when there is no free market in sugar. Maybe if we had a free market, we could look at competition that really works.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I want to thank the ranking member and the chairman one more time for the great job they have done on this bill.

Mr. Chairman, we have been hearing about farmers all day on this floor. I have heard enough bad information to make me want to dip a snuff.

All day we have been hearing about how bad large farmers are. Now we are hearing that not only large farmers are bad, but small farmers are bad if they produce sugar, and if they produce sugar in South Florida, they are absolutely terrible.

The fact is, American sugar farmers are just like every other farmers in America. They do a great job. They know what they are doing. They are the most efficient that there is.

We cannot support replacing efficient American farmers with subsidized foreign sugar. The gentleman from Idaho that preceded me is absolutely right, there is no such thing as a free market in sugar. That is an idea that will never occur in my lifetime, and very likely not in the next 200 years. It is the most political commodity that there is on the planet.

The American people get a good deal for their sugar program. They pay 20 percent less for sugar than consumers in most other developed countries. In terms of minutes of work to buy one pound of sugar, our sugar is about the most affordable in the entire world. The retail price of sugar has risen less than two pennies per pound over the past 10 years. It would be foolish for us to force the production of sugar from this country offshore in an effort to just do more damage to American agriculture.

Mr. EVERETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this has been farm day on the floor of the United States Congress, a topic that we do not discuss enough.

But in particular, it has been ironic that we have had people from different regions of this country try to pit one commodity against another; that we have had people who may have supported the previous amendment in the name of small farms come down here to try to put small farms and small farmers out of business.

There are a lot of small farmers who grow sugar in Florida and around the country. I know them. I have met them. I have walked on their land. I have heard their problems.

For us to trade away their jobs to a Third World country that uses labor practices that have been banned here for a century, chemicals that have been banned here for decades, to put on our food to ship to our children and our public at the expense of our industry and our jobs is obscene.

There has been a lot made of the environmental impacts. I know an awful lot about that. I helped write the Everglades restudy bill in the Florida legislature. The Florida sugar industry has reduced their pollutants by 73 percent, three times what the law asked them to do, and ahead of schedule. Nobody else has done that, not the national parks, not the tribes, not the water management districts, and certainly not the City of Miami, the City of Fort Lauderdale, Dade County, Broward County, and all of the other folks who are a part of that larger problem.

The sugar industry is doing their part to be a good citizen, to be good stewards of the land. I urge the defeat of this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

□ 1900

Mr. WU. Mr. Chairman, the rarest of all beasts came to this floor completely undecided on this bill. I submitted a bill in the last Congress to completely eliminate price supports for sugar, but after careful consideration about this, well, I think of two kids, my son who goes into the store and always asks for candy. A Mars bar costs 75 cents in the District of Columbia. It costs 50 cents in Oregon. A 5-pound bag of sugar costs $2.19 here in the District and $2.25 back home in Oregon. I just do not think that those savings will be passed on to my son.

I guess I just think of these little kids I have seen in Fiji working in those cane fields and they are never going to have a chance to have a better life unless we have a viable sugar industry here in America.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I support the amendment, but I am struck by this extraordinary doctrine we have of the exceptionalism of agriculture, because Members who are ardent supporters of free enterprise and keeping our markets free and keeping the government out of the markets, and not subsidizing and not regulating apparently, have read all of those economics books better than I, and they have found the secret footnote that says none of this applies to agriculture.

Now we have a new element in the doctrine of agricultural exceptionalism. Member after Member has gotten up and said we must protect American workers from the unfair and degrading conditions overseas. Let us see how they vote on Fast Track, Mr. Chairman.

We are about to get legislation that will be the grandparent of enabling competition of precisely the sort that Members have been here denouncing. I will be noticing how many Members who have invoked the unfairness of international competition unregulated to justify the sugar program. I will be looking to see how many of them will find that that was really just an exception and they will vote to, in fact, to subject the whole rest of the American economy to precisely what they have been deploring.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, if we want to look at something, look at how often we bemoan the fact that we are so dependent upon an oil cartel to supply 60 percent of the oil that is critical to this Nation's energy supplies. Then I want us to think about the fact that the international sugar cartel is a lot smaller than the international oil cartel, much smaller. This amendment plays right into their hands.

This amendment drives further farmers out of business in Louisiana and across this country and makes room for the foreign cartel to dump its cheap sugar into America.

When do they do it? They do it after they have sold all the sugar they can sell and they dump what is left, the surplus, at below cost rates into this country to kill off our farmers. What happens as a result? Our farmers are gone in Louisiana. My dad drove a cane truck. I know them very intimately. I know these small farmers and how hard they work. They are out of business and all of a sudden we are dependent now, not just for oil, but we are dependent for sugar, too, on a cartel out there. Would that not be great?

This amendment by the gentleman from Florida (Mr. MILLER) is particularly pernicious this year. It not only taxes the sugar farmers out of existence, but then it makes sure they will have to forfeit their sugar by taking away the program that saves us from government forfeitures. What a nasty amendment. This thing needs to be defeated.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I want to commend and congratulate the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. MILLER) for crafting this amendment. I also want to commend the chairman and ranking member of the Committee on Agriculture for putting together a comprehensive package that speaks in many ways to the agricultural needs of our country.

But the sugar subsidy, in contrast to all of the other farm subsidies, the sugar program imposes most of its costs on consumers, not taxpayers. The sugar program in reality is a food tax, because all of the food items that we purchase that use sugar, because of the inflated cost, it means that we are paying more. The Miller-Miller amendment does not wipe out the subsidy. It simply seeks to reduce it, to put it down to a level that does not hurt the consumer, does not hurt the workers and does not hurt American manufacturers.

So, Mr. Chairman, I would urge all of us to look carefully and look hard and know that when we vote for Miller-Miller, we are doing the right thing.

Mr. Chairman, I yield back the balance of my time.

Mr. STENHOLM. Mr. Chairman. I yield myself such time as I may consume.

Just quickly a few comments. Earlier we had comments about the 17 sugar growers. I would refer every one of my colleagues to the current edition of the Forbes Magazine to see the 400 richest people in the world and look at how many have done very well in the sugar industry in the United States. Take a look at the CEO salaries of Coalition for Sugar Reform. I cannot believe some Members have the gall to come here and to complain about the sugar industry in the United States.

We have 400,000 jobs on the line. There are 400,000 producers. If this amendment passes, they will go out of business in the United States because we cannot lower the prices anymore to producers in the United States and stay in business. That is the given fact of this amendment.

We talk about the consumer. American consumers have got the best bargain in the world with the exception of Canada and Australia. Canada and Australia consumers get a better deal at the sugar counter than we do. But take a look at the advantage that Australia and Canada have in the value of the dollar. When we talk about the free market and the free enterprise system, if we are having to compete, whether it is in sugar or airplanes or whatever we are in, if we have to compete, in this case with sugar, and Canada being the largest importer of sugar into the United States, they have roughly a 50 percent advantage. That means where our growers are getting rounded off 20 cents, they are not, it is less than that, the Canadian sugar grower gets 30 cents just because the value of the dollar.

We cannot compete with that. Take a look at the facts. Wholesale prices of sugar have dropped by 30 percent since 1990 to 2000. Since 1996, a 28 percent drop. But has any product that uses sugar dropped? The answer is no. The price of everything that uses sugar goes up. We have been through this argument every year, every year. We seem to have a dedicated agenda on the part of some who use agricultural products, that the only way to benefit the consumer is to drive our producers out of business. I respectfully disagree with that.

Take a look at the bill we have. We recognize we have a surplus of sugar. We recognize the current program has not worked and we change it. But we do not change it in a manner in which we destroy the producers in the United States. We manage to continue to be able to have, well, not a level playing field, but at least give them a chance. If the Miller-Miller amendment passes, producers in America will have no chance. Vote against the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MILLER) has 5½ minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

The Miller-Miller amendment is just a modest change in the sugar program. We are not trying to eliminate it like we debated back in 1996, and that is really what I wish we would eliminate, but we are only talking about a one-penny change, dropping the price by about 5 percent.

Now, I have my colleagues talk about, oh, the consumers do not ever gain from this, and I keep referring to this GAO report. Let us also look at all the organizations that support the Miller-Miller amendment.

What consumer agreement supports the sugar program? None. The Consumer Federation of America supports the amendment. The Consumers for World Trade support the Miller-Miller amendment, and Consumers Union supports the Miller-Miller amendment. They support it because the consumers are the one that get the bad deal off the sugar program.

Let me also talk about some of the other organizations, and many of them are going to be rating this vote, that is, scoring it and saying how important the vote is to them. For business groups, we have a lot of the users of it and good government groups. We have Citizens Against Government Waste, National Taxpayers Union, Americans for Tax Reform, Citizens for a Sound Economy, Taxpayers for Common Sense.

Environmental, people say, oh, it really does not hurt the environment. Why do National Audubon Society, Sierra Club, The League of Conservation Voters, Everglades Trust, Friends of the Earth, World Wildlife Fund all support this amendment?

As I said earlier, three former Secretaries of Agriculture, one Democrat, a former colleague of ours, Dan Glickman under President Clinton, again, Secretary Clayton Yuetter under President Bush, and Secretary Jack Block under President Ronald Reagan, all signed a letter concluding, and let me read a couple of quotes of it. Whatever its merits in the past, the sugar program in its present form no longer serves its intended public policy goal. It should be reformed.

They go on, there appears to be no reasonable way to sustain the present sugar program. Defending this import restrictive program is increasing the untenable for our trade negotiators. This conflict harms the interest of other farmers, ranchers and processes. Reform of the sugar program is long overdue, and they encourage the support for the changes outlined in this amendment.

This is a simple, common sense, reasonable and modest amendment. We have not had a full debate on this issue since 1996. We were promised things in 1996 like, oh, it will not cost us anything, and then last year we bought the $465 million worth of sugar. Are we supposed to believe it is not going to cost us again when in the year 2000, we bought $465 million worth of sugar and we are a million and a half dollars a month just to store sugar we do not even know what to do with? So come on, it is going to cost us because it cost us last year.

We are overproducing sugar, and we need to bring some reasonable common sense to this. So I encourage my colleagues to support the Miller-Miller amendment.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Alabama (Mr. EVERETT) has 45 seconds remaining.

Mr. EVERETT. Mr. Chairman, I yield myself such time as I may consume.

The proponents of the M and M amendment, when they talk about sending jobs to Mexico, have the right string but they have the wrong yo-yo. It is not the sugar program that is causing the job loss to Mexico. This is what is causing those losses.

American wages are 25 times higher here than they are in Mexico. American energy costs are five times higher than they are in Mexico. American tax burden is at least seven times higher. American protection for workers and the environment, water and air quality is much higher than it is in Mexico. Those are the reasons that we are losing jobs to Mexico, not the sugar program.

Defeat the M and M amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. SHAYS. Mr. Chairman, I am one of a few Republicans in Congress who represent an urban area, yet when it came time to end the broken system of social welfare, I voted for it and I'm proud to say that welfare reform has been a tremendous success in my district and across the nation.

We did the heavy lifting in 1996. Now it's time we got the rich farmers off welfare. There aren't a whole lot of farmers who are much better off than the sugar producers who've made a living—no, a killing!—off of government subsidies and production controls.

I think Karl Marx, even on a sugar high, couldn't have come up with anything as market-distorting and anti-competitive as the sugar program in this Farm bill. This legislation rolls back the modest reforms of 1996 by reimposing federal limits on how much sugar can be grown and sold in the United States. I can't think of a single other crops where we do this.

To truly appreciate this government handout, consider that last year the federal government spent nearly half a billion dollars to buy one million tons of surplus sugar. The government continues to spend $1.4 million a month to store it and the Department of Agriculture estimates the program will cost taxpayers at least $1.6 billion over the 10-year life of the Farm Bill.

This sugar program is one of the sweetest deals in America—but only if you're one of the lucky few. You don't hear much about the family farm during debate on this amendment, because the largest 1 percent of sugar growers claim 40 percent of the program's benefits.

But if my colleagues don't care about taxpayers' dollars or family farms, perhaps they'll care about our environment. The government's subsidies of the sugar industry are extremely harmful to the Florida Everglades. I hope everyone recognizes the irony here. Even as we spend billions of dollars on repairing the Everglades, we're spending billions more to subsidize a sugar industry that is responsible for so much of the damage to this area.

Mr. Chairman, if we can't repeal it, let's at least restore some sanity to one of the government's worst programs. This is a very modest amendment and I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the Miller/Miller Amendment.

The Miller/Miller Amendment is an attempt to destroy what remains of sugar production in the state of Texas and throughout the nation. In order to understand the damage that the Miller/Miller Amendment may cause, it is important to understand the purpose of the U.S. Sugar policy.

First, Mr. Speaker, our U.S. Sugar policy ensures that foreign predatory trade practices—such as export subsidies, marketing monopolies and cartels, high internal supports, and high import barriers—do not drive efficient American sugar farmers out of business and threaten the reliability and stability to American consumers.

Also, U.S. sugar policy ensures that jobs in rural America are not sent over seas, and that American consumers are not held captive by unreliable foreign suppliers of subsidized sugar.

Governments of all foreign sugar-producing countries intervene in their production, consumption and or trade of sugar, which makes sugar one of the most heavily subsidized and distorted markets in the world.

The Miller/Miller Amendment is an attempt to give our foreign competitors an advantage that they have not deserved. We should leave our current sugar policy intact until other countries make substantial changes in the subsidies that they provide to their sugar producers. The U.S. sugar policy saves jobs and keeps Americans working—in this economy we should do no less.

I urge my colleagues to oppose the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support today of the Miller-Miller amendment to reform the sugar subsidy program. I want to commend both gentlemen for their tireless efforts to reform this program, which has been a raw deal for the American taxpayer.

Mr. Speaker, this amendment does not eliminate the sugar subsidy program, which I admit I would wholeheartedly support. It does, however, take the modest step of providing some reforms to the existing program in an attempt to eliminate the waste and abuse associated with it. Further, this amendment would prevent any new sugar bailout programs from being created.

Last year, the government spent $465 million to buy a million tons of sugar, and then spent an additional $1.4 million a month to store it. That is money that could well have been spent on our nation's critical needs, such as providing education to children with disabilities or medical care to our veterans, or to develop next-generation weapons needed by our men and women in uniform.

Instead, as a result of the current sugar subsidy program, we provided a sweet deal for a small number of sugar growers. The existing program pays out 40 percent of Federal subsidies to a select 1 percent of the nation's sugar growers.

Miami Herald columnist Carl Hiaasen ably and concisely summarized the current sugar subsidy program in his August 29, 2001 column. "Sure, it's corporate welfare," he said. "Sure, it's freeloading. Sure it jacks up consumer prices." And, surely, I'd add, it's time to stop taxpayers from getting a raw deal, and fix this broken program.

I strongly support the Miller-Miller amendment, and encourage my colleagues to do the same. The farm bill is a sweet deal for most of our farmers; let's at least put an end to this expensive, unnecessary bailout program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. MILLER of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 239, not voting 14, as follows:

[Roll No. 367]

### AYES—177

Allen
Andrews
Armey
Baldwin
Barr
Barrett
Bartlett
Bass
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bono
Borski
Boucher
Brown (OH)
Brown (SC)
Cantor
Capito
Capps
Castle
Chabot
Clay
Clement
Collins
Conyers
Cox
Coyne
Crane
Culberson
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
DeMint
Deutsch
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Ferguson
Flake
Fossella
Frank
Frelinghuysen
Gallegly
Gekas
Goodlatte
Gordon
Goss
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hart
Hayworth
Hefley
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hostettler
Hyde
Isakson
Issa
Jackson (IL)
Johnson (CT)
Jones (OH)
Kanjorski
Keller
Kelly
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kolbe
Langevin
Lantos
Largent
Larson (CT)
LaTourette
Linder
Lipinski
LoBiondo
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Miller (FL)
Miller, George
Moore
Moran (VA)
Morella
Myrick
Nadler
Ney
Northup
Owens
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Rohrabacher
Roukema
Royce
Rush
Ryan (WI)
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Slaughter
Smith (NJ)
Snyder
Souder
Sununu
Tancredo
Tauscher
Thomas
Tiberi
Tierney
Toomey
Upton
Velázquez
Wamp
Waxman
Weiner
Weldon (PA)
Wolf
Young (FL)

### NOES—239

Abercrombie
Ackerman
Aderholt
Akin
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barton
Becerra
Bentsen
Bereuter
Berry
Bishop
Blunt
Boehner
Bonilla
Bonior
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Capuano
Cardin
Carson (IN)
Carson (OK)
Chambliss
Clayton
Clyburn
Coble
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Deal
DeFazio
Delahunt
Diaz-Balart
Dingell
Doolittle
Emerson
Engel
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frost
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Graham
Granger
Graves
Green (TX)
Grucci
Gutknecht
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hilliard
Hinojosa
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Mascara
Matsui
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller, Gary
Mink
Moran (KS)
Napolitano
Neal
Nethercutt
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Schaffer
Sessions
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns

Traficant
Turner
Udall (CO)
Udall (NM)
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—14

Burton
Callahan
Dicks
Gibbons
Hansen
Houghton
Istook
LaFalce
Millender-McDonald
Mollohan
Murtha
Serrano
Visclosky
Wexler

□ 1935

Messrs. HUNTER, McDERMOTT, HAYES, FATTAH, and KUCINICH changed their vote from "aye" to "no."

Ms. HART, Ms. SCHAKOWSKY, Mr. HEFLEY, and Mr. MOORE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HANSEN. Mr. Chairman, on rollcall No. 367, I was inadvertently detained. Had I been present, I would have voted "no."

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 367, I was detained in a traffic accident. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Committee will rise informally.

The Speaker pro tempore (Mr. GUTKNECHT) assumed the chair.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 42. Joint Resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

The SPEAKER pro tempore. The Committee will resume its sitting.

## FARM SECURITY ACT OF 2001

The Committee resumed its sitting.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in consultation between the two sides, I would like to tell Members what we are attempting to do in resolution of the bill that is before the House at this time.

There is a unanimous consent that is being drafted, and at some point when it is completely drafted and cleared on both sides, we would propose the unanimous consent in the full House. Basically this is what we would like to do this evening, if we can.

The next series of votes will occur around 10 p.m., and those will be the final votes of the evening. It is our intent to continue to try to complete the bill tonight, and any votes that would be remaining would be voted on in the morning when the House reconvenes.

Under the agreement, there are a number of amendments that we think we will have realistic time agreements on, and we can deal with those amendments in fairly short order. The gentleman from Vermont (Mr. SANDERS) has an amendment, and he has graciously agreed to cut back the time and put a 45-minute limit on it and vote that amendment tonight.

In addition, the gentleman from Wisconsin (Mr. OBEY) has an amendment to the Sanders amendment, and he has requested 10 minutes on the Obey amendment to the Sanders amendment. That would be included in the unanimous consent agreement. The anticipation is that the vote on the Sanders amendment would lead us to 10 p.m. We would have a series of votes at that time, including that amendment. And from that time, Members would be free from voting this evening; and we would continue with debate.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, there is also a Vitter amendment, but we can include that in our time.

Mr. COMBEST. Mr. Chairman, we have consulted on both sides. We will continue beyond 10:00 with the intention of completing the bill tonight and having the final votes in the morning.

Mr. Chairman, we will proceed with debate as we refine the unanimous consent agreement.

### AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 63 offered by Mr. WALSH:

At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. 147. STUDY OF NATIONAL DAIRY POLICY.**

(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the potential direct and indirect effects of the various elements of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;

(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and

(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAL DAIRY POLICY DEFINED.—In this section, the term "national dairy policy" means the dairy policy of the United States as evidenced by the following policies and programs:

(1) Federal Milk Marketing Orders.

(2) Interstate dairy compacts (including proposed compacts described in H.R. 1827 and S. 1157, as introduced in the 107th Congress).

(3) Over-order premiums and State pricing programs.

(4) Direct payments to milk producers.

(5) Federal milk price support program.

(6) Export programs regarding milk and dairy products, such as the Dairy Export Incentive Program.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

Mr. WALSH. Mr. Chairman, my amendment is very simple. It requires the Secretary of Agriculture to study the direct and indirect impacts of the various elements of our Nation's dairy policy, including an examination of its effects on farm price stability, farm profitability and viability, and local rural economics.

Earlier the gentleman from Pennsylvania (Mr. SHERWOOD) offered an amendment that would have allowed States to join together in regional-based State cooperations to develop a promising solution to the continuing dairy crisis, all at no cost to the government.

Considering the level of interest and support for developing policy that protects both farmers and consumers, I believe it is useful to study the many existing and proposed dairy policies. The result of my amendment would be a comprehensive economic evaluation of programs such as the Federal milk market orders, Federal milk price supports, export programs and over-order premiums and pricing programs. The study would also require an examination of the dairy compacts, similar to those included in the amendment offered today by the gentleman from Pennsylvania (Mr. SHERWOOD).

I strongly believe that the action of 25 States, and a sound, proven record, is enough for this Congress to base and set policy on, but there are still Members who need more evidence. Therefore, I am confident that a study will help this body recognize the value of regionally based solutions to the continuing national dairy crisis.

Mr. Chairman, I urge support of the amendment.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, as we have seen in recent weeks, there certainly is an effort to develop a national policy, and it has been somewhat elusive. I understand the gentleman's concerns. We appreciate the gentleman offering this amendment, and I would be happy to accept the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin withdraws his point of order.

The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

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### AMENDMENT NO. 30 OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Ms. HOOLEY of Oregon:

In section 925 (page , beginning line ), insert "(other than organically grown caneberries)" after "caneberries" each place it appears.

Ms. HOOLEY of Oregon. Mr. Chairman, under existing regulations, the Federal Government recognizes organic agricultural products as different from those grown conventionally. This distinction should be respected when considering the institution of a marketing order for caneberries.

Produce that is organically grown is strictly segregated from produce that is conventionally grown and is labeled as a distinctly separate product in the marketplace. Often there are entirely different venues where organic goods are made available to the consumer. Oversupply problems do not plague organic growers. Growers have cultivated niche markets that are different from markets for conventional grown caneberries.

A Federal market order system that does not allow an exemption for organic caneberries would place and unnecessary and unwelcome impediment on a small but healthy sector of American commerce.

It is my understanding after talking with the chairman that my amendment would be setting a precedent, and an exemption could be achieved through the rules process within the AMS. I respect the chairman's concerns and, therefore, I withdraw my amendment.

However, I ask for his and the committee's commitment in addressing organic growers concerns in relation to the new Federal marketing order.

Mr. COMBEST. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I thank the gentlewoman for bringing this important matter to our attention. I am certainly willing and prepared to work with her and the Agriculture Marketing Service to make sure the concerns of organic caneberry growers are addressed in regards to any new Federal marketing order for caneberry growers. I appreciate the gentlewoman not offering her amendment. I would be happy to work with her.

Ms. HOOLEY of Oregon. I thank the chairman for his leadership and his commitment to our farmers and rural communities.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

### AMENDMENT NO. 51 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. SMITH of Michigan:

In section 181, strike subsection (e) (page 128, line 23, through page 129, line 9), and insert the following new subsection:

(e) ADJUSTMENT AUTHORITY RELATED TO URUGUAY ROUND COMPLIANCE.—If the Secretary determines that expenditures under subtitles A, B, and C that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), as in effect on the date of the enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed, but in no case are less than, such allowable levels. To the maximum extent practicable, the Secretary shall achieve the required adjustments by reducing the amount of marketing loan gains and loan deficiency payments obtained by persons whose marketing loan gains, loan deficiency payments and any certificates would otherwise exceed a total of $150,000 for a crop year.

Mr. SMITH of Michigan. Mr. Chairman, this relates to the amendment that I had yesterday in terms of giving a greater advantage to the average, the medium-sized farmer, giving a lesser advantage to the very large farms in the country. This amendment relates to a WTO decision that might come, saying that the United States is going to have to reduce its subsidies for agricultural production. In the event that WTO makes that decision, the existing language in the bill has provisions where there would be an across-the-board reduction. My amendment says that the first reductions would come from those farmers receiving more than $150,000 in price support benefit payments.

The provisions of the amendment yesterday was scored to save the government $1.31 billion if we had a real limitation of $150,000 on the particular payments that go out to farmers for price supports.

I think as we proceed with this bill, as we move ahead to where we are going with agricultural policy in the future, somehow we need a policy that is going to help the farmers that need the help the most. I think it is unconscionable that we continue to give million-dollar awards. There are 152 farmers in the United States that received over $1 million in benefits. I think we need to continue to look at policies that are, number one, going to be market-oriented, number two, not to encourage increased production, and, number three, be fair to most all the farmers in the United States.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason that I am opposed to this amendment is, I do not know how it would work. Let me quickly explain, if I might, what I perceive as the unworkability of the amendment.

As the gentleman from Michigan mentioned, we have in the bill a circuit breaker in which if, in fact, we do bump the limit under the amber box, under negotiated agreements of the amount that can be expended that fall into that box, there is a trigger mechanism by which it would allow the Secretary to make adjustments across the board in order to comply with that. None of us want to exceed the limit. We have talked about that all throughout the 2 years of discussion on this farm bill. The problem with this amendment, however, is that that decision and that determination of when we hit the limit, it will be after the fact. It will be after the people have received their money. It will be after the crop happened to be already in the loan, and you take the action from that point forward. You cannot take it back to the people that have already received the money. And so the action of any trigger mechanism would be to respond to the overage from that point on.

Again, the problem is that that money will have already been expended, it will already be in the hands. It may be 1, 2, 3 years after the money has been expended before there is a recognition of the fact that we have bumped the limit under the amber box. In terms of would you, could you take it out of those people's amounts of money in the future, they may not be eligible to receive any money in the future. And so, therefore, it would all be prospective.

I just do not think this would be a workable amendment and, as I indicated, Mr. Chairman, I rise in opposition.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. I thank the gentleman for yielding. Hopefully we are not going to bump up against this limit, because it is going to be very complicated however we do it, if we bump against a WTO provision that says we have got to pay back and somehow reduce the subsidies that have already gone out. So hopefully that is not going to occur in the way we finally draft the bill.

Mr. COMBEST. One would hope not as well, but the gentleman made the point himself in trying to retrace the money that has already been paid out.

Mr. SMITH of Michigan. You are going to have to do that, anyway.

Mr. COMBEST. No, you would not have to do that, anyway. I did not yield to the gentleman, but I did hear him say that you would have to do that, anyway. You would make the adjustments into the future if, in fact, you bumped the limit. That is what the trigger mechanism is.

I again oppose the amendment. I think it is totally unworkable.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, also. My analysis of this is if this provision were imposed, it would result in the forfeiture to CCC of commodities placed under loan when a person reaches the $150,000 limit. CCC would subsequently sell these commodities to minimize carrying costs and to move them to the market as quickly as possible. CCC is expected to incur expenditures equal to the LDP and MLG cost. Consequently, no savings are expected.

Therefore, I join with the chairman in his opposition and his explanation as well as this point that I believe is relevant.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was rejected.

AMENDMENT NO. 31 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. INSLEE:

At the end of the bill, add the following new title:

## TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

### SEC. 1001. RENEWABLE ENERGY RESOURCES.

(a) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa), as amended by section 231 of this Act, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4); and

(3) by adding at the end the following:

"(5) assistance to farmers and ranchers for the assessment and development of their on-farm renewable resources, including biomass for the production of power and fuels, wind, and solar.".

(b) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—The Secretary of Agriculture, through the Cooperative State Research, Education, and Extension Service and, to the extent practicable, in collaboration with the Natural Resources Conservation Service, regional biomass programs under the Department of Energy, and other appropriate entities, may provide education and technical assistance to farmers and ranchers for the development and marketing of renewable energy resources, including biomass for the production of power and fuels, wind, solar, and geothermal.

Mr. INSLEE. Mr. Chairman, this relatively simple amendment will allow farmers to receive assessment and technical assistance from the Department of Agriculture in assessing and developing renewable energy resources on their farms. We have learned that farmers have tremendous potential in developing their wind resources. In our State, we have seen some tremendous development of wind turbine energy on agricultural lands. Biomass is a great potential as well as solar. We think that this is an appropriate use of flexible dollars for farmers to ask for assistance to develop these new technological resources in a very environmentally friendly way. We appreciate the committee's cooperation in assessing this potential.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we have looked at this. We do, as the gentleman knows through the discussion, have some concerns. It may take some adjustment throughout. The committee would be happy to work with the gentleman on trying to achieve that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. DOOLEY OF CALIFORNIA

Mr. DOOLEY of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. DOOLEY of California:

At the end of title VII (page 321, after line 23), insert the following new subtitle:

## Subtitle F—Funding Sources

### SEC. 793. USE OF PORTION OF FUNDS FOR FIXED, DECOUPLED PAYMENTS TO INSTEAD FUND ADDITIONAL COMPETITIVE RESEARCH EFFORTS.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 104, for each of fiscal years 2002 through 2011, the Secretary of Agriculture shall use $100,000,000 of the funds that would otherwise be provided to producers in the form of fixed, decoupled payments for that fiscal year to make an additional deposit into the Initiative for Future Agriculture and Food Systems account.

(b) GRANTS.—

(1) IN GENERAL.—For each of fiscal years 2002 through 2011, the Secretary of Agriculture shall make grants under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) to the faculty of institutions eligible to receive grants under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, West Virginia State College, 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note)), and Hispanic-serving institutions (as defined in section 1404(9) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(9)).

(2) AMOUNT OF GRANTS.—The total amount of grants awarded under paragraph (1) for each fiscal year shall be not less than ten percent of the total amount deposited into the Initiative for Future Agriculture and Food Systems account during that fiscal year.

Mr. DOOLEY of California. Mr. Chairman, the amendment I am offering today is one which is designed to really reflect the priorities of American farmers. I am proud to be a fourth-generation farmer in the San Joaquin Valley of California. But really, when I look at the farm policy we are advocating today, this bill would provide almost $100 billion in direct payments to farmers over the next 10 years. This money, a lot of it, is much needed to ensure the financial viability of a lot of our farmers. But I also know that those farmers that are in the fields also understand that we have to have a balance, that it is important for us to also recognize that some of these Federal tax dollars could be put to good use by investing in research.

And so what my bill does, it takes one cent of every dollar that we are spending on direct payments to farmers and puts it into a competitive research program. That $100 billion, almost $100 billion in direct payments that we are going to be providing over the next 10 years, it takes $1 billion of that and sets it into the competitive research program through USDA. These research dollars that will become available will ensure that we are investing in technology and improved agricultural practices that will benefit all commodities.

It is unfortunate that that $100 billion that we are providing in direct payments to farmers in this farm bill is going almost exclusively to the producers of the major field crops, whether it be wheat, whether it be corn, whether it be rice, whether it be cotton. The specialty crop growers, whether they be grapes and the apple growers and the vegetable growers, get very, very little.

What this amendment would do would be to ensure that those commodities, along with the major commodities, would get some money in order to invest in research programs at our leading research and academic institutions throughout this country that could be invested in a manner to ensure that it would enhance the productivity of our farmers, that it would enhance their profitability, that it would enhance their viability.

I think if you asked the farmers throughout the country whether or not they were willing to set aside one cent out of every dollar they were going to receive in subsidies over the next 10 years, they would say yes. That is what this amendment does. It would provide $100 million a year annually for competitive research programs for agriculture, which unfortunately, has been flat over the last 20 years.

I ask my colleagues to support this amendment.

Mr. Chairman, it is my understanding that we had an agreement of 10 minutes and 10 minutes on this, 10 minutes in support and 10 minutes in opposition.

The CHAIRMAN pro tempore. That has yet to be entered as a unanimous consent request.

Mr. DOOLEY of California. Mr. Chairman, I ask unanimous consent that exclusive of my time, that we would have 10 minutes in support as well as 10 minutes in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLEY of California. Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. COMBEST. Mr. Chairman, I yield myself 2 minutes.

I want to say, primarily to the gentleman from California (Mr. DOOLEY), that there is not a more intelligent, thoughtful, studious, interested, committed, caring member of the Committee on Agriculture about American agriculture than the gentleman from California. I say that with tremendous sincerity and honesty. I have deep respect for him.

I oppose this amendment, not on the substance of the amendment nearly as much as I do on the effect of the amendment. When I was fortunate enough to chair the Research Subcommittee of the House Committee on Agriculture, and I have made statements then and since that time, that I think probably research money is some of the best money we could spend. We increased in committee, in the bill that is before the House that this amendment would affect, an increase of $1.16 billion in funding for the initiative. Is it as much as any of us would want? I would say no. Is there as much in any part of this bill as anyone would want? I would say probably not. If there is, I have not found them yet.

But my main objection to this, Mr. Chairman, is what I have said, and we are going to hear a lot, and that is the balance. It was the same reason I objected to the amendment of the gentleman from Iowa (Mr. BOSWELL), is that this takes money from part of this very delicate balance that we have and it does shift it into another area.

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I wanted to make certain that everyone understands that I am not objecting to agriculture research or increasing funding for agriculture research; but when we had all of these competing interests in committee with a finite amount of money, I think we did a significantly generous increase, and for that reason, I would oppose the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me time.

I, too, must say I have to reluctantly oppose the gentleman's amendment for the same reasons that the chairman has talked about, because I, too, would like to have increased the funding for research, just as I sincerely would have liked to increase the funding for conservation, just like we will have a later debate about increasing the funding for rural development. But as we live within the budget of $73.5 billion, these decisions were made; and I feel compelled to stay with the commitment at this point in time and encourage our colleagues to oppose the gentleman's amendment.

Mr. DOOLEY of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the amendment offered by my colleague and good friend, the gentleman from California (Mr. DOOLEY), who has drawn attention to an important role in agricultural research, ensuring that American farmers are indeed prepared for the 21st century and on the cutting edge of technological advances and innovation.

Surely one of the most important things Congress can do to support the future competitiveness of American farmers is indeed supporting agricultural research. Through agricultural research we have been able to increase yields, improve environment sensitivity, add to significant value, both ecological as well as economic, and advance agriculture outputs for the world's population.

With the increased pressure from emerging nations overseas bearing down on American agricultural markets, continued technological innovation must continue, because we cannot compete with those countries from the standpoint of human capital. We must build upon our research capacity to retain the competitiveness of American agriculture.

I would like to bring to the attention of the committee one particular component of this amendment that is very important to the minority institutions, those of the 1890s, those of Hispanic-serving, as well as the Indian-serving, the Native American institutions. All of these institutions play a very important role on small disadvantaged sustainable agriculture, particularly in the minority community.

By voting for this amendment, we ensure the output and the research and the involvement of these institutions with the other major land grant universities. This is an opportunity where we can bring together all of the land grant institutions working together, both for sustainable development, as well as for the big ideas as well.

Again, I want to commend my colleague from California and to say this is the right way. I know both the chairman and the ranking member regret that they cannot be enthusiastically supporting this, but I would hope, indeed, that Members would understand the value of research is so important that we really are not taking away from farmers, we are adding to it.

Mr. DOOLEY of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this amendment. I recognize the tightness of the budget; but nothing is more important than research, and most especially research that will yield food. There are so many families and so many children that go to sleep hungry and wake up hungry every day. The one way that we can help to solve this problem is to do the research so we can find better ways to have better yields so that the least that we can do is to feed the children.

I know that the Historically Black Colleges and Universities and the Hispanic-serving institutions would also have an opportunity to join in, who know probably this issue and this problem almost better than anyone else. So I rise in support of the amendment.

Mr. DOOLEY of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California for yielding me time. Let me applaud the gentleman for his leadership on this very important issue.

Mr. Chairman, I rise to support the farm bill because I believe this is an important investment in America's future. Farm security, investment in the food chain and recognizing that as we look to a new day in securing America, we are going to have to look to the investment in our farmers, small and large.

At the same time, I believe the Dooley amendment provides the opportunity to take just a small measure of dollars, $100 million, to provide cutting-edge research and technological development as the keys to our Nation's competitiveness in an increasingly global trade market for agricultural products. If we do not invest in the cutting-edge technology, we cannot be in front of the curve to be able to be competitive, to be able to reach the pinnacle, if you will, of the kind of agricultural development that will make us internationally competitive.

Let me also thank the gentleman from California (Mr. DOOLEY) for recognizing that the land grant colleges, historically black colleges and the Hispanic-serving colleges can be very much a vital part of this research. May I remind everyone of Booker T. Washington and as well George Washington Carver, Booker T. Washington with the Tuskegee Institute and as well George Washington Carver invested in the understanding of farming. These institutions are able to provide the cultural insight and the rural insight into research, and it helps them to develop individuals who will be leaders in research as it relates to competitiveness in agriculture.

I would simply say this is a mere drop in the bucket. I do not want to diminish the amendment, but it certainly is a worthwhile amendment. I ask all my colleagues in a bipartisan way to support the Dooley amendment.

Mr. DOOLEY of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise asking my colleagues to support this amendment. I will tell you how it even impacts me personally. Over 10 years ago, when I came into Congress, I was a full-time farmer. At that time we were producing about on our cotton fields in the San Juaquin Valley about 1,000 pounds per acre of cotton. Today we are producing almost 1,800 pounds of cotton. The financial viability of my farm was not the result of program payments that are coming to us from the Federal Government. The profitability of my farm is much more a function of the investment in research that has resulted in improved varieties that have enhanced yields.

That is the crux of this amendment. It is taking one cent out of every dollar that we would be providing in direct payments and investing it in research so we can continue to see improvements in yields, so we can see improvements in productivity. That has far more to do with the financial viability of farmers than the $100 million we are providing in direct payments to farmers. That is not an investment in the future.

I just ask my colleagues to step back and take an honest and objective evaluation of what this amendment is all about. It is taking one penny of every dollar in taxpayer subsidies and saying let us invest it in research, let us invest it in the future, et cetera, et cetera. The farmers will see an enhanced level of productivity which will be more to their bottom line than these direct taxpayer payments.

I ask my colleagues to support this amendment.

Mr. COMBEST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from California (Mr. DOOLEY).

The amendment was rejected.

Mr. COMBEST. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. EMERSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, had come to no resolution thereon.

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## LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2646, FARM SECURITY ACT OF 2001

Mr. COMBEST. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 2646 in the Committee of the Whole pursuant to House Resolution 248, that debate on amendment No. 47 and all amendments thereto shall not exceed 55 minutes, with 45 minutes equally divided and controlled by the proponent and an opponent, and 10 minutes controlled by the gentleman from Wisconsin (Mr. OBEY); and that no further amendment may be offered after the legislative day of Thursday, October 4, 2001, except one pro forma amendment each offered by the chairman or ranking minority member of the Committee on Agriculture or their designees for the purpose of debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Madam Speaker, I ask unanimous consent that on amendment No. 11 to be offered by the gentlewoman from California (Mrs. BONO), that time be limited to 20 minutes on the amendment and all amendments thereto, equally divided by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SANDERS. Madam Speaker, I wanted to make sure there will be another amendment from the gentleman from Louisiana (Mr. VITTER) included within my time. I would hope there would be no objection to that.

Mr. COMBEST. Madam Speaker, the gentleman would not be prevented from offering other amendments, which would be included in the time of the gentleman from Vermont (Mr. SANDERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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## FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 248 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2646.

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### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, with Mr. HASTINGS of Washington (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 19 printed in the CONGRESSIONAL RECORD offered by the gentleman from California (Mr. DOOLEY) had been disposed of.

Pursuant to the order of the House of today, debate on amendment No. 47 and all amendments thereto shall not exceed 55 minutes, with 45 minutes equally divided and controlled by the proponent and an opponent, and 10 minutes controlled by the gentleman from Wisconsin (Mr. OBEY); and no further amendment may be offered after the legislative day of today, except one pro forma amendment each offered by the chairman and ranking minority member of the Committee on Agriculture or their designees for the purpose of debate, and any debate on the Bono amendment No. 11, which will be limited to 20 minutes, equally divided.

Are there any amendments to the bill?

### AMENDMENT NO. 23 OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. GILCHREST:

At the end of title II, insert the following:

**Subtitle H—Conservation Corridor Program**

**SEC. 271. CONSERVATION CORRIDOR PROGRAM.**

(a) PURPOSE.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) ESTABLISHMENT.—The Secretary of Agriculture (in this subtitle referred to as the "Secretary") shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) MEMORANDUM OF AGREEMENT.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

### SEC. 272. CONSERVATION ENHANCEMENT PLAN.

(a) PREPARATION.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems or watersheds within the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) SUBMISSION AND REVIEW.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) CRITERIA FOR PARTICIPATION.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) APPROVAL AND IMPLEMENTATION.—Within 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) PRIORITY.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

### SEC. 273. FUNDING REQUIREMENTS.

(a) COST-SHARING.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) EXCEPTION.—The Secretary may reduce the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) COORDINATION.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) RESERVATION OF FUNDS.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) ADMINISTRATION.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Amend the table of contents accordingly.

Mr. GILCHREST. Mr. Chairman, we have an amendment that deals with a concept known as the "conservation corridor." A conservation corridor would use existing agricultural and forest conservation practices to ensure a steady contiguous land mass for the purpose of protecting, enhancing and making agriculture profitable. In accordance with the conservation programs in the Department of Agriculture, we want to make a conservation corridor.

I have discussed this with the committee and a number of members on the committee; and at this point, to discuss further this issue, I would like to yield to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I have discussed in great detail the gentleman's amendment. I do not oppose in concept what the gentleman is trying to do, but I do have some concerns with some of the language that is in the bill and some of the impacts nationwide of his amendment.

I would like to ask the gentleman if he would be willing to make this a pilot program to work on the language and withdraw his amendment. If he is willing to do that, I would do everything in my power to rewrite the amendment and to work with the gentleman and to try to get this included in the final bill in conference.

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Mr. GILCHREST. Mr. Chairman, we have discussed this. We do accept the fact that we will make it a pilot project in an area, a geographic area in my district known as the Delmarva Peninsula. It is a peninsula that includes part of Maryland, all of Delaware, and part of Virginia; and we will create a conservation corridor which will be conducive for agriculture to be profitable.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT NO. 15 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mrs. CLAYTON:

At the end of the bill add the following:

## TITLE X—USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.

### SEC. 1001. USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE NECESSARY FUNDS FOR RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding section 104 of this Act, in each of fiscal years 2002 through 2011, the Secretary of Agriculture shall—

(1) reduce the total amount payable under section 104 of this Act, on a pro rata basis, so that the total amount of such reductions equals $100,000,000; and

(2) expend—

(A) $45,000,000 for grants under 306A of the Consolidated Farm and Rural Development Act (relating to the community water assistance grant program);

(B) $45,000,000 for grants under 613 of this Act (relating to the pilot program for development and implementation of startegic regional development plans); and

(C) $10,000,000 for grants under section 231(a)(1) of the Agricultural Risk Protection Act of 2000 (relating to value-added agricultural product market development grants).

(b) RELATED AMENDMENTS.—Section 613 of this Act is amended—

(1) in subsection (a)(1), by striking "select 10 States" and inserting ", on a competitive basis, select States";

(2) in subsection (a)(3)(A), by inserting ", plus $^{2}/_{13}$ of the amounts made available by section 1001(a) of the Farm Security Act of

2001 for grants under this section," after "Corporation"; and

(3) in subsection (b)(2)(A), insert ", plus $^{11}/_{13}$ of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section," after "Corporation".

Mrs. CLAYTON. Mr. Chairman, my understanding is that there is 20 minutes. So the gentleman from Pennsylvania (Mr. PETERSON) would have 10 minutes, and I would have 10 minutes and then 20 minutes in opposition. Is that correct?

Mr. COMBEST. Mr. Chairman, the chair would be agreeable to that if the gentlewoman is proposing that unanimous consent on her amendment.

The CHAIRMAN pro tempore. Is the gentlewoman asking for unanimous consent for 40 minutes of debate on this amendment, 20 minutes on each side, with the option on the gentlewoman's side of having that further divided to 10 minutes each, and all amendments thereto?

Mrs. CLAYTON. That is correct.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

I come before this body again to seek additional resources for our struggling and rural communities, along with a safety net for our farmers. Both I think can happen.

Clearly, agriculture has long played and continues to play an important role in the well-being of rural America. That is why I support the Farm Security Act of 2001. It provides a strong, generous safety net for the American agriculture producers in trying times for the farm economy.

A farm safety net will provide refuge for our farmers during times of economic hardship. This is as it should be. But we must ask ourselves, will this farm safety net create non-farm jobs. Will this safety net help our rural communities deal with a multi-billion dollar backlog of unfunded infrastructure projects? Will the safety net increase the economic well-being of workers who have to drive 60 miles round trip to work at a Wal-Mart at $6.25 an hour? Will it provide running water for the 1 million rural Americans who still, still today, do not have running water in their homes? Will it prevent a great hollowing out of rural America that is currently taking place by young people and our most productive citizens moving away for a better opportunity?

I say with deep regret and disappointment that the answer to these questions is no. No. This Congress must begin thinking of rural America, not just as the farmers who struggle with low commodity prices, though I have many farmers in that category; though we should help them and we must help them, but we must start thinking about rural America as a woman driving 60 miles round trip just to get $6.25 an hour and cannot support her family. We must do more for rural America, and I believe we can start with this farm bill.

That is why I am offering an amendment with my colleague to increase rural development funding in this farm bill by an additional $1 billion over 10 years. I am aware and very appreciative of what this committee has done. The chairman and the ranking member have provided leadership in this area. They have invested $1 billion. I am simply saying that an additional $1 billion out of a total budget of more than $171 billion is a very small investment to pay. In fact, this amendment is both for the farmers, it is for their neighbors, as well as their communities.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if the time was not divided by the gentlewoman's unanimous consent agreement, then I ask unanimous consent that the gentleman from Texas (Mr. STENHOLM) have half the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Again, I want to thank the gentlewoman from North Carolina for all of the many things she has contributed to agriculture and that we have worked with throughout this entire process.

All of us support rural development. It is critical to all of us who come from rural America. Rural development is something that we see every day when we go to our small towns, and we have seen the progress of it. But again, my objection to this would be the same as it was to the Dooley amendment and the same as it was to Boswell amendment, and that is that we have this balance and we, fortunately, have so far been able to protect it. It does not say anything about a negative feeling toward rural development. I am totally supportive of rural development.

Mr. Chairman, we have added rural development funds into the bill. We just have not had enough to go around. I appreciate the gentlewoman's tenacity and how hard she works on this subject, and I think she knows how much I respect her and appreciate her. However, I do rise in opposition.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to join the gentlewoman from North Carolina to offer this amendment and to support it, and I yield myself such time as I may consume.

This farm bill spends many billions supporting our farmers, but it does too little to assist rural communities where farm families live and raise their families. We are asking for a crumb from the table, Mr. Chairman, $100 million out of a $50 billion pot of money; less than 2 percent. A crumb for rural America. Not a whole cookie, not a slice of the pie, just a crumb.

Who lives in rural America today? A lot of ex-farmers. The majority of people living in rural farm towns are not farmers. A lot of ex-farmers, a lot of ex-oil workers. A lot of ex-miners as our mines have been closed. A lot of ex-loggers as our forests are locked up from logging. A lot of ex-manufacturers, as small manufacturing plants have left, too often, small rural communities.

A lot of ex-utility employees. My gas companies come now, I am from Pennsylvania, from New York, and all of the staff and all of the support offices from out of New York State. Very few of them come from my area. My electric company now is out of New Jersey and will soon be out of Ohio, and all of the staff and all of the support people that help run our communities are no longer there. My telephone company comes from New York also. Those were people who made up the rural communities and helped lead them.

Our ex-bank employees, as bank mergers have devastated rural communities. Three regional banks in my area are all now governed out of an Ohio bank. All of those support offices, all of those people who made up our communities are now living in large cities and neighboring States.

Rural is much more than agriculture, and the future and success of our Nation's family farms are critically linked to the economies of rural communities. Only 6.3 percent of rural Americans live on farms and 50 percent of those farm families have significant off-farm income. That is why we need communities to support them. Farming accounts for only 7.6 percent of rural employment, and 90 percent of rural workers have non-farm jobs to help make it work.

Rural employment is still dominated by low-wage industries. In 1996, 23 percent of rural workers were employed in the service sector. Rural workers are nearly twice as likely to earn the minimum wage: 12 percent in rural, 7 percent in urban. Rural workers remain more likely to be underemployed and are less likely to improve their employment circumstances over time, and 40 percent less likely to move out of low-wage jobs than central city residents.

Of the 250 poorest counties in America, 244 of them are rural, only 6 urban. In general, poverty rates are higher in rural than in urban areas: 15.9 percent rural, 12.6 percent urban. Rural families are more likely to be employed and still poor. In 1995, 60 percent of rural poor families worked some time during the year; 24 percent worked full time. Rural America has been exporting our brightest young people for years. We must reverse that trend. Rural communities need our help to plan and build a stronger economy for the future.

I am here today to support this because the President said in his letter about this farm bill: "The Farm Security Act 2001," the administration said, "as drafted, misses the opportunity to modernize the Nation's farm programs through market-oriented tools, innovative environmental programs, including extending benefits to workers, lands and aid programs that are consistent with our trade agenda." Our amendment redirects money to market-oriented tools, innovative and environmental programs by redirecting money to the value-added market programs to have clean drinking water.

Yes, ours is about clean drinking water grants, ours is about rural strategies and planting grants, ours is about helping farmers to value add to their products, helping farmers further process their products and get a decent price out of them; helping farmers be successful getting what their products are worth.

I am pleased to join the gentlewoman in supporting this amendment, and I ask my colleagues to do likewise.

Mr. Chairman, I reserve the balance of my time.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, clean water should be a national priority; and, in part, that is why I support this amendment. Clean water is vital to the urban community that I represent, but it is just as vital to the rural communities that would directly benefit from this amendment. It is essential to the quality of life of every resident in every community, every family, and every business. There are simply no exceptions.

Many rural communities have a critical need for improved infrastructure such as water filtration and waste water systems, but without the infrastructure to provide for clean water, public health and the environment suffers greatly, and these communities are unable to attract new and viable businesses.

The USDA acknowledged this problem in a State-by-State analysis. It was found that 2.5 million Americans had a critical need for safe drinking water. This number includes almost 1 million Americans who had no water piped into their homes primarily because they could not afford it. Estimates on updating water systems go well into the billions, and rural communities just do not have the money. They lack the local tax base to tackle this problem alone, and that is why it is up to Congress to commit the funding that will bring clean water to these communities, or this need will never be adequately addressed.

Mr. Chairman, rural Americans should not have to leave their homes for urban centers to ensure that they will have access to clean water.

Another fundamental need in rural communities is the need for professional staff to conduct strategic planning. This amendment would expand the strategic planning initiative in funding and scope and would empower rural communities to solve this problem at the local level.

Rural communities often find themselves without a means to improve their local economies, and I believe this adversely affects the national economy. By passing this amendment today, Congress will help ensure that these communities participate in the national economy, in realizing the hopes and dreams of their citizens, in making sure that many citizens of minority communities who live in rural America will have their opportunity of fulfilling the American dream.

Mr. Chairman, I am very happy to support the gentlewoman in her amendment, and I would hope that many of my colleagues who do not come from rural America will come here and support this amendment as well.

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Mr. LUCAS of Oklahoma. Mr. Chairman, I yield 6 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to take a few minutes here to commend my fellow co-chair of the Rural Caucus for her incredible work on this amendment, as well as my colleague and other fellow member of the Rural Caucus, the gentleman from Pennsylvania (Mr. PETERSON).

This is very, very important; and it is particularly important because I do not think that the current farm bill or the newly written Farm Security Act, while substantially increasing the funds for rural development, quite frankly, they do not go far enough.

As one who represents the largest district geographically in the State of Missouri, the poorest district, and one which is heavily reliant not only on agriculture but also on tourism, mining, and the forest products industry, we are seeing very tough times in rural America.

Not only do we need access to the Internet; we have a desperate need for critical health care services, for a transportation system that is safe and reliable; fundamental needs, as the gentleman from New Jersey was stating, like safe drinking water. These are basic things that folks in suburban areas are very accustomed to, but we do not have them in the rural parts of this country.

In saying that, I know that the Clayton-Peterson amendment commits substantial amounts of money to infrastructure. I would like to ask the gentlewoman from North Carolina to elaborate a little bit on that.

Mrs. CLAYTON. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, the infrastructure provisions in this amendment provide $45 million annually for 10 years and would allow communities that the gentlewoman and I know are 5,000, 3,000, small communities, and even nonprofit organizations in the unincorporated areas, to have grant assistance along with the loans that they must incur while increasing their tax indebtedness in order to have water systems. So that is for clean water as well as for wastewater facilities.

The other part is the strategic planning, which those in the urban areas take for granted. They get a larger percentage of Federal resources because they have people who can do that.

Those of us who live in rural areas, if we look at the Federal resources, it is mostly transfer of payments: Medicare, Social Security, assistance to families with children. We do not get the community development planning, we do not get big sums of economic development, we do not get big sums of housing, and we do not compete well in those competitive grants. So this would allow us an additional $45 million to have strategic planning and coordination and implementation of that. Very similar to what the gentlewoman was so creative in moving in the Delta, to have them get grant assistance. We are just marrying this up.

Finally, the value-added. That is simply giving our farmers the ability to add long-term profitability by adding new value and services to their raw commodities.

So I thank the gentlewoman for allowing me to expand on that.

Mrs. EMERSON. I thank the gentlewoman, and it is kind of like a quiver through my heart when I say to her, what about all of my farmers who have large, or not large, but medium-sized farms by, I guess, Western standards?

The part that worries me about that, I think the amendment is tremendous, but it is costly. I worry about my rice farmers, my cotton farmers, people who are hanging on by a little thread, and the extra money we would have to take away with that.

I want desperately to be able to support this, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, if the gentlewoman will yield further, I understand that. I represent a large farm area. I represent the largest number of farmers in North Carolina. The area desperately needs the commodities, they depend on those.

But I know my farmers understand what shared sacrifice means, and they would understand that they would want to have clean water in their communities. They would want to support their neighbors, their communities.

So yes, it will take monies that are needed by commodities, but we have been, I think, in some ways very generous, though not too generous. So it would be, indeed, a shared sacrifice.

I am going to vote for the bill, you understand, but I cannot deny, we are asking them to share. We are asking them to share 2 percent, 2 percent. For what? For making rural America a far more viable community. The gentlewoman and I know that only 6 percent of all the people who live in rural America are on the farm. Less than 3 percent of them actually get all their income from farms, so this will go to 93 percent of everybody who lives in rural America.

My farmers are more generous than that, they do not mind sharing. I know the gentlewoman's farmers will understand that if she explains it to them.

Mrs. EMERSON. I am feeling guilty.

Mr. Chairman, I totally agree that we have to make a much larger monetary investment in rural America, but beyond the traditional commodity programs that have been a staple of our farm bills in the past, because it is critical that we develop a lasting infrastructure.

Mrs. CLAYTON. And I ask the gentlewoman to take that lead. That is all I am saying.

Mrs. EMERSON. Mr. Chairman, I feel very strongly about everything the gentlewoman is proposing. Perhaps in conference or in the Senate, perhaps someone can help us find the extra money.

At this time I am afraid that I would not be doing right by my farmers, but I appreciate it.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I will not even take the 2 full minutes, but I do want to rise in support of this amendment.

This amendment would add resources to help rural communities improve their drinking water and wastewater infrastructure. Water quality is a critical component of public health, and an important determinant of the standard of living.

It also contributes to the economic viability of rural communities. According to the EPA, small community water systems will need a large infusion of funding to meet the needs of their residents and economies over the coming years.

This amendment would provide an additional $45 million a year. It is a modest amendment. It would take less than 2 percent of the fixed payments designated for commodities and redirect the resources to these other underfunded programs that benefit rural communities.

I urge all my colleagues, whether they are from an urban area or a rural area, to support this much needed amendment.

Mr. LUCAS of Oklahoma. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard today that this would harm the commodity programs. I believe that 2 percent would not ruin any program. It is important that the communities that our farmers live and raise their families in are good, solid communities and have the leadership they need.

Our rural communities are struggling. They are the most struggling part of America. This Congress has reached out historically and helped urban communities. We have all supported that. Now it is time to help rural America.

We have lost farming, in many ways. We have lost mining. We have lost resource drilling, oil and gas drilling. We have lost our local banks. We have lost our local utilities. Rural America is a different place today than it was 10 years ago. It has not enjoyed the boom that was in this country for the last 10 years.

The highest unemployment in this country is in rural America. The most underemployment in this country is in rural America. The most dilapidated housing in this country is in rural America. These are the communities our farms live in.

USDA, in their "Food and Agriculture Policy: Taking Stock for the New Century," say seven out of eight rural counties are dominated by a mixture of manufacturing services and other non-farming activities. The next part is what is important. "Traditional commodity support and farming-oriented development programs play an increasingly limited role in improving the prosperity of rural America."

I am not here arguing against the commodity supports, but when Members support the farmer who is less than 10 percent of the community and he does not have a community to support him, we have left out an important ingredient of rural America. The community we live in, no matter what we do, is the most important part. We are putting the money back too often into rich farmers' hands; and we are forgetting the community that the small, poor farmer lives in and is struggling for his meager existence.

The farmers in my district are poor. They work the longest hours of anybody. They are struggling. We need communities to support them. This 2 percent of this $5 billion a year is $100 million. Let us put 2 percent into the rural infrastructure where our farm families live and raise their families.

Mr. Chairman, I reserve the balance of my time.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentlewoman for yielding time to me. I appreciate the gentlewoman's courtesy in allowing me to speak on her amendment.

Mr. Chairman, I came to Congress committed to having the Federal Government be a better partner with our State and local governments, with private citizens, to help make our families safe, healthy, and more economically secure. It is hard to think of an approach that would do more for our families in rural America than is outlined in this proposal.

As a member of the Subcommittee on Water Resources and Environment, I know how critical those water needs are. They have been documented here on the floor already today. We know that we need to be doing more in terms of value-added agriculture that is going to be critical for farms, particularly small farms where people are most at risk. This is important investment.

But the area that I find most intriguing deals with giving planning resources to rural America. It has been a transformational effect in my State for communities large and small to be able to have the resources to be able to plan their future, to engage their citizens to be part of the solution, to go hunting for money, public and private. Sadly, the situation today is that rural communities do not have access to these critical planning resources.

I commend the committee, the ranking member, and the Chair for having stepped forward with the strategic planning initiative. I think it is going to pay huge dividends. But I fear the committee has sold itself short. It should not be limited to a few States. The most compelling part of this amendment to me is that it will give these rural communities throughout America opportunity to have access to them.

Mr. Chairman, I implore this body to give the tools to be able to manage their own destiny. I think it will pay dividends for years to come. I think as we look at the interesting coalition that has been assembled on behalf of this, it is reflective of new allies to help in the redevelopment of rural America.

I urge members to support this.

Mr. STENHOLM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is the third good amendment that we have had tonight, each of which said if we just take a little bit from the base bill, we can do many more good things.

All of them have been good: $20 billion for conservation, $1 billion for research, and now $1 billion for rural development.

I feel compelled again, though, to observe to the body, especially when I hear it referred to as the administration position, there is still no administration position on anything regarding this bill, other than asking us to defer action; no specific recommendations, nothing that we can do, other than suggest that we agree with them. But no one has ever, including the Secretary of State today, said specifically what they are for or against. I wish it was not that way, because we perhaps could have had a much, much better bill, but we do not.

To those who talk about the lack of money today, the gentlewoman from Missouri (Mrs. EMERSON) and the gentlewoman from North Carolina (Mrs. CLAYTON) have every right to stand up and say "additional money" because they voted for the Blue Dog budget. They provided in the vote for the budget the amount of money they are asking for tonight.

But the gentleman from Pennsylvania (Mr. PETERSON) did not vote for it, and therefore I do not see how he can ask for additional money in the same way. I understand how the gentleman can, because I would like to support the gentleman. I happen to agree on water. I do not agree on the strategic planning. That was my idea. I think we ought to be slow on new programs.

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We put $15 million into this as a pilot project because this is a new program. I think we ought to be a little conservative and cautious before we head out on a new program and we ought to try it and that is what we do.

We put $15 million. They suggest an additional $45 million. On the water we put 30. They suggest an additional 45. On the value added, this was the chairman's proposal, he put 50. They add an additional 10. All of which are good and valid requests. But the problem we have again is as we have said over and over, we struck a very delicate balance between all competing interests, between our commodities, between conservation, between research, between rural development, between trade, between all of those competing interests in putting together the bill that comes from the committee.

So again, I must add my reluctant opposition to what no one can say is not worthwhile. But we had to live under a budget that was imposed on us by this body, $73.5 billion, and that means we have to make some very tough allocation decisions. I feel compelled to stay with that decision we made and ask the body to reluctantly but firmly join in rejecting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. CLAYTON. Mr. Chairman, could I have the remaining time please?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from North Carolina (Mrs. CLAYTON) has 2 minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 7 minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 2½ minutes remaining. The gentleman from Oklahoma (Mr. LUCAS) has 3 minutes remaining.

Mrs. CLAYTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for her leadership as well as the proponents of this legislation and this amendment.

As a Member of the Committee on Science, we spend a lot of time talking about clean drinking water. I respect the leaders of this legislation. They are respected Members of this House who know full well the needs of the agricultural community around the Nation. But I believe the importance of community water assistance grants are so very important that over the life of this farm bill, the $1 billion that includes the community water assistance grants, but as well, strategic planning, coming from an area where we have begun to develop what we call super-neighborhoods, the interest of communities in planning is very vital. But in particular, this whole idea of keeping the water safe and developing clean water in rural areas I think is crucial.

I know that in rural areas it has been long overdue. In the area that I know the gentlewoman from North Carolina (Mrs. CLAYTON) represents, I know we spent some time in her district, particularly when we were dealing with the enormous flood problems. While we were there, in addition to trying to rebuild communities literally from the ground up, one of things that we noticed was most needed is a restructuring of the water system and wastewater system.

Mr. Chairman, I rise to support the idea of improvement in rural areas because as the rural areas are improved, so goes the larger communities.

Mrs. CLAYTON. Mr. Chairman, who has the right to close?

The CHAIRMAN pro tempore. If all Members are down to their final remarks, the order is the gentleman from Pennsylvania (Mr. PETERSON), then the gentleman from Texas (Mr. STENHOLM), then the gentlewoman from North Carolina (Mrs. CLAYTON) and then the gentleman from Oklahoma (Mr. LUCAS) has the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise again to repeat one more time that rural America needs our help. I do not really think Congress as a whole or the country as a whole realizes what has not happened in rural America.

As we have seen urban and suburban areas grow and prosper and fight growth, in rural America we have had an exodus. We have had elements in this Congress that have stopped timbering and put loggers out of work. We have had elements in this Congress that have stopped mining and put miners out of work. We have had elements in this Congress that have made it pretty difficult to farm in some areas and put farmers out of work. We have had regulatory agencies that have been very difficult.

There has been an attack on how we make a living on rural America. I said it many times, in my district we mine. I am from where the first oil well was drilled. We have the finest hardwood forest in America, and we farm and we manufacture. There are organizations against all of those.

Rural Americans work for their money. They are the hardest working people in this country. They are the salt of the Earth in my book, and I am proud to represent them. I think we make a mistake when we put so many of our resources in helping a few. This 1 percent we are asking for helps the whole rural community. Most farmers depend on a second job for one of their family members or themselves. They depend on a second job for their children. They depend on support services in the community. When we do not support that community, we are making the biggest mistake because it will all fall apart in the end. This 1 percent is an investment this House ought to make.

Mr. Chairman, I yield back the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again reluctantly rise in opposition. The speech of the gentleman from Pennsylvania (Mr. PETERSON), I happen to totally agree with everything that he said, with the one exception. We did not provide for the resources.

We keep talking about the commodities and that element of the bill. I would like to remind our colleagues again, the guaranteed price level that we are talking about for the commodities for the farmers proposed in those commodities is 1990 levels. I will submit tonight, yes, we are not doing nearly what we should for drinking water, but we are doing considerably more than what we are doing under baseline.

Value added and strategic planning, I am excited about that one, but I still believe that we ought to start slow because we are limited under the budget implications for this bill, in spite of what some would like to say about it. So I again ask for a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Hastings of Washington). The time of the gentleman from Texas (Mr. Stenholm) has expired.

The gentlewoman from North Carolina (Mrs. Clayton) has 30 seconds remaining.

Mrs. CLAYTON. Mr. Chairman, I yield myself the remainder of my time.

If the Committee on Agriculture does not act for all rural America, if this Congress does not use this farm bill as an opportunity to expand our investment in rural America, I would like to ask who will do it? If not us, who? If not now, when?

Indeed, the Committee on Agriculture has the congressional mandate for rural community development, and the farm bill is the obvious place where this should occur.

I ask my colleagues to support this amendment.

The CHAIRMAN pro tempore. The time of the gentlewoman from North Carolina has expired.

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield myself what time I have remaining.

I, too, must reluctantly rise and join in opposition with the ranking member of the committee, the gentleman from Texas (Mr. Stenholm) to the Clayton amendment that would pull valuable dollars away from the safety net in order to increase funding in rural development programs, but I believe we have made a great, great step in the right direction in funding in this base bill.

Consider for a moment that farm programs and rural development programs are interdependent on each other and if we take $1 billion over the next 10 years away from the farm safety net, that that will ultimately hurt those producers who live and work in the rural areas. One of the programs that this amendment would direct money to is the community water assistance grant program. While that is a very meritorious goal, I would like to point out that H.R. 2646 provides $30 million in mandatory funding per year for this program.

Under existing law this is a discretionary program. It has never been fully funded in recent times, and recognizing that, the Committee on Agriculture increased and expanded the program to help address those needs of rural communities that have difficulty in providing safe and adequate quantities of drinking water. Additionally, there are authorized, ongoing water and waste disposal loans and grants that the House has funded in the fiscal year 2002 ag appropriations bill with more than $55 million in loans and almost $600 million in grants. H.R. 2646 eliminates the authorized aggregate funding cap so that all necessary funds can be appropriated to meet this need.

The Clayton amendment also directs funds to the Strategic Planning Initiative, and H.R. 2646 creates this initiative to increase community capacity building efforts at the local and regional levels. H.R. 2646 already provides $2 million per year that will allow entities to develop and to collaborate on these strategic plans to sustain rural economic growth in communities.

To further enhance rural development efforts, H.R. 2646 authorizes the National Rural Development Partnership, which will promote interagency coordination among Federal departments and agencies to administer the policies and programs affecting rural areas. This partnership will serve as a resource for communities in working with rural development programs and will help streamline the available programs.

Remember, the underlying bill makes permanent the Resource Conservation and Development councils which will not only increase the conservation and natural resources but also support economic development and enhance the environment and the quality of rural living.

These provisions are clearly a statement in the underlying bill that we want to do everything that we can to encourage rural development, but unfortunately, we must work within the resources that are available to us. We must address the needs of the overall farm safety net, and I reluctantly oppose the amendment and ask for the passage of the underlying bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. Clayton).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule I, further proceedings on the amendment offered by the gentlewoman from North Carolina (Mrs. Clayton) will be postponed.

### AMENDMENT NO. 11 OFFERED BY MRS. BONO

Mrs. BONO. Mr. Chairman, I offer Amendment No. 11.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. Bono:

At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. . COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.**

(a) Establishment of Labeling Requirement.—The Perishable Agricultural Commodities Act, 1930, is amended by inserting after section 17 (7 U.S.C. 499q) the following new section:

**"SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.**

"(a) Notice of Country of Origin Required.—Except as provided in subsection (b), a retailer of a perishable agricultural commodity shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity. This requirement shall apply to imported and domestically produced perishable agricultural commodities.

"(b) Exemption for Food Service Establishments.—

"(1) Exemption.—Subsection (a) shall not apply to a perishable agricultural commodity to the extent that the perishable agricultural commodity is—

"(A) prepared or served in a food service establishment; and

"(B) offered for sale or sold at the food service establishment in normal retail quantities or served to consumers at the food service establishment.

"(2) Definition.—In this subsection, the term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, which is operated as an enterprise engaged in the business of selling foods to the public.

"(c) Method of Notification.—

"(1) In general.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

"(2) Labeled commodities.—If a perishable agricultural commodity is already individually labeled regarding country of origin by a packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

"(d) Violations.—If a retailer fails to indicate the country of origin of a perishable agricultural commodity as required by subsection (a), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

"(1) $1,000 for the first day on which the violation occurs; and

"(2) $250 for each day on which the same violation continues.

"(e) Deposit of Funds.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.".

(b) Application of Amendment.—Section 18 of the Perishable Agricultural Commodities Act, 1930, as added by subsection (a), shall apply with respect to a perishable agricultural commodity offered for retail sale after the end of the six-month period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentlewoman from California (Mrs. Bono) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. Bono).

Mrs. BONO. Mr. Chairman, I yield myself such time as I may consume.

The reality today is that food is a global product. Whether it is Mexican cantaloupe or Coachella Valley table grapes, the need for country of origin labeling is a consumer information and safety issue that affects millions of Americans.

With this in mind, I, along with the gentlewoman from Oregon (Ms. HOOLEY) am offering legislation, H.R. 1605, The Produce Consumers Right to Know Act, as an amendment to the pending legislation before this House.

For the past 69 years, goods imported into the United States have been required to be labeled with their products country of origin so that the consumer will ultimately know where the product was produced. Your shirt, your coffee mug, your chair and your pen probably all have country of origin labels, yet there is no law that mandates that fresh fruit and produce be labeled with its country of origin.

When the last comprehensive labeling Act was passed by Congress nearly 70 years ago, there were there very few fruit and vegetable imports into the United States so the requirement was unnecessary. However, in the 21st century, with free trade agreements, produce is now widely imported to every city and every State of this country.

It is important to note that U.S. law already encourages the labeling of fresh fruits and vegetables. Currently most of the boxes that contain produce are shipped over to the United States labeled with their country of origin. However, those boxes are usually left in the back room along with their labels.

As a result, the consumer sees the produce but not the shipping box or label. Therefore, while valuable country of origin labeling is usually attached to the produce when it enters the store, this label never ends up making it to the mom or dad who are shopping for the family so that they can make an informed decision.

While the United States does not have a country of origin law for fruits and vegetables, the State of Florida passed the Produce Labeling Act of 1979. At the retail level, Florida's country of origin labeling program is successful and inexpensive. Florida's Produce Labeling Act requires simply two staff hours per store per week.

In an era of free trade with our many trading partners around the world, it is imperative that fair trade is an element in any of our trading agreements. The GAO says that 13 of our Nation's 28 biggest trading partners require country of origin labeling for fresh produce. Mexico is a source for more than half of our Nation's produce imports, and ironically, it requires origin labeling on imported produce sold there. Other countries such as the U.K., France, Japan and Canada have labeling laws as well.

□ 2100

The truth is that everyone wants to know where their food comes from. In the 21st century, with our local supermarkets carrying everything from Brazilian bananas to Chilean table grapes, virtually everything bears its place of origin except for produce. I believe consumers want this to change.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from California (Mr. POMBO) is recognized for 10 minutes.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to have the time be equally divided between myself and the gentleman from Texas (Mr. STENHOLM).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume, and I reluctantly rise in opposition because I do support the idea of doing country-of-origin labeling. Unfortunately, I do not believe that at this time this topic should move forward on the farm bill.

This is an issue that we have had numerous hearings on in my subcommittee and in the Committee on Agriculture in the last several years because it is something that people care so deeply about. But, unfortunately, we have been unable to reach consensus in the industry as to the proper way to proceed with doing this.

There are big differences within the industry, whether we are talking about producers or processors, or the retailers themselves; but there are also big differences between the producers themselves. Some are very much in favor of moving forward, some are opposed to doing that, and there are a number of different ideas as to how and what the best way to proceed with doing country-of-origin labeling is.

Some of the issues that we have had to deal with in the past couple of years have made it very difficult to reach that consensus. I can tell my colleagues that we have had testimony in the committee that about 70 percent of the cost of proceeding with a program such as this will go back to the producers themselves in the form of lower prices. They end up absorbing the cost of this program. In the limited programs such as this that have been used in the statewide example and others, they have seen very little, if any, net return back to the producers themselves.

I can also say that GAO estimates that FDA's compliance cost for fruit and vegetables would be about $56 million per year. So this is not a no-cost program. It is an expensive program.

At this time I oppose the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. BONO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I echo the sentiments of my colleague from California and thank her for her leadership on this issue.

I will tell my colleagues that when I walk into a grocery store to buy produce for my family, I want to know where it is grown and that it is safe. This should be my right as a consumer. After all, we have laws on the books that say we have to have country-of-origin labeling whether it is our shoes, socks or auto parts. But for reasons beyond my comprehension, we do not know where the produce is grown. Food that is put in our body, we do not know where it is grown.

There is not a single person in this Chamber who would disagree that in the United States we have some of the world's most stringent regulations for farming. Our growers have to comply with strict, exhaustive local, State and Federal regulations governing the use of land, water, labor and pesticides, rules that many of our trading partners do not have to comply with. As a result, our food is some of the safest in the world.

I believe that Americans have the right to know that what they are eating is safe and where it is grown. Opponents of this amendment contend that the cost for industry, including retailers, to comply with country-of-origin labeling requirements are too great and the price of produce will rise as a result. This is simply untrue.

We already have a great test case currently in place. Florida, which is the fourth most populace State in the country, has had the country-of-origin labeling requirement for over 20 years. The estimated cost of the mandatory-produce labeling law is less than a penny on a consumer's weekly grocery bill. Less than a penny. I want my colleagues to know that people will gladly pay that penny a week to know where their food is grown.

Compliance can be achieved by simply placing signs near the produce bins or with price information. If it says apples, a dollar a pound, all that has to be done is to add, grown in Mexico, or wherever it is grown. Thirteen of our biggest trading partners, including Canada, Mexico, Japan, France, and the United Kingdom require country-of-origin labeling on produce imported into their countries. With 50 percent of our produce imports in this country coming from Mexico, I find it ironic that they have a labeling requirement and we do not.

This amendment should be an easy "yes" vote. This is good for the consumers, good for our economy, good for our farmers, and this is something that the citizens of this great country want. It is time for Congress to close this loophole from 70 years ago and pass this amendment. I urge all my colleagues on both sides of the aisle to join us in passing the Bono-Hooley amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition. I understand the objectives of the authors of this amendment, but I think it is important that this country maintains the principle of ensuring that the labels we are putting on products are providing real information to people, information that has a scientific basis in terms of providing nutritional or safety information which is important to consumers.

If we adopt this precedent of country-of-origin labeling, we are saying that we are going to then adopt a principle that we can label a product which has no scientific basis, no scientific justification. There is no indication that these products are less safe or less nutritious. I think it is important for us to maintain that consistency.

If we go down this path, we are really starting a precedent that we can then succumb to calls for labeling products that consumers might want the right to know what type of pesticides might be used on them, what type of fertilizers, even though we now have laws in place and regulations which ensure that unless the health and safety of a product is going to be impacted we do not require that labeling.

The other thing that I think is interesting, there is not a consumer anywhere, any of us in this Chamber today, that can go into a supermarket today and hardly pick up an apple, a plum, an orange that does not have a sticker on that individual piece of fruit. If there was value in that product being labeled from a particular country of origin or from the United States, there is nothing today to preclude a producer, a processor, a packager of putting that little sticker on that plum, peach, nectarine, or apple.

Why do we believe that it is so important to establish another mandate by the Government on producers, on farmers, on retailers when there is the opportunity to do it voluntarily today?

In light of the fact that we are not providing consumers with any information that actually goes to the health, the nutrition, the safety of a product, this proposal lacks merit. We need to ensure that we are making these decisions based on the long-held principle that the FDA and other agencies within the Government that it has to be based on science.

Mrs. BONO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentlewoman from California (Mrs. BONO) for yielding me this time, and I rise in strong support of the amendment offered by her, which is essentially her bill, the Produce Consumer's Right-to-Know Act.

This amendment will bring consumers information on produce that our government has required on all imported manufactured goods since the 1930s. My home State of Florida, as has been pointed out several times in tonight's debate, has required country-of-origin labeling on produce for over 20 years, and Floridians overwhelmingly support this type of labeling. It works, it is effective, and it is cost effective. The same should be required in all States.

Perishable foods should have a clear visible sign to indicate their country of origin. Thirty-four other countries require a country-of-origin labeling, including our own neighbors, Canada and Mexico. All Americans should have the right to know where their food is produced so that they can make informed decisions about what they are feeding their families.

American growers already comply with strict regulations at local, State, and Federal levels. These regulations govern the use of land, water, labor, and agricultural chemicals. These rules ensure workers' safety, sanitation and environmental protection. Due to these regulations, Americans can be assured of the quality of our own domestic perishable foods. And with country-of-origin labeling, we can all make informed decisions about foods from other countries as well.

I congratulate my good friend, the gentlewoman from California (Mrs. BONO), for fighting for this important cause for many years. But even in my south Florida community, where country-of-origin labeling is required, our growers, especially our tomato growers, are virtually wiped out. Why? Because of trade agreements like NAFTA, Mexican producers have flooded our local markets.

People need to know where their produce is coming from. It is the fair thing to do. Let our consumers know what they are buying.

The CHAIRMAN pro tempore. The Chair would remind Members that the gentleman from California (Mr. POMBO) has 3 minutes remaining, the gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining, and the gentlewoman from California (Mrs. BONO) has 1½ minutes remaining.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I appreciate what the sponsors of this legislation are attempting to do. It is something that the Committee on Agriculture has looked at and has debated and looked at the pros and cons and how we might be able to implement something like this.

The gentlewoman from Oregon mentioned that in Florida they had a program that required labeling, and it only added one cent a week, I think it was, to the grocery bill. The reality is that even though they have that law in Florida, it is not enforced; and there is no requirement that it be enforced.

Idaho actually has a meat labeling law. The Idaho legislature passed it years and years ago. It is not enforced. Cannot be enforced. That is the problem. That is why we have some numbers that say it is only one cent a week, but we do not know what the true cost of mandatory labeling would be.

One of the other problems in this that we have tried to deal with in the committee is, it is the retailer that is responsible. He is the one that will be fined. How is he going to know for sure where those fruits and vegetables are coming from? Somebody says they came from his farm in California, and the retailer finds out that they came from someplace else, from Mexico or someplace else, and he has them mislabeled in his store. He is the one that will be fined $1,000, $250 every day after that.

I will tell my colleagues that voluntary labeling works. I look at Idaho Potatoes. That is a brand name. And the Idaho Potato Commission has the right to go after those individuals who misuse and mislabel potatoes that are not grown in Idaho; and they do that and substantially they win in court, and those people are required to pay fines to the Idaho Potato Commission. Voluntary labeling does work.

What will make this program successful, to label whether it is meats or fruits and vegetables or other things, is when the consumer goes in the grocery store and says to the grocer, where did these apples come from? Where did this beef come from? Where did this turkey come from, or whatever? When the consumer asks that question, the grocer will find it advantageous to start labeling, and we will get voluntary labeling of all these products.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. I thank the gentleman from Texas for yielding me this time; and I rise, too, in opposition to this amendment.

I have mixed emotions that there is probably some reasons why we ought to be trying to get this accomplished; but I, along with the chairman, and as ranking member of the Subcommittee on Livestock and Horticulture, have sat through more meetings and testimony than I want to think about trying to work through this issue. It is a complicated issue. As the gentleman from Idaho just said, there is no prohibition against voluntary labeling, and there is some indication that that works pretty well in certain areas.

We are trying to do a lot of things on the floor of the House here that sound good and probably are good ideas, but it is not like we have not tried to work these things through in committee. I know that the chairman agrees with me that we will continue to work on this and look at the issue, but this is not the place to be legislating complicated issues like this on the floor of the House.

Mrs. BONO. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

I just want to point out that it is not rocket science to put "made in the USA" on fruits and vegetables. It is no harder to do that than it was to put this tie's country of origin. In fact, it says where the fabric was made as well as where the tie is made. This pin, "Made in the USA." This tie, "Made in the USA." It does not take rocket science to figure out where a product was made and that it adds value.

□ 2115

Growers in Oregon, like growers across the United States, comply with strict laws governing agricultural chemicals. Compliance with these laws ensures food safety. American production standards add value. Labeling produce as to origin is a low-cost and effective way to help American consumers make an informed choice at the market, and it benefits American growers at the same time. It is good for consumers, and it is good for growers.

Mr. Chairman, ultimately what this debate is all about is about choice. Americans deserve the information so they can make an informed choice about what they eat. It is truly ironic that I know where my tie is made. I know where this pin is made, but if I run to the grocery store after I leave here and try to buy some broccoli or some other fruits or vegetables, I do not know where that product was grown. I think it is about time that American consumers and American producers can get a label on their product that proudly says Made in the U.S.A.

Mr. STENHOLM. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR) to speak in opposition to my position.

Mr. FARR of California. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, I carried that issue in the California legislature. The issue is not just perishable fruit. I would admonish the Committee on Agriculture, we have to solve this. Every time we vote for buy American for the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Michigan (Mr. DINGELL) got a bill passed where every part of an automobile has to be labeled, we do not even know where packaged goods come from.

Mr. Chairman, we need to address this issue not only for perishable, but packaged goods. Americans have a right to know where their food is coming from. We need to get origin labeling adopted.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in opposition to this amendment. Members always need to remember to be careful what we ask for lest we might get it. In 1973, we had a problem with imported Mexican wheat coming into the United States, and we came up with an idea that Mexican wheat had karnal bunt; and, therefore, we put a zero tolerance on karnal bunt. It was a terrible mistake because there is nothing wrong with wheat that contains an small amount of karnal bunt, but we now have a major trade problem.

Country of origin labeling voluntarily imposed is excellent business. Most countries are already doing it. But when a label is put on and there is a suggestion that there is something about that label that suggests a safer food supply, be careful when we ask for that, particularly since in America we are now exporting $53 billion worth of agricultural products. We are importing $39 billion.

Just a few months ago, a delegation from Mexico was here; and they were quickly moving toward mandatory country of origin labeling regarding biotechnology. The argument I make tonight, they took it; and, fortunately, we are not having to fight that battle of not being able to sell our commodities, which we are selling more to Mexico than we are buying from them in total today.

I oppose this amendment. The cost as we have heard, it sounds good. It looks good, but in practicality it does not accomplish anything other than muddy the water considerably in our ability to continue to sell more into the world market. The consumers are no safer.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I said in my opening, I opposed this amendment with mixed emotions because I basically support the idea; but it is much more complicated than we can solve in an amendment to the farm bill this evening.

I would like to answer a couple of objections or questions that have been raised. This is not a food safety issue. If Members are afraid of imports in terms of food safety, then that is a completely different part of Federal law that Members have to look at. When Members are voting on trade bills, we can talk about food safety coming in. That has nothing to do with country of origin. It is handled by a completely different part of Federal law.

The other issue is what the cost is. This has been brought up, what the cost is. The retailer is limited as to what they can charge. Somebody brought up that they had stuff coming in from Mexico or other foreign countries into their districts. That sets the price. That sets the market. If we put another cost on top of that, our producers are going to pay that cost, not the retailer.

Mr. Chairman, we have to weigh this thing in its entirety, we cannot just come up with an amendment like this.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Mrs. BONO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. BONO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. BONO) will be postponed.

### AMENDMENT NO. 21 OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. ETHERIDGE:

At the end of section 164 (page 113, after line 5), add the following new subsection:

(g) INCREASE IN TARGET PRICE.—

(1) INCREASE.—Notwithstanding subsection (c), the target price for peanuts shall be equal to $500 per ton rather than $480 per ton.

(2) CORRESPONDING REDUCTION.—To offset the increase in the target price for peanuts under paragraph (1), the maximum number of acres that may be enrolled in the conservation reserve program is hereby reduced to 38,000,000 acres.

Mr. ETHERIDGE. Mr. Chairman, let me thank the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, and the gentleman from Alabama (Mr. EVERETT) who is chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs, and others who have worked so hard to bring this bill to the floor with a peanut program that gets us into the 21st century. I commend the gentlemen for their efforts on that.

They have constructed a program which will help peanut farmers, particularly peanut farmers who own peanut quotas, make their transition from AMPTA payments, marketing loans, and a countercyclical program. Unfortunately, this transition looks to be difficult on those peanut farmers who rent their quotas and their land.

Currently, peanut farmers enjoy support levels of about $610 per ton. Under H.R. 2646, if a peanut farmer has quota, he will still receive close to that support level when he combines the marketing loans, peanut AMPTA payments, countercyclical payments and buyout provisions that this bill authorizes. However, those peanut farmers who rent quota and land do not receive a quota buyout payment so they are totally dependent on the other payments, particularly the new $480 per ton countercyclical peanut program in the bill, a $130 per ton difference from the current level.

In North Carolina, we have many peanut growers; and they are going to have a very difficult time staying in business with the provisions in this bill. That is why I am offering this amendment. It would raise the countercyclical payment for peanuts from $480 to $500 per ton. It would offset this increase by increasing the CRP acreage from 39.2 million to 38 million acres.

According to the Congressional Budget Office, my amendment also saves $116 million over 10 years. This money could be put back into the CRP or used for other purposes which the House may decide.

Mr. Chairman, it is my intention to ultimately withdraw this amendment after a couple of my colleagues speak on this issue, but I offer it in order to raise the issue of how peanut growers who must rent quota and land fare under the underlying bill.

I know the chairman and the ranking member included in the manager's amendment a provision to allow peanut growers who rent the opportunity to assign base acreage on their own land or to others. This will give those growers a stronger position in negotiating rent process with landlords. It is a very helpful provision, and I thank both the ranking member and the chairman for this.

What I would like for them to do is when they get in conference with the Senate, I hope Members will consider the possibility of phasing in the countercyclical program so these farmers do not have to face the shock of going from the support level of $610 a ton to $480 a ton in 1 year. Phase-in is a smart approach that will allow these peanut farmers a smooth transition. Frankly, it has been a total new approach for them.

As a representative from a tobacco-producing State, I have followed the committee's development on this peanut program very carefully. Many tobacco quota holders in my State are hoping for a buyout, and I see this peanut program as a test case to see if we can proceed in a similar direction.

Mr. Chairman, I thank both the chairman and the ranking member for looking at this important issue for our farmers.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE) to increase the target price for peanuts. While I appreciate the committee's work on the bill and particularly on this issue, I remain deeply concerned that the changes made to the peanut program will not provide enough funding to keep farmers in business.

The farmers in my district have told me that unless changes are made to the peanut section of the bill, they do not expect there to be any peanut farmers in certain parts of Virginia. According to the Virginia Tech extension office, it costs the Virginia producers $539 per ton to raise peanuts, excluding the land costs and return to management. These producers are the farmers, whether they own the land or rent it.

Assuming that the producer would receive all of the base of $460.50 per ton that is provided in the bill, it is quite apparent that the provisions of the bill are inadequate to cover the cost of production of peanuts. In addition, most of the quota in my area of Virginia is rented. As it currently stands, the bill does not take into account the producers' rent payments.

Mr. Chairman, we should keep in mind that the farmers' costs have steadily increased as a result of higher fuel costs and higher fuel-based products such as fertilizer. Already we are losing producers under the peanut program, and it is my fear that we will drive them completely out of business without some significant changes in the peanut provision of the bill. The farmers in my district simply cannot afford this, and we certainly cannot afford to lose any more farmers.

Mr. Chairman, I urge the adoption of the amendment.

Mr. ETHERIDGE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT NO. 33 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 441, add at the end (page 217, line 7) the following: "Of the amount made available to carry out section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) for each of the fiscal years 2002 through 2011, the Secretary of Agriculture shall make available $25,000,000 for the provision of commodities to child nutrition programs providing food service under section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, my amendment is to increase the funding for the child nutrition programs by $25 million. These programs are actually in need of $55 million. This often is the only meal that poor children have. Seventy-five percent of these meals go to the poorest of children.

Mr. Chairman, this funding will offset part of the proposed $90 million increase that doubles funding for the market access program, known as the MAP program, and it helps producers and exporters finance promotional opportunities abroad, putting farmlands first and our preschool and school-aged children last.

Mr. Chairman, I simply want to ask that this amendment be considered.

Mr. Chairman, I rise today to offer an amendment to provide $25 million for child nutrition programs. These programs provide funding for our nation's schools to purchase commodities for their National School Lunch and School Breakfast Programs.

The National School Lunch Program serves more than 27 million children every day, slightly over half to children who live at or near the poverty level in this country. More than 85 percent of the 7 million breakfasts served in schools each day go to poor children. For these children, our federal school meal programs are their most secure link to good nutrition. These commodity food programs also allow school districts to offset the costs of lunches for children who do not participate in the program. In essence, these programs benefit the child receiving the free or reduced cost meal as well as the child who pays full price.

Research has confirmed a link between nutrition and children's cognitive development, cognitive performance, and ability to concentrate. Preschool and school age children need to receive proper and adequate nutrition. Studies also show that these nutritional programs have contributed positively to scores on test of basic skills, reduced tardiness and absenteeism.

Also clear is the link between our federal nutrition programs and our agricultural communities. The United States began providing agricultural commodities to our schools more than a decade before we started grants in aid to schools to provide meals, and three decades before we recognized the special needs of our poorest children through the free and reduced price meal subsidies. In 1994, Congress amended the National School Lunch Act to require that at least 12 percent of all federal support for school meals must be in the form of commodities. However, in 1998 the Congress again amended the National School Lunch Act to count bonus commodities, food products purchased under separate authorizations and for a very different purpose, to meet the 12 percent statutory requirement. While some thought this was merely an accounting change, the effect was a real cut in support for our school lunch program. The commodities, which will not be purchased under the entitlement authorization, are the ones best suited to meet the menu and nutritional requirements of our school meal programs. The impact of the change was not felt last year or this because Congress yet again passed another statute that corrected the error, but only for FY 2000 and 2001. But our schools will lose more than $55 million dollars in entitlement commodities in 2002 unless we act to correct the problem. Over the next eight years, this cut will exceed

$440 million. That is a very real and significant cut to our school programs. Make no mistake, this is a school lunch budget cut-this is more than $55 million per year that schools will not receive. It is also a $440 million cut in the amount of agricultural commodities purchased by USDA.

I have spoken with several of my colleagues and they share my interest in this matter. After all, this money is used by USDA to purchase agricultural commodities, and these purchases have a significant impact on producer incomes. The magnitude of this cut is even more dramatic when you consider the amount of food that it represents. This cut means that USDA will reduce its overall purchases by 660 million pounds.

One of the best ways we can move forward as a society is to meet our obligations to our children. The Federal Government must follow through on its commitment to work in partnership with states, schools, and the agricultural community to administer a major program designed to improve children's diets and, in turn their overall health and well being. We can be proud that these school meal programs promote the well being of some of our Nation's most vulnerable children by providing them with the nourishment they need to develop healthy bodies and sound minds. Nutritious meals help students reach their full potential by keeping them alert and attentive in the classroom. As both common sense and extensive scientific research confirm, a hungry child cannot focus on schoolwork as well as one who has been fed a nutritious meal.

Mr. Chairman, recognizing the many needs being addressed in this bill, I will withdraw the amendment, but would like to draw attention to how we, the representatives of our preschool and school age children across America, have neglected them. And in the spirit of National School Lunch Week, which begins the second week of October every year, I would also like to express my interest in working together with members of both the Committee on Agriculture and the Committee on Education and the Workforce to explore this issue and seek ways to support our nation's pre-school and school age children by providing additional agricultural commodities. Finally, Mr. Chairman, I look forward to working with all of my colleagues who share my concern to amend this problem and provide for our pre-school and school age children at home first.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, because of my discussion with the chairman and the ranking member, I ask unanimous consent to withdraw this amendment and hope that it will be considered at a later time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 47 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 47 offered by Mr. SANDERS:

At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

**SEC. . NATIONAL COUNTER-CYCLICAL INCOME SUPPORT PROGRAM FOR DAIRY PRODUCERS.**

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means a Regional Supply Management Board established under subsection (b)(4).

(2) CLASS I, II, III, AND IV MILK.—The terms 'Class I milk', 'Class II milk', 'Class III milk', and 'Class IV milk' mean milk classified as Class I, II, III, or IV milk, respectively, under an order.

(3) DISTRICT.—The term "District" means a Regional Supply Management District established under subsection (b)(3).

(4) ELIGIBLE PRODUCER.—The term "eligible producer" means an individual or entity that directly or indirectly has an interest in the production of milk.

(5) ELIGIBLE PRODUCTION.—The term "eligible production" means the lesser of—

(A) the quantity of milk produced by an eligible producer during a month; or

(B) 230,000 pounds per month.

(6) MARKETING AREA.—The term "marketing area" means a marketing area subject to an order.

(7) ORDER.—The term 'order' means—

(A) an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; or

(B) a comparable State order, as determined by the Secretary.

(8) PARTICIPATING STATE.—The term "participating State" means a State that is participating in the program authorized by this section in accordance with subsection (b)(2).

(9) STATE.—The term 'State' means each of the 48 contiguous States of the United States.

(10) TRUST FUND.—The term 'Trust Fund' means the National Dairy Producers Trust Fund established under subsection (b)(5).

(b) INCOME SUPPORT FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN PARTICIPATING STATES.—

(1) IN GENERAL.—During each of calendar years 2002 through 2011, the Secretary shall carry out a program under this subsection to support the income of eligible producers for milk sold to processors in participating States.

(2) PARTICIPATING STATES.—

(A) SPECIFIED STATES.—The following States are participating States for purposes of the program authorized by this section: Alabama, Arkansas, Connecticut, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(B) OTHER STATES.—The Governor of a State not described in subparagraph (A) may provide for the participation of the State in the program authorized by this section by providing notice to the Secretary in a manner determined by the Secretary.

(C) WITHDRAWAL.—

(i) IN GENERAL.—For a State to withdraw from participation in the program authorized by this section, the Governor of the State (with the concurrence of the legislature of the State) shall notify the Secretary of the withdrawal of the State from participation in the program in a manner determined by the Secretary.

(ii) EFFECTIVE DATE.—The withdrawal of a State from participation in the program takes effect—

(I) in the case of written notice provided during the 180-day period beginning on the date of enactment of this Act, on the date on which the notice is provided to the Secretary; and

(II) in the case of written notice provided after the 180-day period, on the date that is 1 year after the date on which the notice is provided to the Secretary.

(3) REGIONAL SUPPLY MANAGEMENT DISTRICTS.—To carry out this subsection, the Secretary shall establish 5 Regional Supply Management Districts that are composed of the following participating States:

(A) NORTHEAST DISTRICT.—A Northeast District consisting of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

(B) SOUTHERN DISTRICT.—A Southern District consisting of the States of Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, Virginia, and West Virginia.

(C) UPPER MIDWEST DISTRICT.—An Upper Midwest District consisting of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

(D) INTERMOUNTAIN DISTRICT.—An Intermountain District consisting of the States of Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

(E) PACIFIC DISTRICT.—A Pacific District consisting of the States of California, Oregon, and Washington.

(4) REGIONAL SUPPLY MANAGEMENT BOARDS.—

(A) IN GENERAL.—Each District shall be administered by a Regional Supply Management Board.

(B) COMPOSITION.—

(i) IN GENERAL.—The Board of a District shall be composed of not less than 2, and not more than 3, members from each participating State in the District, appointed by the Secretary from nominations submitted by the Governor of the State.

(ii) NOMINATIONS.—The Governor of a participating State shall nominate at least 5 residents of the State to serve on the Board, of which—

(I) at least 1 nominee shall be an eligible producer at the time of nomination; and

(II) at least 1 nominee shall be a consumer representative.

(5) NATIONAL DAIRY PRODUCERS TRUST FUND.—

(A) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the National Dairy Producers Trust Fund, which shall consist of—

(i) the payments received by the Secretary and deposited in the Trust Fund under paragraph (6); and

(ii) the payments made by the Secretary to the Trust Fund under paragraph (7).

(B) EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary, to the extent provided for in advance in an appropriations Act, to carry out paragraphs (8) through (10).

(6) PAYMENTS FROM PROCESSORS TO TRUST FUND.—

(A) IN GENERAL.—During any month for which the Secretary estimates that the average price paid by processors for Class I milk in a District will not exceed $17.50 per hundredweight, each processor in a participating

State in the District that purchases Class I milk from an eligible producer during the month shall pay to the Secretary for deposit in the Trust Fund an amount obtained by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of Class I milk purchased from the eligible producer during the month.

(B) PAYMENT RATE.—The payment rate for a payment made by a processor that purchases Class I milk in a participating State in a District under subparagraph (A)(i) shall equal the difference between—

(i) $17.50 per hundredweight; and

(ii)(I) in the case of an area covered by an order, the minimum price required to be paid to eligible producers for Class I milk in the marketing area under an order; or

(II) in the case of an area not covered by an order, the minimum price determined by the Secretary, taking into account the minimum price referred to in subclause (I) in adjacent marketing areas.

(7) COUNTER-CYCLICAL PAYMENTS FROM SECRETARY TO TRUST FUND.—

(A) IN GENERAL.—To the extent provided for in advance in an appropriations Act, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make a payment each month to the Trust Fund in an amount determined by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of eligible production of Class II, Class III, and Class IV milk sold in the various Districts during the month, as determined by the Secretary.

(B) PAYMENT RATE.—The payment rate for a payment made to the Trust Fund for a month under subparagraph (A)(i) shall equal 25 percent of the difference between—

(i) $13.00 per hundredweight; and

(ii) the weighted average of the price received by producers in each District for Class III milk during the month, as determined by the Secretary.

(8) COMPENSATION FROM TRUST FUND FOR ADMINISTRATIVE AND INCREASED FOOD ASSISTANCE COSTS.—The Secretary shall use amounts in the Trust Fund to provide compensation to the Secretary for—

(A) administrative costs incurred by the Secretary and Boards in carrying out this subsection; and

(B) the increased cost of any milk and milk products provided under any food assistance program administered by the Secretary that results from carrying out this subsection.

(9) PAYMENTS FROM TRUST FUND TO BOARDS.—

(A) IN GENERAL.—The Secretary shall use any amounts in the Trust Fund that remain after providing the compensation required under paragraph (8) to make monthly payments to Boards.

(B) AMOUNT.—The amount of a payment made to a Board of a District for a month under subparagraph (A) shall bear the same ratio to payments made to all Boards for the month as the eligible production sold in the District during the month bears to eligible production sold in all Districts.

(10) PAYMENTS BY BOARDS TO PRODUCERS.—

(A) IN GENERAL.—With the approval of the Secretary, a Board of a District shall use payments received under paragraph (9) to make payments to eligible producers for eligible production of milk that is commercially sold in a participating State in the District.

(B) SUPPLY MANAGEMENT.—In carrying out subparagraph (A), a Board of a District may—

(i) use a portion of the payments described in subparagraph (A) to provide bonuses or other incentives to eligible producers for eligible production to manage the supply of milk produced in the District; and

(ii) request the Secretary to review a proposed action under clause (i).

(C) REIMBURSEMENT OF COMMODITY CREDIT CORPORATION.—

(i) IN GENERAL.—If the Secretary determines that the Commodity Credit Corporation has incurred additional costs to carry out section 141 as a result of overproduction of milk due to the operation of this section in a District, the Secretary shall require the Board of the District to reimburse the Commodity Credit Corporation for the additional costs.

(ii) BOARD ASSESSMENT.—The Board of the District may impose an assessment on the sale of milk within participating States in the District to compensate the Commodity Credit Corporation for the additional costs.

(c) COUNTER-CYCLICAL PAYMENTS FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN NONPARTICIPATING STATES.—

(1) IN GENERAL.—To the extent provided for in advance in an appropriations Act, during each of calendar years 2002 through 2011, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make payments to an eligible producer in a District for milk sold to processors in a State that is not a participating State in an amount determined by multiplying—

(A) the payment rate determined under paragraph (2); by

(B) the payment quantity determined under paragraph (3).

(2) PAYMENT RATE.—The payment rate for a payment made to an eligible producer in a District for a month under paragraph (1)(A) shall equal 25 percent of the difference between—

(A) $13.00 per hundredweight; and

(B) the average price received by producers in the District for Class III milk during the month, as determined by the Secretary.

(3) PAYMENT QUANTITY.—The payment quantity for a payment made to an eligible producer in a District for a month under paragraph (1)(B) shall be equal to—

(A) the quantity of eligible production of Class II, Class III, and Class IV milk for the eligible producer during the month, as determined by the Secretary; less

(B) the quantity of any milk that is sold by the eligible producer to a processor in a participating State during the month.

(d) LIMITATION.—In determining the amount of payments made for eligible production under this section, no individual or entity directly or indirectly may be paid on production in excess of 230,000 pounds of milk per month.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 22½ minutes. The gentleman from Wisconsin (Mr. OBEY) will control 10 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we begin this discussion, I think tonight about the family farmers in the State of Vermont and throughout this country, people who are farming land which has often been in their family's possession for generations, people who work 7 days a week and want nothing more than to leave the land that they own to their kids, some of the very best people in this country.

□ 2130

This amendment is being brought forth to help those people not only in the Northeast, but all over this country.

Mr. Chairman, let me begin by thanking my colleagues from the Northeast, from the Midwest, from the South and other regions of this country for their help in shaping this bill. Let me be frank about saying that this bill is not perfect. It still needs work. But given the crisis facing family-based dairy farmers all over America, given the huge loss of farms that we have all experienced, it is a major step forward and it deserves the support of this body. It is my belief that the Senate is prepared to consider similar type legislation, and that some of the concerns that Members may now have about this bill can be worked out between this time and conference committee time. I will do everything in my power to work with Members to make that happen.

Mr. Chairman, in every section of our country, family farmers are being driven off the land because the prices that they receive for their products are woefully inadequate. This is bad for rural America, which is losing its agricultural base. This is bad for the environment, as more and more open land becomes parking lots and shopping centers. This is bad for the consumer because, with fewer farms producing food, prices are more and more dependent upon the whims of a few large corporate interests who are increasingly controlling the industry.

Mr. Chairman, we must preserve family-based agriculture in this country by making certain that dairy farmers all over America receive a fair and stable price for their product, and that is what this amendment seeks to do.

Many of my colleagues know that dairy legislation has been very hotly debated in this Chamber and in the Senate for a number of years. There has been a lot of bitterness and contentiousness. In that regard, let me be clear in stating that I am a very strong supporter of the Northeast Dairy Compact which, in fact, originated in the State of Vermont. I believe that the compact has worked well for the six States who are in it and for farmers in neighboring regions who sell their milk into the compact area.

I am proud that 25 States in this country voted for dairy compacts and that 163 Members of this body support the concept of a dairy compact.

But, Mr. Chairman, there are people in this body who disagree with me and with the other 162 Members who support the compact. They have argued that a compact in the Northeast and mid-Atlantic States and in the South and in other regions would hurt their family farmers in the Midwest and elsewhere. I happen not to agree with them, but that is what they believe. Now is not the time to argue whether my view is right or their view is right. What this amendment does is to say to farmers in the Northeast, in the Midwest, in the South, in the West, family farmers all over this country, that we must come together, stop our fighting and pass a bill that will work for every region of this country.

I am very proud, Mr. Chairman, that this legislation is absolutely nonpartisan, Democrats, Republicans and independents will vote for it, as will Members from the Northeast, from the Midwest, from the South and from every other region of this country. In fact, I believe some of the fiercest opponents of the dairy compact concept will be supporting this effort, and I am delighted to have them on board.

Let me very briefly tell you, Mr. Chairman, what this amendment does. This legislation creates a new national voluntary countercyclical program made up of participating States. It is voluntary. But upon enactment, all States who have already voted to participate in the dairy compacts are automatically approved. Those States are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas and Oklahoma. Those States, because they have already approved the concept of a compact, are automatically in the program. But any other State that chooses can join and we expect that the vast majority of the States in this country will do so.

This legislation establishes a national dairy trust fund which does not cost the taxpayers of this country one penny. What it does do is establish a mechanism through which dairy processors pay into the fund an equal amount to the differences between the class 1 market price paid to the producer and $17.50. This amendment establishes a cap which limits the amount of support any one farm can receive. The money acquired by the fund will then be distributed nationally to newly created regional boards based on the overall production of all milk, all milk, in the region.

This mechanism addresses the major concerns that our friends in the Midwest have had whose farmers only sell 15 percent of their milk for fluid purposes as opposed to the 40 percent average that exist nationally. In order to make certain that farmers do not overproduce, the newly created regional dairy boards may use a portion of the funds they receive for incentives to manage the supply of milk produced in the region. Importantly, these boards are responsible for reimbursing the Federal Government for any additional surplus purchases that result from the program operating in their region. In other words, we have built in a strong supply management component.

Mr. Chairman, this bill says to farmers in Minnesota, in Wisconsin, in North Carolina, in Florida, in Idaho and Utah who have 100 cows, that they will receive the same help that farmers in Vermont and Maine and Massachusetts receive. It says that every region of this country is in danger of losing its family-based agriculture, and that we need a national approach to protect them.

If you are one of the over 160 Members of the House who are cosponsoring the dairy compact legislation, you should support this bill. If you are from one of the 25 States in the country that have voted to support the dairy compacts, you should support this amendment. If you are from the Midwest and have seen thousands of your family farmers go under because of the unstable, inadequate prices, you should support this bill. If you are interested in conservation and the environment, you should support this bill, because it keeps our farmland open. And if you are from urban areas and you want to make sure that your constituents will continue to receive healthy and fresh dairy products at a reasonable price, you should support this amendment.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. VITTER) who has an amendment that I am supportive of.

### AMENDMENT OFFERED BY MR. VITTER TO AMENDMENT NO. 47 OFFERED BY MR. SANDERS

Mr. VITTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. VITTER to amendment No. 47 offered by Mr. SANDERS:

Strike "230,000 pounds" both places it appears and insert "500,000 pounds".

Mr. VITTER. Mr. Chairman, I offer this second-degree amendment to the Sanders amendment to make an improvement and remove one of the concerns that had originally arisen with his proposal. In the Sanders amendment as written, benefits are limited to 230,000 pounds of milk per month. That number really does not reflect the needs of all regions of the country, including my region in the South. Raising that amount to 500,000 pounds per month, which my second-degree amendment does, that would encompass and involve about a 300-cow farm, and would make dairy producers in many regions of the country, including the South, more comfortable with the gentleman from Vermont's underlying amendment. With this new 500,000 pound limit, most of the dairy farmers in Louisiana and many other regions would be properly included.

In offering this second-degree amendment, I want to thank the gentleman from Vermont for offering his proposals. Admittedly this is a work in progress. It was only really largely developed and brought out to other Members in the last few days, but it clearly has a lot of potential. It is not everything the compact would offer to many dairy producers, including those in the South, but it is a very good work in progress that I would like to constructively support tonight, so that hopefully we can continue to perfect it as it moves along in the process. I want to thank the gentleman from Vermont for his cooperation and his pledge to work with all regions, including the South, to make sure that all dairy farmers' needs and concerns and questions are fully taken account of as hopefully we move forward in the process.

Mr. SANDERS. I thank my friend from Louisiana. I believe this amendment should be adopted because it advances our efforts to reach a consensus among dairy producers in this country. It represents a good compromise between those who would want a super low cap and those who have no cap. If we are ever to make any progress on dairy, all of us will have to give a little. So I appreciate the amendment. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER) to the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment to the amendment was agreed to.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 22½ minutes.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO), chairman of the dairy subcommittee on the House ag committee.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to start off by saying I appreciate a great deal the job that the gentleman from Vermont has done in his attempt to try and bridge some of the differences, some of the regional differences that exist. I appreciate that effort that he has put into this. But I do have to oppose his amendment to the bill.

I came to Congress 10 years ago, or almost 10 years ago. The committee that I was put on was the dairy subcommittee. I have had the great joy of spending literally countless hours debating dairy, not only here today, but over the last 10 years, and getting to appreciate those regional differences and just how difficult it is to try to construct national dairy policy that actually addresses one region of the country where their average dairy may be 40, 45 cows, versus a region of the country like the one that I happen to represent, where our average dairy is almost 600 cows. With the Vitter amendment, which is a step in the right direction, he is still about half the size of the average dairy in my district. That makes it totally unworkable in terms of my district.

The details of this particular plan, I think we could debate through the night, whether they are good or bad, but I can tell the gentleman from Vermont that I have no idea what the impact is going to be on California, on Vermont, on Wisconsin, Minnesota or anyone else. I saw this for the first time yesterday. I have not seen any of the economic analysis on this. I have no idea how it is going to impact the average family farmer, whether that be in his district or mine.

Until we have the opportunity to sit down and actually figure out what the impacts are, what the impact is going to be on overall production, if you are going to go up to a $17 price, does that increase the amount of production in this country? What happens to the average dairy size in California? Do we all of a sudden go from 600 to 300 and take twice as much land so that every dairy qualifies for the program?

There are a lot of questions that are unanswered. Unless we have the opportunity to go through the regular process, to have the committee hold hearings on this, to look at the economic analysis, unfortunately there is no way at this point that I could support this legislation.

As I said, I appreciate the job that the gentleman did. I appreciate the effort. I look forward to working with him in the future because I do think that this is a place that we can start and we may be able to move on from here. But at this time there is just no possible way that this amendment should be included in the farm bill.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that half of the time allotted in opposition, which I think would be 11¼ minutes, be given to the gentleman from Texas (Mr. STENHOLM) or his designee for his control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Chairman, I would like to take the time that has been allotted to us.

The CHAIRMAN pro tempore. The gentleman from Minnesota is recognized for 11¼ minutes.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

□ 2145

Mr. Chairman, I reluctantly rise as well to oppose this amendment. I serve as the ranking member of the Subcommittee on Livestock and Horticulture, and I have had the joy, as the gentleman from California (Mr. POMBO) put it, to be on that committee I think 2 years longer than he has, which has been an educational process.

But I think that we all should recognize that the gentleman from Vermont (Mr. SANDERS) has been an outstanding advocate for family farmers, and especially dairy farmers. There is nobody that has worked harder. A lot of the ideas he has in his amendment are ideas that I support in concept and have worked on with him and in other venues to try to put something together, but we just have never been able to overcome the regional differences. As the chairman said, this may be a start where we can start trying to work through this.

I just would like to say to Members, I think one of the reasons we are in this problem is our own fault, because we have written dairy legislation not in the committee; we have written it on the floor.

Ever since I have been here, we have been through this fight; and we end up writing these bills on the floor, and I would argue that one of the reasons the program is having so much of a problem is because we have done it this way. We have kind of brought this on ourselves.

I understand the pressures that people have in the Northeast and the Southeast. I have been all over this country. I have talked to dairy farmers in every part of the country. I have sat through thousands of hours of hearings and meetings; and if the chairman and I knew a way to work this out, we would have done it a long time ago.

The concerns that I have with the present amendment go along the lines of what the chairman said; but in addition to that, I have looked at these floors, whether they be on Class III or Class I or whatever, and I have become convinced that if we do any kind of a floor at this level without very strong mandatory supply management, we are going to get so much milk that we are not going to know what to do with it, and we are going to collapse the prices down to price supports. We have been kind of through that. I think some of the reason that has happened is because of the legislation that we put together on this floor the last couple of times.

So the supply management component that is in here, I applaud the gentleman from Vermont (Mr. SANDERS) for recognizing the need for that, but I do not have a lot of confidence that this is going to be enough to be workable.

The Secretary along with me working through this and trying to put together a national coalition on supply management, which I have been doing over the last couple of years, has indicated to me that she is not really in favor of supply management; and I have some real questions about whether the Department would implement a program that would actually be workable.

The last thing we need to do is pass legislation that is going to make the situation worse, rather than better. I think that that may be the outcome of this legislation if we did not have a very strong supply management component to make sure that we do not overproduce and end up with big surpluses.

So I think sitting here today and spending all this time listening to the compact debate, and now we are in another debate here this evening, I think it is time we admit where we are at with this. We cannot get these regions of the country to agree with each other, and I am not sure we ever can.

Apparently the different regions of the country are bound and determined to have their own system, so I have talked to the chairman today about the possibility of he and I putting together legislation that would end the dairy program at the Federal level of the United States. The only thing the industry agrees on, the only one thing, is a $9.99 price support. The reason is, after they get done with all of the things they are doing and they want us to bail them out at the end, well, if these States want to do this and if they want to go off and do their own thing, I think that is fine. Then we should get stepped back out of this, get rid of the price support system, get the Federal Government out of this system, and let the States set up their own process as they see fit.

I would be more than willing to support legislation to allow them to form the compacts in any way that they want, and then they could set up their own purchase system if they produced too much or supply management or whatever it is. But I have become convinced this is the answer to this problem, because all we are doing with what we are continuing on with here is making things worse every time we pass a new dairy bill.

So I am going to ask the chairman that we put a bill together in this fashion, and I would ask him that we have hearings on it and we seriously look at it.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, as the gentleman and I discussed earlier off the floor, I do think that it is time that we start looking at whether or not we need a Federal order system, whether the Federal Government should be involved at all, because if we are going to adopt a number of compacts, if we are going to have these state-run systems, quite frankly, the Federal taxpayer should not be the one who has to absorb the mistakes of all of these systems.

If that is the direction we are going to go, if Congress in its infinite wisdom decides we are going to allow compacts and we are going to allow States to adopt their own system, then the Federal taxpayer should not be expected to bail them out when they make a mistake.

So I will work with the gentleman. We will work toward putting a bill together that tries to accomplish that. We will hold hearings on it, and we will open the debate and allow the Congress to work its will.

Mr. PETERSON of Minnesota. Mr. Chairman, reclaiming my time, I thank the chairman. In my judgment it is unfortunate we are getting to this situation. But people need to understand that if we put the price of milk at a high level, dairy farmers are very good at producing and they are going to make milk; and they are going to make more milk than we can consume, and we are going to have a problem figuring out what to do with it. That has been the problem over the last number of years. That is why I say that this amendment may be workable if we had a very strong supply management component, but I am skeptical we are going to get one, given the current administration and given the division in the industry.

Mr. Chairman, I appreciate the chance to get that off my chest.

Mr. Chairman, I reserve the balance of my time.

### AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. SANDERS

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. SANDERS:

Strike paragraph (6) of subsection (b) of the section being added by the amendment and insert the following:

(6) PAYMENTS FROM PROCESSORS TO TRUST FUND.—

(A) IN GENERAL.—During any month for which the Secretary estimates that the average price paid by processors for Class I milk in a District will not exceed a target price applicable to that District, each processor in a participating State in the District that purchases Class I milk from an eligible producer during the month shall pay to the Secretary for deposit in the Trust Fund an amount obtained by multiplying—

(i) the payment rate determined under subparagraph (B); by

(ii) the quantity of Class I milk purchased from the eligible producer during the month.

(B) PAYMENT RATE.—The payment rate for a payment made by a processor that purchases Class I milk in a participating State in a District under subparagraph (A)(i) shall be equal to—

(i) in the case of a marketing area in the District, the difference between—

(I). the target price for that marketing area; and

(II) the minimum price required to be paid to eligible producers for Class I milk in that marketing area; and

(ii) in the case of an area in the District not covered by an order, the difference between—

(I) the target price for the area determined by the Secretary under subparagraph (C); and

(II) the minimum price determined by the Secretary, taking into account the minimum price referred to in clause (i) in adjacent marketing areas.

(C) TARGET PRICES.—In the paragraph, the term "target price" means—

(i) $17.50 per hundredweight, in the case of the Northeast marketing area;

(ii) $17.35 per hundredweight, in the case of the Appalachian marketing area;

(iii) $18.25 per hundredweight, in the case of the Florida marketing area;

(iv) $17.35 per hundredweight, in the case of the Southeast marketing area;

(v) $16.05 per hundredweight, in the case of the Upper Midwest marketing area;

(vi) $16.25 per hundredweight, in the case of the Central marketing area;

(vii) $16.25 per hundredweight, in the case of the Mideast marketing area;

(viii) $16.15 per hundredweight, in the case of the Pacific Northwest marketing area;

(ix) $17.25 per hundredweight, in the case of the Southwest marketing area;

(x) $16.60 per hundredweight, in the case of the Arizona-Las Vegas marketing area;

(xi) $16.15 per hundredweight, in the case of the Western marketing area; and

(xii) in the case of an area not covered by an order, a price per hundredweight determined by the Secretary, taking into account the target prices in adjacent marketing areas.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Under the previous order of today, the gentleman from Wisconsin (Mr. OBEY) is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, no one in this Chamber has been more opposed to regional dairy compacts than have I. The gentleman from Vermont (Mr. SANDERS) and I have exchanged many a strong word about that subject. But I participated in several meetings in the Speaker's office a while back, meetings which he hosted to try to see if there was not some way you could overcome the regional differences on the issue of dairy. At that time, the Speaker was lamenting the fact that the regions did not seem to be able to get together in any way.

The gentleman from Vermont (Mr. SANDERS) has, I believe, brought to the House an approach which, although I believe it needs refinement, could in fact accomplish that purpose; and I want to congratulate him for it. I intend to vote for the amendment, even though I have been totally opposed to the idea of regional compacts, because I think the gentleman offers us a way to raise dairy farm income without discriminating geographically or regionally across the United States. So I would urge that the gentleman's amendment be adopted.

It just seems to me that we need make no apology for trying to find ways to raise dairy income. The effect of the gentleman's amendment, I believe, would be to marginally increase dairy income in all sections of the country, and it has provisions that guard against oversupply; and it has provisions which equalize the burden of doing that. I think it is the most imaginative effort to overcome regional differences that I have seen in the last 4 or 5 years.

I do think it has one defect, and I have an amendment that would correct that; and I would ask the House, however they intend to vote on the Sanders amendment, to simply adopt my amendment to perfect the Sanders amendment before we proceed to vote on it.

As written, the amendment essentially provides for one Class I price, the price of milk for fluid use all across the country. The problem is that currently there are differences in Class I price in different regions of the country. Those differences are used to facilitate the movement of milk between regions, especially during times of short supply.

By having a single unified price we would interfere with that process, and my amendment would simply adjust the numbers in the bill so that regardless of the size of the differentials in regions, you would take those differentials into account in setting the different regional prices in the gentleman's amendment. I would urge, however you intend to vote on the Sanders amendment, to adopt this amendment before you vote on that.

Having said that, I would like to ask the gentleman a question, if the gentleman would engage in a colloquy.

My understanding is that under the gentleman's proposal, a 50- or 100-cow farmer in Minnesota or Wisconsin where a Class I utilization is relatively low would receive the same payment as a 50- or 100-cow farmer in Florida or Vermont, or anywhere else a Class I utilization is higher. Is that correct?

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, that is correct.

Mr. OBEY. Payments would be made based upon the production, up to a limit of 500,000 pounds of milk per month, and not based on whether the milk would go into manufacturing products such as cheese or butter or fluid use. Is that correct?

Mr. SANDERS. If the gentleman will yield further, that is absolutely correct.

Mr. OBEY. Mr. Chairman, reclaiming my time, I think this issue is extremely important for farmers all over the country, because with this kind of a nationalized arrangement, we would, for the first time, enable the gentleman's farmers in his area of the country to receive a higher price for their product without penalizing farmers in my region or any other region of the country.

If the gentleman's amendment is adopted, I would certainly want his assurances that that national pooling provision would not be eliminated at any time during the process, if he had anything to do with it.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield further, he has my absolute assurances.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, it is my understanding we are dealing with Class I.

Mr. OBEY. That is right.

Mr. POMBO. I think I heard the gentleman say Class III.

Mr. OBEY. No.

Mr. POMBO. So what we are talking about is the Class I milk would be the same price, whether you are in Wisconsin or Vermont?

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, yes.

Mr. POMBO. What about California?

Mr. SANDERS. Yes. If California voluntarily chooses to come into the program, the answer is yes.

Mr. OBEY. Mr. Chairman, reclaiming my time, could I ask the gentleman a favor? Because I have only 10 minutes on this amendment, I would like to limit the discussion to my amendment to the Sanders amendment, and then I think the gentleman can deal with other potential problems with the Sanders amendment on the gentleman's time.

Mr. POMBO. Mr. Chairman, if the gentleman would yield further, I am trying to figure out what the gentleman's amendment will do.

Mr. OBEY. Mr. Chairman, the problem that the gentleman has now is that each region has a different differential payment. If you have one uniform price that is paid all across the country, then in effect farmers are not getting the same benefit if they live in a region that has a lower differential as opposed to a higher differential, and you in fact place an undue burden on processors in certain parts of the country who would be making up the difference between, in fact, the floor price and the market price. That was an inadvertent mistake in the gentleman's amendment, and I am simply trying to correct it in the event that it would pass.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Wisconsin, and I look forward to working with him so that we can protect the farmers in Vermont and Wisconsin and every other region in this Nation.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me time.

I would hope that the gentleman from California and the gentleman from Minnesota (Mr. PETERSON) would really reconsider their opposition to this amendment. It is absolutely true that more analysis needs to be done, no question about it, and questions have to be answered. But this amendment has some at least real potential for resolving an issue that has deeply divided this House and deeply divides America on farm policy by region.

Now, I would like the amendment to allow much more opportunity for consumer-based boards to have a say in this process at the regional level. That has been one of the strengths of the compact approach. I think when a State decides to enter this program, they should also set up a board that has consumers on it to begin to watch the price and see how much this helps their farmers.

Mr. Chairman, I regret the fact that the chairman of the committee and others on it who have a great deal of influence on policy cannot be bothered to listen.

□ 2200

Because I heard passionate speeches all day about how much your farmers need the subsidies in this bill. Do my colleagues not understand that our dairy farmers are in exactly the same position in New England and they get nothing. And they are going to go under if we cannot either extend the dairy compact or find a different way for our region?

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, does the gentlewoman not understand that I represent more dairy farmers than she does? Does she not understand that I have more cows than she does?

Ms. JOHNSON of Connecticut. Mr. Chairman, I must reclaim my time. The Constitution was finely written when they found a way for small States to be able to have a voice equal to big States. So I understand the gentleman represents more farmers than I do, but it does not make the survival of any individual farm in Connecticut of any lesser value than the survival of a farm anywhere else in the country. That is all I am saying.

What I want my colleagues to think about is that this approach, integrating this issue and solving it through the existing marketing order through a system that is voluntary, that I think could be made more flexible and responsive to consumer interests as we work on it and analyze it, offers the best hope that we have had so far to really recognize the needs of dairy farmers across America.

The marketing order system is a one-size-fits-all. The reason we fight about dairy policy is because one size does not fit all anymore, and this amendment does offer us the opportunity, within a national umbrella, to begin to find a way for regions to manage in a way that supports farmers. That is our interest, to support farmers.

So I am pleased that we do have a supply management provision in here. The compact has been successful at that. Most dairy policies nationally have not been successful at managing supply, and it has not cost the national taxpayers a dime. I urge my colleagues to give it a chance. Let us talk this out. Perhaps we can deal with it in the conference.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to thank the gentleman from Vermont (Mr. SANDERS) for his effort in putting this amendment together. We have had this fight for years. We have had this fight for hours today about removing these regional disparities with respect to dairy, and that has been a fight that we have had for a long, long time. I unfortunately believe it is a fight we are going to continue to have.

But this amendment is so broad and so sweeping and so comprehensive in so many ways that it leaves a lot of unanswered questions on the table. One of the concerns I have, which is a question or a concern is that, A, we have not seen a large scale analysis as to its real effect across the country. I really do not know what this is going to do to the dairy farmers in Wisconsin. One of the concerns I have is that this could incentivize an oversupply of class 1 price, which could turn over and depress the price of class 3 milk, which is what we produce where I come from. So I am concerned that this may actually depress our class 3 price in the upper Midwest.

But I do applaud this effort. I think it is high time we think outside the box and try and get rid of the regionalism that has too long plagued this debate, but it is just not ready for prime time, in my opinion.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I appreciate the gentleman's sentiments, and I am the first to admit that more work needs to be done. But I think the gentleman will agree with me. The gentleman has seen some of the best people in his State lose their farms and go out of business. I have seen the same thing. I think we have to work together. I think this is a good start. We do not have a lot of time. I would appreciate the gentleman's support for the amendment and work with us so that we can make this a good amendment for Wisconsin and the Northeast and the whole country.

Mr. RYAN of Wisconsin. Mr. Chairman, the gentleman has my pledge to work with him on fixing this process. By this time tomorrow night, we are going to lose four dairy farms in the State of Wisconsin at the pace we are at right now. We have lost more dairy farms in the State of Wisconsin in the last 10 years than any other State in the country has ever had, save Minnesota. I want to expand on those points, but I do think that there are a lot of unanswered questions with this amendment. I applaud the effort. I hope we can work together after this to finish this.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO) who has been a real fighter for family farms.

Ms. DELAURO. Mr. Chairman, I rise in support of the Sanders amendment, and I wanted to congratulate the gentleman from Vermont for really making a breakthrough here on an issue that has been divisive and to say also to the gentleman from Wisconsin, on this issue, if the folks from Vermont and Wisconsin can get together on this effort, we really do have what we have been trying to talk about and create an effort here that does the best for the people in this country and in this instance to the dairy farmers of this country.

The gentlewoman from Connecticut (Mrs. JOHNSON) spoke a minute ago; and we do have dairy farms, albeit not as many as other people in this body have, but I think she was absolutely correct in saying that their livelihood, their ability to succeed equals that ability to succeed of dairy farmers all over this great country of ours. That is what this amendment is all about.

This is meant to enhance the income of all dairy farmers, no matter where they come from. It is a voluntary program. There are no mandates here. It costs the taxpayer nothing. It would be administered through regional boards; it would distribute the funds to the dairy farmers that are in need of them. It deals in many ways with the complexity of trying to look at the price differentials, and that is critical.

Is it all ironed out? No. But it is such a very good start to something that has been such a divisive issue in this body. It brings benefits, yes, to the Northeast and to my dairy farmers, and it brings that kind of success that we had with that Northeast dairy compact to the rest of the dairy farmers around the country. It preserves small dairy farmers all over the country; it allows them to do what they want to do and that is to pass their farms on to the next generation. It is a good amendment, and I urge my colleagues to support it.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would advise Members that the gentleman from Texas (Mr. COMBEST) has 6¼ minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 4¼ minutes remaining; the gentleman from Vermont (Mr. SANDERS) has 7½ minutes remaining; and the gentleman from Wisconsin (Mr. OBEY) has 4 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Like so many others tonight, let me begin by saying that I sincerely appreciate the effort that the gentleman from Vermont has shown. It is innovative because it takes a small step away from regionalism and towards national policy, and that is obviously something that many of us have been arguing for for a long time.

Regrettably, I cannot support this amendment right now. I hope to be able to support the concept as it is refined later on. One reason I cannot support it is that in its current form, it does not add to clarity or simplicity in dairy policy, something that I think is very important. We need predictability and clarity for our dairy farmers, for our producers, so they have a system they can rely upon, a system they can believe in.

Secondly, I am troubled by the fact that class 3 prices, payments are dependent upon annual appropriations. I am not sure we want our dairy farmers to be subject to the whims and fancies of this institution and its appropriations process.

Tonight I think we have taken an important step forward, though, because in the debate we have had tonight, we have recognized that dairy farmers all across this Nation are suffering.

To the gentlewoman from Connecticut who spoke earlier who said quite passionately that the loss of her farms is no less important than the loss of farms elsewhere, I would agree; but I would remind her that regionalism which has helped her dairy farms cause our losses to be because of her dairy policy.

The other side has talked passionately about losses of hundreds of dairy farms. Tonight, in our State of Wisconsin, I heard the gentleman from the first district of Wisconsin speak, we talk about thousands. By tomorrow night this time, my State will have lost four more dairy farms.

So we need to move towards a national policy. I commend the gentleman for his small step in that direction, and I pledge to work with him. Hopefully we can fix this and get to a national policy.

Mr. SANDERS. Mr. Chairman, I yield myself 1 minute and say to my friend from Wisconsin, the gentleman has described that he is losing four farms a day; he has described that perhaps no other State in this country has lost more family farms than his great State; he has described the pain and the sadness that the people of his State are feeling in this transition. Yet, we keep talking about that, we keep talking about the loss of farms in the Northeast and then we say, well, this is not perfect.

Well, I have a problem with that, oh, gee, this one does not work in every part of the country. I understand that. But the gentleman is going to lose four more farms tomorrow, and I will lose a farm. We are giving our colleagues a blueprint, an outline. If we reject this, nothing will happen this year, in my view, to protect family farmers; and we are going to continue to lose the farms.

Mr. Chairman, I urge my colleagues to work with us to develop a national policy that works for Wisconsin, that works for Vermont. This is a step forward. It is not the end-all. There are folks in the Senate who are sympathetic to this concept. We have time to refine it. So I would urge the support of my colleagues for this amendment tonight.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment to the amendment was agreed to.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me simply say as a matter of good faith, I have, as I said earlier, opposed the idea of compacts for years. I think they have been divisive; I think this ought to be one country. I do not think we ought to have a Balkanized milk marketing arrangement.

What the gentleman from Vermont (Mr. SANDERS) is trying to do here is to find a way to enable us to raise income, however marginally, for dairy farmers, because of his desperate concern about their viability long term.

Now, I do not think this is a perfect arrangement by any means. I have substantial questions about it. But I do have confidence in the ability of this committee if this were adopted to rationalize it in conference so that it would be workable for the country. I think if ever there was a time when we need to try to find unifying efforts in this country, in all fields, it is now. This may not be perfect, but it is the only, it is the only proposition I have seen in 5 years time that tries to bridge regional differences in the dairy area.

Mr. Chairman, I think it does it in a fairly effective way. I have not had much time to look at it either, and I recognize what the gentleman from California (Mr. POMBO) says, and I recognize what the chairman of the committee says, and I am sure the gentleman from Texas (Mr. STENHOLM) feels the same way, that this is not fully worked out. But I think in the end it is better than saying to the country, we are going to do nothing significant to raise dairy prices over the long term.

Right now my farmers are getting more money for milk than they have gotten in a long time. That is not going to last very long. If we do not do something tonight to at least look for ways to raise that income, for the next 5 years, we are going to be going home and saying to our constituents, sorry, there is not anything we can do it.

Mr. Chairman, this is the only device that I see on the board that gives us the opportunity to do something about it, and I personally would urge its adoption, and I thank both sides for their courtesy.

□ 2215

Mr. SANDERS. Mr. Chairman, may I inquire how many more speakers the gentleman from Texas (Mr. COMBEST) has?

Mr. COMBEST. Mr. Chairman, none at the current time.

Mr. SANDERS. Mr. Chairman, who has the right to close?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. COMBEST) has the right to close.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me make my concluding remarks. Let me pick up on the point that the gentleman from Wisconsin (Mr. OBEY) made.

Those of us who come from rural America and those of us who know family farms are touched emotionally by this issue. So for those people who are not from farm areas, they may not understand the passion involved in this discussion. We know that our farmers are some of the very best people in our States. They love the land. They protect the environment. They work, in some cases, seven days a week. In my State we have many farmers who make 15, 20, $25,000 a year working 60 or 70 hours a week. What their dream is is to leave the land that they inherited from their parents to their kids.

When I drive around the State of Vermont, I never cease to get a very positive feeling and a wonderful feeling when I go through the rural areas of my State, which are so beautiful, and I am sure that that feeling is matched by those in other States who also appreciate what their farmers are doing.

Mr. Chairman, we are up against the wall. For years we have been talking about how we protect the family farm, not only in dairy, but in every other commodity and we are losing. The best people in our country are being forced off the land because they cannot live on the paltry amounts of money that they are getting for their commodities, be it milk or any other commodity.

What is happening in dairy is happening in industry after industry. The little people are being driven off of the land and industry is being consolidated and the big get bigger and they control the industry. We are seeing in the New England area some processes who now control 80 percent of the purchase of milk and that is true in other regions of country.

Our friends from Wisconsin say they are losing four farms a day. How much time do we have to continue the debate? I agree with what the gentleman from Wisconsin (Mr. OBEY) said. This is not a perfect amendment. It needs more work. But let us come together let us make it a better bill so that it works better for South or the West or the Midwest or the Northeast. We can do this.

Mr. Chairman, I believe there is support in the Senate for this concept. Let us not say, no, no, no, it is not perfect. It is not perfect that our farmers are being driven off the land. Let us draw the line and try to do something. This is a good-faith effort to bring people together to save some of the best people in our country. I would hope that this body could support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we look at the facts as the gentleman from Wisconsin (Mr. OBEY) mentioned, his dairymen, my dairymen are doing quite well today. In fact, the September Federal price in the compact area is $18.81. The compact price is $16.94.

Some regions of the country, my district, for example, my State, a few months ago were in favor of the compact but began to see some of the problems associated with it and began to look at what they can do to help themselves. Lo and behold, they are finding that they can do a lot to avoid a collapse of milk prices by working together with the manufacturers, with the retail stores.

It would seem to me the Northeast has a wonderful opportunity now to do just that. To do it with this legislation of which I too, I join in saying I know what the gentleman is trying to do. But we cannot put together dairy policy for the Nation in a matter of a few hours to overcome a problem regarding legislation on compacts. No matter how much we say we would like to do it, it cannot be done.

The main thing for dairymen right now is to understand if they want to keep getting price, they have to manage their inventory and they are the only ones that can do that. If they set the price too high, they will get more production. It is just going to happen.

There are ways we can do it. I will join with the gentleman from Vermont (Mr. SANDERS) and the gentleman from Wisconsin (Mr. OBEY) and all to continue to look at how we do it.

The gentleman from Minnesota (Mr. PETERSON) a moment ago said it best when he said, and I will paraphrase him, any State that wishes to go their own way can go their own way.

If that is what we really want to do is start going individual State compacts, then let us do it. Let us eliminate the Federal market order system and let us go it our own. I happen to believe that maybe dairymen would be better off with that; but the dairy industry is not ready to go there yet because just as the chairman, the ranking member said in all the hearings that they sat through again and all the years in which I was chairman of the Dairy Committee, we never were able quite to get there.

Let us conclude by saying this, if there is one thing that has been effusive throughout the debate today is the recognition of the necessity of getting a higher price to our producers for what they produce, whether it is milk, whether it is sugar, whether it is cotton, whether it is wheat, whether it is soybeans, whether it is corn, whatever it is we are growing, we cannot grow it cheaper than what we have been doing.

The question is how do we get the price? I submit that we need to use this opportunity today in all areas of the country to do what is happening in some, recognizing that through true cooperative effort among dairymen within regions, within States is the best way to do it.

Therefore, I again, as I have done all night, reluctantly, in this case not so reluctantly, because in all honesty, we cannot legislate dairy policy in a manner in which has been described tonight and do justice.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair would remind the Members that the gentleman from Vermont (Mr. SANDERS) has 3½ minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. COMBEST. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield back the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield whatever time remains to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me time and I want to thank the gentleman from Vermont (Mr. SANDERS) and the gentleman from Wisconsin (Mr. OBEY) for this very constructive debate. This is the first time I think since I have been here, we have had actually a constructive discussion about dairy policy. I appreciate the frustration, particularly of the gentleman from Vermont (Mr. SANDERS) on issues that are important to him. We are in the Committee of the Whole, and this is the opportunity we have to offer these kind of amendments.

I am afraid that I and my staff were trying to figure out exactly what this amendment, and with the amendment from the gentleman from Wisconsin (Mr. OBEY), would mean. We had a very difficult time sorting all of this out, and I suspect that was even true for some of the experts that worked for the committee and perhaps even down at the USDA.

What I am concerned about, it has been mentioned already, is the law of unintended consequences. This is a place, of course, where we write law, but it is also an area where we can make bad law, and I am afraid what will happen with this amendment if we raise the price of Class I milk, and this is what a couple of our colleagues said earlier. Class I milk that goes into fluid milk, if we raise that price too high, whether it is in Vermont or anywhere else in the United States, what ultimately will happen is we will increase production because we do write law in this Chamber, we amend laws in this Chamber.

There is one law we can neither amend nor change, and that is the law of supply and demand. That really is what is at the core of the problem we have with dairy policy, because if we artificially set prices too high we increase the supply and we may forestall some of those farmers going out of business, but ultimately, we are only going to forestall the day when that will happen.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield briefly to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I do not know if my colleague saw it, but we have very strong supply management components in the legislation.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, that is good, but again, we cannot exactly analyze how that will work, but ultimately, again, if we try to artificially raise the prices too high, particularly for fluid milk, it backs up into what we call Class III milk, which is 85 percent of the milk produced in my district, ultimately winding up going into cheese, and that is where the problem begins to really get difficult for us.

So while I recognize the frustration of trying to make an amendment here on the floor of the House in the Committee of the Whole, which is the appropriate place, I really do hope that my colleague will take the offer that has been made, that we can work on this as we go forward.

It does not have to be part of this farm bill. I think there are a growing number of people here that really believe the time has come to at least scrap everything we have and start with a blank sheet of paper. Our friend, the gentleman from Wisconsin (Mr. RYAN) did not do it this year, but a couple of years ago he read on the floor of the House the formula that is used today in the milk marketing order system. It is unbelievably complicated. There are only I think three people in Washington who completely understand it, and I understand that there is a rule at USDA that no two of them could be on the same airplane at the same time.

We really do need to have a new dairy policy. It needs to be more simple, it needs to be more understandable, and we must make certain that it does not have unintended consequences.

With the deepest respect, I will oppose the amendment, and I hope my colleagues will join me.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule I, the Chair announces that he will reduce to a minimum 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 194, noes 224, not voting 12, as follows:

[Roll No. 368]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baker
Baldacci
Baldwin
Barrett
Bartlett
Bass
Bereuter
Blagojevich
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeGette
DeLauro
Deutsch
Doyle
Duncan
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frelinghuysen
Gekas
Gephardt
Gilchrest
Gilman
Goode
Green (TX)
Greenwood
Grucci
Gutierrez
Harman
Hart
Hastings (FL)
Hinchey
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Morella
Nadler
Napolitano
Neal
Ney
Norwood
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Pitts
Platts
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reynolds
Rivers
Roemer
Rogers (KY)
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sherman
Sherwood
Shows
Shuster
Simmons
Slaughter
Snyder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thurman
Towns
Upton
Velázquez
Vitter
Waters
Watson (CA)
Watt (NC)
Weiner
Weldon (PA)
Whitfield
Wolf
Woolsey
Wynn

NOES—224

Aderholt
Akin
Armey
Baca
Bachus
Baird
Ballenger
Barcia
Barr
Barton
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Clay
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Tom
Deal
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Evans
Everett
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frost
Gallegly
Ganske
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hoekstra
Honda
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
Leach
Lewis (CA)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Markey
Matheson
McCarthy (MO)
McCollum
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)

Myrick
Nethercutt
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Phelps
Pombo
Pomeroy
Portman
Putnam
Radanovich
Ramstad
Rehberg
Reyes
Riley
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stearns
Stenholm
Stump
Sununu
Tancredo
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wicker
Wilson
Wu
Young (FL)

NOT VOTING—12

Burton
Callahan
Gibbons
Houghton
Issa
Mollohan
Murtha
Olver
Serrano
Visclosky
Wexler
Young (AK)

☐ 2249

Messrs. OTTER, LIPINSKI, DICKS, THOMPSON of Mississippi, KIRK, WAMP, SCHIFF, KINGSTON, DINGELL, FORD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. NEY, BAKER, SAXTON, TAYLOR of North Carolina, WHITFIELD, RUSH, BOYD, Mrs. CLAYTON, Ms. PRYCE of Ohio, Mrs. EMERSON, and Ms. KILPATRICK changed their vote from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to clause 6 on rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 15 by Mrs. CLAYTON of North Carolina; amendment No. 11 by Mrs. BONO of California.

AMENDMENT NO. 15 OFFERED BY MRS. CLAYTON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 183, not voting 12, as follows:

[Roll No. 369]

AYES—235

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Berkley
Berman
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gekas
Gephardt
Gilchrest
Gilman
Goode
Gordon
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hart
Hastings (FL)
Hayworth
Herger
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Pitts
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Roemer
Rogers (KY)
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Shays
Sherman
Sherwood
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wilson
Woolsey
Wu
Wynn

NOES—183

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Barton
Bentsen
Bereuter
Berry
Biggert
Bishop
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Chabot
Chambliss
Clement
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Edwards
Emerson
English
Evans
Everett
Flake
Fletcher
Forbes
Gallegly
Ganske
Gillmor
Gonzalez
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (MO)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Riley
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—12

Burton
Callahan
Gibbons
Houghton
Issa
Mollohan
Murtha
Olver
Serrano
Visclosky
Wexler
Young (AK)

☐ 2259

Mr. CALVERT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 2300

AMENDMENT NO. 11 OFFERED BY MRS. BONO

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. BONO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 121, not voting 13, as follows:

[Roll No. 370]

## AYES—296

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Costello
Cox
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilman
Goode
Gordon
Goss
Graham
Green (TX)
Grucci
Gutierrez
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hunter
Hyde
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Owens
Pallone
Pascrell
Payne
Pelosi
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

## NOES—121

Akin
Armey
Baker
Ballenger
Bass
Bentsen
Bereuter
Biggert
Blunt
Boehner
Bonilla
Boswell
Brady (TX)
Burr
Cannon
Cantor
Castle
Clement
Combest
Coyne
Cramer
Crane
Culberson
Davis, Tom
DeMint
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Etheridge
Flake
Fletcher
Frank
Ganske
Gilchrest
Gillmor
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hayes
Hinojosa
Hostettler
Hulshof
Inslee
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (MO)
McCrery
McGovern
McIntyre
McKeon
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pombo
Price (NC)
Ramstad
Reyes
Reynolds
Ryan (WI)
Ryun (KS)
Sabo
Schaffer
Schrock
Sessions
Sherwood
Shuster
Simpson
Smith (MI)
Smith (WA)
Souder
Stenholm
Stump
Sununu
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Vitter
Walsh
Weller
Wilson

## NOT VOTING—13

Burton
Callahan
Gibbons
Houghton
Issa
Mollohan
Murtha
Olver
Roukema
Serrano
Visclosky
Wexler
Young (AK)

□ 2308

Mrs. NAPOLITANO, Mrs. TAUSCHER, and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 2 OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ACKERMAN:

At the end of title IX (page 354, after line 16), insert the following new section:

**SEC. . UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

**"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.**

"(a) DEFINITIONS.—In this section:

"(1) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

"(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

"(b) UNLAWFUL PRACTICES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

"(2) EXCEPTIONS.—

"(A) NON-GIPSA FARMS.—Paragraph (1) shall not apply to any farm the animal care practices of which are not subject to the authority of the Grain Inspection, Packers, and Stockyards Administration.

"(B) VETERINARY CARE.—Paragraph (1) shall not apply in a case in which nonambulatory livestock receive veterinary care intended to render the livestock ambulatory.

"(c) APPLICATION OF PROHIBITION.—Subsection (b) shall apply beginning one year after the date of the enactment of the Farm Security Act of 2001. By the end of such period, the Secretary shall promulgate regulations to carry out this section.".

Mr. ACKERMAN. Mr. Chairman, I rise today to offer my amendment to prevent the marketing of downed animals.

As I stand here before you, the most horrific problem of animal abuse in the meat industry continues unchecked. A sick cow, unable to stand, is pulled off a truck by a tractor with a chain, then falls 4 feet to the ground at a stockyard. A frail day-old calf is dragged through an auction ring by a rope tied to its back leg while another calf, nearly comatose, is left in a corner dying. These are downed animals. The transport and marketing of these incapacitated animals creates tremendous human health concerns as well as humane concerns.

These animals, known as downers, suffer beyond belief as they are kicked, dragged, and prodded with electric shocks in an effort to move them at auctions and intermediate markets en route to slaughter. They make up nearly one-tenth of 1 percent of the market. And not to euthanize them just because they are of no value when they are dead at marketplace is indeed a sin.

It is practically impossible to move these animals humanely, so they are commonly dragged with chains and pushed around with tractors and fork lifts. In addition to brutal handling, downed animals routinely suffer for days without food, water, or veterinary attention. Livestock markets are not equipped nor can they be expected to provide these incapacitated animals with the intensive care they require, nor do we wish to saddle them with these costs. The only humane option for nonambulatory livestock at intermediate markets is euthanasia.

My amendment to protect both the public health and the downed animals prohibits marketing of all non-ambulatory livestock at intermediate markets, and it requires that incapacitated animals be humanely euthanized at these facilities. This amendment does not apply to activities on farms, and it does not preclude veterinary care. It provides an appropriate remedy to an unnecessary and inexcusable practice.

The problem of downed animals has been addressed by many conscientious livestock organizations who have voluntarily adopted a no-downer policy in an effort to end this inhumane and cruel practice which can also pose a serious threat to our public health. Meat from downed animals has an increased risk for bacterial contamination and other diseases, including neurological afflictions such as mad cow disease. The veterinary services department at the USDA itself, Mr. Chairman, has said that downed animals are the number two risk for mad cow disease. This is not a fringe idea.

Last year, the USDA itself instituted a policy precluding the purchase of beef from downed animals for the national school lunch program because of these safety concerns.

□ 2315

How on God's Earth can they justify marketing this to the rest of the country, when they say it is unsafe to put in our school lunch program?

In addition to this, the fast food chains are doing the appropriate thing. Chains such as McDonald's and Burger King and Wendy's have all banned the use of meat from downed animals in their products. And who else? California, the largest cattle producer in the country, Colorado and Illinois, have already prohibited the entry of downed animals into the food supply. Why just them? All Americans must be protected from this risk.

And who else is in support? This measure is endorsed by the Central Livestock Association, which is composed of 25,000 producers in five Midwestern States alone. It is endorsed by Empire Livestock Marketing, the Georgia Cattlemen's Association, and the National Pork Producers Council; and the National Cattlemen's Beef Producer Association have put in their code of ethics that they will not use downers.

And yet, and yet, there are some who kowtow to the few irresponsible folks within the industry in order to protect only one-tenth of 1 percent of the market.

Earlier this year a Zogby America Poll of 1,000 people in our country found that four out of every five opposed the use of downed animals for human food. Yet despite a strong consensus within the livestock industry, the animal welfare movement and 80 percent of consumers that downed animals should not be sent to the stockyards, this practice continues, causing unnecessary animal suffering and an erosion of the public confidence in their food. We need to remedy this atrocity.

I urge all who are concerned about public health, all who are concerned about the humane treatment of animals to support the amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The time of the gentleman from New York (Mr. ACKERMAN) has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 30 additional seconds.)

Mr. ACKERMAN. Mr. Chairman, I ask all Members to join in supporting the Ackerman amendment to help bring an end to the horrific abuse of our Nation's food animals and to protect our Nation's food supply. I ask that all of us vote in favor of the amendment.

Mrs. MORELLA. Mr. Chairman, I rise in support of the amendment. The hour is late, Mr. Chairman, but I think this is an important amendment; and I rise in strong support of the Ackerman-Houghton downed animal amendment. I want to thank them for bringing this issue to the floor.

This amendment would prohibit the marketing of non-ambulatory livestock, or so-called downed animals, at intermediate markets and would require these sick animals to be humanely euthanized. This amendment is important for two simple reasons: humans should not be exposed to food at risk for contamination, and there absolutely is no excuse for animal cruelty.

Animal cruelty can and should be minimized in our country's slaughterhouses. Downed animals, unable to walk on their own, are almost impossible to humanely move due to sheer size and weight. Instead, they are chained, pulled, dragged, and prodded with electric shocks.

Current policies do nothing to force handlers to treat sick animals humanely, and instead some of them are even pushed by bulldozers into dead piles, where they eventually succumb to their injuries in unimaginable pain.

Equally important, meat from downed animals is at risk for bacterial contamination. According to a recent Zogby poll, four out of five Americans oppose the use of downed animals for food. Also the USDA has instituted a policy precluding the purchase of beef from downed animals for national school lunch programs because they believe this meat is unsafe for consumption. That should tell us something.

Our Nation must humanely produce meat that is safe for everyone to eat. Due to the obvious animal suffering and the threat to human health that downed animals pose, humane euthanasia is the only reasonable solution. It is civilized to oppose needless animal cruelty and inexcusable to allow it to continue.

Mr. Chairman, I certainly urge my colleagues to join me in supporting the Ackerman-Houghton amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

I would like to make a few observations for our colleagues. The Animal Welfare Act already contains provisions that forbid needless intentional abuse of livestock anywhere. Also I want to make my colleagues aware of the concern of the American Veterinary Medical Association regarding the prohibition on holding downer animals could prevent diagnose and treatment of downer animals. Just because an animal is down does not mean necessarily that it cannot get up, provided you give it medication.

Also our veterinarians tell us and USDA tells us that examination of downer livestock at markets and slaughter plants is an important part of our system to monitor for animal diseases such as BSE and tuberculosis. In other words, if we do not give our veterinarians time at livestock markets to examine what is truly wrong with that animal, if you immediately euthanize them, we perhaps may be setting back that which the authors of this amendment intend to happen.

Now, I will not oppose the amendment tonight because, again, we all agree that animals should not be abused. That is already against the law. But I would hope as we pursue this through the conference and we work with the gentleman from New York to make sure that this accomplishes everything that he and those who support the amendment intend, but I would point these possible unintended consequences of this amendment that might need further work as we pursue it through the conference.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the amendment by my colleagues from New York to prevent the marketing of downed livestock. On a daily basis, animals so sick that they can barely stand are dragged into the market to be sold to slaughterhouses. That is abusive and torturous, it is bad treatment of these sick and injured animals, it is cruel and it places our food supply at risk.

In response to the fact that meat from downed animals is more likely to be contaminated, the USDA now prohibits the purchase of beef from downed animals into the National School Lunch Program. Major fast food restaurants forbid the use of downed animals in their products. While we can compliment these small measures, we must give the USDA the authority to deal with the downed animal problem.

In order to protect both our animals and our food supply, we need to prevent the marketing of downed livestock. I urge my colleagues to join me in the support of this amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Our agricultural policy in the United States has been very strong about humane treatment for animals that are to be used for profit. What this amendment does is address animals that will be slaughtered. These are animals that are in stockyards, that are going to either be auctioned or have been auctioned, and are downed, which means they are animals that have been injured. They tend to be either old dairy cows or male calves born into dairy herds and sold for veal.

I think this amendment continues a policy which this House adopted a few years ago which said when you transport animals to slaughter that they have to be transported in a humane fashion. We have humane slaughter practices. We have humane transportation plants, not only for slaughter, but for every agricultural livestock animal there is, from chickens to rabbits. The whole gambit of transportation is controlled by Federal law and State law as well.

The Zogby poll of U.S. adults found that 79 percent oppose the use of downed animals in human food supply. You have just heard of the prohibitions that we already have in law about using downed animals in certain school lunch programs and so on.

What I want to remind the House is that in all cases these are animals that are being used for a profit, for corporate investment, to make a profit on the product of these animals, and what is being asked here is to adopt the same sound humane practices that we require for every other link in that chain.

I think it is an appropriate amendment for us to address, and I hope the committee will adopt it.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say to the gentleman from New York that I think the committee would be certainly willing to accept the amendment.

I do want to point out, as the gentleman from Texas (Mr. STENHOLM) did, some of the same concerns there are. No one is going to try to justify the inhumane treatment of an animal, but there are a couple of issues that I do think we need to try to make for sure that we address as we are looking through this.

This has been an issue that for some time has obviously been discussed. It may have been the gentleman's bill back in 1996, H.R. 2143, on which Secretary Glickman wrote a letter to the committee in this regard, and, again, just a couple of points. One of the things that I think highlights this is that it says, "This bill may cause some producers of livestock to dispose of sick and diseased animals outside of normal marketing channels. This would increase the risk of these animals being slaughtered for human consumption without appropriate inspection." Obviously, I think, none of us would want that to occur.

"As well, downed animals are one of the bases of BSE or mad cow disease test regime." We certainly know the implications that this has in other countries, as it has had around the world, and how fortunate we are to be able to keep that out. I would not want us to do something that would in fact increase the chances of not being able to catch those diseases early.

Mr. Chairman, I am sure the gentleman has no interest in any of these unintended consequences, but these are things that have been expressed and looked at over a period of time that we certainly would like to try to make sure we might be able to, as we work through this, even perfect more, without undermining the intent of the gentleman.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I thank the chairman for his accepting of our amendment. We really appreciate it. I am absolutely delighted to work with the gentleman on those concerns that he has just raised, which are very, very legitimate and are of concern to us to make sure these are ameliorated as it moves forward.

Mr. COMBEST. Mr. Chairman, reclaiming my time, I thank the gentleman and urge passage of the amendment.

Mrs. MALONEY of New York. Mr. Chairman, the practice of marketing downed animals—animals unable to walk because of sickness or illness—is an inhumane and disease-ridden practice. It's cruel to animals. It's bad for people. It's good for nothing.

Many livestock yards pass on the costs and disposal of downed animals to slaughterhouses. Often, the result is torture. Downed animals which cannot move must be prodded and dragged to be transported from a livestock yard to a slaughterhouse. Bacterial infection runs high in downed animals.

The Humane Society reports an elevated risk among downed animals for "Mad Cow Disease" which has been fatal to humans. Since the majority of downed animals are milk cows contamination could be widespread. Unfortunately, the industry's self-imposed regulations against marketing downed animals are not being met.

So we need to legislate uniform industry standards by passing the Ackerman amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Ms. KAPTUR:

At the end of the bill, insert the following:

## TITLE X—BIOFUELS ENERGY INDEPENDENCE ACT OF 2001

### SEC. 1001. SHORT TITLE.

This title may be cited as the "Biofuels Energy Independence Act of 2001".

### SEC. 1002. FINDINGS.

The Congress finds as follows:

(1) Currently the United States annually consumes about 164,000,000,000 gallons of vehicle fuels and 5,600,00,000 gallons of heating oil. In 2000, 52.9 percent of these fuels were imported, yielding a $109,000,000,000 trade deficit with the rest of the world.

(2) This Act would shift America's dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic agricultural sources.

(3) Strategic Petroleum Reserve policy should encourage domestic production to the greatest extent possible.

(4) 92.2 percent of the Strategic Petroleum Reserve has been purchased from foreign sources: 41.9 percent from Mexico, 24 percent from the United Kingdom, and over 20 percent from OPEC nations.

(5) Strategic Petroleum Reserve policy also should encourage the development of alternatives to the Nation's reliance on petroleum such as biomass fuels.

(6) The benefits of biofuels are as follows:

(A) ENERGY SECURITY.—

(i) With agricultural commodity prices reaching record lows and petroleum prices reaching record highs, it is clear that more can and should be done to utilize domestic surpluses of biobased oils to enhance the Nation's energy security.

(ii) Biofuels can be manufactured using existing industrial capacity.

(ii) Biofuels can be used with existing petroleum infrastructure and conventional equipment.

(iv) Biofuels can start to address our dependence on foreign energy sources immediately.

(B) ECONOMIC SECURITY.—

(i) With continued dependence upon imported sources of oil, our Nation is strategically vulnerable to disruptions in our oil supply.

(ii) Renewable biofuels domestically produced have the potential for ending this vulnerable dependence on imported oil.

(iii) Increased use of renewable biofuels would result in significant economic benefits to rural and urban areas and would help reduce the trade deficit.

(iv) According to the Department of Agriculture, a sustained annual market of 100,000,000 gallons of biodiesel would result in $170,000,000 in increased income to farmers.

(v) Farmer-owned biofuels production has already resulted in improved income for farmers, as evidenced by the experience with a State-supported program in Minnesota that has helped to increase prices to corn producers by $1.00 per bushel.

(C) ENVIRONMENTAL SECURITY.—

(i) The use of grain-based ethanol reduces greenhouse gas emissions from 35 to 46 percent compared with conventional gasoline. Biomass ethanol provides an even greater reduction.

(ii) The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990.

(iii) Ethanol reduces tailpipe carbon monoxide emissions by as much as 30 percent.

(iv) Ethanol reduces exhaust volatile organic compounds emissions by 12 percent.

(v) Ethanol reduces toxic emissions by 30 percent.

(vi) Ethanol reduces particulate emissions, especially fine-particulates that pose a health threat to children, senior citizens, and those with respiratory ailments.

(vii) Biodiesel contains no sulfur of aromatics associated with air pollution.

(viii) The use of biodiesel provides a 78.5 percent reduction in $CO_2$ emissions compared to petroleum diesel and when burned in a conventional engine provides a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter.

## Subtitle A—Biofuels Feedstocks Energy Reserve Program

### SEC. 1011. ESTABLISHMENT.

The Secretary of Agriculture (in this subtitle referred to as the "Secretary") may establish and administer a reserve of agricultural commodities (known as the "Biofuels Feedstocks Energy Reserve") for the purpose of—

(1) providing feedstocks to support and further the production of energy from biofuels; and

(2) supporting the biofuels energy industry when production is at risk of declining due to reduced feedstocks or significant commodity price increases.

### SEC. 1012. PURCHASES.

(a) IN GENERAL.—The Secretary may purchase agricultural commodities at commercial rates, subject to subsection (b), in order to establish, maintain, or enhance the Biofuels Feedstocks Energy Reserve when—

(1)(A) the commodities are in abundant supply; and

(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or

(2) it is otherwise necessary to fulfill the needs and purposes of the biofuels energy reserve program.

(b) LIMITATION.—The agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve shall be—

(1) of the type and quantity necessary to provide not less than 1-year's utilization for renewable energy purposes; and

(2) in such additional quantities to provide incentives for research and development of new renewable fuels and bio-energy initiatives.

### SEC. 1013. RELEASE OF STOCKS.

Whenever the market price of a commodity held in the Biofuels Feedstocks Energy Reserve exceeds 100 percent of the economic cost of producing the commodity (as determined by the Economic Research Service using the best available information, and based on a 3-year moving average), the Secretary shall release stocks of the commodity from the reserve at cost of acquisition, in amounts determined appropriate by the Secretary.

### SEC. 1014. STORAGE PAYMENTS.

(a) IN GENERAL.—The Secretary shall provide for the storage of agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve by making payments to producers for the storage of the commodities. The payments shall—

(1) be in such amounts, under such conditions, and at such times as the Secretary determines appropriate to encourage producers to participate in the program; and

(2) reflect local, commercial storage rates, subject to appropriate conditions concerning quality management and other factors.

(b) ANNOUNCEMENT OF PROGRAM.—

(1) TIME OF ANNOUNCEMENT.—The Secretary shall announce the terms and conditions of the storage payments for a crop of a commodity by—

(A) in the case of wheat, December 15 of the year in which the crop of wheat was harvested;

(B) in the case of feed grains, March 15 of the year following the year in which the crop of corn was harvested; and

(C) in the case of other commodities, such dates as may be determined by the Secretary.

(2) CONTENT OF ANNOUNCEMENT.—In the announcement, the Secretary shall specify the maximum quantity of a commodity to be stored in the Biofuels Feedstocks Energy Reserve that the Secretary determines appropriate to promote the orderly marketing of the commodity, and to ensure an adequate supply for the production of biofuels.

(c) RECONCENTRATION.—The Secretary may, with the concurrence of the owner of a commodity stored under this program, reconcentrate the commodity stored in commercial warehouses at such points as the Secretary considers to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations that assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of the commodity covered by the producer's or warehouseman's commitment.

(d) MANAGEMENT.—Whenever a commodity is stored under this section, the Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities of the commodity in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate the commodity that the Commodity Credit Corporation owns or controls. The purchases to offset sales shall be made within 2 market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

(e) REVIEW.—In announcing the terms and conditions under which storage payments will be made under this section, the Secretary shall review standards concerning the quality of a commodity to be stored in the Biofuels Feedstocks Energy Reserve, and such standards should encourage only quality commodities, as determined by the Secretary. The Secretary shall review inspection, maintenance, and stock rotation requirements and take the necessary steps to maintain the quality of the commodities stored in the reserve.

### SEC. 1015. USE OF COMMODITY CREDIT CORPORATION.

The Secretary shall use the Commodity Credit Corporation, to the extent feasible, to carry out this subtitle. To the maximum extent practicable consistent with the effective and efficient administration of this subtitle, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

### SEC. 1016. REGULATIONS.

Not later than 60 days after November 28, 2001, the Secretary shall issue such regulations as are necessary to carry out this subtitle.

## Subtitle B—Biofuels Financial Assistance

### SEC. 1021. LOANS AND LOAN GUARANTEES.

(a) IN GENERAL.—The Secretary of Agriculture (in this section referred to as the "Secretary") may make and guarantee loans for the production, distribution, development, and storage of biofuels.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an applicant for a loan or loan guarantee under this section shall be eligible to receive such a loan or loan guarantee if—

(A) the applicant is a farmer, member of an association of farmers, member of a farm cooperative, municipal entity, nonprofit corporation, State, or Territory; and

(B) the applicant is unable to obtain sufficient credit elsewhere to finance the actual needs of the applicant at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

(2) LOAN GUARANTEE ELIGIBILITY PRECLUDES LOAN ELIGIBILITY.—An applicant who is eligible for a loan guarantee under this section shall not be eligible for a loan under this section.

(c) LOAN TERMS.—

(1) INTEREST RATE.—Interest shall be payable on a loan under this section at the rate at which interest is payable on obligations issued by United States for a similar period of time.

(2) REPAYMENT PERIOD.—A loan under this section shall be repayable in not less than 5 years and not more than 20 years.

(d) REVOLVING FUND.—

(1) ESTABLISHMENT.—The Secretary shall establish a revolving fund for the making of loans under this section.

(2) DEPOSITS.—The Secretary shall deposit into the revolving fund all amounts received on account of loans made under this section.

(3) PAYMENTS.—The Secretary shall make loans under this section, and make payments pursuant to loan guarantees provided under this section, from amounts in the revolving fund.

(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.

(f) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of loans and loan guarantees under this section, there are authorized to be appropriated to the revolving fund established under subsection (d) such sums as may be necessary for fiscal years 2002 through 2009.

## Subtitle C—Funding Source and Allocations

### SEC. 1031. FUNDING FOR CONSERVATION FUNDING.

(a) REDUCTION IN FIXED DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the Secretary) shall reduce by $2,000,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2011, in accordance with this section.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,332,000,000 in fiscal year 2003;
(B) $4,494,000,000 in fiscal year 2004;
(C) $4,148,000,000 in fiscal year 2005;
(D) $3,974,000,000 in fiscal year 2006;
(E) $3,701,000,000 in fiscal year 2007;
(F) $3,222,000,000 in fiscal year 2008;
(G) $2,596,000,000 in fiscal year 2009;
(H) $2,057,000,000 in fiscal year 2010; or
(I) $1,675,000,000 in fiscal year 2011.

MODIFICATION TO AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent that section 1031 that is a part of this amendment be replaced with the new version that was given to the desk and to both sides so that we could consider this in full.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Ms. KAPTUR:

Strike section 1031 of the amendment and insert the following:

**SEC. 1031. FUNDING FOR CONSERVATION FUNDING.**

(a) REDUCTION IN FIXED DECOUPLED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the Secretary) shall reduce by $2,000,000,000 the total amount otherwise required to be paid under such sections in fiscal years 2002 through 2011, in accordance with this section.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $5,123,000,000 in fiscal year 2002; or
(B) $5,224,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,794,000,000 in fiscal year 2003;
(B) $5,317,000,000 in fiscal year 2004;
(C) $4,949,000,000 in fiscal year 2005;
(D) $4,785,000,000 in fiscal year 2006;
(E) $4,539,000,000 in fiscal year 2007;
(F) $4,058,000,000 in fiscal year 2008;
(G) $3,447,000,000 in fiscal year 2009;
(H) $2,885,000,000 in fiscal year 2010; or
(I) $2,495,000,000 in fiscal year 2011.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the original request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise to bring attention to a vital national issue, our energy security. America's greatest strategic vulnerability remains our dangerous dependence on foreign fuels.

□ 2330

Imagine, we import over one-half of what it takes to fuel this Nation.

The President's energy plan presented earlier this year gave precious little attention to the viability of renewable biofuels as an answer to our predicament, and it did not offer a single charge directly to our U.S. Department of Agriculture to lead us out of the woods. At a minimum, I would say that is gross negligence.

American agriculture has the enormous capability to break our dependence on imported petroleum, but the bill before us today, with all due respect to the hardworking committee, does not lead us toward the maximization of biofuels and higher value-added production for our farmers.

Forty years ago in this Chamber, President Kennedy made his famous speech challenging our Nation to think broadly. He set the goal of putting a man on the moon by the end of that decade. I will just read some of his words where he said, "It is time for the Nation to take longer strides, time for great new American enterprise to clearly play a leading role in space achievement which, in many ways," he said, "holds the key to our future on Earth." But he admitted we as a Nation had never made the national decisions or marshaled the national resources required of such leadership. Indeed, on the energy front, we are in the same predicament.

It is time for us to take longer strides and create a new American enterprise. We have the resources and talent on every farm and field in this country; we have talent at the U.S. Department of Agriculture. We have our land grant universities, but we do not have a specified goal. We do not have a time schedule. Our resources are spread around with questionable coordination and, truly, no urgency.

Consider that in 1985 we imported 31 percent of our fuel imports. Today, that is nearly double, nearly 58.5 percent. Our population is growing, our energy demands are growing, our energy dependency on foreign sources is growing.

So what is our answer? What is our plan? How long can we wait? Do not the events of recent weeks remind us of how vulnerable our dependency has made us? In fact, the current recession was directly due initially to the rising cost of petroleum, imported petroleum that has rippled through this marketplace. Have we not heard from farmer after farmer that they would rather get their income from the marketplace rather than from government payments? Are we afraid of the challenge? Are we unable to commit to a goal?

Mr. Chairman, the amendment before us today seeks to do two primary things. It seeks to establish a farmer-held biofuels feedstock energy reserve held by our farmers. By devoting a portion of our abundance to biofuels production, which is renewable and belongs to us, we provide the assurances that a fledgling industry needs to expand. Second, it gives the Secretary of Agriculture the authority to make or guarantee loans for the development, production, distribution, and storage of biofuels.

If all corn, just taking corn, currently being planted was used for ethanol, based on current technology, we would get one-fifth of our vehicle fuel from ethanol, which is all we import. Obviously, as research improves and other cellulose and oil sources from our fields are added, we will get much more, just as we went from Mercury to Gemini to Apollo. So the farmer gets paid by the marketplace instead of government payments.

We have also seen the positive impact of biofuels programs on the farm balance sheet. Last month, I was able to travel to Minnesota, the leading State in our country for ethanol and biofuels production, to see for myself what a difference the States' program, working hand-in-hand with the private sector and farmers in that State, has made over the last decade. It is truly impressive. Everyone in Minnesota is using ethanol, and farmers have found that they can get a dollar more per bushel because of the increased demand.

Every one of our auto manufacturers produces vehicles that can use these fuels. It is a matter of national security, and I ask for support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, it is my understanding that under the rules, this amendment is not in order and, therefore, I am forced to withdraw the amendment, but in no way do I wish to diminish the importance of the concept that I have been discussing here this evening. I would really beg for the Chair's consideration as time goes on and for the ranking member's consideration of this important issue of renewable biofuels as a critical part of what our Department of Agriculture should be involved in.

Mr. STENHOLM. Mr. Chairman, if the gentlewoman will yield, I would just say to her, as we said to the gentleman from Iowa (Mr. BOSWELL) yesterday on a similar amendment, this is an idea whose time has not yet quite come, but I do not have any doubt that we will be considering this if not in an agriculture bill, in a national energy policy bill. I appreciate the gentlewoman withdrawing it today, because it would have had the same problems of funding that the conservation bill, et cetera, had, so I appreciate her cooperation and I assure her that we will continue to work with her as we have throughout the year in continuing to build on this concept.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just say to the gentlewoman as well that the whole idea of renewable fuels in a wide variety is obviously something that is of great benefit to this country. I think it has also given the emphasis that we are placing today on energy and new energy sources that further development in this is critical. As the gentleman from Texas stated, obviously, one of the big concerns is the readjustment of monies which have gone in in a very balanced way.

The concept the gentlewoman has I think is something that certainly needs further development, and I would agree that I think a major opportunity for this lies and exists as overall energy policies and energy programs are being looked at. Those of us who work on the Committee on Agriculture that come from a parochial interest also have this from a standpoint that we think there are some wonderful opportunities here for farmers as well. So we will be happy to work with the gentlewoman.

Ms. KAPTUR. Mr. Chairman, if the gentleman will yield, I thank the chairman very much and the ranking member for participating in this discussion.

### AMENDMENT NO. 38 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. KUCINICH:

In subsection (g)(2) in the quoted matter in section 747 of the bill (page 302, line 16), strike "one percent" and insert "10 percent".

### MODIFICATION TO AMENDMENT NO. 38 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to modify the line that says "insert 10 percent," instead of 10, insert "3 percent."

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 38 offered by Mr. KUCINICH:

Strike 10 percent and insert 3 percent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes on his amendment, as modified.

Mr. KUCINICH. Mr. Chairman, this amendment will increase the amount of environmental risk assessment research.

USDA has funded significant biotechnology research aimed at creating new agricultural products, while almost no research is conducted on the risks of these products. USDA spends over $100 million a year on biotech commercialization research.

The impacts of biotechnology must be understood so federal regulators can minimize environmental impacts.

H.R. 2646 begins to address this concern by reauthorizing a biotechnology risk assessment program.

However, H.R. 2646 fails to authorize enough funding, which is set at only 1% of the total USDA biotech research budget.

The current USDA biotech risk assessment program gives $1.8 million per year for research grants. However, many excellent projects remain unfunded.

This amendment expands biotechnology risk assessment research funds from 1% to 3% of the total USDA biotech research budget.

Endorsed by: National Farmers Union, National Farmers Organization, National Family Farm Coalition, Sierra Club, and Environmental Defense.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, let me just say that the gentleman from Ohio and I have talked and we both agree that we need to review this kind of biotech research in such a way that it is going to assure food safety, and that we need to have the kind of new research that is going to make sure that not only can we convince the American people, but we are in a better position to convince Europe and Japan and the rest of the world.

In my three hearings that I have held on biotech, we do not want to diminish our review of the normal cross-breeding of the products that we get, but I think it is important that we move ahead with greater assurance. So I support the amendment at 3 percent, and USDA can accommodate some place between 2.5 and 3 percent.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I want to thank the gentleman and thank the chairman, the gentleman from Texas (Mr. COMBEST), and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their cooperation.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

I just want to say to the gentleman we appreciate his cooperation in trying to work through this, finding it as something that would be acceptable and that we could try to work with. We have no objections from the committee on this side and we will be happy to accept the amendment. I yield back.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

I understand that the chairman is willing to accept this amendment, and that being the case, obviously I go along with my chairman. But as the chairman of the subcommittee that has jurisdiction over biotechnology, I really want to say to the gentleman that we have a program that has been in place since 1990. The program is working very, very well. I do not see any objections particularly to whether it is 1 percent or whether it is anything more or less than that.

The problem I have with this amendment is that all of these grants are very competitive. Our research stations, our research universities need absolutely all the money that they can get to be able to do the research on biotechnology. If we do not do the research on it, the risk assessment is meaningless.

We need the money allocated to research. The risk assessment is a much broader issue. It involves social issues as well as particular research issues. I really have a problem with taking money away from research itself and trying to allocate it to something else that involves a political and a social issue. While we are willing to look at this issue in conference and I understand the gentleman's concern about this, because I have a concern too.

I do not think there is any question but that biotechnology is the future of agriculture. Our folks who are using GMO products today are producing better yields and higher quality products than we have ever seen in the history of agriculture. We need for folks around the world to accept those products, and we are going to continue to work to make sure that happens. But the way we do that I think is putting more money into research and not so much money into the political aspect of it.

Mr. Chairman, as Chairman of the Subcommittee on Research, I have held a number of hearings on the safety of agricultural biotechnology to both human health and the environment. What I heard from the scientific community was that the risks of biotech plants are no different than the risks of similar plants developed using traditional methods, such as cross-breeding. This has been the conclusion of many reports on agricultural biotechnology by prestigious national and international scientific bodies.

Moreover, Federal regulations require biotech companies bringing new plants to market to perform rigorous field testing to ensure that their products do not harm the environment.

It should also be noted that the U.S. Department of Agriculture gets barely enough research proposals to spend the money already available to the risk assessment program under current law. By increasing mandated funding to 10 percent, this amendment would cut into funding needed for research into new biotech plants that have tremendous potential benefits. Mandated funding at three percent might be accommodated.

This Agricultural bill includes funding for research I promoted to sequence the genomes of plant pathogens, research that could lead to better, more environmentally-friendly ways to attack crop pests that cost farmers and taxpayers hundreds of million of dollars each year. Other research will produce plants that can grow in salty soil, clean up hazardous wastes, produce renewable fuels, and provide enhanced nutrition.

Mr. KUCINICH. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Georgia. I want to assure the gentleman that 97 percent of the research that you support is protected, that this amendment seeks to utilize percent for environmental risk assessment. I want to, since my good friend from Michigan (Mr. SMITH) and I have debated a lot of the issues that the gentleman refers to, from our respective positions, I think there is a point here where we can have some bipartisan agreement. I want to let the gentleman from Georgia know that I am sympathetic to his concerns, and I would appreciate his consideration of this position.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment, as modified, was agreed to.

### AMENDMENT NO. 34 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Ms. KAPTUR:

Page , line , insert the following new section:

**SEC. . FAMILY FARMER COOPERATIVE MARKETING.**

(a) DEFINITIONS.—

(1) PRODUCER.—Subsection (b) of section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(A) by inserting "poultryman," after "dairyman,"; and

(B) by adding at the end the following: "The term includes a person furnishing labor, production management, facilities, or other services for the production of an agricultural product.".

(2) ASSOCIATION OF PRODUCERS.—Subsection (c) of such section is amended by inserting "that engages in the marketing of such agricultural products or of agricultural services described in the second sentence of subsection (b), including associations" before "engaged in".

(3) ADDITIONAL DEFINITIONS.—Such section is further amended by striking subsection (e) and inserting the following new subsections:

"(e) The term 'accredited association' means an association of producers accredited by the Secretary of Agriculture in accordance with section 6.

"(f) The term 'designated handler' means a handler that is designated pursuant to section 6.

"(g) The terms 'bargain' and 'bargaining' mean the performance of the mutual obligation of a handler and an accredited association to meet at reasonable times and for reasonable periods of time for the purpose of negotiating in good faith with respect to the price, terms of sale, compensation for products produced or services rendered under contract, or other provisions relating to the products marketed, or the services rendered, by the members of the accredited association or by the accredited association as agent for the members.".

(b) PROHIBITED PRACTICES.—Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended—

(1) in the matter preceding the subsections, by striking "the following practices;" and inserting "any of the following practices:"

(2) in subsection (a), by inserting "interfere with, restrain, or" before "coerce";

(3) by striking "or" at the end of subsections (a), (b), (c), (d), and (e) and inserting a period; and

(4) by adding at the end the following new subsections:

"(g) To refuse to bargain in good faith with an accredited association, if the handler is designated pursuant to section 6.

"(h) To dominate or interfere with the formation or administration of any association of producers or to contribute financial or other support to an association of producers.".

(c) BARGAINING IN GOOD FAITH.—Section 5 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2304) is amended to read as follows:

**"SEC. 5. BARGAINING IN GOOD FAITH.**

"(a) CLARIFICATION OF OBLIGATION.—The obligation of a designated handler to bargain in good faith shall apply with respect to an accredited association and the products or services for which the accredited association is accredited to bargain. The good-faith bargaining required between a handler and an accredited association does not require either party to agree to a proposal or to make a concession.

"(b) EXTENSION OF SAME TERMS TO ACCREDITED ASSOCIATION.—If a designated handler purchases a product or service from producers under terms more favorable to such producers than the terms negotiated with an accredited association for the same type of product or services, the handler shall offer the same terms to the accredited association. Failure to extend the same terms to the accredited association shall be considered to be a violation of section 4(g). In comparing terms, the Secretary of Agriculture shall take into consideration (in addition to the stipulated purchase price) any bonuses, premiums, hauling or loading allowances, reimbursement of expenses, or payment for special services of any character which may be paid by the handler, and any sums paid or agreed to be paid by the handler for any other designated purpose than payment of the purchase price.

"(c) MEDIATION AND ARBITRATION.—The Secretary of Agriculture may provide mediation services with respect to bargaining between an accredited association and a designated handler at the request of either the accredited association or the handler. If an impasse in bargaining has occurred (as determined by the Secretary), the Secretary shall provide assistance in proposing and implementing arbitration agreements between the accredited association and the handler. The Secretary may establish a procedure for compulsory and binding arbitration if the Secretary finds that an impasse in bargaining exists and such impasse will result in a serious interruption in the flow of an agricultural product to consumers or will cause substantial economic hardship to producers or handlers involved in the bargaining.".

(d) ACCREDITATION OF ASSOCIATIONS AND DESIGNATION OF HANDLERS.—The Agricultural Fair Practices Act of 1967 is amended—

(1) by redesignating sections 6 and 7 (7 U.S.C. 2305, 2306) as sections 9 and 11, respectively; and

(2) by inserting after section 5 (7 U.S.C. 2304) the following new section:

**"SEC. 6. ACCREDITATION OF ASSOCIATIONS AND DESIGNATION OF HANDLERS.**

"Not later than after the date of the enactment of this section, the Secretary shall establish procedures—

"(1) to accredit associations seeking to bargain on behalf of producers on an agricultural product or service; and

"(2) for designation of handlers with whom producer associations seek to bargain.".

(e) INVESTIGATIVE POWERS OF SECRETARY.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 6 (as added by subsection (d)(2)) the following new section:

**"SEC. 7. INVESTIGATIVE POWERS OF SECRETARY.**

"(a) INVESTIGATIVE POWERS.—The Secretary of Agriculture shall have the following powers to carry out the objectives of this Act, including the conduct of any investigations or hearings:

"(1) The Secretary may require any person to establish and maintain such records, make such reports, and provide such other information as the Secretary may reasonably require.

"(2) The Secretary and any officer or employee of the Department of Agriculture, upon presentation of credentials and a warrant or such other order of a court as may be required by the Constitution—

"(A) shall have a right of entry to, upon, or through any premises in which records required to be maintained under paragraph (1) are located, and

"(B) may at reasonable times have access to and copy any records, which any person is required to maintain or which relate to any matter under investigation or in question.

"(b) TREATMENT OF RECORDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any records, reports, or information obtained under this section shall be available to the public.

"(2) EXCEPTION.—Upon a showing satisfactory to the Secretary of Agriculture that records, reports, or information acquired under this section, if made public, would divulge confidential business information, the Secretary shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18, United States Code, except that the Secretary may disclose such record, report, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(c) POWERS RELATED TO HEARINGS.—

"(1) ATTENDANCE OF WITNESSES.—In making inspections and investigations under this Act, the Secretary of Agriculture may require the attendance and testimony of witnesses and the production of evidence under oath.

"(2) SUBPOENA POWER.—The Secretary, upon application of any party to a hearing held under section 9, shall forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence requested in such application. Within five days after the service of a subpoena on any person requiring the production of any evidence in the possession of the person or under the control of the person, the person may petition the Secretary to revoke such subpoena. The Secretary shall revoke such subpoena if in the opinion of the Secretary the evidence whose production is required does not relate to any matter in question, or if such subpoena does not describe with sufficient particularity the evidence whose production is required.

"(3) OATHS AND OTHER MATTERS.—The Secretary, or any officer or employee of the Department of Agriculture designated for such purpose, shall have power to administer oaths, sign and issue subpoenas, examine witnesses, and receive evidence. Witnesses shall be paid the same fees and mileage allowance as are paid witnesses in the courts of the United States.

"(d) FAILURE TO COMPLY.—In the case of any failure or refusal of any person to obey a subpoena or order of the Secretary of Agriculture under this section, any district court of the United States, within the jurisdiction of which such person is found or resides or transacts business, upon the application by the Secretary shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt of court.".

(f) ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 7 (as added by subsection (e)) the following new section:

**"SEC. 8. ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.**

"(a) PETITION.—Any person complaining of any violation of section 4 or other provision of this Act may apply to the Secretary of Agriculture by petition, which shall briefly state the facts serving as the basis for the complaint. If, in the opinion of the Secretary, the facts contained in the petition warrant further action, the Secretary shall forward a copy of the petition to the accredited association or handler named in the petition, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

"(b) INVESTIGATION AND COMPLAINT.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a), the Secretary of Agriculture shall investigate such complaint or notification. In the opinion of the Secretary, if the investigation substantiates the existence of a violation of section 4 or other provision of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business.

"(c) HEARING.—The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise and give testimony. The person who filed the charge shall also have the right to appear in person or otherwise and give testimony. Any such proceeding shall, as far as practicable, be conducted in accordance with the rules of evidence and the rules of civil procedure applicable in the district courts of the United States.

"(d) ORDERS.—If, upon a preponderance of the evidence, the Secretary of Agriculture is of the opinion that the person subject to the complaint has violated section 4 or other provision of this Act, the Secretary shall issue an order containing the Secretary's findings of fact and requiring the person to cease and desist from such violation. The Secretary may order such further affirmative action, including an award of damages to compensate the person filing the petition for the damages sustained, as will effectuate the policies of this Act and make the person filing the petition whole.

"(e) COMPLAINTS INSTITUTED BY SECRETARY.—The Secretary of Agriculture may at any time institute an investigation under subsection (b) if there appears to be, in the opinion of the Secretary, reasonable grounds for the investigation and the matter to be investigated is such that a petition is authorized to be made to the Secretary. The Secretary shall have the same power and authority to proceed with any investigation instituted under this subsection as though a petition had been filed under subsection (a), including the power to make and enforce any order.

"(f) JUDICIAL REVIEW.—

"(1) OBTAINING REVIEW.—Any person aggrieved by a final order of the Secretary of Agriculture issued under subsection (d) may obtain review of such order in the United States Court of Appeals for the District of Columbia by submitting to such court within 30 days from the date of such order a written petition praying that such order be modified or set aside.

"(2) TREATMENT OF FINDINGS.—The findings of the Secretary with respect to questions of fact, if supported by substantial evidence on the record, shall be conclusive.

"(3) EFFECT OF FAILURE TO SEEK TIMELY REVIEW.—If no petition for review, as provided in paragraph (1), is filed within 30 days after service of the Secretary's order, the order shall not be subject to review in any civil or criminal proceeding for enforcement, and the findings of fact and order of the Secretary shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such period. In any such case, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the person named in the complaint.

"(4) EFFECT ON ORDERS OF THE SECRETARY.—The commencement of proceedings under this section shall not operate as a stay of an order of the Secretary under subsection (d), unless specifically ordered by the court.".

(g) PREEMPTION.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 9 (as redesignated by subsection (d)(1)) the following new section:

**"SEC. 10. PREEMPTION.**

"This Act shall not invalidate the provisions of any existing or future State law dealing with the same subjects as this Act, except that such State law may not permit any action that is prohibited by this Act. This Act shall not deprive the proper State courts of jurisdiction under State laws dealing with the same subjects as this Act.".

Ms. KAPTUR. Mr. Chairman, this amendment is called the Family Farmer Cooperative Marketing Act of 2001.

For too long now, farmers in our country have been losing power in the marketplace, many times not even knowing it. Tens of thousands of family farmers produce commodities and provide services under contract arrangements with processing firms or handlers. Commodities currently produced under contract include fruits and vegetables, turkeys, chickens, hogs, popcorn, milk, and beef; and the list is likely to continue to increase. We need a fair balance of market power between the processors and the producers. That is why some States have already taken their own action and the Agricultural Marketing Service of our Department of Agriculture considers contracting and agriculture one of the most important issues of our day.

Our amendment would strengthen the Agriculture Fair Practices Act of 1967 in the following way: it would require the U.S. Secretary of Agriculture to establish a system of accreditation for voluntary, cooperative associations of agricultural producers. It would provide for good faith bargaining between processors or handlers and cooperative associations of agricultural producers. It would allow for mediation by the U.S. Department of Agriculture to resolve impasses in bargaining, and it would provide investigative and enforcement authority for the Secretary of Agriculture.

This amendment is very similar to H.R. 230 which I introduced earlier this year. The campaign for contract agriculture reform has said this bill enhances the power of producers and their cooperatives to stabilize farm income.

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The bill receives specific support from the National Farmers Organization and the National Pork Producers Council. The American Farm Bureau Federation also passed policy resolutions on the importance of contracting in agriculture. I also had submitted for the RECORD another amendment dealing with the need to provide the Department of Agriculture with the same authority over the poultry industry in this Nation that it already has over the beef and pork industries.

There is great concentration in all of these sectors. Former Grain Inspection and Packers and Stockyard Administrator James Baker testified before our Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, that this equivalent authority is most definitely needed to make sure our poultry producers are afforded the same safeguards as are available for beef and pork.

Mr. Chairman, at this time if the gentleman from Texas (Mr. STENHOLM) would engage, I understand that the committee may be willing to hold hearings on the concerns that many of us have about the needs for producers to have their rights to fairly and openly negotiate contracts with processors. If the gentleman is willing to commit that the Committee on Agriculture will hold a hearing on this issue and GIPSA's authority on poultry in the days to come, then I am prepared to withdraw my amendment with that assurance.

Mr. STENHOLM. Mr. Chairman, if the gentlewoman will yield, let me say that the gentlewoman is correct. I am willing, based on the assurances of my chairman to assure my colleague that the committee will hold a hearing on these topics as our schedule permits.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his assurance, and also the chairman for his interest in this issue.

Mr. COMBEST. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I want to further emphasize what the gentleman from Texas (Mr. COMBEST) said. We have some exchange of letters in this regard and we appreciate the gentlewoman's cooperation and we look forward to working with her on this matter.

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to withdraw the amendment in anticipation of those hearings.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Are there any further amendments?

Mr. CONDIT. Mr. Chairman, I rise in support of this legislation. The Agriculture Committee has met the challenge of drafting a comprehensive farm bill that balances many competing priorities. For the first time, the Committee was confronted with the needs of a sector not historically represented in past farm bills: specialty crops, the mainstay of California agriculture.

Although California produces over 200 different crops, many of these crops such as fruits and vegetables have not been highlighted in previous farm bills because these industries were relatively healthy. Unfortunately, specialty crops are hurting more now than ever because of cheap imports, labor shortages, high input cost such as pesticides, water, electricity, gasoline and bearing the burden of state and federal regulations and trade agreements that have not always panned out for specialty crops.

H.R. 2646 benefits the fruit and vegetable industries while also positively impacting conservation, trade, nutrition assistance, rural development, and research. Most importantly, it maintains a very important prohibition of planting fruits and vegetables on contract acres. This prohibition is key to ensuring the future economic stability within the specialty crop sector.

Increasing Market Access Program funds by $110 million is also a major achievement of this bill, since fruits and vegetables benefit the most from this program. Additionally, USDA Section 32 funds are boosted by $200 million. This increase enables USDA to purchase additional wholesome and nutritional products, such as peaches, tomatoes, apricots, pears and a variety of other specialty crop commodities for school lunch programs and other federal feeding programs. A significant increase in the Environmental Quality Incentives Program funding includes targeted spending for water conservation assistance. The Technical Assistance Specialty Crop Fund in created to help remove or assist with sanitary/phytosanitary trade barriers and increase exports of U.S. specialty crops within the global marketplace. Streamlining APHIS' procedures enables USDA to respond quickly and more effectively to plant and animal and pest and disease emergencies. These are only a few of the many provisions that address specialty crop concerns.

The growing and unique needs of fruit and vegetable industries are well represented in this legislation which is intended to meet the needs of agriculture for the next 10 years. As the legislative process continues, I look forward to continuing my work with my colleagues to develop new ways to assist our farmers who, after all, work so hard to maintain the safest and most reliable food supply in the world. I urge my colleagues to support this bill.

Mr. BUYER. Mr. Chairman, I rise in support of the Farm Security Act. This legislation is the product of over two years of preparation by the House Agriculture Committee in consultation with agriculture and environmental groups, and most importantly, American Farmers.

I had an opportunity to testify at one of the many field hearings the Committee held. During my testimony,. I told the Committee that the government's approach to agriculture should focus on the farmer. I spoke of the importance of maintaining a market approach, encouraging productivity, reducing regulatory costs, and managing risk. I also discussed the importance of emphasizing cooperation and incentives instead of punitive measures in dealing with conservation. And I addressed the need to expand markets through fair trade and the development of new uses through research and development initiatives.

But it was the input of farmers that I believe was of most value to the Committee in formulating the farm bill. I believe the Agriculture Committee did a good job of incorporating the input of farmers into the bill. The Committee worked to preserve the market-base philosophy of Freedom to Farm, while strengthening the safety net for farmers by replacing the unpredictable ad hoc system of emergency payments with a system of counter cyclical payments that farmers can rely upon.

The bill also provides a balanced approach between boosting commodity programs and supporting the important goal of conservation. With an increase of 80 percent over baseline spending for conservation programs, this truly is the most environmentally sensitive farm bill ever produced.

Mr. Chairman, the horrible terrorist attacks of September 11th have focused the nation's attention on the need to shore up our national security. While doing so, it is important to remember that America's food supply is a vital national security issue. By passing this bill, this Congress shows that we realize this fact, and we demonstrate that we truly speak with one voice when it comes to acting in the best interests of the American people.

Mr. CONYERS. Mr. Chairman, since the New Deal, the federal government has fostered the equitable development of rural areas with farm credit and other programs that are the foundation of the small farm sector that is struggling to hold on today. Direct farm operating and ownership loans are an integral part of the historic and ongoing mission of the USDA and much needed resource for all producers, not just minority, socially disadvantaged, and beginning farmers. The viability of America's small farms rests heavily on these loans, and the ability of the federal government to assist them in times of crisis.

Our agreement with the majority preserves this traditional role of the USDA as the lender of last resort, keeping open entry to agriculture for a new generation of farmers by restoring the direct lending role that would otherwise be ended in 5 years, while maintaining our support of current farmers and the tough economic situation they are continually faced with.

We have also agreed with the majority to address our concerns with loan participation data collection and our concerns with the transparency and accountability in Farm Service Agency County Committee elections.

Target Participation Rates for USDA loans would help to determine the rates of participation for women and minority farmers in relation to participation of other farmers in the same county. This information would then be made available to the public via the USDA web site.

These Target Participation Rates, which the majority has so generously agreed to hold a Full Agriculture Committee hearing on, are needed as minority farmers have shown that they have repeatedly been discriminated against by the USDA and by Farm Service Agency County Committee members. The Congressional Research Service reports "the largest USDA loans (top 1 percent) went to corporations (65 percent) and white male farmers (25 percent) loans to black males averaged $4,000 (or 25 percent) less than those loans given to white males; 97 percent of disaster payments went to white farmers; less than 1 percent went to black farmers."

The majority has also agreed that in our Full Agriculture Committee hearing we will discuss the election procedures for Farm Service Agency County Committees. These committees have been the source for much of the discrimination that minority farmers have suffered. These committee elections are not by secret ballot, ballots are opened and tabulated as they come in. The lack of a secret ballot has affected minority representation on these committees, which in turn has affected how minority farmers have received loans. To ensure that these County Committees operate equitably everywhere, we need the majority to understand the benefit of fair elections, of opening and tabulating the results of these elections in a public forum, and that the information on election participation data be made available to the farmers and the public. Hopefully in our hearing we will be able to convince them of the pressing need for change in these areas. I want to commend the majority for our bi-partisan approach to this issue and want to thank the chairman for the time.

I also want to thank the over 70 organizations that were pushing for passage of this Farm bill, especially our friends at the Rural Coalition and the National Farmers Union, and want to encourage them to keep up their hard work.

Mr. ABERCROMBIE. Mr. Chairman, I am strongly opposed to the amendment altering the provisions of the Agriculture Committee's bill.

Make no mistake about it. The purpose of this amendment to kill the sugar program, similar to the unsuccessful attempts in the past.

The amendment will keep the current program, which has devastated domestic sugar. Today, there are only two commercial sugar plantations left in Hawaii, the result of the 1996 Act which has crippled the industry and left thousands of Americans unemployed, many of them in Hawaii. What this nation needs now is more American jobs, not fewer.

In addition it would cut the existing supports by $.03 a pound. A rough calculation indicates such a move would transfer $500.0 million from the domestic sugar producers to the food processors.

While sugar prices have plummeted, food prices have risen. The wholesale price of sugar has dropped 29 percent since the 1996 law while sweetened product prices have risen 4 percent-14 percent. It is not difficult to determine that consumers will not see one dime of that $500.0 million. It will go straight into the pockets of the food manufacturers and processors who have soaked up all the additional revenue resulting from staggeringly low sugar prices since the 1996 Act.

Not only will the food processors unfairly benefit, but more foreign-produced sugar will pour into the country. My colleagues, in numerous cases, that imported sugar will certainly be produced by child labor and with no environmental protections.

How on earth are we helping either our own country or the rest of the world by adopting this amendment?

We've heard reports of candy manufacturers moving to Mexico. That is their prerogative, as much as I disagree with their abandoning America. The distortion that has been perpetuated, however, is that it is because of domestic sugar prices. Nothing could be further from the truth. Domestic sugar prices in Mexico have been consistently higher in Mexico than in the U.S. The reason they and other manufacturers have moved to Mexico is that labor costs are far lower and environmental protections are unenforced and ignored.

The Mexican government, and other foreign producers, then dump production in excess of their domestic consumption, regardless of their domestic price, on the world market for whatever price they can get. That is called the "world price" of sugar. In reality, it is the dump price, and that is the price at which the supporters of the amendment want to purchase sugar.

My colleagues, this amendment is strictly about money. It is about whether money will be paid to American workers for an American product produced with environmental protections and labor standards or whether it goes directly to the food processors and manufacturers to increase their profits regardless of the consequences domestically or internationally.

The House Agriculture Committee has developed a fair, rational and effective way to keep this industry producing an American product by American workers. I urge you in the strongest possible terms to reject this cynical, ill-conceived attack on American sugar producers and on hard-working people.

Mr. HYDE. Mr. Chairman, I rise in support of H.R. 2646, the Farm Security Act of 2001, which authorizes domestic and international agricultural programs that support American farmers and promotes American agricultural products throughout the world. It is important for Congress to support America's family farmers, agricultural industries, commodity packers and shippers, and the millions of Americans who benefit from the multibillion dollar agriculture industry that is the bread basket for the world.

I wish to commend Chairman COMBEST for his leadership in crafting the Farm Security Act and for ensuring that the many complex facets of American agriculture policy are adequately addressed.

I am especially pleased that the bi-partisan Farm Security Act does more than ever to promote international relief efforts through the Food for Progress and Food for Peace programs and also makes necessary reforms for these vitally important feeding programs. Indeed, these programs provide much needed food for the world's poor and starving, and are also coupled with sustainable development programs that teach the poor how to farm and increase food production.

Title III of H.R. 2646, also authorizes the McGovern-Dole International Food for Education Initiative that provides school lunches for needy boys and girls that attend school throughout the developing world. This is a noble endeavor that I enthusiastically endorse.

I am pleased that many farmers, producers, packers and shippers as well not-for-profits, including Catholic Relief Services, support H.R. 2646.

I am, however, mindful of the concerns voiced by the President regarding the cost of some of the domestic agricultural programs authorized by H.R. 2646, and share his view that improvements, including the cost of some programs, require additional review. Therefore, it is my goal to have the President's concerns addressed at a House-Senate Conference that reconciles differences between H.R. 2646 and the companion measure of this bill that will be considered by the Senate. I also believe that a shorter authorization period is in the national interest and hope that it will be agreed to during the House-Senate Conference on the bill.

Mr. Chairman, while I agree with the President that H.R. 2646 is not a perfect bill and will require modifications in order for the President to sign a final measure and have it enacted into law, I believe that H.R. 2646 serves as a good legislative vehicle to negotiate a bipartisan agreement in Congress that will address many of the President's understandable objections. Therefore, with these caveats, I intend to support H.R. 2646.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to section 762(c) of this legislation.

Methyl bromide is a powerful ozone depleting substance. Releasing methyl bromide into the environmental degrades the Earth's protective stratospheric ozone layer, increasing the risks of skin cancer and cataracts. As a result, the United States has joined with the international community to phase-out methyl bromide by 2005 with only limited exceptions.

Unfortunately, section 762(c) of the "Farm Security Act" could be interpreted to grant the Secretary of Agriculture the authority to allow continued use of methyl bromide even if the use is not in conformity with our international commitments under the Montreal Protocol. The provisions may well circumvent or override regulations issued under the Clean Air Act and the Montreal Protocol.

This language could shift EPA's traditional authority to implement the Protocol to the Department of Agriculture, notwithstanding the fact that Congress affirmed EPA's primacy on this issue as recently as 1998.

Additionally, the provision waive compliance with the Administrative Procedures Act, the Department of Agriculture's policy on public participation, and the Paperwork Reduction Act. These provisions could significantly undermine our efforts to protect the stratospheric ozone layer as well as the nation's credibility in international meetings.

These provisions are strongly opposed by the environmental community, including the following groups: American Rivers, Friends of the Earth, Greenpeace, League of Conservation Voters, National Audubon Society, National Environmental Trust, National Parks Conservation Association, Natural Resources Defense Council, Physicians for Social Responsibility, 20/20 Vision.

Mr. Chairman, we should strike these potentially destructive provisions. I urge all members to support removing these provisions as this bill proceeds through the legislative process.

Mr. COMBEST. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAMBLISS) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, had come to no resolution thereon.

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## FOOD INSPECTION SYSTEM

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. SMITH of Michigan. Madam Speaker, we took up the agricultural bill yesterday. We are going to do that again today. I think one area that we might want to reconsider looking at once this gets to conference or maybe even amendments today is an issue that relates to terrorism, and that is, our potential worst problem that we have in this country is the food inspection system.

Tommy Thompson reports that they have 750 agents looking at 130 points of entry, 55,000 places around America. Agriculture has thousands of inspectors compared to their 750. I think it is reasonable that we consider and talk about the possibility that those inspections in agriculture that are just looking for what is allowed into this country or maybe some insects need to team up and have a greater ability to add to the energy of HEW in terms of the food health inspection.

To assure credibility and integrity, I would ask that the two statements opposing and supporting my amendment yesterday also be entered into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
*Washington, DC, October 3, 2001.*

"There's a lot of medium-sized farmers that need help, and one of the things that we're going to make sure of as we restructure the farm program next year is that the money goes to the people it's meant to help."—President George W. Bush, August, 2001

DEAR COLLEAGUE: Few people are aware that many of our farm commodity programs, for all of their good intentions, are set up to disburse payments with little regard to farm size or financial need. Often in our rush to provide support for struggling farmers we overlook just where that support is going:

This amendment only limits price supports, not AMTA, conservation, or any other type of farm payment.

The largest 18 percent of farms receive 74 percent of federal farm program payments.

In 1999, 47 percent of farm payments went to large commercial farms, which had an average household income of $135,000.

The bulk of benefits over $150 thousand paid out on the 2000 harvest went to cotton and rice farmers—in fact, two large rice cooperatives in Arkansas collected nearly $150 million between them.

Unlimited government price supports for program commodities disproportionately skews federal farm aid to the largest of producers while encouraging overproduction and allowing the largest producers to become even larger. Let's do more to be fair to small and moderate size family farm operations by establishing meaningful, effective payment limitations.

CBO Has Scored This Amendment as Saving $1.31 Billion!

Support the Smith-Armey-Blumenauer-McInnis-Shays amendment on federal price support limitations

Sincerely,

NICK SMITH,
*Member of Congress.*

Representative Smith states that his amendment will only affect the very largest of recipients.

Mr. Smith is wrong.

He claims that it would take 1,950 acres of cotton or 17,000 acres of rice to reach the payment limit he references. In reality, it would take 432 acres of cotton or 700 acres of rice.

What the Smith amendment will do: Compromises the integrity of the agricultural marketing system; punishes medium-size farmers, the very ones he claims to be helping; adversely affects producers who use marketing certificates; and drastically reduces the effectiveness of the marketing loan

Oppose the Nick Smith Amendment

I would like to add that less than 1 percent of imported food is inspected and that there were over 76 thousand reported food poisoning last year.

It is generally agreed that the 21st century brings with it a new era in the biological sciences with advances in molecular biology and biotechnology that promise longer, healthier lives and the effective control, perhaps elimination of a host of acute and chronic diseases. The prospects are bright but there is a dark side—the possibility that infectious agents might be developed and produced as offensive weapons; that new or emergent infections, like HIV/AIDS or old diseases or other pathogens need to be guarded against at our borders.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

Mr. GIBBONS (at the request of Mr. ARMEY) for today after 4:00 p.m. and October 5 on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. COMBEST) to revise and extend their remarks and include extraneous material:)

Mr. BRADY of Texas, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, October 5.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 3, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 1583. To designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse".

H.R. 1860. To reauthorize the Small Business Technology Transfer Program, and for other purposes.

## ADJOURNMENT

Mr. COMBEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, October 5, 2001, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4093. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index; Joint Final Rule [Release No. 34-44724; File No. S7-11-01] (RIN: 3235-AI13) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4094. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions (RIN: 3038-AB82) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4095. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—A New Regulatory Framework for Clearing Organizations (RIN: 3038-AB66) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bispyribac-Sodium; Pesticide Tolerance [OPP-301175; FRL-6803-2] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Pesticide Tolerance [OPP-301172; FRL-6803-2] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4098. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mefenoxam; Pesticide Tolerance [OPP-301170; FRL-6801-4] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluoroxypyr 1-Methylheptyl Ester; Pesticide Tolerances for Emergency Exemptions [OPP-301164; FRL-6798-5] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zeta-cypermethrin and its Inactive R-isomers; Pesticide Tolerances [OPP-301171; FRL-6801-1] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4101. A letter from the Environmental Protection Agency, Environmental Protection Agency, transmitting the Agency's final rule—Clethodim; Pesticide Tolerance [OPP-301168; FRL-6800-9] (RIN: 2070-AB78) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfosate; Pesticide Tolerances [OPP-301173; FRL-6801-8] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerances [OPP-301177; FRL-6802-9] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances [OPP-301174; FRL-6803-1] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Pesticide Tolerances [OPP-301178; FRL-6799-2] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb Hydrochloride; Pesticide Tolerances for Emergency Exemptions [OPP-301162; FRL-6797-2] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zoxamide 3, 5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide; Pesticide Tolerance [OPP-301176; FRL-6803-7] (RIN: 2070-AB78) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4108. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Amendments to the Bank Secrecy Act Regulations—Registration of Money Services Businesses and Requirement that Money Transmitters and Money Order and Traveler's Check Issuers, Sellers, and Redeemers Report Suspicious Transactions; Implementation Dates (RIN: 1506-AA24) received September 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4109. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Executive Compensation (RIN: 2550-AA13) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4110. A letter from the Secretary, Office of Chief Accountant, Securities Exchange Commission, transmitting the Commission's final rule—Bookkeeping Services Provided by Auditors to Audit Clients in Emergency or Other Unusual Situations [Release Nos. 33-8004; 34-44792; IC-25157; FR-57] (RIN: 3235-AI31) received September 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4111. A letter from the Assistant General Cousel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Criteria and Procedures for Determining Eligibiliy for Access to Classified Matter or Special Nuclear Material (RIN 1992-AA22) received September 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4112. A letter from the Principal Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 103-0044; FRL-7051-4] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4113. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7054-5] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4114. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(I) Authority for Hazardous Air Pollutants; State of Pennsylvania; Department of Environmental Protection [PA001-1000; FRL-7055-9] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4115. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and South Coast Air Quality Management District [CA 249-0290a; FRL-7045-9] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4116. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Base Year Inventories, and Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area [MD059/71/98/114-3077; FRL-7057-4] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4117. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Promulgation of Implementation Plans; Indiana [IN138-2; FRL-7056-2] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4118. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California [CA-035-MSWa; FRL-7058-5] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4119. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina [Docket SC-038-200102(a); FRL-7062-1] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4120. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans for Colorado and Montana: Transportation Conformity [CO-001-0060a; MT-001-0032a; FRL-7055-4] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision [Region 2 Docket No. NY53-230a, FRL-7057-5] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Revisions to General Rules and Regulations for Control of Air Pollution by Permits for New Sources and Modifications [TX-104-1-7401b; FRL-7063-2] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4123. A letter from the Director, Department of State, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 02-03), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4124. A letter from the Director, Department of State, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Oman for defense articles and services (Transmittal No. 02-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4125. A letter from the Director, Department of State, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the United Kingdom for defense articles and services (Transmittal No. 02-02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4126. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Akaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 091001A] received September 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4127. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species [I.D. 082901B] received September 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4128. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, 47G2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J, 47J-2, 47J-2A, and 47k Helicopters [Docket No. 2001-SW-13-AD; Amendment 39-12408; AD 2001-17-17] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH.125, HS.125, BH.125, and BAe. 125 (U-125 and C-29A Series Airplanes; Model Hawker 800, Hawker 800 (U-125A), Hawker 800XP, and Hawker 1000 Airplanes [Docket No. 2000-NM-373-AD; Amendment 39-12417; AD 2001-17-26] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, and Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2001-NM-263-AD; Amendment 39-12420; AD 2001-17-29] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4131. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc. LTS101 Series Turboshaft and LTP101 Series Turboprop Engines [Docket No. 94-ANE-38-AD; Amendment 39-12406; AD 2001-17-15] (RIN: 2120-AA64) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years [FRL-7054-7] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Stills and Miscellaneous Regulations; Recodification of Regulations (2000R-491P) [T.D. AFT-462] (RIN: 1512-AC34) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4134. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Rules of Practice in Permit Proceedings; Recodification of Regulations (2000R-529P) [T.D. ATF-463] (RIN: 1512-AC43) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4135. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax; Recodification of Regulations (2001R-58P) [T.D. ATF-464] (RIN: 1512-AC47) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4136. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Implementation of Public Laws 106-476 and 106-554, Relating to Tobacco Importation Restrictions, Markings, Repackaging, and Destruction of Forfeited Tobacco Products (2000R-492P) [T.D. ATF-465; Ref: Notice No. 913] (RIN: 1512-AC35) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2001 Marginal Production Rates [Notice 2001-53] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 2001-47] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2001 Section 43 Inflation Adjustment [Notice 2001-54] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income Defined [Rev. Rul. 2001-42] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separate Reporting of Nonstatutory Stock Option Income in Box 12 of the Form W-2, Using Code V, Optional for Year 2002 [Announcement 2001-92] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. MATSUI, and Mr. MCDERMOTT):

H.R. 3019. A bill to provide fast-track trade negotiating authority to the President; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 3020. A bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3021. A bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. RANGEL, Mr. HOUGHTON, Mr. STARK, Mr. ENGLISH, Mr. LEVIN, Mr. MCDERMOTT, and Mr. COYNE):

H.R. 3022. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 3023. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 3024. A bill to reform the Federal unemployment benefits system; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 3025. A bill to amend title 10, United States Code, to expand the program under which State and local governments may procure law enforcement equipment through the Department of Defense to include the procurement of counter-terrorism equipment; to the Committee on Armed Services.

By Mr. GIBBONS (for himself, Ms. HARMAN, Mr. LAHOOD, Mr. ROEMER, and Mr. CASTLE):

H.R. 3026. A bill to establish an Office of Homeland Security within the Executive Office of the President to lead, oversee, and coordinate a comprehensive national homeland security strategy to safeguard the Nation; to the Committee on Government Reform, and in addition to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, Intelligence (Permanent Select), and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 3027. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HART:

H.R. 3028. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate Pennsylvania State route 60 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself, Mr. SHAYS, Mr. STRICKLAND, Mr. KING, Mr. MARKEY, Mrs. MORELLA, Ms. BROWN of Florida, Mr. ALLEN, Mr. DICKS, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. BONIOR, Mr. BROWN of Ohio, Mr. BAIRD, Ms. CARSON of Indiana, Mr. BOUCHER, Mr. BARRETT, and Mr. BACA):

H.R. 3029. A bill to amend title 49, United States Code, to require the screening of all property carried in aircraft in air transportation and intrastate air transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM:

H.R. 3030. A bill to extend the "Basic Pilot" employment verification system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3031. A bill to suspend temporarily the duty on 3.3–Dichlorobenzidine Dihydrochloride; to the Committee on Ways and Means.

By Mr. MASCARA:

H.R. 3032. A bill to amend title XVIII of the Social Security Act to extend coverage of immunosuppressive drugs under the Medicare Program to cases of transplants not paid for under the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McCOLLUM:

H.R. 3033. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the appropriation of funds for the program to collect information relating to nonimmigrant foreign students and to provide for a GAO review of such program; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 3034. A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken; New Jersey, as the "Frank Sinatra Post Office Building"; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD:

H.R. 3035. A bill to direct the Secretary of Transportation to conduct an assessment of terrorist-related threats to all forms of public transportation; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. Tom Davis of Virginia, Mr. Wolf, Mr. Hoyer, Mr. Schrock, Mrs. Morella, Mr. Wynn, Mrs. Jo Ann Davis of Virginia, Mr. Forbes, Mr. Scott, Mr. Goodlatte, Mr. Boucher, Mr. Cantor, Ms. Norton, and Mr. Goode):

H.R. 3036. A bill to authorize the Secretary of Defense to establish a memorial on the Arlington Naval Annex to the victims of the terrorist attack on the Pentagon; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 3037. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. Doyle, Mr. Mascara, Mr. Gekas, Ms. Hart, Mr. Holden, Mr. Coyne, Mr. Sherwood, Mr. Hoeffel, Mr. English, and Mr. Borski):

H.R. 3038. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Camp Security, located in Springettsbury, York County, Pennsylvania, as a unit of the National Park System; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 3039. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rate from 20 percent to 15 percent; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. Hinchey, and Mr. Frost):

H.R. 3040. A bill to make COBRA continuing coverage more affordable for laid-off American workers; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. Abercrombie, and Mrs. Wilson):

H.R. 3041. A bill to amend the Internal Revenue Code of 1986 to provide tax and other incentives to maintain a vibrant travel and tourism industry, to keep working people working, and to stimulate economic growth, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. Armey, Mr. DeLay, Mr. Sensenbrenner, Mrs. Kelly, and Mr. Goode):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. Tauzin):

H.R. 3043. A bill to provide for the establishment of an alien nonimmigrant student tracking system; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself and Mr. Buyer):

H.R. 3044. A bill to amend title 10, United States Code, to provide for the forfeiture of vessels used in the commission of willful violations of Department of Defense safety regulations regarding navigable waters used by the Armed Forces, to increase penalties for violation of other security regulations and orders, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself and Ms. Dunn):

H.R. 3045. A bill to provide assistance to employees who suffer loss of employment in the aircraft manufacturing industry as a result of the terrorist attacks of September 11, 2001; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Ms. Berkley, Mr. Bilirakis, Mr. Brown of Ohio, Mr. Tauzin, Mr. Dingell, Mr. Norwood, Mr. Hall of Texas, Mr. Greenwood, Mr. Pallone, Mr. Upton, Mrs. Capps, Mr. Burr of North Carolina, Mr. Strickland, Mr. Buyer, Mr. Waxman, Mr. Deal of Georgia, Mr. Barrett, Mr. Whitfield, Mr. Stupak, Mr. Bryant, Mr. Towns, Mr. Pickering, Mr. Deutsch, Mr. Ehrlich, Mr. Wynn, Mr. Barton of Texas, Mr. Green of Texas, Mr. Baker, and Mr. Cooksey):

H.R. 3046. A bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Brown of Ohio, Mr. Dingell, Mr. Deutsch, Mr. Pallone, Mr. Green of Texas, Mr. Stupak, and Mr. Barrett):

H.R. 3047. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to pediatric studies of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3048. A bill to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. Lantos):

H. Con. Res. 242. Concurrent resolution recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. Etheridge, Mr. Sanders, Mr. Stenholm, Ms. Ros-Lehtinen, Mr. Scott, Mr. Peterson of Minnesota, Mr. Royce, Ms. Woolsey, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Rhode Island, Mr. Ryan of Wisconsin, Mr. Pombo, Mr. Ganske, Mr. Farr of California, Mrs. Johnson of Connecticut, Mr. Dicks, Mr. Berry, Mr. Baca, Ms. Brown of Florida, Mr. Lucas of Kentucky, Mr. Vitter, Mr. Thomas, Mr. Condit, Mr. Sabo, Ms. McCollum, Mr. Carson of Oklahoma, Mr. Tauzin, Mr. DeMint, Mr. McDermott, Mr. Boyd, Ms. Waters, Ms. Lofgren, Mr. Taylor of Mississippi, Mr. Filner, Mr. Waxman, Mr. Berman, Mrs. Napolitano, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Nethercutt, Mr. Young of Florida, Mr. Traficant, Mr. Rehberg, Mr. Rohrabacher, Mr. English, Mr. Sherwood, Mr. Ose, Mr. Inslee, and Mrs. Capps):

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Res. 254. A resolution supporting the goals of Pregnancy and Infant Loss Remembrance Day; to the Committee on Government Reform.

By Mr. HONDA (for himself, Mr. Shays, Ms. Slaughter, Mr. Serrano, Mr. Brown of Ohio, Mr. Larsen of Washington, Mr. Matsui, Mr. Berman, Mr. Delahunt, Ms. Lofgren, Mr. Farr of California, Mr. Ferguson, Mr. Dingell, Mr. Payne, Ms. Carson of Indiana, Mr. Ford, Mr. Frelinghuysen, Mr. Herger, Mr. Hayworth, Mr. Clement, Ms. Berkley, Ms. McCollum, Mrs. Meek of Florida, Mr. LoBiondo, Mr. Souder, Mr. KIRK, Mr. CONDIT, Ms. ROYBAL-ALLARD, Mrs. BIGGERT, Mr. UDALL of Colorado, Mr. BECERRA, Mr. HYDE, Mr. ISRAEL, Mrs. JOHNSON of Connecticut, Mr. BLAGOJEVICH, Mr. SCHIFF, Mr. PASTOR, Mr. SIMMONS, Ms. KAPTUR, Mr. KING, Ms. SCHAKOWSKY, Mr. POMBO, Mr. PALLONE, Mr. PASCRELL, Mr. DOGGETT, Mr. KNOLLENBERG, Mr. MEEHAN, Mr. ROHRABACHER, Mr. COOKSEY, Mr. ANDREWS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. EVANS, Mrs. TAUSCHER, Ms. SOLIS, Mr. TOWNS, Mr. LANGEVIN, Mr. CRAMER, Mr. HASTINGS of Florida, Mr. McGOVERN, Mr. SHERMAN, Ms. PELOSI, Mr. MORAN of Virginia, Mr. JACKSON of Illinois, Mrs. MORELLA, Mr. GILMAN, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mr. CROWLEY, Mr. BISHOP, Mr. BURTON of Indiana, Ms. WATSON, Mrs. JONES of Ohio, Mr. BACA, Mr. HORN, Mr. WU, Mr. LANTOS, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Ms. McKINNEY, Ms. WOOLSEY, Mr. FROST, Mr. FALEOMAVAEGA, Mr. SANDERS, Mr. BORSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Ms. MILLENDER-McDONALD, Mr. SMITH of New Jersey, Ms. LEE, Mr. OSE, Mr. RODRIGUEZ, Mr. McDERMOTT, Mr. DOOLITTLE, Mr. GREEN of Wisconsin, Mr. KLECZKA, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. ROYCE, Mr. LEWIS of California, Mr. ACKERMAN, Mr. BONIOR, Mr. HOLT, Mr. CAPUANO, Mr. FATTAH, Mrs. NAPOLITANO, Mr. REYES, Mrs. McCARTHY of New York, Mr. VISCLOSKY, Mr. BOUCHER, Mr. FILNER, Mr. CONYERS, Mr. DICKS, Ms. ESHOO, Mr. UDALL of New Mexico, and Mr. LAMPSON):

H. Res. 255. A resolution condemning bigotry and violence against Sikh Americans in the wake of terrorist attacks against the United States on September 11, 2001; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mrs. BIGGERT.

H.R. 71: Mr. OWENS, Mrs. NAPOLITANO, and Mrs. McCARTHY of New York.

H.R. 73: Ms. LEE.

H.R. 74: Mrs. NAPOLITANO.

H.R. 75: Mrs. NAPOLITANO, Mr. SCOTT, Ms. SCHAKOWSKY, and Ms. LEE.

H.R. 162: Mr. SERRANO, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. KOLBE, and Mr. BROWN of South Carolina.

H.R. 218: Ms. GRANGER and Mr. WALDEN of Oregon.

H.R. 226: Ms. LEE.

H.R. 267: Mr. BARCIA.

H.R. 274: Mrs. McCARTHY of New York.

H.R. 281: Mr. FATTAH.

H.R. 286: Ms. LEE.

H.R. 394: Ms. HART, Mr. HORN, Mr. RANGEL, Mr. SIMMONS, Mr. ROGERS of Michigan, Ms. McKINNEY, Mr. BEREUTER, Mr. WAMP, Mr. KENNEDY of Minnesota, and Mr. CARSON of Oklahoma.

H.R. 529: Ms. SLAUGHTER.

H.R. 530: Ms. SLAUGHTER.

H.R. 536: Mr. LUCAS of Kentucky.

H.R. 664: Mr. BARR of Georgia and Mr. SERRANO.

H.R. 777: Mrs. CAPITO.

H.R. 822: Mr. BONIOR and Mr. FERGUSON.

H.R. 839: Mr. HOEFFEL.

H.R. 951: Mr. FOLEY, Mr. HOLT, Mr. SHAYS, Mr. CROWLEY, Mr. SKELTON, and Mr. GONZALEZ.

H.R. 975: Mr. GREEN of Texas.

H.R. 984: Mr. PENCE.

H.R. 1040: Mr. HALL of Texas.

H.R. 1073: Mr. CARSON of Oklahoma.

H.R. 1090: Mr. HOEFFEL, Ms. CARSON of Indiana, Mrs. JO ANN DAVIS of Virginia, and Mr. MANZULLO.

H.R. 1117: Mr. BACA.

H.R. 1158: Mr. FOLEY and Mr. HALL of Texas.

H.R. 1201: Mrs. DAVIS of California.

H.R. 1268: Mr. BLUNT.

H.R. 1354: Mr. BACHUS.

H.R. 1360: Mr. HORN.

H.R. 1383: Mr. THOMPSON of California.

H.R. 1433: Mr. PASTOR.

H.R. 1485: Ms. RIVERS and Mr. OBERSTAR.

H.R. 1494: Mr. HONDA.

H.R. 1509: Ms. CARSON of Indiana.

H.R. 1522: Mr. CUMMINGS.

H.R. 1586: Mr. FROST.

H.R. 1700: Mr. SHERMAN.

H.R. 1701: Mr. SWEENEY, Mr. McINTYRE, and Mr. McCRERY.

H.R. 1754: Mr. McNULTY.

H.R. 1762: Mr. PETERSON of Minnesota.

H.R. 1919: Mr. PENCE, Mr. UDALL of Colorado, Mr. THUNE, Mr. CAMP, and Mr. Barr of Georgia.

H.R. 1987: Mr. DAVIS of Florida.

H.R. 2023: Mr. CAPUANO, Ms. DUNN, Mr. CRANE, and Mr. SKEEN.

H.R. 2117: Mr. HORN and Mr. LUTHER.

H.R. 2123: Mr. CARSON of Oklahoma.

H.R. 2125: Ms. WOOLSEY, Mr. FOLEY, and Mr. NETHERCUTT.

H.R. 2148: Mr. ROTHMAN and Mr. UDALL of Colorado.

H.R. 2160: Ms. CARSON of Indiana.

H.R. 2173: Mr. SNYDER.

H.R. 2276: Mr. PASTOR.

H.R. 2290: Mr. NEAL of Massachusetts, Mr. BEREUTER, Mr. LEWIS of Kentucky, Mr. PRICE of North Carolina, Mr. McGOVERN, Mr. FOLEY, and Mr. ROGERS of Kentucky.

H.R. 2308: Mr. TOOMEY.

H.R. 2329: Mr. CLAY.

H.R. 2349: Ms. SLAUGHTER.

H.R. 2352: Ms. NORTON.

H.R. 2357: Mr. RYUN of Kansas and Mr. SHIMKUS.

H.R. 2362: Mr. HORN and Mr. TIERNEY.

H.R. 2380: Mr. PAYNE, Mr. MORAN of Virginia, Mr. FATTAH.

H.R. 2485: Mr. SHADEGG.

H.R. 2573: Ms. VELÁZQUEZ, Mr. MARKEY, and Mr. KUCINICH.

H.R. 2613: Mr. MEEKS of New York and Mr. STUPAK.

H.R. 2623: Mr. GILMAN.

H.R. 2638: Ms. CARSON of Indiana and Ms. KAPTUR.

H.R. 2641: Mr. FATTAH.

H.R. 2691: Mr. McGOVERN.

H.R. 2709: Mr. ISAKSON and Mr. PASTOR.

H.R. 2722: Mr. LaHOOD, Mr. SOUDER, Mr. STUPAK, Ms. HOOLEY of Oregon, Mrs. MORELLA, and Mr. OLVER.

H.R. 2725: Mrs. CLAYTON.

H.R. 2781: Mr. STUPAK and Mr. GRAHAM.

H.R. 2787: Ms. LEE, Ms. CARSON of Indiana, and Ms. SCHAKOWSKY.

H.R. 2794: Mr. OLVER, Mr. SHERMAN, Mr. KOLBE, and Mr. DEAL of Georgia.

H.R. 2805: Mr. TERRY.

H.R. 2807: Mr. HERGER, Mr. FOLEY, and Mr. DAVIS of Florida.

H.R. 2808: Ms. McKINNEY.

H.R. 2836: Mrs. McCARTHY of New York.

H.R. 2837: Mr. FILNER, Mr. FATTAH, and Ms. WOOLSEY.

H.R. 2877: Mr. STUMP.

H.R. 2887: Mr. FATTAH, Ms. WOOLSEY and Mr. WHITFIELD..

H.R. 2896: Mr. PETERSON of Minnesota.

H.R. 2897: Mr. KUCINICH, Mr. BONIOR, and Ms. SANCHEZ.

H.R. 2899: Mrs. KELLY and Mr. FOSSELLA.

H.R. 2931: Mr. BRADY of Texas, Mr. WELDON of Florida, Mr. SCHAFFER, and Mr. PITTS.

H.R. 2935: Mr. DINGELL, Ms. WOOLSEY, Mr. McKINNEY, Mr. DeFAZIO, and Ms. WATERS.

H.R. 2940: Mr. COX, Mr. MANZULLO, Mr. McHUGH, Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. CANTOR, Ms. SANCHEZ, Ms. BROWN of Florida, Mr. GUTIERREZ, Ms. PELOSI, Mr. HOYER, Mr. TURNER, Mr. DEUTSCH Mr. COSTELLO, Mr. DOOLEY of California, Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, and Mr. TRAFICANT.

H.R. 2945: Ms. McKINNEY and Mr. DELAHUNT.

H.R. 2946: Ms. CARSON of Oklahoma, Ms. MILLENDER-McDONALD, Mr. UDALL of New Mexico, Ms. McCARTHY of Missouri, Mr. HOLDEN, Ms. SOLIS, Mr. BLUMENAUER, Mr. CONDIT, Mr. TIERNEY, Mr. QUINN, Mr. CARSON of Oklahoma, Mr. BILIRAKIS, Mr. RAMSTAD, Mr. CUMMINGS, Mr. UDALL of Colorado, Mr. LoBIONDO, Mr. FRANK, Mr. ISRAEL, and Mr. ESHOO.

H.R. 2947: Mr. JACKSON of Illinois and Mr. FATTAH.

H.R. 2950: Mr. MICA, Mr. EHLERS, Mr. LaTOURETTE, Mr. DeMINT, Mr. KIRK, Mr. GRAVES, Mr. FERGUSON, Mr. BUYER, and Mr. SHUSTER.

H.R. 2957: Mr. BEREUTER, Mr. CRENSHAW, Mr. GREENWOOD, and Mr. HALL of Texas.

H.R. 2961: Mr. SHAYS, Mrs. THURMAN, and Mrs. JONES of Ohio.

H.R. 2965: Mr. GALLEGLY, Mrs. MALONEY of New York, Mr. CASTLE, and Ms. DeLAURO.

H.R. 2966: Mr. BERMAN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. ORTIZ, and Mr. ACEVEDO-VILA.

H.R. 2968: Mr. BEREUTER, Mr. WOLF, and Mr. CALVERT.

H.R. 2975: Mr. DELAHUNT and Mr. WEINER.

H.R. 2981: Mr. TIBERI and Mr. ENGEL.

H.R. 2985: Mr. HALL of Texas and Mr. NEY.

H.R. 2986: Mr. HALL of Texas and Mr. NEY.

H.R. 2988: Ms. CARSON of Indiana and Mr. HALL of Texas.

H.R. 2989: Mr. MOORE and Mr. GEPHARDT.

H.R. 2991: Mr. GRUCCI, and Mr. BROWN of Ohio, Mrs. JO ANN DAVIS of Virginia, Ms. ESHOO, Mr. KING, Mr. McNULTY, and Ms. SLAUGHTER.

H.R. 2998: Mr. COX, Mrs. MALONEY of New York, Mrs. BONO, Mr. ARMEY, Mr. ISSA, Mr. CALVERT, Mr. McKEON, Mr. OSE, Mr. RADANOVICH, Mr. THOMAS, Mr. DREIER, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. ENGEL, and Mr. ACKERMAN.

H.R. 3004: Mr. ISRAEL, Mr. SHOWS, Mr. MALONEY of Connecticut, and Mr. MORAN of Virginia.

H.R. 3007: Mr. TIAHRT, Mr. GRAVES, Mr. MORAN of Kansas, Mr. KENNEDY of Minnesota, Mr. HORN, Mr. HONDA, Mr. LaTOURETTE, Mr. THUNE, Mr. HOYER, Mr. LARSEN of Washington, and Mr. JOHNSON of Illinois.

H.R. 3011: Mr. ENGLISH, Mr. WYNN, and Mr. KING.

H.R. 3015: Ms. NORTON, Mr. McDERMOTT, Mr. BACA, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. BONIOR, and Ms. ROYBAL-ALLARD.

H.J. Res. 12: Mr. SHOWS.

H.J. Res. 54: Mr. BALLENGER.

H. Con. Res. 26: Ms. SLAUGHTER.

H. Con. Res. 104: Mr. BONIOR, Mr. MORAN of Virginia, and Mr. KOLBE.

H. Con. Res. 181: Mr. WAMP, Mr. GORDON, Mr. NCNULTY, Mr. LOBIONDO, and Mr. COOKSEY.

H. Con. Res. 197: Mr. RANGEL, Mr. BOEHLERT, Mr. LANGEVIN, Mr. STUPAK, Mr. SNYDER, and Mr. GRAHAM.

H. Con. Res. 198: Ms. WATSON and Ms. KILPATRICK.

H. Con. Res. 233: Ms. SLAUGHTER, Mrs. JO ANN DAVIS of Virginia, Mr. HALL of Texas, and Mr. CARSON of Oklahoma.

H. Con. Res. 234: Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Mr. REGULA, Mr. STUPAK, and Mr. STRICKLAND.

H. Con. Res. 240: Mrs. DAVIS of California, Ms. ESHOO, Mr. EVANS, and Mr. STARK.

H. Res. 52: Mr. HALL of Texas.

H. Res. 106: Mr. MATSUI, Mrs. CAPPS, Mrs. CHRISTENSEN, Mrs. MCCARTHY of New York, Mr. GREEN of Texas, Mr. MCGOVERN, Mr. STARK, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Ms. NORTON, Mrs. ROUKEMA, Ms. ROS-LEHTINEN, Ms. SLAUGHTER, and Mr. ABERCROMBIE.

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## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 2883

### OFFERED BY: MR. GOSS

AMENDMENT NO. 7: Strike section 503 (page 23, lines 1 through 16).

Strike section 506 (page 26, line 1, through page 27, line 5).

### H.R. 2883

### OFFERED BY: MS. PELOSI

AMENDMENT NO. 8: Page 13, line 11, strike "10" and insert "8".

Page 13, line 13, strike "4" and insert "2".

Page 16, beginning on line 5, strike "hold hearings,".

Page 16, beginning on line 8, strike "The Commission" and all that follows through the end of line 9.

Strike paragraph (6) of section 306(e) (page 17, beginning on line 7 through page 19, line 3) and redesignate the succeeding paragraph accordingly.

Page 19, line 10, strike "6 months" and insert "one year".

Page 19, beginning on line 17, by striking "subsection (g)" and insert "subsection (f)".

### H.R. 2883

### OFFERED BY: MR. WOLF

AMENDMENT NO. 9: At the end of title III (page 19, after line 18) insert the following new section:

**SEC. 307. IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence, in cooperation with the heads of the departments and agencies of the United States involved, shall implement the recommended changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States contained in the report submitted to the President and the Congress by the National Commission on Terrorism established in section 591 of Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–210).

(b) REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, if the Director of Central Intelligence determines that one or more of the recommended changes referred to in subsection (a) will not be implemented, the Director shall submit to the appropriate congressional committees a report containing a detailed explanation of that determination.

(2) In this subsection, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

# EXTENSION OF REMARKS

## RECOGNIZING THE KANSAS CITY FORD ASSEMBLY PLANT AND THE UAW LOCAL 249

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Kansas City Ford Assembly Plant and the UAW Local 249 for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Kansas City Ford Assembly Plant and the UAW Local 249 signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Kansas City Ford Assembly Plant and the UAW Local 249 have raised more than $67,000 to support the nationwide relief effort to provide for the grieving families and rescue workers. The patriotism and persistence of the Kansas City Ford Assembly Plant and the UAW Local 249 is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though the nation has witnessed unspeakable horror, America's virtues, determination, and faith continue to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## IN HONOR OF THE ANNUAL PULASKI DAY CEREMONY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Polonia Foundation of Ohio on their Annual Pulaski Day Ceremony in memory of General Kazimierz Pulaski.

Born March 4, 1747 in Warka, Poland, Kazimierz Pulaski achieved great military military fame in Poland and soon became a national figure. In 1768 he and his father organized the Bar Confederacy and attempted to save Poland from Russian forces. He became a well-respected commander, but was forced into exile when the Russians pressured the confederacy to disintegrate. General Pulaski soon arrived in Paris where Benjamin Franklin actively recruited him for the American cause.

His service to America led him to the post of Brigadier General and was later recognized as the Father of the American Cavalry. He fought alongside George Washington at Brandywine and Germantown, but was mortally wounded in 1779 at Savannah.

The Polonia Foundation recognizes their obligation to see that the memory of the distinguished General Kazimierz Pulaski does not fade into history. His brilliant cavalry improvisations as well as his selfless service and dedication to our young nation's cause have earned him the respect of the American people.

This year, the annual Pulaski Day Celebration will be held at 10 a.m. on Saturday, October 6 at the War Memorial in Washington Park.

Mr. Speaker, please join me in recognizing the Polonia Foundation of Ohio for their outstanding cause of liberty and remembrance of a great man and soldier, General Kazimierz Pulaski.

## IN RECOGNITION OF GLENDALE MEMORIAL HOSPITAL AND HEALTH CENTER

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Glendale Memorial Hospital and Health Center. On October 7, 2001, the hospital will celebrate its 75th Anniversary at its 14th annual Evening of Wine & Ross celebration.

The hospital's origins date back to 1926 when on January 13th Glendale Memorial Hospital and Health Center opened as Physicians and Surgeons Hospital with 47 beds. The hospital underwent three separate expansions in 1942, 1956, and 1968 making it better equipped to treat the growing population of the foothill communities. In 1955 the hospital's name was changed to Memorial Hospital of Glendale and then again changed in 1986 to its current name, Glendale Memorial Hospital and Health center.

The hospital has always shown a commitment to improving its facilities and increasing its level of care. In 1987, the Glendale Memorial Cancer Center was completed. This state of the art center is devoted solely to the prevention, detection, and treatment of cancer. In 1992, the hospital took on the challenge of treating some of the area's most critical patients with the completion of the Heart and Emergency Center. Even today, the hospital continues its expansion. Scheduled to be completed in the Fall of 2002 is the Orthopedic Center as well as an addition to the Cancer Center.

I am proud to represent such an exceptional institution. With an outstanding staff of 1,250 full time employees and 562 physicians representing 63 specialties, it is no wonder that in 2000 the Heart center at the Glendale Memorial Hospital and Health Center was named as one of the top #100 heart centers in the country.

So today, I ask all Members of Congress to join me in congratulating Catholic Healthcare West, the Glendale Memorial Hospital, the Health center Board of Directors, and all the physicians and staff on their outstanding service to our community and wish them much success as they join in celebrating the Glendale Memorial Hospital and Health Center's 75th Anniversary.

## TRIBUTE TO THE SALVATION ARMY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Salvation Army for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Salvation's Army

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Salvation Army has assisted stranded travelers while planes were grounded and provided food for people both downtown and at KCI when heightened security left people without a means to get home. The patriotism and persistence of the Salvation Army is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will clear them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## INTRODUCTION OF THE GERIATRIC CARE ACT OF 2001

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce the Geriatric Care Act of 2001, an important piece of legislation which will help our nation prepare for the health care pressures associated with the aging of the baby boom generation.

Americans are living longer than ever; with the average life expectancy rising to 80 years old for women and 74 years old for men. While this is generally a positive development, there are costs associated with the aging of America. As seniors live longer, they face greater risks of disease and disabilities, such as Alzheimer's, diabetes, cancer, stroke, and heart disease.

Geriatricians are physicians who are uniquely trained to help care for the aging and elderly. By promoting a comprehensive approach to health care, including wellness and preventive care, geriatricians can help seniors live longer and healthier lives.

It is critical that our nation have a sufficient number of geriatricians to help manage the aging of the baby-boom generation. Unfortunately, there are currently only 9,000 certified geriatricians, and that number is expected to decline dramatically in the coming years. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. We must do more to promote geriatric residency programs.

Unfortunately, there are two barriers preventing physicians from entering geriatrics: insufficient Medicare reimbursements for the provision of geriatric care and inadequate training dollars and positions for geriatricians.

A recent MedPac survey found that Medicare's low reimbursement rates serve as a major obstacle to recruiting new geriatricians. Due to their higher level of chronic disease and multiple prescriptions, seniors require additional care to ensure proper diagnosis and treatment. Medicare's reimbursement rates do not factor the complex needs of elderly patients. Because geriatricians treat seniors exclusively, they are especially affected by Medicare's low reimbursement rates.

Additionally, the Balanced Budget Act placed limits on the numbers of residents a hospital can have, based on 1996 numbers. This cap serves as a disincentive for some hospitals, and has caused them to eliminate or reduce their geriatric Graduate Medical Education (GME) programs.

The legislation I am introducing today would remedy both of these problems, so that America is prepared for the aging baby boom generation. The Geriatric Care Act would modernize the Medicare fee schedule to more accurately reflect the cost of providing care for seniors. It also would allow for additional geriatric residency slots, so that we can develop an adequate supply of geriatricians for the next generation.

I urge all of my colleagues to join me as cosponsors of this legislation. Thank you, Mr. Speaker, I yield back the balance of my time.

## TRIBUTE TO COLONEL DENNIS LEWIS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SKELTON. Mr. Speaker, let me take this opportunity to share a few words regarding the upcoming retirement of Colonel Dennis Richard Lewis, Program Branch Chief for the Army's Congressional Legislative Liaison. In the very near future, Colonel Lewis will retire after 27 years in the Army. He has distinguished himself, the Army and our nation with dedicated service.

Colonel Lewis began his career in the military in 1974, after graduating from the United States Military Academy. At West Point he excelled in academics, sports and became Airborne qualified as a cadet. Colonel Lewis later attended Purdue University, receiving a masters degree in Industrial Relations. His professional military development includes the Army Field Artillery Advanced Course, the Command and General Staff College and the Army War College. In addition to his academic achievements, Colonel Lewis became Air Assault qualified and became an Airborne Jump Master with the 82nd Airborne Division.

During the Cold War, Colonel Lewis served in numerous field artillery assignments including Nuclear Weapons Officer, Battery Executive Officer, Battery Commander and Assistant Operations Office in Germany, Turkey and Southwest Asia. With this experience, Colonel Lewis returned to the United States Military Academy as a Tactical Officer.

Colonel Lewis' next assignments included some of the Army's most challenging. As a field artillery Operations officer, Colonel Lewis deployed to Saudi Arabia during Desert Shield and Desert Storm. Upon return, Colonel Lewis was selected to command a field artillery battalion in the 82nd Airborne Division. After completing his Battalion Command, Colonel Lewis was assigned to the Office of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. Assignments at this post included coordinating military response and support to the crash of TWA Flight 800, the downing of two U.S. civilian aircraft over Cuba, the 1996 Summer Olympics in Atlanta and the Cuban and Haitian migrants operations in the Carribean.

Colonel Lewis became a field artillery Brigade Commander in the 18th Airborne Corps at Fort Bragg, NC and then served as Program Branch Chief for the Army's Congressional Legislative Liaison. In this position, Colonel Lewis effectively articulated the Army's goals, policies and programs to key members of Congress while serving as an advisor to the Secretary of the Army and the Army Chief of Staff.

Mr. Speaker, Colonel Lewis has had an impressive career in the military. As he prepares for this next stage in his life, I am certain that my colleagues will join me in wishing Colonel Lewis all the best. We thank he for his 27 years of service to the United States of America.

## PERSONAL EXPLANATION

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GALLEGLY. Mr. Speaker, on September 25 I missed rollcall vote No. 359. Had I been present, I would have voted "aye" on the vote.

## RECOGNIZE THE MIDLAND EMPIRE RED CROSS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Midland Empire Red Cross for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Midland Empire Red Cross signify the commitment and concern of Americans everywhere. Our Nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Midland Empire Red Cross has mobilized "Henry's Kitchen," which is capable of feeding 10,000 people a day, to assist volunteers at the Pentagon in their rescue efforts. Additionally, Karla Long—the Emergency Service Director—is at Ground Zero assisting as a mass care specialist while 9 other volunteers and staff are helping in New York as well. The patriotism and persistence of the Midland Empire Red Cross is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks and months ahead, all Americans must come together and do what they can to assist the Nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

## REGARDING THE $400 MILLION STRIPPED FROM THE DEFENSE AUTHORIZATION BILL

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SCHAFFER. Mr. Speaker, It is truly shocking that the House Defense Authorization Bill eliminated $400 million from space-based defenses, cutting the highly successful Space Based Laser program and a restart for the equally successful but de-funded Brilliant Pebbles space based interceptor program. Conscience demands my protest.

The destruction of the World Trade Center and the Pentagon involving the loss of 6,000 lives should have taught us a lesson on the need for vigilance. Freedom has a price. Attacks upon the United States can take the form of ballistic missiles, cyberwarfare, and attacks on our satellites as well as terrorism.

The World Trade Center was bombed in 1993. Plans for the aerial destruction of the World Trade Center by Islamic terrorist Abdul Hakim Murad were communicated from the Philippines to the United States in 1995. Six years of advance warning was supplied before the terrible events of September 11, 2001.

In 1995 China threatened the United States with a ballistic missile to exchange Los Angeles for Taipei. China, moreover, reinforced its threat in 2000, and in 1995 and 1996 demonstrated its proclivity to use ballistic missiles, launching them offshore Taiwan. Six years of advanced warning has been supplied of China's plans.

U.S. intelligence has been either unable or unwilling to inform us of the extent and purpose of China's military buildup. It is not for modernization but part of a deliberate buildup for threatening or attacking the United States. China's Long Wall Project building missile bases is aimed at U.S. forces in the Pacific.

Nor is China the only country building ballistic missiles. North Korea, Libya, Iran, Iraq as well as other countries are engaged in buildup of ballistic missiles. But the passage of a few weeks has not seared the conscience of Congress to the menace posed by ballistic missiles, a threat against which Mr. Rumsfeld has warned us.

The House Defense Authorization Bill saw fit to cut our defenses, cutting $400 million from space-based missile defense programs, including the Space Based Laser and re-start of the Space Based Interceptor or Brilliant Pebbles. Aiming itself at out space-based defenses, the House Defense Authorization Bill substituted false economy for the senseless risk of our lives and freedom.

The disregard for our nation's defense is exuberated by a certain ignorance of ballistic missile defense programs. For Example, the opposition to the space-based defenses said the Airborne Laser was a stepping stone to the Space Based Laser evidently unaware of how the Space Based laser already completed the demonstration of its technology of its technology in 1997, four years ago.

It is evidently poorly understood how the Airborne Laser and Space Based Laser involve different applications and technologies. The Airborne Laser uses a chemical oxygeniodine reaction to power the laser suitable for an airplane or other platform in the environment of the earth's gravity. This laser, however, is not suitable for the zero-gravity environment of space. This Space Based Laser uses a hydrogen-fluoride reaction to power its laser, where the spent gases can be exhausted in the zero-gravity environment of space.

It is apparently not well understood, moreover, how the Airborne Laser relies on a complex mirror system for directing the laser beam. The Airborne Laser, in addition, is designed for transmission of the laser through the atmosphere at ranges greater than 100 miles. The Space Based Laser, in contrast, transmits its bean from space to around 35,000 feet in altitude, or above the cloud tops.

The House Defense Authorization Bill left $32 million for space-based missile defenses including the Space Based Laser and any restart of the Space Based interceptor or Briliant Pebbles where the administration requests $165 million for the Space Based Laser. Funding levels for the Space Based Laser have been around $130 million.

I vigorously protest this senseless abasement of our best missile defense programs. The United States is spending $40 billion to respond to the terrorist attacks against the World Trade Center and Pentagon. The price of a ballistic missile attack and the policy of deliberately leaving ourselves vulnerable, as embodied in the House Defense Authorization Bill, may be immeasurable.

I therefore urge this body, at the first and next opportunity to advocate not only the full and immediate restoration of the $400 million cut by Congress, but to increase funding for space-based defenses, along with their necessary technological support and development.

## IN HONOR OF THE 100TH ANNIVERSARY OF THE SISTERS OF ST. JOSEPH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 100th Anniversary of the founding of the Sisters of St. Joseph of the Third Order of St. Francis.

The Sisters have a long history of dedication to people of Northeast Ohio. Over the years, the sisters served in seventeen schools in Ohio, providing for a strong education and solid virtue and morale to thousands of students.

The congregation was originally founded in Wisconsin in 1901 to educate Polish immigrants who were settling in the Midwest. Forty-six Sisters comprised the original congregation that had grown to over 183 members in 1908, serving twenty-three parish schools in Illinois, Wisconsin, Indiana, and Ohio.

The ministry of the Sisters expanded greatly from its original focus on educating grade school children to include high school teaching, hospital care, special education, food pantries, missionary work, geriatric care, spiritual guidance and counseling, university professorships, pastoral care, and more. Their guidance and inspiration has touched thousands of people throughout the entire Midwest, and their caring missions stand strong today. While their mission and programs continue to expand, the Sisters of St. Joseph of the Third Order of St. Francis have not altered their founding spirit—seeking to serve the minores, the little people who often fall through the cracks of society.

Mr. Speaker, please join me in celebrating and honoring the 100th Anniversary of the Sisters of St. Joseph of the Third Order of St. Francis. The Sisters have remained a strong force in our community, and will continue to touch the hearts and souls of many in the years to come.

## IN RECOGNITION OF THE CITY OF LA CAÑADA FLINTRIDGE

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Southern California community of La

Cañada Flintridge. On December 8, the city will celebrate its 25th year of cityhood.

In 1843, in the wake of the Mexican Revolution, Ignacio Coronel, a Mexican schoolteacher from Los Angeles, was granted a valley named "Rancho La Cañada." Later, U.S. Senator Frank Flint divided 1,700 acres south of modern-day Foothill Boulevard into large lots and called his subdivision "Flintridge." Eventually, the valley came to be known as "La Cañada Flintridge," as it is called today.

La Cañada Flintridge experienced its most rapid growth during the 20th Century. A diverse and resourceful collection of farmers, professionals, intellectuals, and ranchers toiled to develop a prosperous city. To this day La Cañada Flintridge reflects their hard work. It is a city with extensive cultural resources and an educated population that has never abandoned the vision of its founders of successful small-town life.

La Cañada Flintridge is a bustling suburb with several important landmarks. The most recognizable institution in La Cañada Flintridge is the Jet Propulsion Laboratory, the world's leading center for robotic exploration of the solar system, which is managed for NASA by the California Institute of Technology. La Cañada Flintridge is also home to Descanso Gardens, a 165-acre botanical garden famous throughout the nation. The city also provides its citizens a full range of vital services and an excellent education in an independent school district.

On this 25th anniversary of the incorporation of La Cañada Flintridge, I offer my sincere congratulations to the city and its residents. La Cañada Flintridge exemplifies the American dream of a diverse coalition of individuals and families working together to secure business success, a high quality of life, and the friendliness and cooperation that is a hallmark of America's small-town suburbs.

## RECOGNIZE THE STUDENT BODY OF SAVANNAH HIGH SCHOOL

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body of Savannah High School for their work and sacrifice in honor of all the people who both survived and who list their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and father, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like the Student Body of Savannah High School signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Student Body and Faculty of Savannah High School contributed more than $1,400 and raised more than $5,300 for the American Red Cross and Salvation Army to assist the grieving families and rescue workers. The patriotism and persistence of the Student Body of Savannah High School is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## CELEBRATING HEAR O' ISRAEL AND THE LISTEN TO THE CRIES OF THE CHILDREN NATIONAL CAMPAIGN 2001

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GREEN of Texas. Mr. Speaker, I rise to celebrate Hear O' Israel, which is sponsoring the Listen to the Cries of the Children National Campaign 2001. Hear O' Israel International, Inc. developed the campaign to strengthen the unity of families and enhance public awareness of the negative effects that alcohol and drug abuse, family violence, child abuse, and gang activity have on children and their families across Houston.

In October, Hear O' Israel will be celebrating the grand opening of their National Campaign Headquarters in Houston, Texas. I ask my colleagues to join me in congratulating Hear O' Israel.

Mr. Speaker, on February 22, 2001, Houston Mayor Lee P. Brown and the Houston City Council approved the following resolution:

A RESOLUTION: "LISTEN TO THE CRIES OF THE CHILDREN"

A non-profit non-denominational organization, Hear O' Israel International Inc., developed its "Listen to the Cries of the Children" national campaign to strengthen the unity of families and enhance public awareness of the negative side effects that alcohol and drug abuse, family violence, child abuse, and gang activity have on children and their families. The campaign has heard the cries of the children and parents, young and old, and the veterans who are crying out due to neglect, physical challenges; broken homes; and or lack of adequate food, shelter, clothing, health care, or education. The "Listen to the Cries of the Children" National Campaign 2001 will promote ". . . wisdom, knowledge, understanding, and forgiveness that will break the suffering out of their prisons, visible or invisible."

As part of its ongoing effort to help the suffering, Hear O' Israel International, Inc., has conducted community oriented programs, campaigning with former gang members who were shot and, after becoming quadriplegic, are presenting themselves as physical evidence to reinforce the negative consequences of gang involvement and experimenting with drugs and alcohol.

As part of this year's campaign, Hear O' Israel International, Inc., will call for sixty seconds of positive communication between children and adults, in an effort to bridge cultural boundaries and unify a response to listen to the cries of the children. The campaign will also call for a "stop to violence and a response to mercy, love and compassion for our fellow man; turning the hearts of the fathers to the children and the hearts of the children towards the fathers; linking and strengthening the connection that should be present between every parent, child, American, and citizen of the worldwide."

The Mayor and City Council of the City of Houston do hereby salute Hear O' Israel International Inc., for its efforts to improve and enhance the quality of life for children, and extend best wishes for continued success.

Approved by the Mayor and City Council of the City of Houston this 22nd day of February 2001.

## MEMORIAL TO H. NORMAN JOHNSON, SAN BERNARDINO CIVIC LEADER

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to H. Norman Johnson, a lifelong civic leader in my hometown of San Bernardino, California. Mr. Johnson, who was the owner and operator of Fourth Street Rock Crusher in San Bernardino, died on September 19 at the age of 73.

Norm Johnson was the old-fashioned kind of civic leader, one who was deeply involved in his community because he loved it and wanted to make it a better place. He never held public office, but could always be counted on to work as a volunteer in the service of San Bernardino. He helped convince voters to pass an improvement tax that has made our streets safe, headed up a drive to provide underprivileged children with dental care and even campaigned to save the historic whistle at the local Santa Fe Railway depot yard.

Much of what Norm Johnson did came with no publicity. He donated all of the concrete for an addition to the local Lighthouse for the Blind, and made a similar donation for an addition to Santa Claus Inc., a local charity. Most of the Little League dugouts in the Inland Empire were provided and poured at no expense by Fourth Street Rock Crusher—and many of those teams were sponsored by the company, as well. When Yucaipa High School needed new volleyball courts, 200 tons of materials were donated by Norm Johnson and his company. When any church called, materials were supplied and delivered at no expense.

Norm Johnson worked closely with local schools long before it became fashionable for companies to "sponsor" a school. He ensured local libraries stayed in business. When San Bernardino Unified School District opened the new Arroyo Valley High School in August, Mr. Johnson advanced the city the funds needed to complete street improvements around the school.

A graduate of my alma mater, San Bernardino High, Mr. Johnson went to the University of Arizona to study business and engineering. He returned to take over Fourth Street Rock Crusher when his father became ill, and was in the office nearly every day since. His employees remember him as a tough, solid man who was unswerving in his loyalty to his company family. City officials will remember him for his insistence that they must meet his standards in supporting San Bernardino. Please join me in expressing our condolences to his wife, Merrily, and three daughters: Christi Bulot, JayAnn Stanley and Debra Ann Borden, and in praising Norm Johnson's dedication to his city and community.

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## CONGRESSIONAL TRIBUTE TO GENERAL HENRY H. SHELTON, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SKELTON. Mr. Speaker, General Henry H. Shelton became the fourteenth Chairman of the Joint Chiefs of Staff on October 1, 1997, and was reconfirmed by the Senate for a second 2-year term in 1999. In this capacity, he serves as the principal military adviser to the President, the Secretary of Defense, and the National Security Council. Prior to becoming Chairman, he served as Commander in Chief of the U.S. Special Operations Command.

Born in Tarboro, North Carolina in January 1942, General Shelton earned a Bachelor of Science degree from North Carolina State University and a Master of Science degree from Auburn University. His military education includes attendance at the Air Command and Staff College in Montgomery, Alabama and at the National War College at Ft. McNair, Washington, D.C.

Commissioned a second lieutenant in the Infantry in 1963 through the Reserve Officer Training Corps, General Shelton spent the next 24 years in a variety of command and staff positions in the continental United States, Hawaii, and Vietnam. He served two tours in Vietnam—the first with the 5th Special Forces Group, the second with the 173d Airborne Brigade. He also commanded the 3d Battalion, 60th Infantry in the 9th Infantry division at Fort Lewis, Washington; served as the 9th Infantry Division's assistant chief of staff for operations; commanded the 1st Brigade of the 82d Airborne Division at Fort Bragg, North Carolina; and served as the Chief of Staff of the 10th Mountain Division at Fort Drum, New York.

Following selection for brigadier general in 1987, General Shelton served 2 years in the Operations Directorate of the Joint Staff. In 1989, he began a 2-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division (Air Assault), a tour that included the Division's 7-month deployment to Saudi Arabia for Operations DESERT SHIELD and DESERT STORM. Upon returning from the Gulf War, General Shelton was promoted to major general and assigned to Fort Bragg, North Carolina, where he commanded the 82d Airborne Division. In 1993, he was promoted to lieutenant general and assumed command of the XVIII Airborne Corps. In 1994, while serving as corps commander, General Shelton commanded the Joint Task Force that conducted Operation UPHOLD DEMOCRACY in Haiti. In March 1996, he was promoted to general and became Commander in Chief of the US Special Operations Command.

In his 4 years as Chairman of the Joint Chiefs of Staff, General Shelton worked tirelessly to improve the quality of life for military members and their families. He championed numerous initiatives including the largest across-the-board pay raise for the military in 18 years—helping to narrow the civilian-military "pay gap." His push for pay table reform targeted greater increases for mid-grade noncommissioned officers, and his retirement reform package reinstated benefits for those entering service after 1986. Furthermore, thanks to his dedication and support, an enhanced housing allowance was implemented to gradually eliminate out of pocket expenses for service members living off post. Finally, the Chairman was a strong advocate of the effort to reform medical health care, to make medical care more responsive—to include military retirees over 65.

The Chairman made great strides to improve the readiness of the US military by articulating a regiment for increased defense spending. As a result, the Department of Defense realized a $112 billion increase in defense spending over the 5-year defense plan to arrest declining readiness rates. He additionally implemented new processes to carefully manage high demand/low density resources in support of the National Security Strategy.

The Chairman and his staff published *Joint Vision 2020* to establish goals and the metrics for the future joint force, and he established U.S. Joint Forces Command as the proponent for Joint Experimentation and Joint Force readiness. He established Joint Task Force-Civil support to increase the military's ability to respond to crises in the US homeland and established Joint Task Force-Computer Network Operations to enhance protection of US information networks. General Shelton directed numerous initiatives designed to improve the interoperability of the four Services including a Joint Warfighting Logistics Initiative, development of a Global Information Grid, revision of all Joint Professional Military Education Programs and an enhancement on the joint warfighting focus of the Joint Requirements Oversight Council.

General Shelton's awards and decorations include the Defense Distinguished Service Medal (with 2 oak leaf clusters), Distinguished Service Medal, Legion of Merit (with oak leaf cluster), Bronze Star Medal with V device (with 3 oak leaf clusters), and the Purple Heart. He has also been awarded the Combat Infantryman Badge, Joint Chiefs of Staff (Identification Badge, Master Parachutist Badge, Pathfinder Badge, Air Assault Badge, Military Freefall Badge, and Special Forces and Ranger Tabs and numerous foreign awards and badges.

General Shelton is married to the former Carolyn L. Johnson of Speed, North Carolina. Mrs. Shelton has been actively involved with service issues and support to military families throughout General Shelton's career. The General and Mrs. Shelton have three sons; Jonathan, a Special Agent in the US Secret Service; Jeffrey, a US Army Special Operations soldier, and Mark, their youngest son.

General Shelton represented the US military with great distinction for the past four years as its senior military officer. He participated in policy-making at the highest levels of government but never lost the common touch with our men and women in uniform. General Shelton will indeed be remembered as a soldiers' soldier and a quiet professional.

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## TRIBUTE TO SARA LYNN STERLING, KRISTEN ROBINSON, AND JORDON SMITH OF LIBERTY HIGH SCHOOL

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize Sara Lynn Sterling, Kristen Robinson, and Jordan Smith of Liberty High School for their work in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks marks a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like Sara Lynn Sterling, Kristen Robinson, and Jordan Smith of Liberty High School signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th, terrorist attacks, Sara Lynn Sterling, Kristen Robinson, and Jordan Smith of Liberty High School have been decorating their fellow classmates jeans in lieu of donations for the grieving families and rescue workers. The patriotism and persistence of Sara Lynn Sterling, Kristen Robinson, and Jordan Smith of Liberty High School is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simplify saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## HONORING THE 50TH ANNIVERSARY OF HOLMES RUN ACRES

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor a community in Fairfax County, Holmes Run Acres, on its 50th Anniversary. This neighborhood has been providing families with the best Falls Church, Virginia has to offer for many years and is well-positioned to continue to do so in the future.

Holmes Run Acres was designed with unique contemporary architecture to save trees and blend into the Virginia countryside. When the neighborhood was in its early stages, Fairfax County was a rural area. In 1951, the county was impacted by the post-World War II development. The residents of Holmes Run Acres decided this was time to form a Civic Association, and a year later they published "The Holmes Runner," a community newsletter.

Today, they still rely on their Civic Association meetings and publications, but, in keeping with technology trends, they have their information posted on the World Wide Web. These factors promote unifying, community-wide communications network.

Holmes Run Acres built the first community swimming pool in Fairfax County. Volunteers from the neighborhood worked with the Fairfax County Park Authority to turn an old dump site into the first neighborhood park in the County. The Civic Association encourages its residents to initiate and participate in activities that bring the community together, such as house and garden tours, art shows, classes and family gatherings.

The residents of Holmes Run Acres are always available to lend a hand with many community activities, including those events that are county-wide. During the 1960s their well-established Civic Association helped create an association for a newly formed neighboring community. During the holidays, Holmes Run's children run a gift drive for needy children outside of their immediate area.

The recent publication of the third installment of "Holmes Run Acres: The Story of a Community" proves that this community is going strong year after year. The publication provides background on the community's history and residents, as well as local history and plans for future improvements.

Mr. Speaker, in closing, I want to thank Holmes Run Acres for all it has provided to the community. They will be celebrating on Saturday, October 6, 2001, and they will also have another event in the spring. I hope that all of my colleagues will join me in congratulating them on 50 years of service and wishing them the best in the years to come.

## SOCIAL SECURITY

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. DUNCAN. Mr. Speaker, I rise today to introduce legislation which will correct a great injustice being endured by many widows and widowers throughout this Nation. Current Social Security law requires that those who have lost spouses surrender their survivor benefits when entering into a new marriage. Many of those who have lost spouses count these benefits as their only source of income and rely upon them for continuing their daily lives. to force these men and women to abandon survivor funds simply because they enter into a marriage after their spouse's death is outrageous.

This measure would be of very modest expense to the government, and the costs incurred are certainly justified by the positive results derived from the correction of this oversight. Senior citizens, a sector of our society often plagued by low incomes and tight budgets, would be the primary beneficiaries of this legislation, and we owe it to these citizens to provide them with every possible avenue to enjoy a proper standard of living.

Mr. Speaker, this bill would ensure that those who enter into a new, long-lasting marriage are not punished simply for finding another loving spouse. It is fiscally sound and morally correct. I thank you and urge my colleagues to support this important legislation.

## TRIBUTE TO MISSOURI AIR GUARD'S 139TH AIRLIFT WING

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Missouri Air Guard's 139th Airlift Wing for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the 139th Airlift Wing signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the 139th Airlift Wing flew to McGuire Air Force base in New Jersey to bring back Missouri's Task Force One whose 65 volunteers had spent more than a week at Ground Zero in an effort to support the search and rescue effort. The patriotism and persistence of the 139th Airlift Wing is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## COMMENDATION OF COAST GUARD

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. ORTIZ. Mr. Speaker, I rise today to commend the men and women of the United States Coast Guard who have come to the rescue of South Texas communities of South Padre Island, Port Isabel and Brownsville.

Very early Saturday morning, Sept 15th, the Queen Isabella Causeway, the bridge that connects South Padre Island to the mainland was hit by a barge, resulting in sections of the bridge falling into the Gulf Intracoastal Waterway. Nine cars crashed into the water of the Laguna Madre, rocking the community with the fear that terrorists had struck in South Texas since it occurred the weekend following the World Trade Center and Pentagon attacks.

The Coast Guard Group of Corpus Christi, South Padre Island and the Marine Safety Office arrived at once and worked tirelessly—around the clock—to recover the victims, and retrieve the vehicles and debris from the water in the canal so commercial traffic could move again through the canal.

No one was surprised by the instant response from our Coasties. They are amazing people. They began as soon as the tragedy was reported and worked with our local and state officials in providing further protection and emergency assistance for citizens in the area. They worked tirelessly around the clock.

They brought assets to the Valley from the Coast Guard, Corpus Christi Group to help with search and recovery. They were focused on recovering victims. They are well-trained and ready to perform brilliantly in a time of crisis like the bridge collapse.

The Coast Guard provided tremendous support to the local and state officials, which was a huge logistical chore. They helped ensure the re-opening of the canal so the Rio Grande Valley would receive fuel supplies, food and other necessities, which arrive via the Intracoastal canal, closed to such traffic while the recovery is in progress.

One of the most satisfying things about watching these men and women do the work that they do is understanding the love they have for their job. They simply love what they do, and they are very good at it.

While we always appreciate the good work of the Coast Guard in South Texas and around our nation, we particularly want to thank them today for the hard work they did when they came to the rescue when our community needed them.

The Coast Guard has a wide range of responsibilities . . . in peacetime, they are law enforcement; in times of war, they are soldiers. Right now they are working extended hours to carry out a host of responsibilities: search and rescue, enforcing our fisheries regulations, enforcing boating regulations, drug interdiction and other national security missions.

I ask my colleagues to join me today in commending these great Americans for their dedicated service to South Texas and our nation.

## RECOGNITION OF MRS. SALLY FULTON RESTON'S DEATH

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. SOLIS. Mr. Speaker, I rise to recognize the death of a notable civil rights leader and an extraordinary person.

Mrs. Sally Fulton Reston made numerous contributions to our community and led an exemplary life. As a civil rights advocate, she dedicated much of her efforts towards seeking equality for disenfranchised communities. She served as a Board Member for the Mexican American Legal Defense and Education Fund, MALDEF, for seven years and also served as the second Vice Chair for the Board for a year. MALDEF protects and promotes the civil rights of Latinos living in the United States through sound public policies, laws and programs. Mrs. Reston's efforts and contributions earned her MALDEF's highest award, The Valerie Kantor Award. The Valerie Kantor Award is the highest honor presented to those who have served MALDEF and the Latino community.

Mrs. Sally Reston was also a renowed journalist. From 1968 to 1988, she was the copublisher of the Vineyard Gazette. Furthermore, she also worked for The Junior League Magazine, Mademoiselle Magazine, Readers Digest in London, as well as the New York Times. Ms. Reston also enjoyed the simple things of life. She enjoyed photography, developing and printing her own work and had a great affection for the piano.

I am saddened by the loss of such a fine member of our community. I extend my sincerest condolences to the Reston family, as we all mourn the loss of a true civil rights leader and an exceptional person.

## HONORING VIOLA S. MARTINEZ

### HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BONILLA. Mr. Speaker, I rise today to honor Mrs. Viola S. Martinez of Laredo, Texas on the occasion of her 70th birthday on October 4, 2001. Viola has been an outstanding member of my team since I ran for Congress in 1992.

While her family is native to Texas, Viola was born in Dearborn, Michigan in 1931. Viola returned to Laredo as a young girl and received her education there. Family plays a large role in Viola's life. Viola and her husband recently celebrated 50 years of marriage. Viola and Ernesto are also proud parents of three children, Ernesto J. Martinez Jr., Sara Martinez Tucker and Rosie Stevens.

Viola is the heart and soul of Laredo. Folks in this booming border city know that if you need something done, go to Viola. Whether it is assisting a veteran with benefits or helping a young family find the proper tax form, Viola goes the extra mile for each constituent.

Viola is one of those rare people who can successfully accomplish many work-related tasks while still finding time to volunteer in professional and community groups. Viola's dedicated service to the Laredo community reminds us of all that is good in America. Viola is truly a shining example for all citizens.

It has been a great pleasure to work with Viola for these nine years and I look forward to many more to come. Mr. Speaker, I urge my colleagues to join me in wishing Mrs. Viola Martinez a very Happy Birthday!

## ALBANY FIRST CHRISTIAN CHURCH

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize Albany First Christian Church for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of churches like Albany First Christian Church signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Albany First Christian Church has collected relief supplies from the congregation and community to assist grieving families and rescue workers. The patriotism and persistence of the Albany First Christian Church is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousand of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnesses unspeakable horror. America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## OREGON AND CONSERVATION EASEMENTS

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BLUMENAUER. Mr. Speaker, Oregon has a system unique to the nation in protecting its farmland. Other states have utilized conservation easements to preserve farmland. Oregon has used a comprehensive land use system though with a record of stunning success. According to Oregon's Department of Land Conservation and Development, the state has 16 million acres zoned for Exclusive Farm Use (EFU). This is in stark contrast to the 800,000 acres protected acres nationwide. That number is less than what we protect in the northern Willamette Valley alone, which is also our most populous area.

Conservation easements—the purchase of development rights—are what other states use to protect farmland rather than the zoning approach that Oregon uses. However, leaders in protecting Oregon's farmland are in agreement that no one tool alone does the job of protecting farmland. In addition to the state's zoning system, conservation easements would be appropriate in Oregon in selected locations. They would serve as a complement to, not a replacement for, the zoning administered by the Land Conservation and Development Commission.

The primary reason Oregon has not used federal Farmland Protection Program (FPP) monies in the past is that our state was initially ineligible, but given recent changes to the program we now have the opportunity to participate. Another reason was that within our state it was thought that our land use system already served the need. However, there is increased awareness that zoning needs to be supplemented with voluntary incentives for land conservation.

This awareness has been increased by the passage last fall of Oregon ballot initiative, Measure 7. It amends Oregon's Constitution to provide that any property owner whose real property is reduced in value by government regulation must be paid compensation by the government for the lost value. While this measure is still in litigation, if it goes into effect, landowners could begin to make claims for compensation. Access to federal FPP funds would provide Oregon farmers the flexibility to accept conservation payments in lieu of other forms of compensation.

I very much appreciate the assurances that Natural Resources Conservation Services have provided me of their willingness to work with Oregon, as they are with any other state that has a unique situation, in utilizing the Farmland Protection Program. Oregon is eager to be a full participant in FPP. Increasing federal funding for this program and ensuring its accessibility for a variety of land conservation uses is key to its success in Oregon and other states.

## HAPPY BIRTHDAY TO THE REPUBLIC OF CHINA

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to salute President Chen Shui-bian on the occasion of Taiwan's forthcoming National Day. As a birthday present to Taiwan, I believe all of us should support Taiwan's bid to re-enter the United Nations. After the admission of Tuvalu to the United Nations in 2000, the Republic of China on Taiwan is the only aspiring country that remains excluded from the United Nations. Taiwan has every right to be a member of the United Nations. Taiwan has a dynamic economy that is the envy of much of the world. Taiwan is the world's 17th largest economy and holds approximately $100 billion in foreign exchange reserves. Politically, Taiwan is one of the freest nations. It has a democratically elected head of state and holds free elections at all levels. Taiwan's citizens enjoy full human rights and press freedom. By any measurable standard, Taiwan is an economic powerhouse and a beacon of democracy. Taiwan's twenty-three million citizens need a voice in the United Nations. By excluding Taiwan, the United Nations is violating its own principle of universality. The Republic of China on Taiwan has much to contribute to the work and funding of the United Nations and other international organizations. I urge my colleagues to give their support to Taiwan's campaign to return to the United Nations and other international organizations. I also wish to add that Taiwan was shocked and devastated by the events of September 11th. Taiwan shares with us the belief that those terrorist acts are reprehensible and must be condemned. Taiwan grieves with America whose homeland was attacked by shameless terrorists. An attack on America means an attack on Taiwan; it means an attack on democracy and our way of life. Taiwan is ready to help us combat terrorism anywhere and everywhere. Happy Birthday Taiwan!

## TRIBUTE TO ALYSIA C. BASMAJIAN

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Alysia C. Basmajian.

Alysia Basmajian was twenty-three years of age. She was a graduate of Godwin High School and the College of William and Mary, and was just beginning her career as an accountant at the World Trade Center.

Alysia's life was brutally taken from her by the hand of terrorists—radical extremists who are seeking to destroy the ideas embodied by America and her people. Alysia was a symbol of the American dream—working hard for herself, her family and her country.

Henrico, and the entire Richmond area, has experienced a great loss. Our entire community mourns along with Alysia Basmajian's parents and family. Our thoughts and prayers are with her husband and two-year-old daughter.

On Tuesday, September 11, 2001, a precious life was ripped from our midst.

Alysia Basmajian represented the bright future of America. Working in the world's economic capital, Alysia was a hard worker and a true leader.

On September 11, Alysia Basmajian reported to work in the World Trade Center in New York City. Alysia began her day conducting the nation's business, when terror struck, taking her life and thousands of others. Because Alysia represented American freedom, she was attacked.

We owe Alysia Basmajian for paying the price of freedom with her life, and we will always remember her sacrifice. Let us honor her memory.

## TRIBUTE TO COMMUNITY BLOOD CENTER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Community Blood Center for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been should-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Community Blood Center signify the commitment and concern of Americans everywhere. Our Nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Community Blood Center has assisted in blood drives and blood donations to support the nationwide relief effort to provide for the injured survivors. The patriotism and persistence of the Community Blood Center is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the Nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

## UNITED WE STAND

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. HALL of Ohio. Mr. Speaker, following the tragic terrorist attack on our Nation September 11, Americans have responded with an enormous outpouring of generosity and patriotism. I am proud to call to the attention of my House colleagues one effort within my Congressional District.

At a ceremony in Dayton, Ohio, on October 5, Jeff Cottrell, Ron Witters, and Dana Applegate will present the American Red Cross Disaster Fund a check for $1 million generated by sales of patriotic T-shirts and sweatshirts celebrating the irrepressible American spirit. Cottrell, Witters, and Applegate operate Screen Works Inc. in the Dayton suburb of Vandalia, Ohio, which manufactures the shirts.

The shirts depict a bold image of the Statue of Liberty and an American eagle with outstretched wings of red, white, and blue, and proclaim, "United We Stand."

The image was designed only hours after the World Trade Center and Pentagon disasters. Within three weeks, the company's Web site registered 130,000 hits. Orders have come from all over the United States and around the world.

Much of the work producing the shirts came from volunteers. All profits go to help with the relief effort for the September 11 victims and their families.

The success of this fund-raising effort is a tribute not only to the citizens of the Dayton area but to the people throughout our great Nation who have declared their resolve that, even in these dark moments, America will stand united.

## TRIBUTE TO THOSE WHO ASSISTED IN THE RELIEF EFFORT AT THE PENTAGON

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. WOLF. Mr. Speaker, in the wake of the tragic terrorist attacks on the United States, we have witnessed an outpouring of generosity throughout the nation—be it monetary donations to the local volunteer fire department, blood donations to the Red Cross or time donations to any number of volunteer organizations assisting in the relief operations at both the Pentagon and the World Trade towers.

In the midst of the human evil and premeditated acts of death and destruction which marked Tuesday, September 11, it was easy to become disheartened. But out of the rubble, time and again, fellow Americans have risen to the occasion, offering a helping hand, a warm meal or a simple smile, thereby restoring our faith in humanity. These acts of service often go unnoticed and unrecognized, but not unappreciated.

The Pentagon, just a few miles from the nation's capital, was a hotbed of volunteer activity. Americans from all over the country put busy lives on hold, taking leave from their jobs and responsibilities at home, some using cherished annual vacation leave, to reach out to fellow citizens. Touring the Pentagon's south parking lot last week, you might find the North Carolina Baptist Men's Association faithfully serving day in and day out, or a church group from Louisiana which had driven through the night only to cook large kettle pots of jambalaya. And of course there were two organizations, which have become a mainstay at disaster sights throughout the country, the American Red Cross and the Salvation Army. All of these groups, many of them faith based, were instrumental both in the tangible parts of the relief operation, which included blood drives and food preparation, and in the intangible parts, like lifting the spirits of weary rescue workers.

Another organization which was a pivotal part of the relief effort at the Pentagon was Christ in Action, based out of Manassas, Virginia, which is part of Virginia's 10th Congressional district. It is a nonprofit organization which was founded in January 1982 by Dr. Denny and Sandy Nissley.

Christ in Action prepared and served a remarkable 3,000 to 5,000 meals each day. In the twilight hours of the evening and the hours before sunrise, they and their team of volunteers diligently prepared up to 500 breakfasts to be ready by 5 a.m., for distribution to various areas of the Pentagon where workers could not leave their posts. Between 5–9 a.m., they served another 1,000 to 1,500 breakfasts. And that was just one meal cycle.

Christ in Action's tent was designated the "official" meal place for the entire relief effort by an office of the Joint Chiefs of Staff.

The relief workers that were permitted to leave their sites often retreated to the Christ in Action tent as a treasured respite from the arduous task before them. Located just 200 feet from the crash site, the tent was near the intersection of two newly created "streets" in this impromptu tent city, American Way and Freedom Lane. A large American flag hung behind the stage in the tent, from which various military bands performed during the lunch hour each day, and cards and letters from students and children around the country were gathered in boxes at the foot of the stage, to be read by workers in need of some encouragement during the course of the day.

In this time of need, Christ in Action found strength in its unyielding faith, and has displayed an outpouring of love and warmth to countless relief workers from across the country. Christ in Action answered a call to service before the call was even sounded and in doing so gave us a glimpse of the spirit which will carry our nation through this trying time.

## PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. LEE. Mr. Speaker, on the amendment offered by Mr. HOSTETTLER to the FY02 District of Columbia Appropriations bill on September 25, 2001, rollcall No. 354, I was unavoidably detained on official businesses. Had I been present, I would have voted "no".

# SENATE—*Friday, October 5, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 5, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

## ADJOURNMENT UNTIL TUESDAY, OCTOBER 9, 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. on Tuesday, October 9, 2001.

Thereupon, the Senate, at 10:00 and 29 seconds a.m., adjourned until Tuesday, October 9, 2001, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Friday, October 5, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

*Washington, DC, October 5, 2001.*

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our mighty fortress in the past, our hope for years to come, be with us now as a House truly representative of the people of this great Nation.

As we approach this holiday weekend and rejoice in the risky adventure, as well as the discoveries of Columbus, shield us from fear and guide our destiny to stabilize the future.

May our national undertakings of this new millenium, as dangerous as they may be, lead us to new understandings of a globalized world and our place within it. Let the fragile ships of freedom and justice and the strong winds of patience and resolve take us to hidden shores of peace.

Grant again safe travel for Your people. Protect our families here and our military forces abroad. Lord, on this Columbus Day, help us discover new depths to America's spirit, both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. LAHOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. LaHOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 1417. An act to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes.

S. 1418. An act to authorize appropriations for fiscal year 2002 for military construction, and for other purposes.

S. 1419. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

S.J. Res. 18. Joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

## APPOINTMENT OF CONFEREES ON H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none and, without objection, appoints the following conferees: Mr. ISTOOK, Mr. WOLF, Mrs. NORTHUP, and Messrs. SUNUNU, PETERSON of Pennsylvania, TIAHRT, SWEENEY, SHERWOOD, YOUNG of Florida, and HOYER, Mrs. MEEK of Florida, and Messrs. PRICE of North Carolina, ROTHMAN, VISCLOSKY, and OBEY.

There was no objection.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 252

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(c) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 or rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Florida (Mr. HASTINGS), my friend and colleague on Committee on Rules, pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for purposes of debate only on this matter, as is customary.

Mr. Speaker, this is a fairly traditional rule for this type of legislation.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As far as I know, it is not controversial in any way. Given the September 11 terrorist attacks, some may have wondered why we might not have responded with a closed rule on intelligence on a hurry-up basis, which would have precluded the opportunity for a lot of extensive deliberation under the extraordinary circumstances of the moment, as we all recall them, tragically.

But on the contrary, we felt that in these tumultuous times, we thought it best to allow Members the opportunity to fully review the bill and debate the issues that they feel are important to our Nation's security. Each of us, I know, feels that responsibility very strongly.

Therefore, as in past years, the rule is a modified open rule providing for 1 hour of general debate, equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence. The rule makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute now printed in the bill, which shall be considered by title as read.

In addition, based on consultation with the Parliamentarian, the rule waives points of order against the committee amendment for failure to comply with clause 7 of rule XVI, the germaneness rule. It also waives points of order against consideration of the bill for failure to comply with clause 3(C) of rule XIII (requiring the inclusion of a statement of general performance goals and objectives.)

The rule further provides for the consideration of only pro forma amendments for the purpose of debate and those amendments printed in the CONGRESSIONAL RECORD prior to their consideration, which may be offered only by the Member who caused it to be printed or his designee, and shall be considered as read.

This has allowed for vetting of amendments regarding classified matters in years past, and proved to be a good practice, actually. Finally, this rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise in strong support of this fair rule and the underlying legislation, as well. This is late in the year to bring this bill to the House floor, but obviously the timing has been dictated by forces well beyond the control of the Permanent Select Committee on Intelligence: We have a new administration, a comprehensive defense and intelligence review ongoing, the delayed arrival of the budget request, and of course, the tragic consequences of September 11, to name just a few.

If there is a silver lining here, it is that in marking up this bill, the Permanent Select Committee on Intelligence has addressed many of the immediate and critical intelligence needs in the wake of the September 11 attacks on the United States.

In the upcoming general debate, no doubt we will discuss many of the specific provisions in H.R. 2883 in some detail. That is the intelligence authorization bill. But I would like to highlight a few of the ways that this legislation seeks to tackle both critical counterterrorism challenges, as well as long-term problems facing the intelligence community in the United States in the 21st century.

To combat terrorism, the intelligence authorization increases investments for the FBI's counterterrorism efforts, increases funding for language training, promotes a more focused analytical effort against the terrorist target, and it calls for a more aggressive approach to learning the plans and intentions of terrorists through human intelligence.

The war on terrorism will be won through the acquisition of specific, accurate, and timely intelligence. The Permanent Select Committee on Intelligence has stepped up to provide the President, the State Department, the Department of Defense, and President Bush's national security team with the intelligence tools they will need to win this war. That is one of the strong reasons I urge support for this legislation.

However, we have also addressed the long-term needs of the intelligence community, making specific changes today to avoid serious problems in the years to come. H.R. 2883 provides the resources to continue rebuilding our human intelligence capabilities; promotes investment in new technologies for intelligence collection, processing, and analysis; and it provides the committee's view on where future bold changes need to be made in the basic structure of the U.S. intelligence establishment.

I believe it is a very good bill. I think it is a fine rule. I encourage support for both the bill and the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a distinct, pleasure and honor to serve with the gentleman from Florida (Chairman GOSS) on both the Committee on Rules and the Permanent Select Committee on Intelligence.

Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002. House Resolution 252. This is a modified open rule requiring that amendments be preprinted in the CONGRESSIONAL RECORD. However, Mr. Speaker, the preprinting requirement has been the accepted practice for a number of years because of the sensitive nature of much of the bill and the need to protect its classified documents.

The bill is not controversial and was reported from the Permanent Select Committee on Intelligence by a unanimous vote. I underscore that in these times, since the events of September 11. The Permanent Select Committee on Intelligence is fully mindful of the extraordinary pain suffered by the victims and all of us in America as it pertains to those events. Thus, this year, this bill becomes as important as at any time in America's history.

Members who wish to do so can go to the Permanent Select Committee on Intelligence offices to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program, which includes the CIA as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense; the National Security Agency; the Departments of State, Treasury, and Energy; and the FBI.

Also included in the classified documents are the authorizations for the Tactical Intelligence and Related Activities and Joint Military Intelligence Program of the Department of Defense.

Mr. Speaker, last week the House considered and passed the authorization for the Department of Defense for fiscal year 2002. The intelligence bill we consider today is another critical component in our national defense. Today, as I indicated earlier, more than ever we need to be vigilant about the myriad threats to our national security.

Mr. Speaker, while there may be debate on a few worthy amendments, this is a noncontroversial bill providing authorizations for important national security programs. I urge my colleagues to support this rule and to support the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a bit of serendipity that the gentleman from Florida (Mr. HASTINGS) and I both do serve on the Committee on Rules and the Permanent Select Committee on Intelligence. And that is not by design, but it is a great pleasure to work with my colleague.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LAHOOD), a distinguished member of the Permanent Select Committee on Intelligence.

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, I want to rise in support of the rule. I agree with the two previous speakers, that this is a good rule and generally a very good bill. I want to compliment, in particular, the chairman of the Permanent Select Committee on Intelligence, the gentleman from Florida (Mr. GOSS), for the hard work that he has been doing to really improve the intelligence-gathering capability of our country.

The bill that we are going to consider today is a bill that has been fashioned by his hand and after long hours of work. I think it is an extraordinary bill that really reflects meeting the needs of the intelligence community for America.

One other purpose for rising, not only to support the rule, is to alert the House to my intention to offer an amendment to strike a section of the bill, section 306, a provision that creates a "Commission on Preparedness and Performance of the Federal Government for the September 11 Acts of Terrorism."

America has responded to terrorism attacks of September 11 with determination, compassion, and a resounding unity of purpose: the defeat of international terrorism. To achieve this goal, Congress and the administration are working to strengthen our defense intelligence capability.

Our diplomats are building an international coalition to fight al Qaeda and other terrorist organizations; and we are seeking ways to bolster first responders, such as our dedicated police officers, fire officials, firefighters, and paramedics, who will have to deal with the aftermath of any future attacks. These are all positive, necessary, and forward-looking actions.

It is my fear, though, that investing time and effort and money on a commission designed to assign blame will be a giant step backwards. There have been at least three high-profile commissions as recently as a year ago on terrorism and homeland defense.

The problems that existed prior to September 11 have been well documented, and the solutions outlined in great detail. I do not believe that any other high-profile commission would add anything new to our understanding of the problems or the solutions. We know what the problems are, and we also know the solutions.

To compound the problem, the commission structure is flawed. It has an agenda based on calling high profile people from the intelligence community with great understanding before a group of people who have little understanding of the intelligence community. I believe this sets up potential conflicts that could do further damage to our ability to gather intelligence about terrorists and disrupt their activities.

This is a bad idea. It is a bad idea because we have a lot of information and we do not need a new commission. I hope that the Members of the House, after they hear the debate on my amendment, will support it and strike this provision.

We already possess the expertise and the authority to look at the lessons learned from September 11. The gentleman from Illinois (Speaker HASTERT) and the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), have taken the right action when they designated the Subcommittee on Terrorism and Homeland Security of the Permanent Select Committee on Intelligence, chaired by the gentleman from Georgia (Mr. CHAMBLISS) and the gentlewoman from California (Ms. HARMAN), to coordinate congressional review of terrorist threats.

The subcommittee has the expertise, the staff, and the ability to review both classified and unclassified material, and the authority through Congress to do the job. If we want to look back, if we want to really analyze and examine, that is the subcommittee, that is the jurisdiction that has the responsibility for doing this, not some kind of an ad hoc commission with little or no expertise.

So I urge my colleagues to support the amendment that I will offer. This is a good rule. I support the rule. This is a good bill. It is a bill that, again, has been fashioned by one of the most distinguished Members of the House, the chairman of our Permanent Select Committee on Intelligence; and I applaud him for that. I hope consideration will be given to my amendment. I thank the chairman for his consideration of my remarks.

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. PELOSI), the ranking member of the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Just very briefly, Mr. Speaker, I want to rise in support of the rule. We have worked together to put together a bill which had consensus under the leadership of our chairman, our distinguished chairman, the gentleman from Florida (Mr. GOSS).

I think we should just move on to that debate about the bill and about the commission and other considerations; but the rule is a rule that is appropriate for this intelligence bill. It is in keeping with past rules on the intelligence bills which were designed to protect classified information, but to give every Member an opportunity to see the classified part of the bill, although that is not part of the rule, but to have their amendments printed in the RECORD in advance to protect classified information.

I do not want to take any more time. It is Friday. We want to move on to a full discussion of the bill and to general debate. I urge our colleagues to support the rule.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, America's soft underbelly was shown on September 11. Now is the time to get down to business. I believe the CIA and the FBI have been not only negligent; but, by God, I do not think we have much of an intelligence program.

That is no slight or offense to the gentleman from Florida (Mr. GOSS), the gentlewoman from California (Ms. PELOSI), or our intelligence apparatus here in the House. I believe the editorial that says that Mr. Tenet should step down is absolutely correct.

My amendment today deals with an issue that has been controversial, to say the least. Mr. Speaker, we have one border patrol agent for every two miles of border, and that does not include the Canadian border. My God, a guerrilla force could cross our border with a nuclear device and kill millions of Americans; and we have taken it lightly.

I think Congress had better take a close look at the national security checkpoint of the United States, which is our border, and take a look. A lot of people, I believe, are on the payroll who are not doing their jobs.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 252 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2883.

□ 0928

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, let me thank the members of the Permanent Select Committee on Intelligence, each and every one of them, both sides of the aisle, for their very hard work, especially over the past 3 weeks, which have been extremely trying for all of us and certainly for our committee. The hard work in the last 3 weeks have allowed us to get to this point where we have, I think, an excellent piece of authorization legislation to bring to the House.

Mr. Chairman, we will hear from many of our Members over the next hour. I would especially like to thank our ranking member, the gentlewoman from California (Ms. PELOSI) for extraordinary efforts in ensuring that our thorough review of the President's budget put the good of the Nation first in a manner that has been truly bipartisan and, perhaps more appropriately, we should say nonbipartisan.

There are many other people to thank, of course, including our amazing staff, and we will get to that by and by.

□ 0930

Mr. Chairman, the bill before us is part of our normal annual authorization by which by law must be passed in order for the intelligence community to spend appropriated dollars. But the setting in which we find ourselves today as we debate the bill is hardly normal.

Over the debate, we surely will hear several references to the infamous events of September 11 and the efforts to handle these and other types of threats to Americans at home and abroad. There is no way to overemphasize the importance of the demoniacal acts we witnessed. They do bear tragic witness to how the world has changed and how critical it is to have knowledge about our surroundings, about those who have made it their life's quest to destroy American freedoms, rights and values. That knowledge comes from intelligence, pure and simple and we have to have it.

No one can seriously doubt that we need the best possible intelligence to prosper and be safe at home and abroad in today's world. There are some who believe that the September 11 terrorist acts were successful because of, quote, "intelligence failures." I will certainly agree there are intelligence community shortcomings, that must be reviewed and fixed. That is what we do..

What went wrong relative to September 11 goes well beyond the intelligence community however. Moreover, those who have complaints often do not understand what threats we actually face today, what capabilities we really do have and do not have, and, more importantly, what vital distinctions exist between intelligence and law enforcement and how we cope with those distinctions.

The intelligence community operates overseas and cannot arrest anyone. Law enforcement is domestic and does not do spying; and somehow we have to have a good marriage of the two. If we look back over the past 6 years worth of our authorizations, we will see that the Permanent Select Committee on Intelligence have consistently highlighted shortfalls and concerns calling on the administration to take action so that risks to our security could be reduced, not removed but reduced.

Certainly our committee was stunned and deeply saddened by the events of September 11 as we all were. We were aware homeland America was vulnerable to terrorist attack of some type from some quarter, and we were and are aware of limitations of our intelligence system to provide specifics or better early warning or 100 percent guarantees.

This bill again addresses ways to overcome some of those limitations. The solutions that get us the intelligence community that we need to protect our future must be new and it must be innovative. This bill starts us on that course while sending I think a good message to the administration about how to do it. We are working closely with the administration to translate these ideas into real capabilities which will protect Americans.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume and rise in support of H.R. 2883.

At the outset I want to commend our chairman, the gentleman from Florida (Mr. GOSS), our distinguished chairman, for the manner in which he conducted the committee's business. His willingness to be sensitive to the views of committee Democrats and to ensure they are reflected in the work of the committee is much appreciated. I thank the gentleman.

Mr. Chairman, the bill was prepared in the aftermath of the horrific events of September 11, but it is not a comprehensive response to them. Some additional resources in areas where these events demonstrated an obvious need are provided, but it will take more time and more facts before we can, or should, go further. At this point one thing is clear. We did not know about the plans of the terrorists who attacked our country with sufficient specificity to prevent those attacks. What is not clear is why.

In the weeks ahead much time will be devoted in the intelligence community and elsewhere in trying to determine why we did not know, but, more especially, to prevent anything like this from happening again.

Mr. Chairman, I have tremendous respect for the men and women who serve in our national security agencies, whether they be diplomats, military personnel, intelligence officers, law enforcement officials or those who protect our borders and our skies. They perform with great courage and dedication under conditions which are routinely challenging and frequently dangerous, and they have had much successes combatting terrorism. They just cannot talk about their successes.

As the events of September 11 demonstrate, however, more needs to be done. Determining the best steps to take to lessen the chances that last month's events could be repeated will require critical and innovative thinking. I am hopeful that the independent commission established by Section 306 of the bill will play a constructive role in that regard.

For intelligence needs generally the bill provides several billion dollars more than appropriated last year and several hundred million dollars more than requested by the President for fiscal year 2002. It continues several initiatives begun earlier, among them an effort to ensure that the technologically complex and expensive information collection systems that have been developed are paired with effective systems to process, exploit and disseminate intelligence to those who need it to make decisions or to take actions.

There is currently an imbalance between collection and processing, exploitation and dissemination that, if not addressed, will greatly lessen the value of some extremely capable collection systems.

To be effective, our human intelligence officers need to have a better grounding in the languages and cultures of the regions where difficult targets, like terrorists, are most comfortable. A much greater emphasis needs to be placed on recruiting and maintaining a workforce with diverse skills, backgrounds and ethnicity. This is an area in which the intelligence community as not been as aggressive as I would like. I hope for measurable improvement in the future with the encouragement and resources provided by the bill.

There have been suggestions in recent years that an insufficient emphasis has been placed on human intelligence. That has certainly not been true with respect to the work of this committee. Funds have been consistently provided above those requested for this intelligence discipline, and the committee has sought to ensure that the added funds were used exclusively to enhance the performance of clandestine collectors in the field.

Human intelligence was once again the focus of our work this year, and that would have been true even if the events of September 11 had not occurred.

There have been concerns that case officers have been discouraged from taking the risks necessary to recruit assets with access to important information, particularly in areas like narcotics trafficking, weapons proliferation and terrorism.

Attention has centered on guidelines promulgated in the CIA in 1995 which require headquarters-level approval before an individual with a record of human rights abuses or violations of U.S. criminal law may be recruited. These guidelines were intended to protect officers in the field from charges that they had committed the United States to a relationship with unsavory individuals without adequate consideration. Despite repeated assurances from senior CIA officials that these guidelines had not had a negative impact on the quality or quantity of assets, it has become clear that the perception that the opposite was true has taken root.

Section 403 of the bill deals with that perception by directing the guidelines be rescinded. It is very important, however, that there be some rules in this area, not because anyone is so naive as to believe that we can get more information about the plans of drug traffickers or terrorists without associating with individuals involved in those activities, but because decisions about committing the United States to those kinds of associations are too important to be made exclusively by relatively junior officers in the field.

They should be made, instead, by senior managers better able by virtue of their experience and their access to reporting from a wide variety of sources, to weigh the potential value of the information to be provided by a possible recruit against the potential harm to the United States should the fact of our association with that person become known.

That kind of risk versus gain analysis is essential if human intelligence activities are to be seen as consistent, rather than at odds with, U.S. policy and values.

Section 402, besides rescinding the current guidelines, directs that new guidelines be established. It is my expectation these new guidelines will streamline the approval process without weakening the protections that process is meant to provide. I especially want to commend our colleague, the gentleman from Nebraska (Mr. BEREUTER) for his leadership in this area and his willingness to reach consensus with us on it. I think the language of this bill is an improvement on the past and I thank him for his leadership and his cooperation.

Mr. Chairman, intelligence is a risky, dangerous and expensive undertaking. It is also crucial to our security as a Nation. I urge the adoption of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield as much time as he may consume to the distinguished gentleman from Nebraska (Mr. BEREUTER), the chairman of one of our subcommittees of the Permanent Select Committee on Intelligence.

Mr. BEREUTER. Mr. Chairman, as vice-chairman of the Permanent Select Committee on Intelligence and the chair of the Subcommittee on Intelligence Policy and National Security, this Member rises in the strongest possible support for H.R. 2883.

This Member congratulates and commends the chairman of the committee, the distinguished gentleman from Florida (Mr. GOSS) for his extraordinary leadership in preparing a bipartisan bill that was approved unanimously by the committee. Under his guidance, this body is preparing to move rapidly to address a number of long-standing deficiencies in our intelligence collection and analysis.

The Permanent Select Committee on Intelligence has not suddenly awakened to the very real inadequacies of the intelligence agencies and programs of our government and the financial resources and legislative tools they need. As Chairman Goss has said on numerous occasions: "The message is not new; the audience is new."

The American people understand now, through tragedy, that our intelligence and counterterrorism programs are extremely important. With that in mind, this Member congratulates the chairman and my colleagues on the committee for the clear and decisive message sent by this legislation. I also congratulate the ranking member of the committee, the distinguished gentlewoman from California (Ms. PELOSI), for her assistance in crafting this bipartisan legislative product.

The committee comes before this body today in an amazing degree of unanimity regarding our concept of the terrorist threat, among other threats to our national security, and for the necessary intelligence community response. This level of bipartisanship is a tribute to the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI).

Mr. Chairman, the cowardly and horrific terrorist attack of September 11 highlighted for our citizens and the world the fact that we live in a new world, a world where many of our commonly held assumptions about security and safety are being re-examined. Even before the attacks on the Pentagon and the World Trade Center, the Bush administration had embarked upon a comprehensive review of U.S. intelligence policy, led by the retired Lieutenant General Brent Scowcroft and the deputy director of Central Intelligence for Community Management, Joan Dempsey.

Obviously, this intelligence review has assumed an even greater importance and urgency, for ultimately the outcome in this war in which we find ourselves will be determined by the quality of our intelligence. The review is not yet complete, and the executive branch has not firmly established the criteria and emphases that will guide us in the 21st century. However, this bill provides much of the important guidance to ensure that its policies can quickly be implemented.

This committee's task has been made particularly difficult because in the aftermath of the September 11 terrorist attacks, there naturally is, in some quarters, a desire to find a simple solution, a quick fix. Certainly the legislation before this body today provides much needed additional funds to improve our intelligence capabilities and to wage the war against terrorism.

At a more fundamental level, H.R. 2883 seeks to respond to serious policy and structural problems. In some cases, these are problems that have been years in the making and will take a long time to turn around. For example, there is, within the intelligence community, a critical shortage of language specialists that are particularly relevant in a war against terrorism. The legislation before this body today seeks to further address the language shortage and to facilitate the recruitment of native speakers drawn from the various relevant ethnic American communities.

Similarly, this bill continues the committee's longstanding and urgent needs for increased support for human intelligence collection. Human intelligence, or HUMINT, is the placement of highly trained, language capable officers into positions where they can acquire information vital to our national interest. Our HUMINT capability was decimated by former Director Stansfield Turner, and in the years following the end of the Cold War.

Also, our human intelligence collection effort was understandably directed during the Cold War period at collection on the Soviet Union and its client states, not on Africa, Latin America, the Middle East, South Asia, and especially not on the problems of terrorism and narcotics trafficking. This is a resource problem, while long emphasized by the Permanent Select Committee on Intelligence, it is a problem now all too apparent. This legislation continues the committee's effort to address this deficiency but with more emphasis.

Mr. Chairman, H.R. 2883 also reverses the 1995 limitations on asset recruitment. These restrictions, called "the Deutsch guidelines," were promulgated as a means to limit our association with unsavory characters with human rights or other criminal problems. While the concern underlying these guidelines was certainly understandable, the reality is that the Deutsch guidelines have had a chilling effect on the recruitment of people who can actually and effectively penetrate the inner circle of the terrorist cells and networks and the narcotics rings.

The recruitment of assets with unique knowledge or access to these terrorists and drug cartels is the key to successful HUMINT in this area. The regrettable real world reality is that, certainly in the crucial battle against terrorism and drug rings, we must allow our foreign officers to recruit assets that are some rather unsavory characters. To break the back of the al Qaeda terrorist network, we will, in all likelihood, have to recruit individuals who are already influential members of al Qaeda, who themselves have committed acts of terror.

To win the war on terrorism we have to end the cycle of risk aversion. Recruiting the equivalent of A-1 grade boy scouts or straight arrows will not give us the penetration and the intelligence we need.

In many cases, there will be difficult decisions to make, but the United States has professionals and intelligence and law enforcement fields who can and must make those decisions. This legislation makes it clear that the foreign intelligence personnel can recruit those individuals who possess the information the United States needs to defend its people and its interests. There will be checks and balances put in place, but even though some of these assets will go bad, we need to be careful about our criticism. If the risks are realistically weighed against the chances of operational success, this body must not rashly second-guess those decisions.

Mr. Chairman, I urge my colleagues to support this legislation, and again, I commend the Chairman, the gentleman from Florida (Mr. GOSS), and the ranking member, the gentlewoman from California (Ms. PELOSI), for their leadership and all of my colleagues who have contributed so much to this legislation.

Our staff, of course, is outstanding. Certainly it continues to be among the very best in the Congress, and we owe a great deal of our success in bringing this legislation to our staff. They are crucial. They are competent. My colleagues should have every confidence in them as we do.

□ 0945

Ms. PELOSI. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Georgia (Mr. BISHOP), a distinguished member of our committee and a ranking member on the Subcommittee on Technical and Tactical Intelligence.

Mr. BISHOP. Mr. Chairman, I thank the gentlewoman for yielding me this time.

No one yet knows why we did not receive warning of this tragedy, and indeed whether such warning could have been acquired in this instance short of some stroke of luck. We must answer those questions in order to do better. But that will take time of course.

I commend the chairman and the gentlewoman from California (Ms. PELOSI), our ranking member, as well as all my colleagues on the committee for thinking hard about what steps should appropriately be taken in this bill in the short time available between September 11 and today, and as the executive branch prepares for its upcoming global campaign. I believe the committee took sensible steps to mandate changes where needs and solutions seemed clear, and to inform the executive branch of issues and problems that as of now we think must be addressed in the coming months and years.

Intelligence is clearly important to every step in the counterterrorism campaign: trying to detect plans and preparations, attempting to interdict the terrorists and their equipment and funds, helping the recovery from an attack, tracking down the perpetrators and striking back at them. I serve as the ranking member of the subcommittee overseeing the intelligence community's technical collection systems, such as satellites and aircraft and other means to take pictures and listen to communications. These systems contribute to all phases of counterterrorism.

Besides human intelligence, signals intelligence offers the greatest potential to discern the plans and intentions of terrorists. It is well known that NSA, the largest and most important element of our SIGINT system, is handicapped by technical and management problems. The committee, for several years, has been trying to work with the executive branch to overcome these problems. It remains to be seen whether NSA's present difficulties played any role in our ability to get wind of this attack. The bill before the House sustains our emphasis on instilling rigor in NSA's program management processes and improves significant increases in resources.

Imagery can provide good information on terrorists' infrastructure and training activities, but not on plans. Imagery also provides critical support to operations against terrorists because it can help to track them, to target them, to assess the effects of military strikes. The National Imagery and Mapping Agency, like NSA, has for years suffered from lack of expertise and program planning and management, and inadequate support from the DCI and Secretary of Defense. In particular, NIMA clearly has insufficient funds to meet even the minimum performance goals set for it by the intelligence community and the Defense Department. The committee, once again, is recommending steps to help remedy these changes.

I point out also that NIMA and its predecessors have always helped in recovery from disasters, whether natural or man-made. The relationships with FEMA and the State and local governments are strong and efficient. Contributions to homeland security in the future will be very substantial, in partnership with the Geological Survey.

Before September 11, the administration was exploring new approaches to satellite intelligence collections. The committee agrees that these ideas need to be looked at carefully, especially in light of new changes.

Mr. Chairman, in the interest of time, I will confine the balance of my remarks to border security.

As I think all of us understand by now, there is virtually no inspection of cargo entering the country by ship, rail, and truck. It is in practice very difficult to expand inspections substantially using current methods. We must instead use new information technologies and sensing technologies and forge new ways of inspecting and securing cargoes in cooperation with industry and trading partners.

The bill begins to address this issue. It adds money to begin acquiring a capability to identify and track merchant ships. It also provides funds and direction to various executive branch agencies and Departments, including the Department of State, to expand cargo tracking capabilities. Finally, the bill would authorize funds to test new technology to detect dangerous and illegal material and any kind of container rapidly and automatically.

The bill does not provide explanations or a cure for the crisis we are in, but it does provide the basis for conducting the coming campaign, sustaining our position with respect to all our other intelligence requirements, and preparing for future improvements. I urge its adoption.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS), who is the chairman of our Working Group on Terrorism and Homeland Security.

Mr. CHAMBLISS. Mr. Chairman, I thank the chairman for his work that he has done on this bill, and to our ranking member, the gentlewoman from California (Ms. PELOSI). It has been a great bipartisan effort. I rise in support of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002.

As chairman of the committee's new Working Group on Terrorism and Homeland Security, and as a former firefighter, I have had a particular interest in ensuring the swift passage of this critically important bill before us today. There is much in this bill that enhances our Nation's counterterrorism capabilities, and I will address some of these provisions in just a moment.

In the aftermath of the tragic terrorist attacks on September 11, 2001, the President came here and told us that America is at war. He mentioned the new battlefield we have now to navigate as a Nation. It is a battlefield that is not clearly defined and that will often be devoid of clear targets. It is a battlefield that stretches across the globe and involves a complex support network, false documents, illicit financial transactions, and fanatical individuals who are willing to commit suicide to further their twisted causes, whatever they may be.

On this new battlefield, conventional weapons and conventional thinking will not be sufficient, nor will a fortress mentality ensure adequate protection for our citizens both here and abroad. We can better secure our embassies and our military bases, and we have been and should continue to do this. But as we saw on September 11, the terrorists will always search for and find that weak spot, that chink in our armor that makes us vulnerable; and in a free society, there will necessarily be weak spots. Therefore, we need to recognize what the Permanent Select Committee on Intelligence has recognized for some time, and that is that intelligence rules this battlefield like never before.

Intelligence is the only way in which we will get at this problem. It is the only way in which we can discover the plans and intentions of the enemy, thwart his efforts to attack us, and locate him so that we can punish him swiftly and decisively when he manages to get through our defenses.

H.R. 2883 addresses a number of key shortfalls in the capability of our intelligence and law enforcement communities to combat terrorism. The bill substantially increases investments for FBI counterterrorism capabilities. It increases funding for language training across the intelligence community. A lack of linguists with fluency in languages spoken by most terrorists has plagued the intelligence and law enforcement communities and must be addressed more decisively than ever before.

H.R. 2883 also promotes a more focused analytical effort against the terrorist target. More and better threat analysis needs to be applied to all forms of threat reporting to give us the maximum chance for piecing together the puzzle that might help us to avert attacks such as occurred on September 11. This bill makes analysis a top priority.

The capabilities of CIA's counterterrorism center, our first line of defense overseas, also have been significantly augmented by provisions contained in this bill. Our subcommittee, headed by myself and my colleague, the gentlewoman from California (Ms. HARMAN), has been working very hard, very diligently, not only on the September 11 incident but on other issues involving international terrorism and homeland security, and this bill gives us more flexibility. I urge support for 2883.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 3 minutes to the very distinguished gentlewoman from California (Ms. HARMAN), just praised by her colleague, the gentleman from Georgia (Mr. CHAMBLISS). She is the ranking member, as was mentioned, on the Working Group on Terrorism and Homeland Security of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the ranking member for yielding me this time and for her graciousness, and also thank the chairman of the full committee and the chairman of the Working Group on Terrorism and Homeland Security for their bipartisanship and professionalism at all times on this committee.

Mr. Chairman, intelligence is a field in which I have worked for many years and in several different capacities. I was privileged to serve on this committee during my prior tenure in Congress and welcomed my reappointment. I represent a district where the Nation's sophisticated intelligence satellites are built, and served on the congressionally mandated National Commission on Terrorism, which made important recommendations in June of last year.

I have long been critical of the ad hoc ways in which our intelligence community has operated; how a community built with Cold War priorities was ill prepared to meet the challenges of the 21st century. On September 11, everything and everyone changed. But let me be clear: the men and women in our intelligence agencies are as devastated as the rest of America by the horrific attacks against our homeland. These are good and talented people who work in an organizational structure and under a Cold War-era culture that needs to change. Today, we take the fundamental steps necessary to change both the structure and the culture.

As my committee colleagues have said, the bill directly addresses shortfalls in the intelligence community's counterterrorism efforts, intelligence collection and analysis, and threat reporting. It revamps and reinvigorates our intelligence agencies. The bill provides new tools and resources for preventing terrorism and supporting our Armed Forces in future conflicts. This bill authorizes aggressive recruitment of human assets, makes significant investments in foreign language capabilities, and unravels the knots that have impeded the sharing and integration of intelligence information and analysis across all levels of government.

We have removed many of the stovepipes that have characterized the organizational structures of our intelligence community and worked to substitute a more seamless integration of responsibilities and missions.

Mr. Chairman, once this bill passes, we still have more to do. The Working Group on Terrorism and Homeland Security, of which, as you heard, I am ranking member, has an aggressive agenda of public hearings, classified briefings/hearings, visits, and possibly legislative action. I believe we must pass the legislation that six committee Members introduced yesterday to give Cabinet-level status and budgetary authority to Pennsylvania Governor Ridge, who assumes his new job as Director of the Office of Homeland Security on Monday.

Mr. Chairman, the events of September 11 will be an ever-present reminder of the threats we now face. Reform starts today. I urge support of this legislation.

Mr. GOSS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), who is chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I also rise in strong support of the intelligence authorization bill.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I have had the opportunity to closely review the President's intelligence budget request and participate in the creation of this bill. I should note that our review occurred both before and after the attacks on the World Trade Center and the Pentagon.

There is no question that in the wake of these heinous attacks on America and the world there were some significant changes made to this legislation and some additional funds that are recommended. However, I would offer that, on the whole, this bill changed very little from the direction it was headed prior to September 11. Even before the attacks, the committee had taken some very tough positions with respect to the form and function of the United States intelligence community. Indeed, the committee has, over the past 6 years, tried to persuade the administration to more properly fund the Nation's first line of defense, that is, its intelligence community.

However, the fact is since the fall of the Berlin Wall and the Soviet Union, too little funding priority has been given to our national intelligence functions. Many intelligence needs have been left wanting for lack of funding, and the Congress has been forced to intercede in an effort to begin to rebuild our human and technical intelligence collection and analysis capabilities.

□ 1000

Our focus was on changing the Cold War footing to one that is more flexible and adaptable to the new world order threats.

Prior to the attacks, our funding efforts were limited to working "at the edges" of many the problems, because we had to live within a set of artificial constraints. After the attacks, however, the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. PELOSI), had to "take off the gloves."

With their superb leadership, we crafted a bill which took on tough and seemingly intractable problems with additional funding authorizations necessary to begin to make a real difference.

Mr. Chairman, the post September 11 bill before us makes a real difference. It recommends significant funding to gain, train, and maintain a quality workforce. There is increased funding for language instruction and follow-on maintenance training. It recommends: Additional funding for counterterrorism analysis and focused regional studies; significant additions for processing, exploiting, and disseminating the vast amount of data that we collect around the world; investments in a more dynamic and flexible technical collection architecture for the future; and a down payment on replacing one of our most critical, but aging, ballistic missile intelligence collection systems.

Mr. Chairman, this is a good bill; and I recommend support of it by everybody in this Chamber.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CONDIT) who is the ranking member on the Subcommittee on Policy and National Security, a new subcommittee of our committee.

Mr. CONDIT. Mr. Chairman, I rise in strong support of this bipartisan authorization act. In the wake of the tragic attacks on the World Trade Center and the Pentagon, nothing is more timely than addressing the needs of the intelligence community.

Nothing is clearer to me than the need to increase our resources in the area of human intelligence and highly skilled analysts and people with specialties in foreign languages. The bill encourages the Permanent Select Committee on Intelligence to invest in the intelligence capital by pushing recruitment efforts and funding advanced training programs. It will help increase our ranks of human intelligence collectors, the critical key in gaining precise information on terrorist organizations. It is critical that we not only increase the number of intelligence gathering analysts, but we must also provide them with the tools to do the job.

This bipartisan bill will provide our intelligence community with the assets that they need to wage an aggressive campaign against terrorism. I commend the chairman and the ranking member for their leadership in this area. I would like to thank the chairman for his openness to take suggestions from our side of the aisle and to make this a strong bipartisan effort. I would commend both of them for their efforts.

I rise in strong support of this bipartisan authorization act. In the wake of the tragic attacks on the World Trade Center and the Pentagon, nothing is more timely than addressing the significant issues facing the intelligence community. We must provide direction, resources and guidelines to carry out the crucial mission of providing intelligence to policy makers and our armed forces.

As the ranking member of the Intelligence Policy and National Security Subcommittee nothing is clearer to me than the need to increase our resources in the area of human intelligence and highly skilled analysts. We are experiencing an information revolution. Events transpire today on a global scale faster than we ever imagined making our need to collect, interpret and exploit gathered intelligence paramount.

This bill encourages the intelligence community to invest in intellectual capital by pushing recruitment efforts and funding advanced training programs. It will help increase our ranks of human intelligence collectors—the critical keys to gaining precise information on terrorist organizations. Alarming as it may seem, we currently are in a situation where there is more information available than our analysts can review. Given the most recent attacks on the United States, that is an unconscionable position to find ourselves in. It is critical that we not only increase the number of intelligence gatherers and analysts but we must also provide them the tools to do their job.

In May, the subcommittee reviewed intelligence sharing with our NATO allies. I would add this review was very useful after Operation Allied Force—the 1999 Kosovo air campaign. During that campaign, the intelligence community shared critical information such as bomb damage assessment and force protection intelligence with our NATO allies. We investigated the sharing process and procedures to ensure both the protection of classified material and a timely, seamless sharing of intelligence with our allies. In the current campaign against global terrorism, these procedures will continue to be vital to NATO military operations and our own national security.

In June, in conjunction with the Subcommittee on Terrorism and Homeland Security, we heard testimony on terrorism. As a member of the Terrorism and Homeland Security subcommittee, we are currently holding a series of open meetings on this important topic.

Make no mistake, though we have been aggressively pursuing the terrorist threat—and in fact, our intelligence community has disrupted many planned acts of terrorism—it is clear the threat is growing at an alarming rate in terms of its infrastructure and in its sophistication. This bill supports key efforts by our national security agencies to counter these realities.

I commend Chairman GOSS and Ranking Member PELOSI for their leadership and for producing a bipartisan bill that will strengthen our national security. I urge my colleagues to support this bill.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a valued member of our committee.

Mr. CUNNINGHAM. Mr. Chairman, I came on this committee thinking I was going to show them something. They have taught me. It is a bipartisan committee. It works very, very well; and I would like to thank the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. PELOSI). I should have known better, one can always learn something from a good woman.

On this particular committee, there is so much information out there that a Member can always learn a lot. I also want to thank the staff. Many of the staff were former members from our intelligence community. Twenty-four hours a day they will sit and brief Members on any area in the classified area, and I recommend that Members do that more.

I would also like to talk about the defense budget. It is about $200 billion in the deficit primarily because of the 124 deployments that our services were asked to go on during the last administration. If one transposes that over to the Permanent Select Committee on Intelligence, they had to deploy 124 times along with the military. That funding deficit caused them the inability to modernize the systems and equipment that all of us say that they need to do their job.

When I hear some Members, especially from the other body, criticize our intelligence agencies, remember that they did not have the assets. They were denied modernization. Personally, I think they are doing a good job.

I would like to speak to the chairman of the committee. I understand that block 5, long-lead funding for Global Hawk, was eliminated in this, but the chairman has full commitment to support the Global Hawk and Predator programs. Is that correct?

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, that is correct.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from Florida.

Those assets, to know where the enemy is, is very, very important. In January 1972, we were told that there were no SAM sites over the hourglass just south of Hanoi. We did not have the reconnaissance assets that we needed. We went in to strike that target by the hourglass. We lost six airplanes because we did not have that knowledge. The Predator and Global Hawk gives us that knowledge.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER), a valued member of our committee.

Mr. ROEMER. Mr. Chairman, first of all, before even September 11, I want to applaud the gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. PELOSI), for working in a bipartisan way even before that tragic event. I also thank the very talented staff that we have in this committee for working in a bipartisan manner as well.

Francis Bacon once said, "He who will not apply new remedies, must expect new evils." I have encouraged, as this committee has encouraged, new ways to reorganize and restructure our culture and our targeting in the intelligence community. In the culture, we need to push reforms and new ideas even more, to move from a culture that targets sometimes too often nation states, militaries, to a culture that will promote targeting sinister and seamless cell groups of terrorists. We need to move a culture from guards and guns and gates to a culture of targeting tents and terrorism and technology. That is the kind of reform that we need in this bill.

We are moving in that direction. We have an independent commission in this bill. We have emphasis on foreign language skills. We have more emphasis on HUMINT, human spies telling us where people's motivations and targets are; and we have more money for counterterrorism.

I have worked hard on the foreign language skill area, and on page 19 of the report we state, "Written materials can sit for months, and sometimes years, before a linguist with proper security clearances and skills can begin a translation."

We are providing aggressive recruiting for new employees, particularly those with ethnic and language backgrounds needed by the intelligence community. We are providing additional language incentives, especially in the toughest, most critical languages. We are providing increases in funding in counterterrorism for the FBI counterterrorism program, the DCI's counterterrorism program, and HUMINT collection.

Mr. Chairman, we need to do more. While I applaud the bipartisan nature of this committee, while I warmly applaud some of the reforms in this bill, I will be reserved as I watch the process go through the conference later with the Senate to encourage, to push reform, not to lay blame, not to blame individuals where we have so many brilliant and talented people in the CIA and other communities, but to push the reforms needed to change the culture, the target, and the organization that is so critical for us to defend our homeland.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, first I would like to offer my strong support for the fiscal year 2002 intelligence authorization bill. I believe it is a good, bipartisan product that addresses both the urgent short-term needs, as well as the long-term rebuilding requirements in human and signals intelligence.

As a relatively new member of the Permanent Select Committee on Intelligence, I would like to address just a portion of the bill which I think is very, very critical. It comes out of the tragic incident of April 20, 2001 when the Peruvian military, relying on information provided by the U.S. Government, mistakenly shot down a civilian airplane as part of a drug interdiction operation. Two innocent Americans, constituents of mine, lost their lives due to this error.

In an effort to ensure that this type of incident does not occur again, I have worked closely with the gentleman from Florida (Chairman GOSS) and the committee to secure greater accountability from the executive branch with respect to the oversight of these counternarcotics activities. Section 504 amends current law relating to the immunity of employees and agents of the United States and foreign countries engaged in the interdiction of drug trafficking aircraft. Under this section, the President will annually certify to Congress both the existence of a drug threat in the country at issue and the existence in that country of the appropriate procedures to protect against innocent loss of life.

If our drug interdiction efforts in Latin America are intended to protect the American people from the threat of narcotics, we need to be sure that the methods we use do not create more innocent victims like the Bowers family.

Mr. Chairman, I congratulate the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. PELOSI) on an excellent bipartisan bill.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), another valued member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I thank the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. PELOSI) for developing a bill that is designed to meet the intelligence challenges that our Nation is facing at a critical point in our history. Their leadership on critical intelligence issues has been extremely important to all of us on the committee, in particular to those of us that are on the committee for the first time.

The gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. PELOSI) have recently been the focus of the press. However, it is important to note, Mr. Chairman, that everyone here knows that both the gentlewoman from California (Ms. PELOSI) and the gentleman from Florida (Chairman GOSS) have been working behind the scenes for years on critical intelligence issues. I thank them for their continued commitment to our Nation and the intelligence system that we rely on so heavily.

In a number of hearings that we have had in the committee, I expressed two very important observations. First, the intelligence community needs to pay attention to the diversity that is so critical and representative of our Nation. Both the chairman and the ranking member have been very supportive on that issue.

Secondly, as some of the other Members have mentioned, the emphasis on language diversification is vitally important as we face the challenges in today's intelligence gathering and analysis world.

We need analysts and case officers with language skills and expertise in many foreign areas. At the NSA and the CIA, thousands of pieces of data are never analyzed or analyzed after the fact because there are too few analysts and even fewer with the necessary language skills. This is a deficiency that must be corrected immediately.

Our bill provides bonuses to intelligence employees of the CIA and the Pentagon who are fluent in languages of the toughest and most important targets that we face as a Nation. It is clear that we must do more, and this bill takes the necessary steps to provide the tools necessary for the intelligence community. I urge all Members to support a strong bipartisan bill.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I am constrained, and understandably so, in dealing with the specifics of this bill in terms of dollars and numbers. I would urge all of my colleagues to follow the suggestion of the chairman and the ranking member to visit the Permanent Select Committee on Intelligence to get the classified briefing and to examine the figures for themselves.

Mr. Chairman, let me stress this to my colleagues. This is a very good bill because it provides more resources for people, for our human intelligence, for our eyes and ears around the world. More resources to add to their numbers and their training, with particular emphasis in language capabilities.

Our dedicated and well-trained linguists who are case officers and covert operatives and intelligence operatives are critically important to operations. They are the essential people part of the equation.

□ 1015

They are the essential people part of the equation. All the sophisticated technical means in the world, the satellites in the heavens and the specialty electronic devices all over every place are important, but there is no substitute for people. And, quite frankly, with linguistic skills, there simply are not enough of them. This bill recognizes that and supports additional funding directed to the Defense Language Institute. This funding is targeted for linguistic training, not just for the training, but also for the recruitment and retention of proficient instructors. It promotes computer-based training to keep those skills honed, and aims at keeping those classes fully populated with the best and the brightest.

Let me stress, there is no substitute for the people part of this equation. The dedicated men and women in the intelligence community who are serving this Nation at distant points in the globe are to be applauded and supported and we do just that.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentleman from Iowa (Mr. BOSWELL) who serves as the ranking member of the Subcommittee on Human Intelligence, Analysis and Counterintelligence of the Permanent Select Committee on Intelligence.

Mr. BOSWELL. Mr. Chairman, I would like to say to whoever is listening that it is my observation in my few months on this committee that we have outstanding leadership with our chairman and ranking member, and I really appreciate it, and I hope all America does. In my former life as a teacher at the command general staff college at the Department of Tactics, I want to assure you that I am aware and I want you to be aware that intelligence is something you have to have. You have to have reliable information before you act.

And I want to tell you this, that I have made also the observation that we have dedicated and professional men and women who work in this community. Nevertheless, the horrendous attacks acts of September 11 require us to think hard about how U.S. intelligence is gathered, analyzed and disseminated so that we are sure intelligence is providing the very best first line of defense for our country.

As the ranking member of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I believe we need better global coverage, allowing us to collect more human intelligence in more places worldwide. As we all are now too well aware, we face terrorist networks with global reach. We are forced into a serious situation regarding our security. We must ourselves place overt and covert collectors in every corner of the world to fight back and utilize well the assistance of our international allies. In addition, for our HUMINT collectors to be effective, their language skills and foreign area expertise overall must be improved and maintained. Career paths for specialists must be fostered. This bill provides the resources and encourages the efforts in the intelligence community to increase the number of front-line field officers and improve their skills.

Furthermore, we have to get smarter at using effectively, across the agencies of the Federal Government, all available information that bears on terrorism. Different agencies of the government have different roles to play, and no one agency can do the job alone. Currently, our capacity to collect information outstrips our ability to exploit what we have. Furthermore, we have not always given proper weight to the most predictive sources of information. The analytic effort in the fight against terrorism must be an all-inclusive effort, with sufficient numbers of analysts deployed where they are needed to make a difference. The Congress may soon vote to authorize new methods and procedures for sharing information. This is all well and good, but the agencies now expected to share information must have state-of-the-art information technology tools and the personnel they need to process, analyze and disseminate critical intelligence to make new authorizations effective.

I urge your support of this bill.

Mr. GOSS. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from New Mexico (Mrs. WILSON), a former member of our committee.

Mrs. WILSON. Mr. Chairman, in the front of this report, the unclassified version which is really worth reading for my colleagues, it says that intelligence is our first line of defense, but too often it is an afterthought. This document and this bill explains why we must have a renewed focus on intelligence. I commend the chairman and the ranking member and the committee for their excellent work on this bill in providing some direction for the future.

The one thing I do want to highlight, and we have discussed this among ourselves, is the need to move forward with the problem of homeland intelligence. It is the most obvious, gaping hole in our protection against terrorism, the ability to prioritize, direct, collect, analyze and inform about activities within the United States and to share information among agencies, much of it completely unclassified, in order to make sure we can defend the homeland of the United States.

I look forward to working with the chairman and my other colleagues in the House to make sure that the intelligence capability of the United States remains strong.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let my say to the gentleman from Florida (Mr. GOSS) whom I see a lot in the Committee on Rules and to the ranking member, the gentlewoman from California (Ms. PELOSI), thank them for a very excellent legislative initiative. The American people understand the word intelligence, and I think as we have reflected on the enormous tragedy of September 11, they will be more informed about the importance of our intelligence community.

This legislation advocates the enhancement of the intelligence community. Let me thank both the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI) for the new commission to find out the facts of the September 11, tragedy. Many might say that we give out too much information, but I believe this commission will help us understand better the necessity for enhanced funding, resources, technology for our intelligence community.

I had thought of offering an amendment as the ranking member on the Immigration Subcommittee to deal with seeking to promote collaborative efforts between the INS and the intelligence community. Two days ago, we in the Committee on the Judiciary passed an antiterrorism bill unanimously with a balance between the rule of law and tools for law enforcement. I believe it is important that we realize that though immigration does not equate to terrorism, it is important the INS be able to be advised on intelligence that would help them further thwart those trying to enter the country with the purpose of terrorist activities.

I hope we will have a chance to discuss that issue so that we can work together for homeland security, we can balance our committee's work and provide the necessary collaboration to secure our Nation.

I ask my colleagues to support this important legislation.

Mr. GOSS. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Connecticut (Mr. SIMMONS), a man who has had great experience in the intelligence business.

Mr. SIMMONS. Mr. Chairman, I commend the chair and the ranking member and the members of the Permanent Select Committee on Intelligence for their bipartisan work on this legislation.

Specifically, I want to state my strong support for provisions in section 105 that codifies the U.S. Coast Guard as a National Foreign Intelligence Program agency under the National Security Act.

Fifteen years ago, the Coast Guard was primarily a consumer of intelligence. Now and into the future, it can be a collector, a processor and a producer as well as a consumer of intelligence. The Coast Guard is involved in counternarcotics, counterterrorism, illegal alien smuggling, maritime drug interdiction, sea enforcement of immigration laws, port security and waterways security.

The integration of the Coast Guard into the intelligence community makes them more responsive to the threats we face, and in particular, to the threats of terrorism. It also enhances the training and activities of the Coast Guard intelligence program and professionalizes their activities.

On this basis, I am very pleased to see that this bill codifies the Coast Guard as an element of the intelligence community.

Mr. Chairman, I rise today in support of the Intelligence Authorization Act of FY 2002. I commend the chairman, ranking member and members of the House Intelligence Committee for their bipartisan work on this important piece of legislation.

Specifically, I would like to state my strong support for the provisions in section 105 of this bill that codifies the U.S. Coast Guard as a National Foreign Intelligence Program (NFIP) Agency under the National Security Act.

Mr. Chairman, I have the privilege of representing New London, CT, which is the home of the U.S. Coast Guard Academy. I also serve as vice chairman of the Coast Guard Subcommittee of the Transportation Committee. These associations have introduced me to some of the unique activities of the Coast Guard.

Fifteen years ago the Coast Guard was an intelligence consumer. When I offered a course on the Intelligence Community at the Academy, I was told that it was not necessary. These circumstances are no longer the case today.

Now and into the future, the Coast Guard can be a collector, a processor, and a producer as well as a consumer of intelligence. On this basis, including the Coast Guard Intelligence Program (CGIP) into the NFIP is an important and timely initiative.

To a certain degree, the integration of elements of the Coast Guard into the Intelligence Community is a formality. The men and women of the Coast Guard have been taking part in homeland protection through the multitude of tasks; tasks that it performs better than any other agency of our Government.

The Coast Guard is involved in counternarcotics, counterterrorism, illegal alien smuggling, maritime drug interdiction, and sea-enforcement of immigration laws, port security and waterways security to name a few.

Threats to our country are met and thwarted along and off our shores every day through the diligence and professionalism of the Coast Guard. The routine activities of the Coast Guard also place it in a position to collect information, disseminate information and participate in the production of intelligence. This can be a valuable contribution to the Intelligence Community.

The integration of the Coast Guard into the Intelligence Community makes them more responsive to some of the threats we face—particularly the threat of terrorist attacks. It also enhances the training and activities of the Coast Guard Intelligence Program, and professionalizes their activities.

On this basis I am glad to see that section 105 of this bill codifies the Coast Guard as an element of the Intelligence Community.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, it is not popular to say, but I believe America's intelligence network is very poor. Americans are now being killed by the thousands, and money alone is not going to solve it.

I think Congress must address our Mideast policy. I think we can and should support Israel, but we must be more objective in dealing with Arab nations. I believe the Palestinian issue must be resolved and the Palestinian people deserve a homeland, and that is not popular to say.

But, ladies and gentlemen, Americans are now being killed by the thousands, and we have exported through our policies the terrorism in the Mideast to the United States of America. I think it is time to tell it like it is, stop addressing the symptoms and look at the root causations. We can maintain our friendships and strong alliance with Israel, but by God we have to show objectivity in the Mideast or there will be more bin Ladens and more terrorist attacks on the United States of America.

Finally, our borders are wide open. Congress better look at that issue, because we have exposed a very vulnerable, soft underbelly.

Mr. GOSS. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. KIRK), also knowledgeable on matters of national security.

Mr. KIRK. Mr. Chairman, I want to speak as a Naval Reserve intelligence officer who knows the value of linguistic abilities in intelligence. The United States Government has two large institutions dedicated to international languages used by many countries, the Foreign Service Institute and the Defense Language Institute. But the real reserve of linguistic abilities among tribal and less-used languages across countries is the Peace Corps.

I think the United States needs to develop in the national security community an ability to speak these other languages, especially obviously in Central Asia and countries where terrorist threats might emerge. This is going to require a huge effort, focusing on some of the abilities and the institutional knowledge in the Army's foreign area officer expertise. I think it is necessary for the Navy and Air Force and intelligence agencies to develop this FAO capability in other services, especially so that there is a full career path for such officers and that the United States looks to the long term.

I also want to commend the committee on the recruitment guidelines and hope that when we look to the Director of Central Intelligence, that he reports back on those guidelines early and gives the Chief of Station the ability to set the guidelines in unique circumstances.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding me this time.

Mr. Chairman, I rise to engage Chairman Goss in a brief colloquy on the matter of border security. The State Department has the legal responsibility to issue visas at our U.S. embassies and consulates. Over the years, we have vastly improved the process by which visas are issued. Name check systems are now computerized, allowing the consular officer at a post to have a reliable method of vetting a person's entry into the United States.

This system of name checking is only as good, however, as the information that is entered into the system. I would like to ask the chairman that in the course of the intelligence bill conference, that he work to ensure that the best cooperation is received from relevant agencies to be sure that current information is provided on a timely basis to the State Department for purposes of securing a better name check system. I would note that all 18 of the suicide hijackers were granted visas. Something is wrong and we need to fix it.

Mr. GOSS. Mr. Chairman, if the gentleman will yield, I would certainly agree that the gentleman raises an excellent point with regard to the full need for cooperation among agencies for purposes of strengthening our border security programs. I will work in conference to come up with appropriate language to direct that such information sharing occurs among the intelligence agencies and the State Department so that we have the best and most secure visa issuing system possible. I will further pledge that we will try and improve the handoff between the other law enforcement agencies that are involved as well.

Mr. SMITH of New Jersey. I thank the distinguished chairman.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

I just want to address another point in the bill that the gentleman from Michigan (Mr. HOEKSTRA) referenced, and, that is section 504, relating to official immunity for employees and agents of the United States and foreign countries engaged in the interdiction of aircraft used in illicit drug trafficking. This springs from the unfortunate, and that is a very mild word to use, shooting down of the aircraft in Peru. Under this section, the President must make an annual certification to Congress concerning both the existence of a drug threat in the country at issue and the existence in that country of appropriate procedures to protect against innocent loss of life. An annual report to Congress by the President concerning United States government assistance to such interdiction programs is also required by this section.

I call that to the attention of our colleagues, because many Members had concerns about that incident. And doing so gives another reason to acknowledge the cooperation of our chairman, the gentleman from Florida, for including this language. I recognize the gentleman from Michigan's leadership in this because his constituent was directly affected by it. I thank him for his leadership.

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Mr. Chairman, I did want to make a couple of remarks in closing here. This bill contains an independent review of the events leading up to September 11. I believe that as we proceed to talk about anything regarding September 11, we are walking on sacred ground. We have to proceed with great dignity to honor, and out of respect for, the losses suffered by so many.

Our entire country wants us to do everything possible to stop terrorism in our country, terrorism against our interests worldwide, and, indeed, terrorism against any target, and to stamp out terrorism wherever it exists.

I do believe that it is important in light of the horrific acts of September 11 that there be an independent assessment of the performance of the agencies and departments of the federal government responsible for dealing with terrorism. That assessment must be broad in scope and conducted by individuals as free as possible of the interests of the organizations they will review.

Section 306 as approved by the committee would produce those results. I will offer an amendment to address some of the concerns expressed by some of our colleagues about the breadth of jurisdiction of the commission under the amendment time. But I think it is a mistake to just proceed without an independent review of the events that happened. For that reason I thank the chairman for his support in making the commission a part of the bill, and I appreciate the Republican majority support on that.

Sensitive to the concerns raised by some on both sides of the aisle about the scope of that commission I intend to offer an amendment as a compromise.

I wanted to acknowledge and join my distinguished chairman in acknowledging the great work of the staff on both sides of the aisle, headed up by Tim Sample as the majority chief of staff and Mike Sheehy, our staff chief on the Democratic side. We are all very well served by all the staff on both sides of the aisle. We do not think of it in a partisan way.

I also want to again thank our distinguished chairman for the manner in which he conducted the markup, indeed, the business of our committee, and for his receptivity to the concerns presented by the minority side. I want to particularly commend my minority members for the valuable contributions they have made to the debate and, again, of course, the work of every member of the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard over the course of the last hour or so many Members talk about our intelligence needs, and especially the need to address the shortfalls related to counterterrorism. We have also heard about the need to invest in the broader areas of intelligence. It is this investment in time, thought, funding, and actually action that I would like to address as we close on our side of the general debate.

The President, his Cabinet and Members of this body have rightly told the American people that the war on terrorism is going to be a long-term effort, and that even if we were to get Mr. bin Laden tomorrow that would not put an end to terrorist activities, sadly.

Likewise, Mr. Chairman, if we only make fixes to the intelligence community to address counterterrorism capabilities, we will not fully protect our national security and other quarters from the multitude of others threats that could befall us.

In a recent classified publication called the Quadrennial Intelligence Community Review, there are some specific unclassified trends that speak to the challenges of our future. Briefly, adversaries increasingly will target the U.S. homeland; military threats will be quantitatively and qualitatively different, involving very short-notice contingencies and a very high premium on flexibility response; warning of global crisis will be more difficult by 2015 because of the scope and complexity of requirements and the speed of events; revolutionary information technology capabilities will be available to friend and to foe; and adversaries will use new, highly-effective means to select and neutralize sensitive clandestine operations or technically sophisticated collection devices. These are just a few of the kinds of challenges out there.

Mr. Chairman, all of these points go to the fact that this country will need a vibrant, flexible, and strong intelligence community.

More importantly, however, is that these points, in my view, challenge the wherewithal of our current national security structure. Therefore, in this bill we send a message to the administration that now is not the time to circle the wagons and attempt to address the issues with a status quo approach. We must take a look at whether the structure of the intelligence community can meet the challenges that we know are out there; and I believe the answer is that it cannot in its present form, and whether our overall national security apparatus needs to be updated and revised, and I believe it should, and I do not think anybody disagrees with that.

The reason that this is so important at this time is thrown into stark relief obviously by the horrible tragic events of September 11, which I agree with my ranking member, is sacred soil. The same attacks demonstrate that the issue of the safety and security of the rights and freedoms of the civilized world as a whole are at stake.

If you do not believe me, I would like you to take a moment just to take a look at this map, which shows in the red countries, those are the countries that suffered loss during the September 11 attacks. There is a lot of red on that map around the globe; and that is what I suggest, that national security is a global issue and we indeed are looked at as the leaders.

In closing, let me again thank all the members of the committee, and I mean each and every one, especially our subcommittee chairmen and the ranking members. I know it has been a lot of hard work, and we have reorganized HPSCI this year to take on the extra load.

I thank the gentlewoman from California (Ms. PELOSI) particularly for her cooperation and very sincere consideration of the provisions of this bill. The management of her side of these matters has been extraordinary.

I also want to pay special attention to our committee staff, Mr. Chairman. The Permanent Select Committee on Intelligence staff is a group of very professional, very experienced, dedicated people who have gone through a great deal since September 11. They have worked literally tirelessly through weekends, nights to respond to several additional tasks that the Speaker and, of course, circumstances have placed on the committee, as well as to prepare this bill for Members' consideration, and other bills that are coming shortly on the subject of intelligence, as we all know.

This was always a bipartisan effort, and I am thankful we have such an extraordinary professional staff. I would name each and every one of them for citation for their extraordinary work, and I will put their names in the RECORD. I am most grateful that they work so well together and so professionally.

I also need to point out the Speaker of the House and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), have done an amazing job of staying tuned to what our extraordinary circumstances and being there for the Permanent Select Committee on Intelligence and intelligence matters when we needed them; and I must also include the appropriators, the gentleman from Florida (Mr. YOUNG), of course, a former member of the committee; the gentleman from California (Mr. LEWIS), of course, a former member of the committee; the gentleman from Pennsylvania (Mr. MURTHA), for the work they have done to understand our problems.

Finally, I want to pause for a moment to recognize those from the intelligence communities who lost their lives on September 11 in the service of the Nation at the Pentagon. Mr. Chairman, 15 people from the community lost their lives, seven from the Defense Intelligence Agency, seven from the Office of Naval Intelligence. They will be sorely missed by the community, and, of course, extremely missed by their families and loved ones.

It is in their honor we will push to ensure that the proper investments and changes are made to ensure that their comrades and Americans around the world can enjoy the rights, the freedoms, the securities at home and abroad. These are the symbols of the American culture, these are what we stand for, this is what we seek to protect and provide for.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

Ms. PELOSI. Mr. Chairman, we have been joined by two distinguished Members who were in markup.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me thank the gentlewoman for yielding me time, and just concur in the comments that the gentleman from Florida (Mr. GOSS) has just made.

These are difficult times for our entire Nation and for the people who work in our intelligence agencies. They are at a disadvantage. When they have a victory, when they are able to stop terrorist activities here or abroad, they cannot issue a press release when they do their work successfully.

Obviously, we need to do a better job on the intelligence front for our Nation, and the legislation before us moves us in that direction and I strongly support it. We all need to do a better job, including what we do here on the Hill in providing the resources to our intelligence community.

Mr. Chairman, I just really wanted to rise to thank the men and women who give public service to this country in the intelligence field. They do public service for this Nation, they do it in a very fine way, and they need additional support. We all need to come together so that we can make this Nation a stronger Nation.

I want to thank the chairman and ranking member for the legislation they have brought forward.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. FARR), a member of the Committee on Appropriations.

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me this valuable time.

Mr. Chairman, I rise commending the committee in their realization that you cannot have better intelligence unless we have better linguistic training. I happen to represent what we call the language capital of the world, Monterey, California, which is the home for the Defense Language Institute, the largest language school in the world. Four thousand young men and women of every ethnic background are studying in Monterey to become linguists for our military and Federal Government.

We also have the AT&T Language Line; and many of you, if you do have any language problems, can dial up and get immediate translation on that line. We have the Monterey Institute of International Studies, which is the home for the Nonproliferation Center, which we understand is where all the dangerous material in the world is located.

This emphasis on languages is the only way we are going to better understand the world we live in and better understand the communications that go on in the world. Thank you for putting it in the report.

Ms. PELOSI. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 1½ minutes remaining, and the gentleman from Florida (Mr. GOSS) has no time remaining.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the minute and a half I have remaining, I want to join our distinguished chairman in remembering those people in the defense intelligence community who lost their lives at the Pentagon, indeed all of the people who lost their lives at the Pentagon. Those of us who have had the opportunity to spend any time over there to extend the condolences of this entire Congress and of our own constituents know that the sorrow that we all experienced has moved to resolve.

I also wanted to mention John O'Neill, a former FBI special agent in charge of the National Security Division, who lost his life in the World Trade Center attack. His service is well known to many of us in the intelligence community; and we extend condolences to his family, and, indeed, to the families of all who lost their lives, whether it is in planes or in the buildings that were attacked.

There have been unimaginable acts of terrorism designed to instill fear in the American people, but the terrorists will not succeed in that. Their behavior is outside the circle of civilized human behavior, and I agree with President Bush that we will bring them to justice or bring justice to them; but justice must be done.

Mr. Chairman, I would like to have the remainder of my time be a moment of silence in honor of those that lost their lives.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2883

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2002".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—INTELLIGENCE ACTIVITIES*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Classified schedule of authorizations.*
*Sec. 103. Personnel ceiling adjustments.*
*Sec. 104. Intelligence community management account.*
*Sec. 105. Codification of the Coast Guard as an element of the intelligence community.*

*TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

*Sec. 201. Authorization of appropriations.*

*TITLE III—GENERAL PROVISIONS*

*Sec. 301. Increase in employee compensation and benefits authorized by law.*
*Sec. 302. Restriction on conduct of intelligence activities.*
*Sec. 303. Sense of the Congress on intelligence community contracting.*
*Sec. 304. Requirements for lodging allowances in intelligence community assignment program benefits.*
*Sec. 305. Technical amendment.*
*Sec. 306. Commission on September 11 government preparedness and performance.*

*TITLE IV—CENTRAL INTELLIGENCE AGENCY*

*Sec. 401. Modifications to Central Intelligence Agency's central services program.*
*Sec. 402. Extension of CIA Voluntary Separation Pay Act.*
*Sec. 403. Guidelines for recruitment of certain foreign assets.*

*TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES*

*Sec. 501. Authority to purchase items of nominal value for recruitment purposes.*
*Sec. 502. Funding for infrastructure and quality-of-life improvements at Menwith Hill and Bad Aibling stations.*
*Sec. 503. Continuation of Joint Interagency Task Force at current locations in Florida and California.*
*Sec. 504. Modification of authorities relating to interdiction of aircraft engaged in illicit drug trafficking.*
*Sec. 505. Undergraduate training program for employees of the National Imagery and Mapping Agency.*
*Sec. 506. Technical amendments.*

The CHAIRMAN. Are there amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

## *TITLE I—INTELLIGENCE ACTIVITIES*

### *SEC. 101. AUTHORIZATION OF APPROPRIATIONS.*

*Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:*

*(1) The Central Intelligence Agency.*

*(2) The Department of Defense.*

*(3) The Defense Intelligence Agency.*

*(4) The National Security Agency.*

*(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.*

*(6) The Department of State.*

*(7) The Department of the Treasury.*

*(8) The Department of Energy.*

*(9) The Federal Bureau of Investigation.*

*(10) The National Reconnaissance Office.*

*(11) The National Imagery and Mapping Agency.*

*(12) The Coast Guard.*

### *SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.*

*(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2883 of the One Hundred Seventh Congress.*

*(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.*

### *SEC. 103. PERSONNEL CEILING ADJUSTMENTS.*

*(a) Authority for Adjustments.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.*

*(b) Notice to Intelligence Committees.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.*

### *SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.*

*(a) Authorization of Appropriations.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of $152,776,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2003.*

*(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.*

*(c) Classified Authorizations.—*

*(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.*

*(2) Authorization of Personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.*

*(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period not to exceed one year for the performance of temporary functions as required by the Director of Central Intelligence.*

*(e) National Drug Intelligence Center.—*

*(1) In general.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.*

*(2) Transfer of funds.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.*

*(3) Limitation.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).*

*(4) Authority.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.*

### *SEC. 105. CODIFICATION OF THE COAST GUARD AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.*

*Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H) is amended—*

*(1) by striking "and" before "the Department of Energy"; and*

*(2) by inserting ", and the Coast Guard" before the semicolon.*

The CHAIRMAN. Are there amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

## *TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

### *SEC. 201. AUTHORIZATION OF APPROPRIATIONS.*

*There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of $212,000,000.*

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

## *TITLE III—GENERAL PROVISIONS*

### *SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.*

*Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.*

### *SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.*

*The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.*

### *SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.*

*It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.*

### *SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM BENEFITS.*

*Section 113(b) of the National Security Act of 1947 (50 U.S.C. 404(h)) is amended—*

*(1) by inserting "(1)" before "An employee"; and*

*(2) by adding at the end the following new paragraph:*

*"(2) The head of an agency of an employee detailed under subsection (a) may pay a lodging allowance for the employee subject to the following conditions:*

*"(A) The allowance shall be the lesser of the cost of the lodging or a maximum amount payable for the lodging as established jointly by the Director of Central Intelligence and—*

*"(i) with respect to detailed employees of the Department of Defense, the Secretary of Defense; and*

*"(ii) with respect to detailed employees of other agencies and departments, the head of such agency or department.*

*"(B) The detailed employee maintains a primary residence for the employee's immediate family in the local commuting area of the parent agency duty station from which the employee regularly commuted to such duty station before the detail.*

*"(C) The lodging is within a reasonable proximity of the host agency duty station.*

*"(D) The distance between the detailed employee's parent agency duty station and the host agency duty station is greater than 20 miles.*

*"(E) The distance between the detailed employee's primary residence and the host agency duty station is 10 miles greater than the distance between such primary residence and the employees parent duty station.*

*"(F) The rate of pay applicable to the detailed employee does not exceed the rate of basic pay for grade GS–15 of the General Schedule.".*

### *SEC. 305. TECHNICAL AMENDMENT.*

*Section 106(b)(2)(C) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)(C)) is amended by striking "Nonproliferation and National Security" and inserting "Intelligence and the Director of the Office of Counterintelligence".*

### *SEC. 306. COMMISSION ON SEPTEMBER 11 GOVERNMENT PREPAREDNESS AND PERFORMANCE.*

*(a) Establishment.—There is established a commission to be known as the "Commission on Preparedness and Performance of the Federal Government for the September 11 Acts of Terrorism" (in this section referred to as the "Commission").*

*(b) Duty.—*

*(1) Assessment of agency performance.—The Commission shall, with respect to the acts of terrorism committed against the United States on September 11, 2001, assess the performance of those agencies and departments of the United States charged with the responsibility to prevent, prepare for, or respond to acts of terrorism up to and including that date. For purposes of the preceding sentence, those agencies and departments include—*

*(A) the Department of Defense (including the intelligence elements of the Department),*

*(B) the Department of Justice (including the intelligence elements of the Department),*

*(C) the Department of State (including the intelligence elements of the Department),*

*(D) the Department of the Transportation (including the intelligence elements of the Department),*

*(E) the Department of the Treasury (including the intelligence elements of the Department),*

*(F) the Central Intelligence Agency, and*

*(G) the Federal Emergency Management Agency.*

*(2) Report.—The Commission shall submit the report described in subsection (g).*

*(c) Membership.—*

*(1) Number and appointment.—The Commission shall be composed of 10 members appointed as follows:*

*(A) The President shall appoint 4 members.*

*(B) The Speaker of the House of Representatives shall appoint 2 members.*

*(C) The majority leader of the Senate shall appoint 2 members.*

*(D) The minority leader of the House of Representatives shall appoint 1 member.*

*(E) The minority leader of the Senate shall appoint 1 member.*

*(2) Terms.—*

*(A) In general.—Each member shall be appointed for the life of the Commission.*

*(B) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.*

*(3) Basic pay.—*

*(A) Rates of pay.—Members shall serve without pay.*

*(B) Travel expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.*

*(4) Quorum.—6 members of the Commission shall constitute a quorum but a lesser number may hold hearings.*

*(5) Chairperson.—The Chairperson of the Commission shall be elected by the members.*

*(d) Director and Staff of Commission.—*

*(1) Director.—The Commission shall have a Director who shall be appointed by the Chairperson.*

*(2) Staff.—The Chairperson may appoint and fix the pay of additional personnel as the Director considers appropriate.*

*(3) Applicability of certain civil service laws.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS–15 of the General Schedule.*

*(4) Experts and consultants.—With the approval of the Chairperson, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.*

*(5) Staff of federal agencies.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.*

*(e) Powers of Commission.—*

*(1) Hearings and sessions.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.*

*(2) Powers of members and agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.*

*(3) Obtaining official data.—The Commission may secure directly from any department or agency of the United States information, including classified information, necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.*

*(4) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.*

*(5) Administrative support services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.*

*(6) Subpoena power.—*

*(A) In general.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.*

*(B) Failure to obey a subpoena.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.*

*(C) Service of subpoenas.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.*

*(D) Service of process.—All process of any court to which application is made under subparagraph (B) may be served in the judicial district in which the person required to be served resides or may be found.*

*(E) Immunity.—Except as provided in this paragraph, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.*

*(7) Contract authority.—The Commission may contract with and compensate government and private agencies or persons for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).*

*(f) Report.—The Commission shall transmit a report to the President and the Congress not later than 6 months after the date by which the Director has been appointed by the Chairperson. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislation and administrative actions the Commission considers appropriate.*

*(g) Termination.—The Commission shall terminate on 30 days after submitting the report required under subsection (g).*

The CHAIRMAN. Are there amendments to title III?

AMENDMENT NO. 1 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Goss:

Strike the heading of section 306 (page 12, lines 1 and 2) and insert the following:

**SEC. 306. COMMISSION ON NATIONAL SECURITY READINESS.**

Page 12, beginning on line 4, strike "Commission on Preparedness and Performance of the Federal Government for the September 11 Acts of Terrorism" and insert "Commission on National Security Readiness".

Page 12, strike lines 9 through 17 and insert the following:

(1) Review.—With respect to the acts of terrorism committed against the United States on September 11, 2001, the Commission shall review the national security readiness of the United States to identify structural impediments to the effective collection, analysis, and sharing of information on national security threats, particularly terrorism. For purposes of the preceding sentence, the scope of the review shall include—

Page 13, line 8, strike "subsection (g)" and insert "subsection (f)".

Page 13, line 11, strike "10" and insert "8".

Page 13, line 13, strike "4" and insert "2".

Page 13, after line 21, insert the following new paragraph and redesignate the succeeding paragraphs accordingly:

(2) QUALIFICATIONS.—(A) A member of the Commission shall have substantial Federal law enforcement, intelligence, or military experience with appropriate security clearance.

(B) A member of the Commission may not be a full-time officer or employee of the United States.

Page 16, beginning on line 5, strike "hold hearings,".

Page 16, beginning on line 8, strike "The Commission" and all that follows through the end of line 9.

Strike paragraph (6) of section 306(e) (page 17, beginning on line 7 through page 19, line 3) and redesignate the succeeding paragraph accordingly).

Page 19, line 10, strike "6 months" and insert "one year".

Page 19, beginning on line 17, by striking "subsection (g)" and insert "subsection (f)".

Mr. GOSS. Mr. Chairman, I rise to offer an amendment to section 306 regarding the establishment of an independent commission to review the national security readiness of the United States, to identify structural impediments to the effective collection analysis and sharing of information on national security threats, particularly terrorism.

□ 1045

By way of explanation, in its markup, the committee debated the purposes, mandate, and composition of this national commission that we talked about that would review our Nation's readiness to address the national security threat posed by terrorism in the wake of events that we all witnessed on September 11 in New York and Pennsylvania and the Pentagon. There was some disagreement among members as to whether there was an immediate need for such a commission and how broad its scope should actually be. Some members argued that there should be no commission at all as it might fall into the trap of focusing only on who was to blame for events of September 11, which is hardly the time to do that. Other members were concerned about the independence of commission members. Some of our members felt that the role of such a commission overlapped substantially with the responsibilities of our own Subcommittee on Terrorism and Homeland Security, and there were other thoughts as well.

I know that we all recognize that it is important to understand what happened on September 11 and how our government can defend our Nation better in the future. That is a given. At the same time, it was my hope to find some common ground between the varying views who are opposed to the establishment of a commission, assessing the performance of U.S. Government agencies responsible for safeguarding our country, and those who are seeking immediate answers as to what we can do to strengthen our defenses against terrorism. I was looking for that common ground.

So we have come up with this amendment. Incidentally, this amendment also has some minor fixes for some of the inadvertent problems we found down in the Justice Department in the hand-off with law enforcement. The gentleman from Illinois (Mr. LAHOOD) in particular, who has already spoken on the rule in this matter, was planning to offer an amendment to strike section 306 in its entirety, which was to remove the commission out of the bill. He and several other members expressed their strongly held views on this proposal during our mark, and I want to express my appreciation for his willingness and their willingness to work with me in developing a proposal with the ranking member that will allow us to review our national security readiness with respect to terrorism with a focus on the future; in other words, avoiding the blame game and getting to the future. I am pleased to say that the gentleman from Illinois (Mr. LAHOOD) has joined as an original cosponsor of this amendment that I have, as have the gentleman from Delaware (Mr. CASTLE), the gentleman from North Carolina (Mr. BURR), and the gentleman from Georgia (Mr. CHAMBLISS), I understand, who were those originally opposed to the provision.

My amendment establishes a 1-year mandate for a joint Presidential-Congressional commission on national security readiness composed of eight independent members, two appointed by the President, two by the Speaker, two by the Senate majority leader and one by the Senate minority leader and one by the House minority leader. The commission members would be selected based on their expertise in Federal law enforcement, intelligence, and military affairs; in other words, they have to be experienced, not political appointees. I believe that the commission as now structured will not interfere with congressional committee jurisdiction, nor undermine executive branch prerogatives, and will allow us to better get to the question of what went wrong in a positive way so that we can do appropriate things to correct what went wrong.

It is my hope that this proposal will attract the support of both sides, and because this issue is too important and too urgent to be treated as a partisan matter, and we do not do that on our committee anyway, I would urge a favorable vote on it.

I would also say that we have made every effort to work together. I am very thankful for the efforts of the gentlewoman from California (Ms. PELOSI). We thought we had worked out this particular amendment so it would pass muster on both sides. It did pass muster on our side; apparently, it did not pass muster all the way on her side, and she is going to offer a substitute in a moment which better reflects the thinking on her side. This is the good spirit in which we do these things in the committee. We think this is a very legitimate debate; it is one that is going to happen anyway, and we think this is an appropriate time and way to open up some of this discussion.

Having said that, I think it is clear, in looking for the right way to do the right thing here on this, and we will be very happy to entertain Members' comments, and I suspect we will have a vote on it.

### AMENDMENT OFFERED BY MS. PELOSI AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. GOSS

Ms. PELOSI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Ms. PELOSI as a substitute for the amendment offered by Mr. GOSS:

Page 13, line 8, strike "subsection (g)" and insert "subsection (f)".

Page 13, line 11, strike "10" and insert "8".

Page 13, line 13, strike "4" and insert "2".

Page 16, beginning on line 5, strike "hold hearings,".

Page 16, beginning on line 8, strike "The Commission" and all that follows through the end of line 9.

Strike paragraph (6) of section 306(e) (page 17, beginning on line 7 through page 19, line 3) and redesignate the succeeding paragraph accordingly.

Page 19, line 10, strike "6 months" and insert "one year".

Page 19, beginning on line 17, by striking "subsection (g)" and insert "subsection (f)".

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. PELOSI. Mr. Chairman, in the wake, literally in the wake, of the horrific tragedies of September 11, there are many Members in the body, indeed in the country, who want an independent review of events leading up to September 11 and an evaluation of the performance of the agencies with responsibility for counterterrorism in our country. I have a substitute amendment at the desk which strikes language in the bill in response to some of the concerns raised by our Republican colleagues.

The committee position coming to the House today establishes an independent commission to review the appropriate agencies and their performance. There were concerns raised by some on the minority side and others even on the majority, saying that the scope of the commission was too broad, its ability to subpoena, to hold hearings, to grant immunity. Concerns were even expressed by the Justice Department.

In the interest of addressing some of the concerns raised by the majority, I am presenting this amendment, which would eliminate some of those powers from the commission, and also reducing the number of people on the commission from 10 to 8, again, addressing the concerns raised. Many of those same provisions are in the Goss amendment.

My concern with the Goss amendment and why I continue to persist with mine is that his amendment changes the scope of the commission. Our commission is an assessment of the performance of Federal agencies and departments responsible for the prevention, preparation for, or responses to acts of terrorism. That is what we are proposing. The Goss amendment proposes instead a review of the structural impediments to the collection, analysis and sharing of information on terrorism. That amendment limits the scope of the commission's activities. This would be, in my judgment, unwise.

What the gentleman from Florida (Mr. GOSS) is proposing is a totally reasonable proposal, but I do not think it is a substitute for an independent review.

The Goss amendment specifies that persons appointed as members must have substantial Federal law enforcement, intelligence, or military experience, and a security clearance. One of the attributes of section 306, as approved by the committee, with bipartisan support as part of this bill, is that it stresses the desirability for the commission to have members with great independence of judgment. That is what we are offering in our proposal: great independence of judgment, thought, and experience. By requiring prior Federal experience in these areas the Goss amendment virtually guarantees that the commission appointees will be the same insiders that are usually tapped for these kinds of posts. That, to me, seems contrary to the desire for a fresh look at the performance of these departments and agencies which were evident in the committee.

So what the Members of this body have to decide is whether we want an independent review of the events preceding September 11 and the performance of the agencies. It is not about fingerpointing, it is not about assigning blame, it is just about trying to prevent such tragedies from happening in the future, and unless we know how we got to where we are now, it seems that it would be more difficult to prevent these kinds of acts of terrorism.

I have no problem with the Goss amendment for what it seeks to do. But it is a substitute instead of an addition to what this committee, the Select Committee on Intelligence voted as part of the chairman's mark, and then it was challenged in committee, it survived that challenge, and now comes to the floor. I want to defend the committee's position, but be sensitive to the concerns raised about subpoena power, holding of hearings, and granting of immunity. The amendment strikes those from the bill.

My objection is that our approach is preferable in that it is independent and does not turn to the same people who have been involved in all of these activities, reviewing these activities again; thus, depriving them of the independence that we want them to see.

Mr. Chairman, I urge my colleagues to support an independent review, and I hope that they will support my amendment.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word in support of the chairman's amendment.

Mr. Chairman, I do support the Goss amendment. I was one of those as a member of the Committee on Intelligence that spoke out very vehemently against this idea. I think it is a bad idea. But I have been around here long enough to know that under our process, no one of us gets their own way; and obviously, I am not going to get my way on this issue, and that is the reason I support the chairman's amendment. I think it is reasonable, I think it makes sense. I think the notion that we want to turn over the responsibility of the Select Committee on Intelligence to some outside group to take a look at what went wrong on September 11 is a very bad idea, but apparently, we are going to do that. I think the way to do it is through the amendment that is being offered by the chairman, which is reasonable, it is common sense.

No one in this House knows more about intelligence-gathering, no one in this House knows more about the intelligence network; no one knows more in this House than the gentleman from Florida (Mr. GOSS), about the whole network that is used to gather intelligence. He is the man when it comes to intelligence. He is a former CIA agent. So my point in saying that is, we ought to adopt his amendment.

The fault that I find with the amendment offered by the gentlewoman from California (Ms. PELOSI) and I know this will irritate people on the other side, but the fault I find is that it is the blame game amendment. The Pelosi amendment wants to point a finger. The Pelosi amendment wants to lay blame with someone. The gentlewoman does not like the Goss amendment, but in reality, it is a good amendment. It appoints a commission, it gets professional people, it is going to look at what happened.

As I said during the markup of this bill, we do not need to lay blame. It is our responsibility as the committee to find out what happened. That is why the Speaker of the House and the Democratic leader appointed a subcommittee on terrorism with the distinguished member from California and the distinguished member from Georgia chairing that, so they could look into these matters too, and some of us are members of that. That is a good subcommittee. It has standing. It is a subcommittee now of the full Select Committee on Intelligence. We are going to do good work. We have already had two public meetings. We have brought a lot of experts in.

The other point I will make is this: we have had three commissions, distinguished Americans serving on those commissions. The gentlewoman from California (Ms. HARMAN) was a member of one of those commissions. They have made a lot of recommendations. But in the end, it is up to the Committee on Intelligence, with the intelligence community, to figure out these things. I think it is a slap in the face at the intelligence community for those people who want to get their pound of flesh against whomever, the CIA director, the FBI director, people in the defense intelligence community, to drag them before the public and require them to'fess up with whatever happened.

I think many of us realize that this is a good bill that we are going to pass here on the floor. It gives the kind of resources and the kind of language and ability to really help the intelligence community. Appointing a commission is not going to do that.

But I give up on the idea, I throw up the white flag and say pass the Goss amendment, defeat the Pelosi amendment; and we can move on and lay blame where we want. But this is a good bill. It will be a good bill even with the Goss amendment. I urge the House to pass it. I urge the House to defeat the Pelosi amendment.

Mr. Chairman, it is easy for politicians to lay blame. We are partly responsible. We are trying to fix that in this intelligence authorization bill that we are passing today. We do not need another commission to do it. I know it sounds like I am talking out of both sides of my mouth, but as I said, under our process, not one of us gets our own way. Support the Goss amendment. He is the man when it comes to intelligence. Nobody in this House knows more about it, and I think he has put in place the amendment to do what we need to do to assuage the concerns that people have and to give people their opportunity to get their pound of flesh. And if we have to do it, let us do it with his amendment.

□ 1100

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment; but I also want to express my great affection for and agreement with much of what the last speaker said. The only thing I do not agree with is his conclusion.

Let me state how I get to my conclusion. First, I had misgivings about the language in the underlying bill, and I believed that the structural piece of the commission was overbroad. That misgiving has been addressed by both the Goss amendment and the Pelosi amendment. We need to be clear, neither amendment will permit subpoena power and hearings, and some of the things that were in the underlying bill. That is gone. Whichever version of this we approve, we are not approving that, so I am very comfortable about that change.

Secondly, I would like to say that in offering her amendment, the gentlewoman from California (Ms. PELOSI), who was the author of the language in the underlying bill, went a long way to address the concerns many of us have expressed. I think we have to respect that. She has made a great accommodation to the rest of us, and that has a lot to do with my support of her amendment.

The language in the two amendments is quite close. The mandates are somewhat different, but the language is close. The difference is that, at least as many perceive it, the Pelosi version would permit a more independent look at what I believe are the structural changes we need to make in our intelligence-gathering.

I just spoke a minute ago in favor of the authorization bill and said that it is not about the people, and it is not the blame game; it is about the way we have structured our intelligence agencies. They are an ad hoc group of agencies that have grown up since World War II that now need to be reorganized and integrated. That is what we need to do. That is what our bill does.

My bottom line is, we may not need another commission. The gentleman from Illinois (Mr. LAHOOD) may be right about that. But if we are having another commission, let us be sure that it is independent and it has appropriate powers. I give the edge on that to the Pelosi amendment. I urge us to come together in the bipartisan, unified way we have on this committee always and support one concept.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is my 9th or 10th year in this Congress, and this is the first time I have sat and listened to this entire debate on this authorization. Obviously, our world has changed; and each of our jobs as Members of Congress has also changed since September 11.

There is no more important bill that this Congress will adopt than this authorization today. I think that is a realization that each of the 435 Members of this body need to acknowledge; and I think at some level we have acknowledged, because I think what we all realize now is that this is, in fact, as has been said, our front line of defense as a society.

As great as the work that has been done, and we have talked about the successes, unfortunately, at this point in the debate, in a sense we have not addressed what really is a colossal failure, to speak in any other way about September 11 is just sticking our heads in the sand, a colossal failure of unparalleled proportions.

We have talked about the difficulty of the job and the successes, but I think what we need to strive for and, in fact, achieve is literally zero tolerance for failure. No one said it will be easy, but that, in fact, is what we need. It is something that effectively the American people are demanding, but we need.

I do not know how many of my colleagues have tried to imagine what 6,000 dying means. I do not dwell on it, but I have tried to think about it. And it is beyond my ability to even imagine what 6,000 deaths in an instant means.

We do not know the financial calculations of the World Trade Center attacks, what they are at this point. We literally do not know; in the trillions, tens of trillions, hundreds of trillions of dollars; fundamental changes in our economy. We do not know yet. But what we do know is that had these terrorists had biological, chemical, or nuclear weapons and the ability to deliver them, they would have used them; and in fact, what we do not know is their ability at this point to use them.

We do know that there are states that have sponsored terrorism. We know this is a fact, and we knew that as of more than 10 years ago, that states that have sponsored terrorism have biological and chemical weapons. Unfortunately, there is no reason to believe that those states who are, in fact, state sponsors of terrorism have not provided methods of mass destruction to terrorist organizations.

In fact, the 6,000 deaths in an instant, unfortunately, we know could become 6 million deaths in an instant. As impossible as 6,000 deaths are for us to imagine, I do not think any of us could imagine 6 million.

Mr. Chairman, people have talked about the fact that it was impossible to predict the World Trade Center attacks. The intelligence community could not think outside the box, never thought about it. I am not a big fan of Tom Clancy, but maybe I should become one, because as many of us have learned since September 11, Tom Clancy predicted it. One of his novels has exactly this attack, an airplane commandeered by hijackers hitting a building.

As some of us have learned since the attack of September 11, the people involved, the students involved, the high school students involved in the Columbine massacre, spoke about this type of attack.

For no other reason than those two that I just gave as examples, we need to be thinking outside the box. To limit the ability on this type of committee to people inside the box is, unfortunately, part of the reason why we have gotten to where we have gotten.

What I have just said is outside the box, also. Everyone on the committee who has spoken today has said we need to do everything we can. No one has said zero tolerance. That is why I support the substitute. We need the substitute. We need that type of commitment in our society.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Pelosi amendment and somewhat reluctantly in support of the chairman's amendment.

I was one of those folk within the committee and markup who voted against this provision. I did so for a couple of reasons. We get elected to Congress not just to make the easy decisions. The easy decisions anybody can make. We are elected to Congress to make the very toughest decisions that are put forth to any Americans, and this situation that we are dealing with now, the instance of September 11, is going to involve some very tough decisions being made by Members of Congress.

We do not need to shirk that responsibility. By creating a commission, I think we are shirking that responsibility and putting it on somebody else. I think that is wrong. We have had a number of commissions who have done great work on the issue of terrorism over the last 6 or 8 years.

All of those commissions have made a number of recommendations to Congress. Frankly, Congress has looked at them with a very jaundiced eye until September 11. We can create another commission if we want to. I suspect they will come forward with some recommendations, and once again, we will do what we think is right, irrespective of what that commission concludes.

Secondly and probably most importantly, the incident on September 11 was a very tragic and terrible incident, one of the worst, obviously, that we have ever seen domestically in this country. But as I read the paper this morning, and those who work within the intelligence community know, the likelihood of another attack is very great. In fact, the words this morning of somebody in a leadership position said it is probably a 100 percent possibility it will occur.

So if we are going to create a commission to study the incidents of September 11, how many more commissions are we going to create down the road to investigate subsequent incidents? I think it is wrong. I think we as

Members of Congress, and particularly within the Permanent Select Committee on Intelligence, have the duty to be objective in our oversight responsibility, we have the duty to look at the deficiencies that took place in this situation that may or may not have allowed the September 11 incidents to occur, and we need to come forward and make the right, responsible decisions and not give that duty to somebody outside of this body.

Mr. Chairman, I rise in opposition to the Pelosi amendment, even though I have great respect for the gentlewoman, and reluctantly I support the chairman who is the man, in this case. I agree with my friend, the gentleman from Illinois. I ask that his amendment be supported.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pelosi amendment. I am confused as to why our committee cannot continue our work and still have an independent group come in and take a look at what happened. It seems to me to be somewhat irresponsible for us not to want to have an assessment by an independent group of exactly what happened.

This is a good bill. It does a lot of good things. But if we take out this commission and the independence that it has, it is not as good a bill as it was before.

I think it is important for the American people also to know that there is an independent observation or an evaluation of what occurred. I think we really need to know exactly.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding.

Mr. Chairman, I normally would not do this, but it is my understanding that the difference in the language here is really very small. Indeed, the Goss amendment would bring in an independent group. The difference is that there would be some requirement that the people on the commission have some experience. It strikes me that in this arena, it is pretty obvious that we need people with some experience.

I further would suggest to my colleague, I understand last night, like at 9:30 or 10:00 the two sides were essentially in agreement in the middle of the night. For some reason, we have to come out here optically and have a partisan vote. It should have been taken care of.

The conference is ahead of us. The gentlewoman has the responsibility to work out that kind of compromise. I do not understand why we find ourselves in this position.

Mr. CONDIT. Mr. Chairman, let me reclaim my time.

I am not aware of the events of last night. I am simply saying to the gentleman that I do not think this House ought to be frightened, fearful of an independent evaluation of what occurred.

If there was any major accident happening in any of our cities or any parts of the country, we would ask people to come in and make assessments about what happened. We would have insurance companies coming in and making assessments. We would have local law enforcement people coming in and making assessments.

We need to know what happened, and we think that independent people can give us some kind of different view. It does not mean that they do not have the knowledgeable people on the commission. As a matter of fact, I think there is room for a placement of knowledgeable people, people with a background in this area, on the commission.

I do not know what was said last night. I do not know anything about that. But I do know, we ought not to be fearful to have an independent look at this. We think it is good for the American people to have a clear understanding about what happened. We think it is good for the agencies to have a clear and different kind of look and view of what happened in this instance.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield just a moment further, I am sorry to do this, but I think the gentleman knows that the gentleman from Pennsylvania (Mr. MURTHA) and I deal with some pretty sensitive areas in our defense responsibilities. We are able to come together and work in a nonbipartisan way without having a public display that suggests there is some partisan difference.

There is not a partisan difference here. They are both independent commissions. It just seems to me that the ranking member should have been able to work this out between now and conference without a display that suggests there is some division in the House, and there is not a division in the House.

Mr. CONDIT. I will let the ranking member speak to this when she gets up to speak about this. But I thought when this left the committee, it left it in a bipartisan way. It left with the Pelosi language in it, which was an independent commission. That is the way it left. We got to the floor today and it is different. If Members take the Pelosi language out, in my opinion, we make the bill weaker.

The bill does a lot of good things, but we as a Congress, we as a nation, the intelligence community, should not be fearful to allow someone to come in and do an assessment of exactly what occurred here. It does not mean we have to agree with it, but we ought to have an independent view of what happened here. The American people need to know that, and I think that that would add confidence to us all, to have people on the outside come in and take a look.

□ 1115

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would be happy to have an exchange with the gentlewoman. I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from California (Mr. LEWIS).

It seems from the remarks of the gentleman there should be some clarification about how events proceeded. We had suggested on the minority side as a result of concerns expressed to us by Members of Congress that there be an independent review. We brought that to the majority side. They accepted that. It was part of the chairman's mark. There was challenge to the chairman's mark in the full committee in which our position prevailed. Again, our bill comes to the floor with an independent review in it.

Our chairman had wanted to have Congress work its will and have a debate on this. We do not see anything wrong with having a debate. I do not think there is anything unhealthy or unwholesome about that. The spirit of the debate is to make a distinction between whether we want an independent review of these events and the performance of the agencies or whether we do not? I would like to hear from the chairman on it. I appreciate the gentleman yielding, but this was the wish that the Congress do debate it and work its will and respect the results.

Mr. LEWIS of California. Reclaiming my time, and I will be willing to yield, is the gentlewoman suggesting that the language of the gentleman from Florida (Mr. GOSS) does not provide for an independent review of people with some expertise?

Ms. PELOSI. That is one of the things. There are a couple of points.

Mr. LEWIS of California. Yes or no?

Ms. PELOSI. What I am saying is the scope of the review is different. What we are talking about is an independent review by those outside the community, in some cases. The difference between our two bills is the Goss amendment does not have an independent review of the events leading up to or the performance of the agencies. What his amendment does is to say let us go forward, which is a good thing, to analyze the collection, dissemination and sharing of intelligence and that is a very important point. It is not a bad thing.

It is just that it is not an independent review. We could do both.

Mr. LEWIS of California. Reclaiming my time, it is my understanding that as late as 9:30 or 10:00 in the well of the House in a discussion, the differences here were that close because both presumed there was independence in review. One had required more expertise than the other approach apparently. But the important point I would make is that optically, the gentlewoman is presenting a picture. So there is some big difference here in terms of review.

Ms. PELOSI. There is.

Mr. LEWIS of California. The gentlewoman and I have had differences on this subject before. I no longer serve on the committee, as we all know. I do spend a lot of time there because of my work. Having said that, I remember our debates on the floor regarding whether our budget should be public or not. The gentlewoman wanted to do that.

Ms. PELOSI. That is correct.

Mr. LEWIS of California. I would submit to the gentlewoman that there probably are messengers from the Taliban who would love to see the adjustments that the committee is making at this point. I do not notice a Member on the floor in connection with that at this point in time.

I must say optically we are presenting a difference with no difference. It is a bit disconcerting to me that the leadership of the committee has not been able to handle this in a way at this very delicate time that does not provide such an appearance of difference.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentlewoman from California.

Ms. PELOSI. First, I want to recognize the standing of the gentleman from California (Mr. LEWIS) on these issues. He is a former member of the committee and as the chairman of the Subcommittee on Defense of the Committee on Appropriations, probably knows more, or as much as anyone else. I defer to the gentleman from Florida (Mr. GOSS) on this issue. We all respect his expertise.

The point is in response to the concerns raised by others about the scope of the commission, we made a proposal last night that said we will take out the subpoena power, we will take out the hearing process, we will take out the granting of immunity. But the independence of the commission is something we can not yield on; A, and, B, the scope; how we can collect and disseminate information better in the future is too narrow. We should do that too. But we should not ignore the opportunity to have those people who are not all, according to the Goss amendment, of the community, but rather have some independent thinking on it. So we did try to make accommodations.

Mr. LEWIS of California. Reclaiming my time, it certainly is disconcerting to this Member that it would appear as though at least somewhere down the line we would like to be able to find a mechanism, independent commission or otherwise, to point the finger at somebody and say someone else was to blame besides us. Indeed, it really is fundamental in the important work of this committee that the leadership on both sides be willing to come together and solve these kinds of problems before they provide an appearance of difference when there truly is no difference.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I very reluctantly rise in opposition to our esteemed chairman who has provided such great leadership for our committee, and I rise in support of the gentlewoman's amendment for an independent review of the events leading up to September 11, which provides broad scope across a host of difference agencies as to how we try to prevent the next attack. Not to lay blame, not to blame agencies, not to roll heads, but to put eight independent, thoughtful Americans together from both parties and look at better ways to prepare for and protect the homeland of the United States of America. I think we could do that.

Mr. Chairman, I rise also to discuss this on the House floor. I think the chairman said very eloquently and very wisely, this is the place to do it. This is the place to have these debates in a thoughtful and articulate and hopefully diplomatic manner.

Mr. Chairman, I rise in favor of the Pelosi amendment for two reasons that I want to reiterate: independent review, and two, the scope of what we want to accomplish. First the independence. In our committee report, which is available to the general public and is not classified, we say on page 16, and I quote, "The committee believes it critical that a comprehensive examination be conducted independently of the Federal Government."

The committee, in a bipartisan way, says on page 17, and I quote, "The Committee continues to believe that there is a need for a fundamental review of the Intelligence Community's authorities, structure, funding levels, procedures, areas of mission emphasis, security procedures, depth and breadth of analytic expertise, and interagency relationships."

On page 26, in a bipartisan way, the committee again states in our report, "Section 306 of the bill establishes an independent commission to review the performance of those Federal public safety, law enforcement and national security departments and agencies responsible for preventing and/or responding to acts of terrorism in the period prior to and including September 11, 2001."

We go on to talk about why we think it is so important for these eight members to be thoughtful, independent, wise, have good reputations for working in these areas. So we voted as a committee, in a bipartisan way, to establish this independent review. Now, it is on the floor and there is some debate as to what we should do.

Secondly, the debate now is over the scope. The gentleman from Florida's (Mr. GOSS) language reads, and I will quote the following with respect to the acts of terrorism, and he goes on to say what we need to look at. "The Commission shall review the national security readiness of the United States to identify structural impediments to the effective collection, analysis, and sharing of information on national security threats, particularly terrorism."

That is well and good. Our independent review, however, says, let us look at a host of government agencies, not to lay blame, not to fire people, not to roll heads, but to look at the roll of the Customs, the INS, the border control, the CIA, the DIA, the State Department, the Department of Justice, the FBI and put eight thoughtful people, Democrats and Republicans, in a room and give us an independent analysis.

Some people have mentioned a commission or commissions that have done this, and we have a host of them. None of them have been done since September 11, when we had 6,000 people die in New York City. That was an attack not on New York, not on America, on the world, with hundreds of people from lots of countries being killed.

So let us look thoughtfully at an independent review. Let us look at a vast scope and let us not look to blame people but to protect the homeland of the United States from future attacks.

I support the Pelosi language.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

I have been on this committee now for a number of years, and in my work on the committee I have gotten to know a number of people in the intelligence community, and they are very, very fine people. I have a great deal of respect for the men and women who work to provide the best real-time information for our policy-makers and war fighters.

The events of September 11, however, have caused Americans and people all over the world to ask the questions, to ask the committee members, to ask the Members of the Congress as they go back to their districts, how did this happen, how did we allow our guard to go down such that this could happen.

We do not have the answers yet, but one of the vehicles to give the American people the understanding that we are seriously looking to find the real answers is to have a commission that is independent and that can give the clear perception that we are trying to get the truth. The way to do that is not, in my opinion, to have a closed club, a closed community reviewing itself and its performance. As we would say in Georgia, not to have the fox guarding the hen house.

Instead, we need to have an open, independent group of well-thinking people who can, as Ms. PELOSI's amendment suggests, go about this work in a way that will give credibility and meaning and give reassurances to the people of our country and the world that we are sincerely going after the truth so that we can make sure that nothing like this will ever happen again.

I would urge my colleagues to please let us have an independent commission that can do the work, the scope that needs to be done so that our people will have assurances that they need.

Mr. Chairman, I yield to our ranking member, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding and wish to associate myself with the remarks of my colleagues and thank them for their support of this amendment.

I believe, Mr. Chairman, that there will be a number of inquiries into the circumstances surrounding the September 11 terrorist attacks. Committees of the Congress will rightfully conduct some of these inquiries. Elements of the executive branch will conduct others. In the judgment of a majority of the committee, and after the vote was taken, our bill was reported out unanimously, it was important to assure that at least one of these inquiries be as independent as possible of the interests of the departments and agencies whose performance is being assessed.

This is not to be an inquiry focused exclusively on the intelligence community. It is to examine across the board the performance of the national security establishment in preventing, preparing and/or responding to acts of terrorism.

There is a tremendous concern in the country, great questions about what went terribly wrong on September 11, and the nation was not as prepared as it should have been. Everybody could have been doing his or her job perfectly well, but the lack of coordination or collaboration may be the weakness that we need to find. I think we need to respond to the concerns of the American people in a responsible way, and the independent review as outlined in the bill is the appropriate response.

Who appoints this? The President and the leadership of the Senate and the House are to appoint the members of the commission. I have confidence in the President and his intention to appoint two members of the highest quality and independence of thought who will fairly but thoroughly discharge their responsibilities on this.

We must focus on the future. That is understandable, desirable, necessary, but I would submit that it is difficult to make wise decisions about future actions unless we understand what worked and what did not in the past. It seems to me that it is even more important in light of the horrific events which occurred on September 11.

□ 1130

The unimaginable has now become the predictable. We must look to ourselves to see what exposure we have, what vulnerability we have in the systems, in the agencies that deal with terrorism. I think an independent review is what will give the American people the confidence that they seek, that we are in the best possible position to prevent future attacks.

In closing, Mr. Chairman, as I say, we cooperated as fully as possible but would not give up on the issue of independence.

Mr. BOSWELL. Mr. Chairman, I move to strike the requisite number of words, and I will be very brief.

As I said earlier, I am a newcomer to the committee, but the chairman is doing a great job, and he has good help from our ranking member, and all of us.

We had this discussion not too long ago, and I understood that the chairman was supportive of this at that moment, and I think that he is. There is some difference here.

I remember one of our Members, and I do not think he would mind, I certainly respect him as a close personal friend and ally, a colleague from the chairman's side of the aisle, that said we do not need this, we can do it. And he was right. We could do it. We could, with extra pieces there. Between the chairman and the gentlewoman from California (Ms. PELOSI) there, I have no doubt we could do it. But that is not the question. Something terrible has happened in our country. This is America, and the people of the country want to know.

So I do not feel threatened that we would do this. I do not have a problem with doing it the chairman's way. I think that would be fine. And then as I listen to the discussion and debate in committee and in here today, to do the amendment of our ranking member, I am not troubled with that. I have the confidence in our country and our people, in this institution, that we can do that. America wants answers and we can do this.

This opens up an independent review appointed by the President and the leaders of these two Houses. It is not a threat. We can do it. This is the United States of America, a democracy, the leading democracy in our history. Let us do it. Let us just get it done. I support the gentlewoman from California (Ms. PELOSI).

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I raced to the floor as I heard the discussion of the Pelosi amendment; and although I was not able to speak before the final vote, I just wanted to rise briefly in strong support of the Pelosi amendment.

As a New Yorker, as we go from one funeral to wakes, to vigils, to the site to see the pain, to see the suffering of the families, of the children, and as we work hard to do what we have to do to rebuild our great city, I think we would be remiss if while we are moving forward, and I have confidence that the best minds in this country are focused like a laser beam on what we have to do to move forward to ensure that this kind of horror, the incomprehensible, does not happen again. I think we would be remiss if we did not ensure that there was an independent review.

The amendment of the gentlewoman from California emphasized the independence of the review and the scope of the review. Again, my colleagues, while we are moving forward and doing what we have to do to prevent the horror of this kind of incident ever occurring again, I think it is absolutely essential that we look at what happened. We can only learn from the past. In order to move forward, we have to evaluate the past and we have to be sure that all the information is in place. If the same people are doing the review, in my judgment we are missing the strength and the power of an independent analyst really looking at the agencies and seeing what perhaps we can do differently.

So I just wanted to make that point again. If we are going to move forward and truly understand the future, my colleagues, it seems to me we have to truly understand what happened in the past. And I just wanted to thank my colleague, the gentlewoman from California (Ms. PELOSI), for offering that amendment.

I appreciate that there was a compromise worked out between the gentleman from Florida (Mr. GOSS) and the ranking member, the gentlewoman from California (Ms. PELOSI); but I wanted to emphasize again that I strongly supported the amendment, and I thank her for bringing it to my colleagues' attention.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. PELOSI) as a substitute for the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment was agreed to.

### AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 5, the Buy American amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

At the end of title III (page 19, after line 18), insert the following new section:

**SEC. . COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated in this Act may be provided to a person or entity unless the person or entity agrees to comply with the Buy American Act (41 U.S.C. 10a–10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds authorized to be appropriated in this Act, it is the sense of Congress that recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

Mr. TRAFICANT. Mr. Chairman, I do plan to withdraw this amendment, and I would like to thank the chairman for a good bill. I do agree with the gentleman from Illinois (Mr. LAHOOD) that the gentleman from Florida (Mr. GOSS) is certainly our intelligence expert here.

Mr. Chairman, I will withdraw my Buy American amendment because the gentleman from Florida and the gentlewoman from California (Ms. PELOSI) have put in stealth language, which is Traficant procurement language in a different form. And being that it is a stealth bill, I do appreciate their including my stealth amendment into the bill.

I thank the chairman for that.

Mr. Chairman, I ask unanimous consent to withdraw the Buy American amendment pending at the desk.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

### AMENDMENT NO. 4 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TRAFICANT:

Page 19, line 15, strike the period and insert the following: ", and shall include a comprehensive assessment of security at the borders of the United States with respect to terrorist and narcotic interdiction efforts.".

Mr. TRAFICANT. Mr. Chairman, I wanted to say a couple of things, and I do not want to belabor the House; but I thought I would take time on my amendment.

I listened to the words of the gentleman from Illinois (Mr. LAHOOD), who is certainly one of our outstanding leaders; and he made a lot of sense. I agreed with the gentleman.

I was prepared to vote with the gentleman from Florida (Mr. GOSS), but I wanted to make a statement today. In the back of the room is the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from California (Mr. LEWIS) came to the floor and he made a point about true bipartisanship. I can remember when the gentleman from Florida (Mr. YOUNG), now the chairman of the full Committee on Appropriations, was chairman of the Subcommittee on Defense and he worked with the gentleman from Pennsylvania (Mr. MURTHA). They came to the floor and they had their problems worked out. The world was not confused with what America was going to do militarily. And we cannot be confused with what we are going to do with our intelligence program.

Let me just take one minute now and give some of my views. Pollard, Hansen, USS *Cole*, Pan Am 103, the first attack on the World Trade Center, that we were warned about. My colleagues, we had anonymous reports and warnings that Pan Am 103 would be blown up.

Now, look, it is not about laying blame. No one in this Congress, with all of our duties, has enough time to see and oversee all of these problems. That is why we have fine leaders, like the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Florida (Mr. GOSS), the gentlewoman from California (Ms. PELOSI), and the gentleman from Florida (Mr. YOUNG).

The commission is wise, but I will say this: we have to be better, and we have to look not only at September 11 but we must now start looking at root causations. I have offered, over a period of years, legislation on an issue dealing with our borders that politically has been shot down. It has been shot down because it has been looked at as an ethnic measure.

Mr. Chairman, I am not concerned about poor people from Mexico running across the border trying to better their lives. But, my colleagues, the soft underbelly of America is wide open. And if we do not take a look at our borders, God forbid, there will be more Americans that will die. I think the gentleman from Florida (Mr. DEUTSCH) made an excellent point. We have got to do better. We must have a zero tolerance on terrorism.

The Traficant amendment, Mr. Chairman, calls for a study on that border. Give us a complete analysis of what is happening. And if we are prepared to put the military at our airports, by God, let us protect our borders.

With that, Mr. Chairman, I ask for an affirmative vote on my amendment, which calls for a comprehensive assessment by this new commission relative to the security of our borders with respect to terrorism and narcotics. And let me say this: narcotics and narcotic traffickers are terrorists.

One other thing. We now have seen planes, we have seen ships, and, my God, there are subways and metros all over America. Literally an army of guerrillas could penetrate our shore with, in fact, a nuclear device; and as the gentleman from Florida (Mr. DEUTSCH) said, perhaps 6 million Americans could die.

Colleagues, when will we address the soft underbelly of our national security which is our border?

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to a gentleman who I have tremendous respect for, and I compliment him on his bill.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding.

I want to simply say that I know of the gentleman's work on behalf of the support for the men and women in our intelligence community. I think he has it exactly right on this question of the borders. The gentleman has already heard one colloquy today with our colleague, the gentleman from New Jersey (Mr. SMITH), on the subject. I certainly accept this amendment as timely and reasonable; and on behalf of the committee, I would be prepared to accept it.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

I just want to comment that the amendment focuses the attention of the commission to be established by section 306 on U.S. border security. Although I believe that important issue would receive appropriate attention under the charge to the commission either as approved by the committee or as amended by the gentleman from Florida (Mr. GOSS), the increased emphasis provided by the Traficant language may be helpful.

We are prepared to accept the Traficant amendment, Mr. Chairman.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I urge an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

### AMENDMENT NO. 9 OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WOLF:

At the end of title III (page 19, after line 18) insert the following new section:

**SEC. 307. IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence, in cooperation with the heads of the departments and agencies of the United States involved, shall implement the recommended changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States contained in the report submitted to the President and the Congress by the National Commission on Terrorism established in section 591 of Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–210).

(b) REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, if the Director of Central Intelligence determines that one or more of the recommended changes referred to in subsection (a) will not be implemented, the Director shall submit to the appropriate congressional committees a report containing a detailed explanation of that determination.

(2) In this subsection, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

Mr. WOLF. Mr. Chairman, I want to thank the chairman, the gentleman from Florida (Mr. GOSS), for allowing and accepting this amendment.

Mr. Chairman, as sponsor of the legislation which created the National Commission on Terrorism, or what some are calling the Bremer Commission, I want to offer this amendment. In light of the tragedy of September 11, I believe it is imperative the U.S. Government be responsive and proactive in combating terrorism. As we mourn the loss of life of the terrorist attacks, 27 people from my congressional district, we must be resolved to do whatever it takes to win the war against terrorism.

The National Commission on Terrorism was established by Public Law 105–277. No Member, I believe, voted against it in 1998.

□ 1145

Congress gave the commission 6 months because they wanted this thing done quickly to review the laws, the regulations, the directives, the policies, and the practices for preventing and punishing international terrorism directed against the United States, assess their effectiveness, and recommend changes to improve U.S. counterterrorism performance.

The commission issued its recommendations in June of 2000. Given that the commission was comprised of the Nation's leading terrorism experts, including L. Paul Bremer, President Reagan's counterterrorism czar; former CIA Director, James Woolsey; and retired Army General, Wayne Downing, just appointed with a high position with this administration, one would think that their recommendations and advice would have been taken seriously by those in government.

Unfortunately, it appears that some in government either ignored or actively worked to discredit the work of the commission. A recent article in The New Republic alleges that some worked to discredit the findings of the commission report by spinning, by inferring that it did certain things that it did not do. This is troubling, particularly in the wake of the events of September 11, and is why I am offering the amendment today, and for those who do not serve on the committee, to have some mechanism to find out whether any of these recommendations are being followed. Because the director of the CIA is the lead government official, the director has wide-ranging responsibilities in directing the Nation's policy on combating terrorism.

The amendment says not later than 90 days after the enactment of this legislation, the director of Central Intelligence, in cooperation with the heads of the departments and agencies involved, shall implement the recommended changes to counterterrorism policies in preventing and punishing international terrorism directed towards the United States contained in the report submitted to the President and the Congress by the National Commission on Terrorism.

In addition, not later than 90 days after the date of enactment, if the director of Central Intelligence determines that one or more of the recommended changes will not be implemented, the director shall submit to the Permanent Select Committee on Intelligence a report containing a detailed explanation of that determination.

Mr. Chairman, I am not going to go through all of the recommendations; but there were a couple of recommendations, some of which are being carried out in this bill. For those who are interested, Members can view the commission's report at www.fas.org.

Mr. Chairman, I would urge that this amendment be adopted; and I ask the gentleman, the chairman of the Permanent Select Committee on Intelligence, that we keep this in, that this not be dropped in conference. I morally would not be able to support the conference report if this language were dropped.

Having been at a town meeting last week where two families lost loved ones, knowing the work that was put into the commission, the Congress has to know what has been adopted and what has not, and there very well may be good reasons why they have not been. I am not on the Permanent Select Committee on Intelligence, and I would trust the committee to know. I ask the gentleman to keep this in so I can comfortably and morally vote for the conference report.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, of course we will do that in conference; and we will do more. We have a special subcommittee that is working on some of the matters, as is the whole committee. I thank the gentleman for his efforts to enhance our national security.

I especially appreciate the amendment that urges the full information of the counterterrorism recommendations offered recently by the Bremer Commission. The gentlewoman from California (Ms. HARMAN) was on that commission. I share the gentleman's concern that the intelligence community has failed to adopt the recommendations of the Bremer Commission. We understand that there is work to be done, and we have noted it in this bill.

As reflected in the committee's adoption of section 403 rescinding the CIA's 1995 guidelines on foreign asset recruitment, the committee as a whole has acted on the Bremer Commission's most urgent recommendation. There is full committee support on that. Given the tragic events of September 11, this amendment is timely and reasonable; and I will accept it on behalf of the committee and thank the gentleman for his innovation.

Mr. WOLF. Mr. Chairman, I thank the gentleman and I thank the staff and the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to speak on the Wolf amendment. As I understand the purpose of the amendment, it is to ensure that the DCI formally responds to the recommendations of the Bremer Commission on Terrorism by indicating which of those recommendations make sense to implement and which do not.

As such, a response would be a useful contribution to the work of our Subcommittee on Terrorism; and we are, therefore, pleased as the full committee on the minority side to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

## *TITLE IV—CENTRAL INTELLIGENCE AGENCY*

### *SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.*

*Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended as follows:*

*(1) Subsection (g)(1) is amended—*

*(A) by striking "December" and inserting "January"; and*

*(B) by striking "conduct" and inserting "complete".*

*(2) Subsection (h) is amended—*

*(A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;*

*(B) in paragraph (1), as so redesignated, by striking "(3)" and inserting "(2)"; and*

*(C) in paragraph (2), as so redesignated, by striking "(2)" and inserting "(1)".*

### SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY ACT.

*(a) EXTENSION OF AUTHORITY.—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36, 50 U.S.C. 403–4 note) is amended by striking "September 30, 2002" and inserting "September 30, 2003".*

*(b) REMITTANCE OF FUNDS.—Section 2(i) of that Act is amended by striking "or 2002" and inserting "2002, or 2003".*

### SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN FOREIGN ASSETS.

*Recognizing dissatisfaction with the provisions of the guidelines of the Central Intelligence Agency (promulgated in 1995) for handling cases involving foreign assets or sources with human rights concerns, the Director of Central Intelligence shall—*

*(1) rescind the provisions of the guidelines for handling such cases; and*

*(2) provide for provisions for handling such cases that more appropriately weigh and incentivize risks to achieve successful operations.*

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT NO. 3 OFFERED BY MR. SIMMONS

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SIMMONS:

At the end of title IV, page 21, after line 12, insert the following new section:

### SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking "one-half" and inserting "100 percent".

Mr. SIMMONS. Mr. Chairman, I have what I believe is a friendly amendment to the Intelligence Authorization Act of 2002. The purpose of the amendment is to require that the Central Intelligence Agency assume 100 percent of the cost of personal liability insurance for certain CIA employees involved in counterterrorism activities.

For 10 years, I served with the CIA. During that period, 5 of which were spent overseas, I was engaged in intelligence collection, counterintelligence and counterespionage activities, and on occasion counterterrorism activities. The work was difficult and the work was dangerous; but at no time did I ever doubt that my government would not protect me from personal liability if I encountered a lawsuit as a consequence of my professional duties.

Today I understand that CIA officers engaged in counterterrorism activities are virtually required to buy liability insurance, but the CIA only pays 50 percent of the cost. What incentive does a CIA case officer have to do the job if he or she is subject to liability lawsuits? Why would they take any risks in their professional duties if the government was unwilling to cover the cost of their liability.

I realize I served at a different time and in different places, but I still had 100 percent of the backing of my government. And I think it is time that we extend this backing to agents today engaged in counterterrorism activities.

Mr. Chairman, it is not a new idea; and it is not an original idea. In fact, it was a recommendation of the same commission that my colleague, the gentleman from Virginia (Mr. WOLF), referred to a few minutes ago. That report said, "The risk of personal liability arising from actions taken in an official capacity discourages law enforcement and intelligence personnel from taking bold actions to combat terrorism." Discourages intelligence personnel from taking bold actions to combat terrorism.

The tragic events of September 11 have changed us all, and it is apparent from those events that we must do better in our counterterrorism activities. We must have case officers and agents who are bold in their actions to combat these activities. The least we can do is provide them with the liability coverage they need to ensure that they have the full backing of the government.

I believe my amendment provides this backing, and I urge my colleagues to support the amendment.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I congratulate the gentleman for his amendment and his work in the area of the intelligence community. I know that he brings a value-added contribution because of his experience, and we value that.

The provision improves on language and authority that was included in last year's intelligence act. As does the gentleman from Connecticut, I believe giving the DCI discretionary authority to provide full insurance liability protection to CIA employees is a small but important benefit that we can provide to public servants who are putting their lives at risk for us. This amendment is timely, and I accept it on behalf of the committee and congratulate the gentleman for it.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I, too, commend the gentleman. The amendment ensures that those CIA employees for whom the Director of Central Intelligence determines that there is a need to carry professional liability insurance, the full cost of that insurance will be borne by the CIA, and as the distinguished chairman mentioned, the determination of the need is left at the discretion of the DCI. The amendment serves a very useful purpose. We accept it as well.

Mr. SIMMONS. Mr. Chairman, I thank the gentlewoman for her comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

## TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

### SEC. 501. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

*(a) AUTHORITY.—Section 422 of title 10, United States Code, is amended by adding at the end the following:*

*"(b) PROMOTIONAL ITEMS FOR RECRUITMENT PURPOSES.—The Secretary of Defense may use funds available for an intelligence element of the Department of Defense to purchase promotional items of nominal value for use in the recruitment of individuals for employment by that element.".*

*(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:*

***"§ 422. Use of funds for certain incidental purposes".***

*(2) Such section is further amended by inserting at the beginning of the text of the section the following:*

*"(a) COUNTERINTELLIGENCE OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.—".*

*(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 21 of such title is amended to read as follows:*

*"422. Use of funds for certain incidental purposes.".*

### SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY-OF-LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

*Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), as amended by section 502 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat. 2262) and by section 502 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1619), is further amended by striking "for fiscal years 2000 and 2001" and inserting "for fiscal years 2002 and 2003".*

### SEC. 503. CONTINUATION OF JOINT INTERAGENCY TASK FORCE AT CURRENT LOCATIONS IN FLORIDA AND CALIFORNIA.

*(a) MAIN LOCATION.—The Secretary of Defense shall continue to maintain the Joint Interagency Task Force at Key West, Florida, with the responsibility for coordinating drug interdiction efforts in the Western Hemisphere and with such additional responsibilities regarding worldwide intelligence for counterdrug operations as the Secretary may assign.*

*(b) COMPONENT LOCATION.—The Secretary of Defense shall convert the Joint Interagency Task Force located at Alameda, California, to be a component site of the main location specified in subsection (a).*

*(c) DIRECTOR.—The Director of the Joint Interagency Task Force shall be a flag officer of the Coast Guard.*

### SEC. 504. MODIFICATION OF AUTHORITIES RELATING TO INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

*(a) CERTIFICATION REQUIRED FOR IMMUNITY.—Subsection (a)(2) of section 1012 of the*

*National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2837; 22 U.S.C. 2291–4) is amended by striking ", before the interdiction occurs, has determined" and inserting "has, during the 12-month period ending on the date of the interdiction, certified to Congress".*

*(b) ANNUAL REPORTS.—That section is further amended—*

*(1) by redesignating subsection (c) as subsection (d); and*

*(2) by inserting after subsection (b) the following new subsection:*

*"(c) ANNUAL REPORTS.—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:*

*"(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.*

*"(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.*

*"(C) A complete description of any assistance provided under subsection (b).*

*"(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).*

*"(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".*

***SEC. 505. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.***

*(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§462. Financial assistance to certain employees in acquisition of critical skills***

*"The Secretary of Defense may establish an undergraduate training program with respect to civilian employees of the National Imagery and Mapping Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:*

*"462. Financial assistance to certain employees in acquisition of critical skills.".*

***SEC. 506. TECHNICAL AMENDMENTS.***

*Section 2555 of title 10, United States Code, as added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654, 1654A–324), is amended—*

*(1) in subsection (a)—*

*(A) by striking "CONVEY OR" in the subsection heading and inserting "TRANSFER TITLE TO OR OTHERWISE";*

*(B) in paragraph (1)—*

*(i) by striking "convey" and inserting "transfer title"; and*

*(ii) by striking "and" after "equipment;";*

*(C) by striking the period at the end of paragraph (2) and inserting "; and"; and*

*(D) by adding at the end the following new paragraph:*

*"(3) inspect, test, maintain, repair, or replace any such equipment."; and*

*(2) in subsection (b)—*

*(A) by striking "conveyed or otherwise provided" and inserting "provided to a foreign government";*

*(B) by inserting "and" at the end of paragraph (1);*

*(C) by striking "; and" at the end of paragraph (2) and inserting a period; and*

*(D) by striking paragraph (3).*

### AMENDMENT NO. 7 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GOSS:

Strike section 503 (page 23, lines 1 through 16).

Strike section 506 (page 26, line 1, through page 27, line 5).

Mr. GOSS. Mr. Chairman, my amendment strikes section 503 and 506.

By way of explanation, 506 is a technical amendment which I understand has now been incorporated within H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. With respect to section 503 on the status of intelligence fusion centers in Florida and California, I have been asked by the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Armed Services, to defer further action on this provision pending consultations between our committees.

Mr. Chairman, I certainly am prepared to honor the gentleman's request and would like to do so.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, it is my understanding that issues raised by 503 will be addressed in the conference report. With that understanding, I am pleased to agree to the gentleman's amendment.

Mr. GOSS. Mr. Chairman, reclaiming my time, I believe that is accurate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 252, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1200

### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2883, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

### GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

### FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 248 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2646.

□ 1200

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, with Mr. LaHood in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, October 4, 2001, amendment No. 34 printed in the Congressional Record by the gentlewoman from Ohio (Ms. Kaptur) had been withdrawn.

Pursuant to the order of the House of that day, no further amendment may be offered except one pro forma amendment each offered by the chairman or ranking minority member of the Committee on Agriculture or their designees for the purpose of debate.

There being no further amendments in order under the order of the House, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. SHAYS. Mr. Chairman, during my service in Congress, I have consistently opposed agricultural welfare programs. This Farm Bill, for the most part, represents business-as-usual for our nation's heavily-subsidized farmers. It's unfortunate to know that at a time of such advances in every other area of our lives, our agriculture sector has all the sophistication of a Soviet commune.

But there is something to smile about, because this Farm Bill contains one vital reform: the abolition of the federal peanut quota program. This program is truly a relic of the Great Depression, and today it's put on notice that its days are numbered.

The General Accounting Office has found the peanut program provides substantial benefits to a small number of producers who hold most of the quota, restricts peanut production by other farmers, and increases consumer costs by between $300 million and $500 million annually.

For years, I've had a hard time understanding why our government favors one group of American peanut farmers—those who own quotas—over other American farmers who don't own this privilege. This program harms so many for the benefit of such a select few.

My partner in reform, Congressman Paul Kanjorski, and I have always maintained that it was not our intention to pull the rug out from under our nation's peanut farmers. Rather, our goal has always been to bring peanuts in line with other commodities, and the legislation we introduced replaced quota restrictions with the same non-recourse loan system enjoyed by other commodities.

Some of my colleagues may be concerned with the Farm Bill's approach, which shifts the burden from consumers to taxpayers.

I agree this compromise isn't perfect, but it does meet two essential criteria we've set for reform. First, and most important, it repeals the quota system. This is the key to making the peanut industry more market-oriented, providing a level playing field for farmers, and promoting international trade.

Second, as GAO confirmed in correspondence I will submit for the record, this bill "Would essentially bring the peanut program in line with other commodity programs."

Why is this important? Because taking peanuts off a separate track will ultimately make it easier to enact future reforms. It also exposes the hidden costs of the existing program by putting it "on the books."

There are still some concerns I have with what we're accomplishing today. First, this legislation compensates quota holders for the loss of their asset, which I must confess I think is fair. While those of us who want reform are willing to accept this provision, it is only under the understanding that the Chairman shares our commitment to let it expire after five years specified in this bill.

Second, at a cost of $3.5 billion over 10 years, these reforms will come at some expense. With a rapidly shrinking budget surplus and tremendous needs in other areas, we are going to have to reexamine whether this is the best use of taxpayers' dollars.

Finally, I'm concerned about findings by the GAO that several of the new subsidies for peanuts may be identified as "trade distorting" under the 1994 Uruguay Round of trade talks. If we expect other nations to lower their trade barriers, we need to ensure we're not erecting barriers of our own.

Mr. Chairman, during the course of debate on this bill, I'm going to continue to express reservations about our overall agriculture policy. But at this moment, I want to commend the Chairman of the Agriculture Committee, Mr. Combest, for bringing us closer that we've ever been to ending the Byzantine system of price supports for peanuts.

I would also request unanimous consent to submit for the Congressional Record a September 26 letter from the General Accounting Office reviewing the peanut title of this Farm Bill.

United States General Accounting
Office,
*Washington, DC, September 26, 2001.*

Hon. Christopher Shays,
*House of Representatives.*

Hon. Paul E. Kanjorski,
*House of Representatives.*

Subject Peanut Program: Potential Effects of Proposed Farm Bill on Producers, Consumers, Government, and Peanut Imports and Exports.

The current federal peanut program, administered by the U.S. Department of Agriculture (USDA), is designed to support producers' incomes while ensuring an ample supply of domestically produced peanuts. To accomplish these goals, the program controls the domestic supply of peanuts and guarantees producers a minimum price for their crops. This price substantially exceeds the price of peanuts in world markets. The program uses two mechanisms to control the domestic supply of peanuts: (1) a national quota on the number of pounds that can be sold for edible consumption domestically and (2) import restrictions. While anyone can grow peanuts, only producers holding quota, either through ownership or rental of farmland, may sell their peanuts domestically, as "quota" peanuts. Generally, all other production, referred to as "additional" peanuts, must be exported or crushed for oil and meal. The program protects producers' incomes though a two-tiered system that sets minimum support prices for quota and for additional peanuts. Producers of quota peanuts are guaranteed a support price of $610 per-ton, called the "quota loan rate." Producers of additional peanuts are guaranteed a lower support price of $132 per-ton, called the "additional loan rate." Producers may sell their peanuts at or above these loan rates, or they may place their peanuts under loan with USDA and have the government sell them. This program, while long-standing, has been criticized by GAO and others because, among other things, it provides substantial benefits to a relatively small number of producers who hold most of the quota, generally restricts nonquota holders from producing peanuts for the U.S. domestic market, and increases consumers' cost. The program is, however, designed to operate generally at "no-net cost" to the government. Additionally, since the $610 per-ton quota loan rate is substantially higher than the estimated world price—$321 to $462 per-ton from 1996 through 2000—the quota loan rate provides incentives for exporting countries to maximize the quantity of peanuts the U.S. allows to be imported under recent trade agreements. These imports could displace domestically produced peanuts that otherwise would enter U.S. food marketing channels.

To address these and other concerns about the peanut program, you asked that we review its structure and operations under the 1996 Farm Bill, and its impacts on producers, consumers, the federal government, and imports and exports of peanuts. However, on July 27, 2001, before we completed our review, the House Committee on Agriculture approved the 2002 Farm Bill, for 2002 through 2011 (the Farm Security Act of 2001, H.R. 2646). If enacted, this bill would fundamentally alter the peanut program's structure by, among other things, eliminating the national poundage quota and allowing peanut buyers to purchase domestically produced peanuts at the prevailing market price. Because of your interest in making the program more market-oriented, you subsequently asked us to report on the potential impact of this bill on producers, consumers, the federal government, and imports and exports of peanuts.

## MAJOR CHANGES TO THE PEANUT PROGRAM UNDER THE HOUSE COMMITTEE ON AGRICULTURE'S BILL

Beginning in 2002, and for the next 10 years, the bill passed by the House Committee on Agriculture would eliminate the national poundage quota and replace the current two-tiered price system with several new support mechanisms for peanut quota owners and producers. These changes would essentially bring the peanut program in line with other commodity programs. The bill would establish the following new types of support for peanut producers:

A "counter-cyclical" payment. This payment would provide financial assistance to producers when prices are below a legislatively established target price. Peanut producers would receive a payment based on the difference between a USDA-calculated price and a $480 target price—known as a counter-cyclical payment. The payment amount would be calculated on 85 percent of a producer's peanut acres and the average yield for crop years 1998 through 2001. A producer's production during these years would be the producer's base production. Since the payment would be calculated using historic yield and acreage, producers would receive it even if they choose not to plant peanuts. According to the Congressional Budget Office (CBO), the counter-cyclical payments would cost an estimated $1.24 billion in government expenditures over the life of the farm bill.

A "fixed, decoupled" payment. This payment would provide peanut producers with compensation similar to the production flexibility contract payments provided for other crops, such as cotton and wheat, in the 1996 Farm Bill (Federal Agriculture Improvement and Reform Act of 1996). Producers with base production would receive support—known as a fixed, decoupled payment—in the amount of $36 per-ton on the base production. This support is called "decoupled" because it would be paid whether or not a producer chooses to grow peanuts and regardless of market prices. Since the payment would be calculated using historic yield and acreage, producers would receive it even if they choose not to plant peanuts. According to CBO, the fixed, decoupled payments would cost an estimated $0.63 billion over the life of the farm bill.

A marketing assistance loan. This loan would provide producers with interim financial assistance at harvest, when prices are usually lower than at other times of the marketing year. Producers could pledge their stored peanuts as collateral for up to 9 months at a loan rate of $350 per-ton. Producers would then repay the loan at a rate that is the lesser of (1) $350 per-ton plus interest or (2) a USDA-calculated loan repayment rate, which was not specified in the bill. If producers were to redeem the loan at less than the loan amount, they would realize a marketing loan gain. Alternatively, producers could receive an amount equivalent to the marketing assistance loan gain, referred to as a loan deficiency payment, by agreeing to forgo a loan. Producers would also be able to forfeit their peanuts to the government as payment for their loan, regardless of the market value of peanuts at the time. According to CBO, the marketing loan payments will cost an estimated $0.44 billion over the life of the farm bill.

A "buy-out" payment. Quota owners would receive compensation for the lost asset value of their quota. This "buy-out" payment would be made in five annual installments of $200 per-ton during fiscal years 2002 through 2006. The payment would be based on the quota owners' 2001 quota. According to CBO, payments would total $1.18 billion to quota owners for the 5-year period from 2002 through 2006.

All peanut producers would be eligible to receive a marketing assistance loan or a loan deficiency payment. However, only those who produced peanuts during crop years 1998 through 2001 (the base production period) would be eligible to receive counter-cyclical and fixed, decoupled payments.

### ALL PEANUT PRODUCERS WOULD BENEFIT UNDER THE HOUSE COMMITTEE ON AGRICULTURE'S BILL

New and existing peanut producers would benefit from the support mechanisms contained in the House Committee bill. Table 1 shows the estimated amounts producers would receive from peanut sales and government support under the current peanut program compared with the House Committee bill. Because the peanut provisions of the House Committee bill would essentially establish minimum guaranteed prices—a target price of $480 per-ton for base production and a $350 per-ton marketing assistance loan for all other production—the amounts shown in the table generally represent the minimum amount producers could expect to receive for their production.

The table assumes that a peanut producer has 100 acres under production, a yield of 2,500 pounds per acre, and receives a market price of $325 per-ton. These production and yield assumptions are based on national averages contained in USDA's 1997 Census of Agriculture. The $325 market price is an estimate based on conversations with shellers and area marketing associations in August 2001.

TABLE 1.—MINIMUM ESTIMATED AMOUNTS PRODUCER WOULD RECEIVE UNDER THE CURRENT AND PROPOSED PEANUT PROGRAMS, ON 100 ACRES OF PRODUCTION

| Types of program supports | 100 percent quota producer with base production | 100 percent additional producer with base production | New producer without base production |
|---|---|---|---|
| Current program: | | | |
| Quota support price | [1]$76,250 | Not applicable | Not applicable |
| Additional support price | Not applicable | [2]$16,500 | [2]$16,500 |
| Total amount | $76,250 | $16,500 | $16,500 |
| Proposed program: | | | |
| Market revenue | [2]$40,625 | [3]$40,625 | [3]$40,625 |
| Counter-cyclical | [4]$9,988 | [4]$9,988 | Not applicable |
| Fixed, decoupled | [5]$3,825 | [5]$3,825 | Not applicable |
| Marketing assistance loan gain | [6]$3,125 | [6]$3,125 | [6]$3,125 |
| Lost asset value | [7]$25,000 | Not applicable | Not applicable |
| Total amount | $82,563 | $57,563 | $43,750 |
| Difference between current and proposed program | $6,313 | $41,063 | $27,250 |

[1] Represents the product of the $610 per-ton quota support price times 1.25 tons (2,500 pounds per acre) times 100 acres. Because this is considered a "no-net cost" program to the government, this is paid by the consumer.

[2] Represents the minimum amount an additional or new peanut producer would receive, calculated as the product of $132 per-ton additional loan rate times 1.25 tons (2,500 pounds per acre) times 100 acres. However, these producers may receive higher amounts if they sell their peanuts for export rather than placing them under loan.

[3] Represents the $325 per-ton market price times 1.25 tons (2,500 pounds per acre) times 100 acres.

[4] Represents the $480 per-ton target price minus the $350 loan rate and the $36 per-ton fixed, decoupled payment times 1.25 tons (2,500 pounds per acre) times 100 acres times 85 percent. Producers would receive this payment even if they choose not to plant peanuts since it is calculated using historic yield and acreage.

[5] Represents the $36 per-ton fixed, decoupled payment times 1.25 tons (2,500 pounds per acre) times 100 acres times 85 percent. Producers would receive this payment even if they choose not to plant peanuts since it is calculated using historic yield and acreage.

[6] Represents either a marketing loan gain or a loan deficiency payment. It is the product of the difference between the $350 per-ton marketing assistance loan and the $325 per-ton market price times 1.25 tons (2,500 pounds per acre) times 100 acres. If the market price decreases, these government support costs would increase to make up the difference between the lower market price and the marketing assistance loan rate.

[7] Represents the product of the $200 per-ton compensation for the lost asset value of quota times 1.25 tons (2,500 pounds per acre) times 100 acres. This "buy-out" payment is only paid during fiscal years 2002–2006.

Note.—Under the proposed program, producers with base production could also receive support as a new producer if they expand production.

Source: GAO's analysis of USDA's data and the House Committee bill.

As the table shows, most of the government's payments under the House Committee bill would go to quota peanut producers with base production, followed by payments to additional peanut producers with base production. This is because quota holders and additional producers would be eligible to receive the counter-cyclical payment, the fixed, decoupled payment, and a marketing assistance loan payment. In addition, quota owners would be compensated for the value of their lost asset.

Nevertheless, current additional and new peanut producers potentially gain the most under the House Committee bill because they could (1) market their peanuts in the domestic edible market and (2) receive a minimum guaranteed price of $350 per-ton under the marketing assistance loan. For example, as the table shows, producers of additional peanuts with base production on 100 acres would have been guaranteed $16,500 per year under the existing program, compared with $57,563 under the proposed bill.

Peanut production would be expected to increase to the extent that the House Committee bill would provide increased returns to producers that are higher than the returns they would have received under the old program or that are higher relative to other commodities that they produce. If production increases, it is likely to cause market prices for peanuts to fall and government payments to increase.

### CONSUMERS SHOULD PAY LESS FOR PEANUTS, BUT THE GOVERNMENT WOULD PAY MORE

Under the House Committee on Agriculture's bill, the burden of supporting peanut producers would shift from consumers to the government. Consumers—defined as shellers, manufacturers, and the general public—should pay less for domestically produced peanuts because the proposed legislation would eliminate the $610 quota support price, which is substantially higher than the estimated $321 to $462 per-ton world price over the past 5 years.

While consumers should benefit under the House Committee bill, government costs would increase. For example, the current peanut program is intended to operate with no net cost to the government, while the House Committee bill would provide direct government support payments to peanut producers. CBO estimates that these direct support payments would cost $3.5 billion over the next 10 years. This cost estimate includes counter-cyclical and fixed, decoupled payments, marketing assistance loans, and the buy-out payments for the lost asset value of the quota. To the extent to which producers expand production beyond CBO's estimates, increases in government costs could be greater than estimated.

### PROPOSED PROGRAM PROVISIONS MAY BE CONSIDERED TRADE DISTORTING BUT SHOULD DECREASE INCENTIVES FOR IMPORTS

Several of the new support mechanisms contained in the House Committee bill may be identified as "trade distoring"—altering free trade of peanuts—under the 1994 Uruguay Round Agreement on Agriculture. For example, gains resulting from loan deficiency payments and marketing assistance loans for other crops, such as corn and cotton, have previously been identified as trade distorting by USDA. Our obligation under the Uruguay Round Agreement is to hold the amount of such U.S. trade-distorting government support below $19.1 billion annually by 2000. In 1998, USDA notified the World Trade Organization that 12 commodities received support identified as trade distorting, but the amount remained within the cap. Negotiations are under way, however, to further reduce trade-distorting government support.

Although some of the new support mechanisms may be considered trade distorting, to the extent to which they lead to lower domestic peanut prices, these supports should reduce incentives for imports, primarily from Argentina and Mexico. According to peanut shellers, domestically produced peanuts would be purchased at prices that are less than the current $610 per-ton quota loan rate. The shellers also hope that a lower U.S. peanut price will help them increase exports.

### AGENCY COMMENTS

We received oral comments on a draft of this report from USDA's Farm Service Agency, the Foreign Agricultural Service and the Economic Research Service and the U.S. Trade Representative. They generally agreed with the substance of the report and provided technical and clarifying comments, which we incorporated as appropriate. FSA officials also informed us there are certain items in the House Committee bill that will require technical clarification. USDA has sent a letter to the House Agricultural Committee requesting guidance and clarification of these issues and was awaiting a response from the Committee as of the date of this letter.

### SCOPE AND METHODOLOGY

In order to respond to your request, we obtained and analyzed the Farm Security Act of 2001, testimony provided by producer and industry officials to the House Committee on Agriculture in June 2001 and the Senate Committee on Agriculture, Nutrition, and Forestry in July 2001, the World Trade Organization and the USDA Economic Research Service reports on domestic supports, the USDA's 1997 Census of Agriculture, and other information pertaining to domestic and international peanut production. We also interviewed representatives from USDA, peanut area marketing associations, peanut shellers, and a product manufacturer concerning the bill's provisions and potential impacts. To estimate the minimum amount of producer receipts, we reviewed the applicable provisions of the House Committee bill, obtained and examined data on peanut production, yield, and price.

We conducted our work from July through August 2001, in accordance with generally accepted government auditing standards.

We will provide copies of this report to the congressional committees with jurisdiction over farm programs; the Honorable Ann M. Veneman, Secretary of Agriculture; Ambassador Robert B. Zoellick, U.S. Trade Representative; and other interested parties. The letter will also be available on GAO's home page at *http://www.gao.gov.*

If you have any questions about this letter, please contact me at (202) 512-3841 or Assistant Director Robert C. Summers at 404-679-1839. Other key contributors to this report were Carol Bray, Mary Denigan-Macauley, and John C. Smith.

LAWRENCE J. DYCKMAN,
*Director, Natural Resources and Environment.*

Mr. MORAN of Kansas. Mr. Chairman, I rise today to support H.R. 2646, the Farm Security Act of 2001. Today's farm bill is the result of two years' work by Chairman COMBEST and Ranking Member STENHOLM.

On September 18, 1999, eight other members of the House Agriculture Committee, Republicans and Democrats, came to Hutchinson, Kansas for a field hearing on the State of the Farm Economy. The hearing came at a time when Congress was poised to act on its second emergency assistance bill in as many years.

With the passage of a disaster package in October of 1998, the Chairman of the committee saw it appropriate to come to Kansas the next year and begin to hear from farmers and ranchers on suggested changes for farm programs. For the next two years, farmers continued to struggle, and Congress continued to respond with additional emergency spending bills to help producers cope with the sustained period of depressed commodity prices.

During this time, the House Agriculture Committee was not satisfied with simply passing disaster bills with no end in sight. The Chairman of the Committee took the lead in getting new ideas from farmers, ranchers, economists, and other policy experts concerned about U.S. agriculture.

Now, over two years and 40 hearings later, we are here to consider the House version of a new farm bill, H.R. 2646—the Farm Security Act.

The bill before the House today represents a bipartisan compromise, worked through the full committee process. The concepts of the bill were initially released as a draft for members and producers to comment on the proposal. Legislation was drafted, a two-day mark-up was held, and on August 2nd, the Farm Security Act was reported favorably by voice vote of the full House Agriculture Committee.

### CONSERVATION

This bill responds to producers, consumers, and the American public as a whole. First, I would like to speak to an area that has recently been discusses at length: conservation.

As the Vice-Chairman of the subcommittee on Conservation, I am proud to support this bill. Originally, I introduced my own version of a conservation title, H.R. 1938—The Conservation Enhancement Act. I am pleased that many of the provisions of my bill are included in the Farm Security Act. The bill includes an 80 percent funding increase in conservation spending and gives the largest increase to a program for working lands that remain in production agriculture, the Environmental Quality Incentives Program (EQIP).

The EQIP program is instrumental in protecting watersheds, improving environmental practices, and addressing some of the most difficult environmental problems we face today. However, as we heard in hearings from producers and conservation groups, EQIP can't work if it doesn't have adequate funding or flexibility. This bill goes a long way to address both of those important issues.

For small producers, we heard that contracts were too long to be practical and that financial assistance was not made available until all the work, and costs, were already paid by the farmer. For farmers with extremely limited resources, the best intentions can not overcome economic realities of farming. In this bill, we address those issues by allowing costs to be reimbursed earlier and reducing the length of contracts to allow more small farmers to participate.

We also heard from livestock producers about their need to access technical assistance and other the resources available to meet the demands of an increasingly regulated environment. This bill reserves 50 percent of the EQIP funds for livestock producers. If we truly want to fix the problems that exist today, we must allow livestock producers to access the programs that are designed to help address environmental problems.

In addition, the bill creates a water conservation program. While we often focus on water quality issues, for many parts of the country, water conservation is the first step that must be taken to improve the environment.

There are many other provisions of the Conservation title, but I just want to touch on a couple of programs to help explain to my colleagues the sheer size of the work farmers and ranchers are doing today.

The Conservation Reserve Program is one of the most important programs at the United States Department of Agriculture, in terms of reducing water and wind erosion. According to the USDA, each acre of CRP reduces erosion by 19 tons per year. The program has also been extremely successful in enhancing wildlife habitat for many species. Under this bill, CRP is expanded to 39.2 million acres. 39.2 million acres is hard for most of us to conceive. My own yard is about 4 tenths of an acre, and for my lawnmower, that is plenty.

However, the amount of land under the protection of the Conservation Reserve Program is truly enormous.If CRP was a state, it would be the largest state East of the Mississippi. If the area covered by CRP ran along the eastern seaboard, it would entirely cover Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Delaware. For those of you out west, CRP is almost as big as the entire state of Washington.

The Committee bill also increases wetlands conservation by adding an additional 1.5 million acres to the Wetlands Reserve Program. This increase brings the total land in this program up to 2.5 million acres. The total amount of land protected under these two programs and removed from production agriculture is over 41 million acres—an area almost as large as the state of Oklahoma.

You will likely hear today that we need more conservation spending, and at times, it is hard to find a reason to say no, but within the Committee we worked hard to balance demands with the resources available. Conservation and the protection of the environment are important priorities, but they are not the only issues before the committee. There are nine titles in this bill, and each one represents an important part of our policies to help rural America.

### FARM PROGRAMS

Finally, I would like to speak directly on the changes made to farm programs. Farmers and ranchers are experiencing difficult times, but they like several features of the current farm program.

The proposed farm bill retains the flexibility farmers need. The bill retains a market-oriented structure that allows farmers to decide what to plant. The bill also answers the single largest concern we heard from producers throughout the hearings of the last two years—the need for a counter cyclical program.

While no single consensus from all the producers was developed, the Committee heard, loud and clear, that some type of a counter cyclical assistance program was needed. When prices fall dramatically, there does need to be a safety net, and it should not take an act of Congress to kick in. This bill provides farmers with a simple, effective counter cyclical program.

Kansas net farm income dropped by 39.9 percent, last year. This is the fourth largest drop of net income from agriculture of any state in the nation. Clearly, this bill is needed.

Mr. Chairman, I urge all of my colleagues to support this bill. Conservation and farm programs are two of the largest titles of this farm bill, but there area 7 others and all 9 titles have been carefully crafted to address the concerns we heard from constituents across America during our committee hearings.

This is a balanced bill that continues important programs and create new ones to address emerging needs, while still remaining within budget constraints.

The bill is important for this nation's farmers and ranchers, it is important for all of us concerned about a clean environment, and it is important security and safety of this nation's food supply.

Mr. Chairman, with these points in mind, I urge all of my colleagues to support this bill.

Mr. BLUMENAUER. Mr. Chairman, the Farm Bill is an opportunity to help American farmers meet the challenges of a new century. We are the strongest farming nation in the world, with abundant food at reasonable prices and we export far more than we import. However, this comes at a very high price. Our environment, despite some impressive improvements, still suffers. The structure of our current farming industry uses too much water, generates too much pollution, and too much of our best agricultural land is lost due to sprawl, erosion, and misuse. Smaller farmers continue to be forced to sell while entry into the business is prohibitively expensive and difficult.

Perverse programs mean more farmers are dependent on ever-increasing subsidies. The complex web of loans, credits, quotas, and direct payments is expensive for Americans both as taxpayers and consumers. The support system tends to obscure financial impacts while it distorts decisions farmers make regarding type and quantity of crops, often to the detriment of the long-term productivity of the land and the health of the environment. At a time when we seek to open foreign markets to more American production, we are still sheltering ours in ways that violate the spirit, if not the letter, of our own trade agreements.

The United States has been able to survive and some farmers thrive under this system because we had seemingly inexhaustible supplies of fertile land, abundant water, tolerance for cutting environmental corners, and generous financial support. That world is changing. Our environmental standards are getting stronger. Due to the threats of sprawl, water pollution, pesticides, fertilizer, and the excesses of factory farms, the public will never tolerate backsliding. Environmental standards will only get stronger still.

Past practices and government policies have too often stressed our water supplies and the ecosystems that depend upon them. Water systems are depleted far beyond their ability to replenish supply. The inevitable result is more controversy and conflict between competing users. The sad plight of the Klamath Basin in the Pacific Northwest is one example of an emerging pattern all over the West, which will only get worse over time.

American agriculture and our public that depends on it can do better. We must begin now to shift from subsidies that encourage production of some crops, regardless of need, to the protection of land and the people who farm. Paying the farmer to be able to do the right thing is the most cost-effective solution. It is also the only solution that is sustainable for the environment and the taxpayer. Over the course of the next 10 years, we must implement this new vision of agriculture for the new century. In the meantime, we must protect the farms and farmers who choose to take advantage of this opportunity.

Until we have a bill that makes this transition, I must withhold my support.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURR of North Carolina) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, pursuant to House Resolution 248, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COMBEST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 120, not voting 19, as follows:

[Roll No. 371]

YEAS—291

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baird
Baldacci
Ballenger
Barcia
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bonilla
Bonior
Bono
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
DeLauro
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Moore
Moran (KS)
Napolitano
Nethercutt
Ney
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Serrano
Sessions
Sherman
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)

Smith (TX)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

### NAYS—120

Armey
Baldwin
Barr
Barrett
Bass
Berman
Biggert
Blumenauer
Boehlert
Borski
Boswell
Brady (PA)
Brown (OH)
Capuano
Cardin
Castle
Chabot
Conyers
Coyne
Crane
Culberson
Davis (CA)
Davis, Tom
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Doggett
Doolittle
Dreier
Dunn
Eshoo
Fattah
Ferguson
Flake
Fossella
Frank
Frelinghuysen
Gephardt
Goss
Green (WI)
Harman
Hefley
Hinchey
Hoeffel
Hoekstra
Honda
Istook
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lee
Linder
LoBiondo
Lofgren
Maloney (CT)
Maloney (NY)
Markey
McDermott
McHugh
McInnis
McNulty
Meehan
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Northup
Oberstar
Obey
Owens
Paul
Petri
Pitts
Quinn
Ramstad
Rivers
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Sanchez
Sanders
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Simmons
Slaughter
Stark
Stearns
Sununu
Tancredo
Tauscher
Tierney
Toomey
Udall (CO)
Udall (NM)
Velázquez
Wamp
Waters
Weiner
Young (FL)

### NOT VOTING—19

Bachus
Baker
Burton
Callahan
Cox
Duncan
Gibbons
Houghton
Kilpatrick
Lipinski
McCarthy (MO)
Mollohan
Olver
Ros-Lehtinen
Smith (WA)
Thompson (MS)
Visclosky
Waxman
Wexler

☐ 1225

Messrs. SHAYS, QUINN, HONDA and MCNULTY and Mrs. MORELLA changed their vote from "yea" to "nay."

Ms. MCKINNEY changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 371, final passage of H.R. 2646, the Farm Security Act of 2001, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. KILPATRICK. Mr. Speaker, due to District business which required my attention, I am unable to be present for final passage of H.R. 2646, The Farm Security Act, rollcall No. 371. Had I been present, I would have voted "aye."

## GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2646.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2646, FARM SECURITY ACT OF 2001

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2646, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations and cross-references and to make other such technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2960

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2960.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time to inquire of the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, the schedule for the remainder of the day and for the following week.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I am pleased to announce the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, October 9, 2001, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules being granted: the Departments of Labor, Health and Human Services, and Education Appropriations Act for fiscal year 2002; and H.R. 2975, the PATRIOT Act of 2001.

Mr. Speaker, appropriators are also working hard on many bills now in conference, and it is my hope that the appropriations conference reports will be available for consideration in the House at some point next week.

Mr. Speaker, I want to thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I might inquire of the distinguished gentleman from Texas a couple of questions. Can the gentleman from Texas, the distinguished majority leader, tell us what appropriation conference report might in fact surface next week for our consideration?

☐ 1230

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I am pleased to respond. We believe that Interior is the most likely appropriation bill to come back from conference next week.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if we could just review for a second where we are through the appropriation process. There are two left here in the House to do, the Labor-HHS and the Defense bill; is that correct?

Mr. ARMEY. Yes, Mr. Speaker.

Mr. BONIOR. Mr. Speaker, in the Senate, they have four or five left; is that the gentleman's understanding?

Mr. ARMEY. Mr. Speaker, I am not sure exactly, but it is four or five, yes.

Mr. BONIOR. Mr. Speaker, we should expect these conference reports to start to flow with some rapidity here within the next couple of weeks so that we can finish them by the end of perhaps October; is that a fair assessment?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, that is my expectation. I am told by the appropriators who are, in fact, negotiating bicamerally and bipartisanly with the White House that things are going well, and we should have every reason to expect that we could complete our work by the end of the month.

Mr. BONIOR. Mr. Speaker, is the Aviation Security bill possible for schedule next week?

Mr. ARMEY. Mr. Speaker, again, I want to thank the gentleman for the inquiry. If the gentleman will continue to yield, the negotiations on that bill continue. I believe they are really down to one issue, and it is possible that we might see that bill on the floor next week. And as soon as it is agreed to, we will bring it to the floor.

Mr. BONIOR. Mr. Speaker, if I could just make a brief comment on that to the gentleman from Texas. We believe that those who protect and screen our airports should be professionally trained and hired by the Federal Government, and we hope that that will be a part of the bill that moves through this body. And, if not, we hope to have the opportunity to provide the body with a chance to support that concept and that proposal.

The second thing that I want to point out about this bill to the gentleman from Texas is that we believe it is essential that workers who have been laid off be given relief. We passed, the Congress passed, I should say, this $15 billion bill for the airline industries and a $70 billion farm bill. It seems to me we certainly can take care of the literally hundreds of thousands of workers now who have been affected by the results of what occurred on September 11, so I am hopeful that the workers are a part of a relief package.

If we are moving together, I would say to the distinguished gentleman from Texas, as a country, as Americans, through this very difficult period of ours, everyone has to move, everyone has to be brought together, everyone has to be a part of resolving the problems that beset us and are before us. American workers who have borne the brunt of this catastrophe, who are there cleaning up the sites, who will be there reconstructing the sites, and who are fighting for our country today and wearing our uniform, those Americans deserve to have the consideration of the support they need in a time of economic layoffs.

So I want to really emphasize how important that is and how strongly we are going to push that measure as we move ahead in the next week or so. I would ask the gentleman, what is the likelihood of this economic piece being included in the Aviation Security bill?

Mr. ARMEY. Mr. Speaker, let me thank the gentleman again for the inquiry and let me express my sincere appreciation for the points the gentleman has made. On the first point of airline security, there is no doubt about it. Airline security is important; in fact, the security of all transportation in America is important, and that is why indeed we are working so hard. Like the gentleman from Michigan, we believe that the people who are charged with these responsibilities should be professionally trained and competent in the manner in which they carry out their duties. That is why indeed we are working so hard to complete the Airline Security Act which, frankly, would be better understood as a Transportation Security Act for all of America.

Again, the second point that the gentleman raises, the workers that have been finding themselves out of work are, indeed, weighing heavily on the President's mind; and he has sent up a Workers Compensation bill that is being looked at as we speak.

Furthermore, Mr. Speaker, and perhaps even on a larger sense of importance, it is our desire to get every American who wants work and who is able to work back on the job as soon as possible. And that is why so much time and effort is being put into this economic stimulus package which, hopefully, we can find its way working through the Committee on Ways and Means in the near future, in which case we should be able to work together to address these concerns of all of these good, deserving American citizens.

Mr. BONIOR. Mr. Speaker, I thank the gentleman. The President made the first step on this worker compensation package yesterday in his announcements. I understand his position; but I do not agree with it. I think it is woefully inadequate. I do not think there is enough resources there.

The whole unemployment compensation picture is very cloudy in this country. Very few people are eligible for it today. People will be shocked to know that less than 40 percent of the workers in this country are eligible for compensation. In my own State of Michigan, we have a freeze of $300 per week; it has been there since 1995. There are all kinds of reforms that are needed in unemployment compensation.

I know we are moving very quickly to take care of the needs of workers in this country, given what has happened and what was happening before September 11, but we have some very major reforms that are needed. And I hope we can work together to embody these reforms as we move ahead with a transportation security package and with the stimulus package as such in the next week and month ahead.

Finally, if I could just raise this one other point with the gentleman from Texas, my friend, and then I will finish. The markup on Fast Track has been now scheduled for Tuesday. I understand it was postponed today. Is that bill coming to the floor soon? If the gentleman from Texas could help us with that, I would certainly like to know when.

Mr. ARMEY. Mr. Speaker, again, I want to thank the gentleman from Michigan for asking. If the gentleman will continue to yield, the Fast Track or Trade Promotion Authority bill will be, I am told by the chairman of the committee, marked up on Tuesday. I understand this is by agreement with both the Republicans and Democrats in the committee. We would obviously be looking for an opportunity to schedule that bill for the floor as soon after it is reported as possible. At this point, though, until they actually have the markup, I cannot make any pronouncements about its actual floor schedule.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I will just share this final comment with my colleague. I have done it before with him, he knows it, and I just think it is important to reiterate it, and that is that is a very, very divisive issue.

I am sure that it would not be wise to bring that up at this point in this session. To the extent that I could be heard over there, and I know I am talking to people who believe deeply in a concept that is different from mine; I think it would be wise not to raise this issue in this Congress and certainly in this session. I would advise my colleague so. But if it is brought up, we are prepared to have a vigorous debate on it.

I would just say one final thing; I am sounding like a Baptist preacher here, excuse me, I am doing a lot of conclusions and finals, but just let me say in the final conclusion, let me just say to the gentleman from Texas that the industrial heartland of this country has been rocked very hard over the, not just since the September 11 tragedy that has occurred, but prior to that. We have huge numbers of folks in steel and auto and iron and hotel and restaurant and you name it that have been affected by this economy. I really think that the leadership on the gentleman's side of the aisle really has to think hard about whether or not we want to have this debate at this time.

We can go ahead and have it, and we will have a vigorous debate and a vigorous argument and we can respect each other's opinions. But Members need to know that it will be an enormously vigorous, difficult issue. I do not think that is the kind of division that the country is looking for right now. I do not think it would be helpful, and I just hope that the leadership on the gentleman's side of the aisle, including the distinguished majority leader, will factor that in in his decision-making. And I thank the gentleman from Texas (Mr. ARMEY) for listening to me this afternoon.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I thank the gentleman again. If I might say, Mr. Speaker, that one of my favorite parts of my week are these weekly exchanges with the gentleman from Michigan. The gentleman is always very well focused and to the point in the points he makes. I do appreciate the point the gentleman makes, and I do also look forward to what will be a good floor debate and one that I think we will all enjoy participating in.

But if I might, Mr. Speaker, if the gentleman would continue to indulge me, it has been brought to my attention that the gentleman from Michigan and, very likely, the gentleman from St. Louis, Missouri (Mr. GEPHARDT) might find some time, and I would hope very much, to get together Monday night to enjoy the Monday night football game. I have no doubt that one or the other will enjoy it more than one or the other, but I do wish the two gentlemen from Michigan and Missouri an opportunity to watch that game, perhaps together, put down their bets, and maybe just take one evening to have a little bit of good, relaxed companionship around a good sporting event. And we will be back to work with rigorous debate soon after that, but I do not think it hurts any of us to indulge ourselves in what is America's favorite fall-time pastime.

Mr. BONIOR. Mr. Speaker, I think the gentleman from Texas and the gentleman from Michigan share more in common with their respective teams than the gentleman from Missouri; I only wish we had as great a success as the Rams this year. But I appreciate the gentleman's comment and I will take him up on it.

## ADJOURNMENT TO TUESDAY, OCTOBER 9, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 9, 2001, for morning hour debates.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Texas?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request to the gentleman from Texas?

There was no objection.

## HAPPY BIRTHDAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the House join me in wishing my favorite nephew, Ryan, a happy 4th birthday on Saturday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## MEDICARE DRUG DISCOUNT SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I wanted to take a moment to talk about a very important issue for American seniors and that is a Medicare Drug Discount Security Act that myself and Senator CHUCK HAGEL introduced some time ago.

The President of the United States recently announced his own plan that mirrored many of the things we tried to accomplish. We are very proud of our approach to providing seniors with discounts on prescription drugs. The President announced it in a ceremony at the Rose Garden and we were quite pleased that he had taken the direction by Executive Order. As many of my colleagues know, there was a lawsuit filed by the chain discount drugstores opposing the measure, and it resides now in Federal court.

One of the interesting mythical dynamics that followed the President's announcement was groups saying that it was nothing more than window dressing. It was smoke screen. It was political posturing. It would not amount to much. It is insignificant. It is immaterial. It is not necessary, nor is it helpful. We heard that from a number of groups and a number of citizen and senior advocates. We were quite shocked because we thought, in a free society, a free market economy, when you are able to leverage the number of people participating, thereby getting them a discount on the prices they pay, that is a pretty simple and superb way in which to get seniors discounts now.

□ 1245

Others have objected to the plan saying it was not a good scheme. I questioned at the time if it is such a bad scheme, why do millions of Americans sign up to be AARP members? Usually it is because they get a discount on motel rates and other things.

It was interesting, in the Washington Post of Tuesday, September 25, there was a headline, a new Kennedy campaign on drug cause, former House Member Joseph Kennedy, a Member of this body now in Boston, Massachusetts, has been using now and creating a drug delivery system under his Citizens Energy Corporation. This allows people to join together as members of that group in order to get a discount on prescriptions.

It is interesting, when a Democrat, Mr. Kennedy, announces the plan, AARP says, it certainly is needed, says John Rother, policy director at AARP, a senior citizens advocate group advocating a prescription drug benefit for Medicare recipients. It goes on to talk about the discounts people will be able to receive. It goes on to suggest in this plan that although Citizen Help hopes to target the needy, Kennedy says the group does not have an elaborate screening process. He assumes well-to-do people will opt to stick with private insurance plans which charge on average 5 to 25 copayment for the prescription.

That therein lies the political conundrum. When we announce it as Republicans, Senator HAGEL and myself, and the President enunciates it from the White House, it is met with skepticism, scorn, and outright laughter. When a Democrat announces the plan, it becomes the focal point of how to save seniors money.

Last year during the campaign season I remember Democrats taking a bus and taking seniors up to Canada because they could buy prescription drugs cheaper. Yes, I applaud that. I think it is great when you find a discount, even if you have to cross the border, but they used that as a political campaign and tool in which to defeat senators, by saying our seniors have to go to Canada to get a discount.

Our plan, on the other hand, now mirrored by former Member Kennedy allows people to get discounts here in their own country. They do not have to get on a bus, they do not have to travel to Canada, and they can go to their local pharmacies. They can go to their local plans and get these kinds of discounts.

So I would hope in the spirit of this wonderful new bipartisanship that has emanated out of this Chamber, since September 11 we get down to the business of helping seniors, Democrats, Republicans, Independents, get prescription drug coverage and get it more affordable, without creating a government scheme that will oftentimes be more complicated and more difficult for average seniors to access.

I salute former Member Kennedy. I salute AARP for making the positive comments about our plan. I thank him for introducing it in the community where I was born in Boston, Massachusetts, and I just hope other Democrats now listening to this and reading the newspapers will finally suggest that President Bush was right in announcing from the Oval Office, or at least from the Rose Garden, that he intended to help seniors today, not next year after debate, not the following year after debate, not 5 years from now when the political process winds itself up into a lather trying to provide it, but instead, doing it through the free enterprise system which Mr. Kennedy has done here in this plan.

I urge my colleagues to look at our bill, Senator HAGEL's in the Senate and mine in the House. It is called the Medicare RX Drug Discount and Security Act. It is worthy of your attention. It will provide discounts up to 30 to 40 percent. It is easy. It is much like Price Club and Costco that so many Members probably use here today because they can buy in volume and buy at discounts. It is why people pay a card fee, $25 a year, to belong to that club. It lets them shop, buy by volume, by discount, and that is what we are trying to achieve here today. It works in real life.

AARP has millions of members, using discount as an enticement. It has worked in the real world. It can work in the political world if the sides will not engage in negative attacks, but rather constructive dialogue in order to see this come to a fruition.

## FARM SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, today the House of Representatives passed an important measure that was part and parcel my reason for coming to the United States Congress. Today, this Congress passed a farm bill, meeting an obligation that comes upon us in this Chamber every 5 years to pass a measure that will protect farmers while making the right investment and contribution to conservation in America.

I rise today, Mr. Speaker, to tell the Hoosier farmers that I serve all across eastern Indiana that the Farm Security Act and the passage of that Act in this Chamber today ought to be a source of encouragement and enormous pride to them, not because we in this Chamber wrote a farm bill, but because in every sense, farmers and ranchers across the United States of America, for perhaps the first time, truly wrote farm policy in this country.

In the past 2 years the Committee on Agriculture, of which I am a proud member, held field hearings with agricultural interests across the country, 47 hearings in all, in preparation of a farm bill. Hearings were held over a 16-month period of time on H.R. 2646. There were 368 witnesses who testified before our committee during that 16-month period.

The vision of the chairman, the gentleman from Texas (Mr. COMBEST), to ask commodity groups and organizations and farm groups across the country to come before our committee and actually offer their own version of a farm bill was, to say the least, visionary.

From my own part, we held nearly a dozen town hall meetings across eastern Indiana in barns and in warehouses and in feed stores, asking farmers who know much better than this Hoosier what ought to have happened in this bill, and they gave us that input. So the first thing I would brag about today is the job that the American farmer and the American rancher did in the preparation of the Farm Security Act.

Mr. Speaker, let us be candid, the passage today was not altogether certain. It was not altogether ensured, with some opposition from the administration to the timing of this bill, and even some opposition from the leadership in both political parties. Those of us who worked hard on this bill knew we had our work cut out for us.

People argued that with USDA projections that net cash farm income in 2001 will achieve record levels that we did not need a farm bill now. I would argue that given the realities of the farm economy and given the circumstances on the international scene now was precisely the time for the House Committee on Agriculture and the leadership of the House of Representatives to rise to the challenge.

Even the USDA's economists agree that net farm cash income is not a good tool to base farm policies on, that livestock receipts are the driving force for the increase in net cash farm income in 2001, and that affects very few of the farmers that I serve. The increase in crop production expenses more than offsets the increase in crop cash receipts.

Without a new farm bill this year, net cash returns from major field crops would be 5.8 billion lower for 2002 crops than for 2001, and the Farm Security Act that we passed today, of course, does not happen in a vacuum.

I know that some in the national media sneered at those of us who suggested that bolstering the farm economy in America was not a matter of national security. The Wall Street Journal's left column that I usually admire suggested as much earlier this week.

Let me say as we turn our attention in the weeks ahead to Wall Street and to stimulating our economy with a much-needed economic stimulus package, I believe the House Committee on Agriculture, the Democratic and Republican leadership on that committee and the leadership that voted to pass the Farm Security Act today said, before we turn our attention to Wall Street, let us turn our attention to rural Main Street. We have sent a deafening message of strength to the farm economy in America today.

It has been a profound privilege for me as a first term Member of Congress to serve as the only member of the majority from the State of Indiana on the House Committee on Agriculture. It has been a challenging time. I commend, again, the chairman, the gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), for their outstanding leadership in forging a bipartisan bill long before bipartisanship was the theme of this Chamber, and I commend all of my colleagues today for putting the interests of farmers and ranchers ahead of the politics of the moment and saying and recognizing that a strong rural America means a strong American economy, and now is the time that all of America be strong as we face the difficult challenges of the days ahead.

## THE CALL-UP OF THE RHODE ISLAND AIR NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, on September 11 our world changed forever. The United States suffered an attack unlike any the modern world has ever known. Thousands have been lost and will be forever missed by their friends and families. As we mourn this loss, we must find ways to strengthen our national homeland defense and to prevent terrorism both here and abroad.

Critical to meeting this goal will be the brave and dedicated members of our Armed Forces. I rise today to pay my respects to these brave men and women, in particular, the dedicated members of the 143rd Airlift Wing of the National Guard who will be deployed today.

The National Guard has tirelessly served our great Nation since the organization of its first units in 1636 in the Massachusetts Bay Colony. The Guard fought in Korea, Vietnam, and the Gulf War. During the 1990s, the Guard's role dramatically increased to a total force partner at home and throughout the world. Today, we are relying on the Guard in our airports and communities throughout the country to guard us from a recurrence of what was unthinkable just a short time ago.

Mr. Speaker, we have entered into an era in which homeland defense is a crucial concern for which we rely heavily on our National Guard. These remarkable people stand out among ordinary Americans because they have chosen to give of themselves and help defend our country in times of need.

Many of our National Guard units are being called up and asked to leave their families, jobs and lives behind in order to serve and protect this Nation. From conducting intelligence work to being deployed to high risk regions of the world, these brave men and women will be critical to ensuring our safety here at home.

Mr. Speaker, I am so proud of the 44 members of the 143rd Security Forces Squadron from the Rhode Island Air National Guard who were called up to active duty. They possess a fierce spirit which burns most brightly when it is given direction and purpose, and this is the time, more than ever, to utilize that spirit.

While I take strength in their immense abilities and know that they will help ensure America's safety, I look forward to welcoming them all home to Rhode Island very soon.

□ 1300

## DR. SHIRLEY TILGHMAN ASSUMES PRESIDENCY OF PRINCETON UNIVERSITY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, last Friday in my congressional district, I had the honor along with 4,000 students, parents, dignitaries, and local residents to gather in front of historical Nassau Hall to witness Dr. Shirley Tilghman take the office as the 19th President of Princeton University.

Dr. Tilghman is highly qualified to head Princeton University. She is a world-renowned biology researcher, a beloved teacher, and a leader of vision. In her inaugural address, Dr. Tilghman spoke of the freedom to pursue ideas as an essential investment in the strength of our national character, our culture, and our material lives.

Now more than ever in America, we need institutions of higher education to perform this critical function. At this time of great national introspection and examination, the university and its defense of enduring values are more relevant than ever. This relevance resounded clearly in Dr. Tilghman's address. It is evident to me that this prestigious university has a president very worthy to join the sequence of distinguished scholars who have led it over the past few centuries.

Mr. Speaker, I include for the RECORD the full text of Dr. Tilghman's address.

### Discovery and Discourse, Leadership and Service: The Role of the Academy in Times of Crisis

Faculty, students, staff, trustees, alumni and neighbors of Princeton University, distinguished guests, family and friends:

It is a deep honor for me to assume the office of 19th President of this great university. I accept with both eagerness and humility, knowing full well that I follow in the footsteps of predecessors who have provided Princeton with extraordinary leadership over the past century. Presidents Goheen, Bowen and Shapiro, all of whom are present to witness this beginning of a new presidency, have provided us with a legacy that is envied in all quarters of higher education, a legacy that we will cherish and protect, but also one that we will use as a strong foundation on which to build our future.

Our vision of that future was forever changed by the tragic events of September 11 at the World Trade Center, the Pentagon and a field in Pennsylvania. In the aftermath of those events, I modified the address that I had been writing in order to speak with you about what is foremost on my mind. President Bush, in his address to a joint session of Congress last week, declared war on international terrorism, a war whose form and outcome are difficult to imagine. Given the enormous challenges and the uncertainty that lie ahead, what is the proper role of the academy during this crisis and in the national debate we are sure to have? How can we contribute as this great country seeks the honorable path to worldwide justice and to peace?

Today the academy holds a highly privileged place in American society because of a long-standing national consensus about the value of education. Another of my predecessors, President Harold Dodds, said in his inaugural address in 1933 that "No country spends money for education, public and private, so lavishly as does the United States. Americans have an almost childlike in what formal education can do for them." That faith is base don a conviction that the vitality of the United States, its creative and diverse cultural life, its staggeringly inventive economy, its national security and the robustness of its democratic institutions owe much to the quality of its institutions of higher education. The spirit of democracy is now reflected more than ever in our education system, with opportunities open to students of all stripes, from 18-year-old freshmen to senior citizens; from students given every imaginable advantage by their parents to students who spent their childhoods living on the streets; from the New Jersey-born to students from around the globe; from students who were ignited by learning from the first day of primary school to high school drop outs who came to formal education through the school of hard knocks. If you will forgive a biologist the impulse to use a scientific metaphor, the American education landscape is like a complex ecosystem, full of varied niches in which a rich diversity of organisms grow and thrive.

Our society's confidence in its institutions of higher education is expressed through the generous investments of the federal and state governments in basic and applied research, investments that wisely couple support for research with support for graduate education. It is also expressed through federal and state investments that subsidize the cost of higher education for those who cannot afford to pay, investments by private foundations and charities who see colleges and universities as the best routes for achieving their strategic goals, and investments by individuals and by the private sector, who see universities as the incubators of future health and prosperity. In return for this broad support, society rightfully expects certain things from us. It expects the generation of new ideas and the discovery of new knowledge, the exploration of complex issues in an open and collegial manner and the preparation of the next generation of citizens and leaders. In times of trouble, it is especially important that we live up to these expectations.

The medieval image of the university as an ivory tower, with scholars turned inward in solitary contemplation, immunized from the cares of the day, is an image that has been superseded by the modern university constructed not of ivory, but of a highly porous material, one that allows free diffusion in both directions. The academy is of the world, not apart from it. Its ideals, crafted over many generations, are meant to suffuse the national consciousness. Its scholars and teachers are meant to move in and out of the academy in pursuit of opportunities to use their expertise in public service, in pursuit of creative work that will give us illumination and insight and in pursuit of ways to turn laboratory discoveries into useful things. Our students engage the world with a strong sense of civic responsibility, and when they graduate they become alumni who do the same. This is as it should be.

Yet the complex interplay between society and the academy also creates a tension, because the search for new ideas and knowledge is not and cannot be motivated by utilitarian concerns. Rather it depends on the ability to think in new and creative ways, to challenge prevailing orthodoxies, to depart from the status quo. We must continually strive to preserve the freedom of our students and our scholars to pursue ideas that conflict with what we believe or what we would like to believe, and to explore deep problems whose solutions have no apparent applications. This is not a privilege we grant to a handful of pampered intellectuals; rather it is a defining feature of our society and an essential investment in the continuing strength of our character, our culture, our ideas and our material lives. When the Nobel laureate John Nash developed the mathematical concepts underlying non-cooperative game theory as a graduate student at Princeton, he could not foresee that those concepts would be used today to analyze election strategies and the causes of war and to make predictions about how people will act. When Professor of Molecular Biology Eric Wieschaus set out as a young scientist to identify genes that pattern the body plan of the fruit fly embryo, he could not know that he would identify genes that play a central role in the development of human cancer. We have learned that we cannot predict with any accuracy how discoveries and scholarship will influence future generations. We also have learned that it is unwise to search only in predictable places, for new knowledge often depends upon preparing fertile ground in obscure places where serendipity and good luck, as well as deep intelligence, can sprout. Freedom of inquiry, which is one of our most cherished organizing principles, is not just a moral imperative, it is a practical necessity.

Just as we have an obligation to search widely for knowledge, so we also have an obligation to insure that the scholarly work of the academy is widely disseminated, so that others can correct it when necessary, or build on it, or use it to make better decisions, develop better products or construct better plans. In the days ahead, I hope that our country's decision makers will draw on the knowledge that resides on our campuses, on historians who can inform the present through deep understanding of the past, philosophers who can provide frameworks for working through issues of right and wrong, economists whose insights can help to get the economy back on track, engineers who know how to build safer buildings, scientists who can analyze our vulnerabilities to future attack and develop strategies for reducing those vulnerabilities, and scholars in many fields who can help them understand the motivations of those who would commit acts of terrorism here and throughout the world.

American universities have been granted broad latitude not only to disseminate knowledge, but to be the home of free exchange of ideas, where even the rights of those who express views repugnant to the majority are vigorously protected. Defending academic freedom of speech is not particularly difficult in times of peace and prosperity. It is in times of national crisis that our true commitment to freedom of speech and thought is tested. History will judge us in the weeks and months ahead by our capacity to sustain civil discourse in the face of deep disagreement, for we are certain to disagree with one another. We will disagree about how best to hold accountable those responsible for the attacks of September 11. We will disagree about how broadly the blame should be shared. We will disagree about the ways in which nationalism and religion can be perverted into fanaticism. We will disagree about whether a just retribution can be achieved if it leads to the deaths of more innocent victims. We will disagree about the political and tactical decisions that our government will make, both in achieving retribution and in seeking to protect against similar attacks in the future. We will disagree about how and when to wage war and how best to achieve a real and lasting peace.

The conversations we will have on our campuses are not intended to reach a conformity of view, a bland regression to the mean. Rather we aim to come to a deeper appreciation and understanding of the complexity of human affairs and of the implications of the choices we make. Perhaps, if we are very dedicated, we will find the wisdom to see an honorable, yet effective, path to a world in which terrorism is a thing of the past. With generosity of spirit and mutual respect, we must listen carefully to one another, and speak with our minds and our hearts, guided by the principles we hold dear. By conducting difficult discussions without prejudice or anger, by standing together for tolerance, civil liberties and the right to dissent, by holding firm to core principles of justice and freedom and human dignity, this university will serve our country well. By so doing, we will be true patriots.

Let me now turn to the third obligation that we have to society: the education of the next generation of citizens and leaders. Princeton's view of what constitutes a liberal arts education was expressed well by Woodrow Wilson, our 13th President, whose eloquent words I read at Opening Exercises:

"What we should seek to impart in our colleges, therefore, is not so much learning itself as the spirit of learning. It consists in the power to distinguish good reasoning from bad, in the power to digest and interpret evidence, in the habit of catholic observation and a preference for the non partisan point of view, in an addiction to clear and logical processes of thought and yet an instinctive desire to interpret rather than to stick to the letter of reasoning, in a taste for knowledge and a deep respect for the integrity of human mind."

Wilson, and the presidents who followed him, rejected the narrow idea of a liberal arts education as preparation for a profession. While understanding the importance of professional education, they made it clear that at Princeton we should first and foremost cultivate the qualities of thought and discernment in our students, in the belief that this will be most conducive to the health of our society. Thus we distinguish between the acquisition of information, something that is essential for professional training, and the development of habits of mind that can be applied in any profession. Consequently we celebrate when the classics scholar goes to medical school, the physicist becomes a member of Congress, or the historian teaches primary school. If we do our job well as educators, each of our students will take from a Princeton education a respect and appreciation for ideas and values, intellectual openness and rigor, practice in civil discourse and a sense of civic responsibility. During these troubled times, our students and our alumni will be called upon to exercise these qualities in their professions, their communities and their daily lives. By so doing, and through their leadership, their vision and their courage, they will help to fulfill Princeton's obligation to society and bring true meaning to our motto, "Princeton in the nation's service and in the service of all nations."

Thank you.

## SCREENING BAGGAGE FOR EXPLOSIVE DEVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I would like to share some information to my colleagues that is pertinent to our next several hours of us in the House of Representatives. The reason I say that is in the next several hours probably about 80 percent of us will be getting on airplanes. We are going to go out to Dulles, some to National. We are going to get on airplanes to fly back to our districts to work with the people who have been so traumatized by our recent losses, and that is part of our duty to do it.

But what the information I want to share with my colleagues is that when we get on those airplanes in the next several hours, we will be getting on the airplanes with 100, 150, 200, maybe 300 other Americans. All of those Americans will be getting on airplanes that have not had the baggage screened for explosive devices when they are put in the belly of the jets that we get on.

The sad fact is that today I have found and many others in the last few weeks, much to our surprise, that our security apparatus does not screen for explosive devices on bags that are put in the baggage compartments of our airlines. The reason that we have not done that in the past is two-fold. Number one, the theory has been in the past that we do not have to screen for bombs in luggage. All we have to do is to make sure that the people who put the baggage on get on with the plane, under the assumption that no one would want to go down with the plane. Well that assumption is certainly moot after September 11. That basis for our strategy has greatly outlived its purpose.

The second reason that we have not screened for bombs on aircraft in the baggage compartment is that it has involved some cost. But, Mr. Speaker, I can state that I am very, very confident that the hundreds of people that are going to get on the airplane at Dulles and National today believe that the cost is worth it to screen for bombs in the baggage compartment of airplanes. The threat is too great, the potential loss is too great, and the available technology is too good not to use it. The fact is we have technology that can sniff with high level, actually not sniff, but they use another technology, a high level of probability will catch explosive devices, but we are simply not using it.

As a result of that, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Ohio (Mr. STRICKLAND), and myself and 14 others introduced yesterday the Baggage Screening Act which will require that bags shall be screened for explosive devices before they go on an airplane 100 percent. Right now maybe 5 or 10 percent are screened. That is not enough. That means 90, 95 percent of our bags are not screened for explosive devices. That is not good enough security for American people.

The reason we introduced this bill is that today and in the next few days, we are attempting to reach a bipartisan consensus on a security package for airlines. We want to bring to the attention of our leadership that this feature needs to be in our security package. We need to screen for explosive devices. It is the right thing to do. We need to find a way to pay for it. If we do that, a lot of Americans will feel a lot more confident. If we take away nail clippers from passengers, let us keep the bombs out of the baggage.

## CIVILIZATION WILL DEFEAT TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. DELAY) is recognized for 60 minutes as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, all of us have been heartened by the way the Americans have pulled together after the attack of September 11. We have seen the best qualities of America at work, pride, patriotism, courage. Passengers on the plane that went down in Pennsylvania foiled their hijackers' diabolical objective by fighting for freedom. Police, fire, and rescue workers disregarded grave risks to their own lives just to save others. The President rallied America to our purpose through his determination and his grand leadership. And from across the country, we feel a wave of love and support and patriotism.

We saw the best of America after the raw hand of evil struck our Nation. We are left with a defining question. How will we best protect our way of life from those who would destroy freedom to lower an evil nightmare over the free world? It starts with our mindset. Too many people thought that threats to the United States ended with the Cold War. The first thing we have to do is to reinvigorate the idea that freedom is never free. Our way of life has a price tag.

Our founding fathers knew that price of freedom is eternal vigilance. Now we truly understand that obligation. Now our eyes are wide open. We will never become complacent again. Complacency in the face of evil lays the foundation for the end of liberty.

The international terrorist networks are a cancer growing on the heart of freedom and a direct threat to civilization itself. The events of September 11 reminded us that we must do whatever it takes to defend freedom and root out tyranny and terrorism. That mission begins with good intelligence and a more robust military. For far too long the people we asked to defend America have been fighting our enemies with one arm tied behind their back and that must change.

Today we added to that effort by passing the Intelligence Authorization Act. We need to renew our commitment to our national defense. We must once again rebuild our military by arming our forces with the tools that they need to meet the full scope of threats to our security. We need to spend what it takes to defend America. It is time to begin upgrading our capabilities to defeat and deter those who would target freedom.

We need better human intelligence. Good intelligence is essential to protecting our Nation and our allies, and it is vital to ensuring that our military has the information it needs to safely and effectively carry out its mission. We need to cultivate and develop sources of information that will reveal the movements, activities, and identities of the people plotting evil schemes against people of freedom and civilization.

What might be the most important change, we need to provide our defenders with the flexibility to protect America effectively. The men and women working to save our freedom must have those tools that they need to defeat those who are thinking the unthinkable.

As we move forward in the campaign to save civilization, we need to remember that there is no quick victory just around the corner. We will suffer additional losses. We will lose more great Americans, and we will have to make additional sacrifices here at home. But freedom is worth it. All of us need to understand that.

This war against the cancer of terrorism is a perpetual obligation. It never ends. So we can never drop our guard again. We cannot be confused about the nature of this threat. This conflict is larger than one man or one terrorist network. It is a struggle between all of those who wish to live in freedom and those who wish to enslave the world beneath an oppressive, evil totalitarian ideology. It is a new battle between every American and all of the terrorist networks.

We also have to remind everyone that this is not a conflict over faith. Millions of people in the world draw meaning and fulfillment from the Islamic faith. The extreme views of this splinter movement do not reflect the wishes of millions of Muslims who only seek a better life for their families.

There is additional danger in the campaign against terrorism. We have got to remember that the traditional threats have not receded. If anything, the terror networks exacerbate the long-standing threats we have always faced. One thing we could do is reduce our dependence on foreign sources of energy. Our dependence, a 57 percent dependence on foreign sources of energy weakens our national and economic security.

We need to move towards energy independence and energy security. It will take weeks, months, and years; but America must reduce our dependence on energy from volatile corners of this world. This is a test. It is a test of this generation of Americans. An evil movement thinks it can extinguish that wonderful light of freedom. Terrorists send people to die because they believe we have forgotten who we are. They believe that we lack the resolve to defend our way of life. They hate America and not because we act but simply because we exist.

Americans know who we are. During World War II, America defeated the forces of fascism because that generation risked all that they had to secure freedom for their children. So today we face a crisis that is every bit as serious as that crisis in World War II. It is going to take sacrifices; and unfortunately, it is going to cost lives. But the American people retain the determination, the conviction, and the love of liberty to resist this ongoing aggression and vindicate freedom. We will defendant freedom. We will keep freedom alive.

## ANDEAN TRADE PREFERENCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I just learned yesterday that a bill was hastily prepared 2 nights ago by the staff of the Committee on Ways and Means and without the opportunity to seek comments and testimonies, even to appear before the Subcommittee on International Economic Policy and Trade, the bill was marked up in full committee this morning. The bill passed today by a vote of 23 to 17, rejecting my good friend's, the gentleman from New York (Mr. RANGEL), amendment that would have literally saved the U.S. tuna industry.

I wanted to thank my good friend, the gentleman from California (Mr. BACA) for his eloquent remarks, the gentleman from Louisiana (Mr. JEFFERSON) for his support, and the gentleman from Georgia (Mr. LEWIS) for his support. I especially want to note, the precious vote that also was received by my good friend, the gentleman from Georgia (Mr. COLLINS) for his support of this legislation.

Mr. Speaker, I sincerely hope the great spirit will enlighten my colleagues of the House, especially if this bill, H.R. 3009, the Andean Trade Preference Act, if this bill passes by not excluding tuna as a duty-free import from Andean countries, it will essentially mean the loss of some 10,000 jobs to tuna cannery workers in California, Puerto Rico, and my district of American Samoa.

Mr. Speaker, current trade policy with regards to canned tuna has provided significant benefits to certain Latin American countries, while at the present time has maintained an industrial tuna processing base in the United States.

Since the enactment of the Andean Trade Preference Act, a number of tuna factories in the Andean region has increased to 229 percent, production capacity is up to 400 percent, direct employment is up to 257 percent, and U.S. exports have grown from about $15 million to $100 million annually.

□ 1315

In addition, the U.S. tuna industry has invested over $20 million in new facilities and vessels. However, I must repeat, extending this agreement by providing duty-free treatment to canned tuna from Andean countries, especially Ecuador, will, in my opinion, destroy the U.S. tuna industry.

I have heard the argument that Congress has included canned tuna both in the Caribbean Basin Initiative and NAFTA, and some have questioned why we are not doing the same for Ecuador and the Andean region. Well, the answer simply is that no other region, especially a country like Ecuador, once we allow duty-free canned tuna to be imported from the Andean countries, has the potential of literally wiping out or destroying the U.S. tuna industry.

For example, Mr. Speaker, Ecuador alone has the production capacity now equivalent to 2,250 tons per day production. Using a 5-day workweek, this equates to a production capacity equivalent to 48.6 million cases of canned tuna per year. And using a 6-day workweek, Ecuador's production capacity is equivalent to 58.5 million cases of canned tuna per year. Now, the interesting thing about this, Mr. Speaker, is that U.S. consumption is only 45.3 million cases of canned tuna per year. What does that mean? Ecuador could produce enough canned tuna to flood the entire U.S. market. And brand names like Chicken of the Sea and Bumble Bee, brands that Americans have come to trust, would be eliminated from grocery stores. It is even questionable whether tuna from Ecuador is dolphin-safe. So serious are these issues that Mexico levied a 24 percent duty last year on canned tuna exported from Ecuador.

Mr. Speaker, it is also important to note that Ecuador levies a 20 percent duty on imported canned tuna from the United States. Now, I am all for free trade, Mr. Speaker; but I am also for fair trade. The fact of the matter is, more than 10,000 jobs in my district, Puerto Rico, and California will be lost if H.R. 3009 passes in its current form. Why? Because the minimum wage rate for workers in Ecuador is 69 cents per hour. This is why a company like StarKist Tuna Company and its parent company, the Heinz Corporation, have been pressuring Congress to allow StarKist to hire fish cleaners in Ecuador and pay Ecuadorans 69 cents per hour. Would this be considered cheap labor or slave labor, I ask, Mr. Speaker?

Mr. Speaker, the Heinz Corporation, the parent company of StarKist Seafood Company, has lobbied for the inclusion of canned tuna as a duty-free import in the Andean Trade Agreement. But it must be made clear that the StarKist Seafood Company is also the only U.S. tuna processor that supports duty-free treatment for canned tuna exported from Ecuador. Put another way: StarKist is the only tuna processor willing, in my opinion, to sell out American workers in exchange for wages of 69 cents per hour to pay Latin American workers.

As my colleagues may know, Mr. Speaker, American Samoa is the home of the largest tuna cannery facility in the world. One cannery facility is operated by StarKist, a subsidiary of Heinz Corporation; and the other facility is owned by the Chicken of the Sea, a company out of California. Today, these two companies employ more than 5,150 employees, or 74 percent of American Samoa's workforce. Approximately 80 percent of the private sector jobs in my district, Mr. Speaker, are dependent, either directly or indirectly, upon the tuna fishing and processing industry.

As Malcolm Stockwell, former vice president of StarKist Seafood Company recently testified, and I quote, "A decrease in production or departure of one or both of the existing processors in American Samoa could devastate the local economy, resulting in massive unemployment and insurmountable financial problems."

The chief executive officer of Chicken of the Sea has already noted that if the Andean Trade Agreement includes duty-free treatment for canned tuna, its operations in American Samoa would be forced to downsize by as much as 50 percent. StarKist has testified that if Ecuador is given the same trade preference as a U.S. territory, like my district, its production would almost immediately shift to low labor-cost areas.

Now, let us talk about labor-cost areas. In fact, I just want to share another bit of information with my colleagues this afternoon. Right now, under the Andean Trade Agreement, fish loins are exported duty free to the United States; and companies like Bumble Bee, Chicken of the Sea, and StarKist buy these fish loins from Andean countries, like Ecuador. But if canned tuna can also be imported duty free, what is to prevent these U.S. tuna companies from laying off 800 workers from Puerto Rico and closing their facilities in my district, as well as in California, and going and operating out of Ecuador and other Andean countries?

Mr. Speaker, my people want to work. They do not want handouts. I do not know if my colleagues are aware of the fact that for the 40 years since the welfare program was implemented here in the United States, my leaders and our people have never wanted to have welfare applied to our territory. Why? Because we want to work. We do not want handouts. We want to work for what we earn. And if this happens, if this bill passes, with the destruction of the U.S. tuna industry, am I going to have to now come before the Congress and ask for subsidies in support of the 10,000 displaced workers as a result of this bad and poor legislation?

Mr. Speaker, I specifically asked StarKist and H.J. Heinz executives what financial loss StarKist would incur if canned tuna was not included in the Andean Trade Agreement, and I was told StarKist would suffer no economic loss. In other words, StarKist is only in it for the lower labor cost among the Andean countries. I also wish to note that the minimum wage rate in my own district, in American Samoa, for a fish cleaner, is only $3.20 per hour, which is below the national minimum wage standard and which reminds me of these words offered by a good Senator from Idaho by the name of Senator Borah during the course of the Fair Labor Standards debate right here in this Chamber in 1937.

Senator Borah said, and I quote, "I look upon a minimum wage such as will afford a decent living as a part of a sound national policy. I would abolish a wage scale below a decent standard of living, just as I would abolish slavery. If it disturbed business, it would be the price we must pay for good citizens. I take the position that a man who employs another must pay him sufficient to enable the one employee to live." And Senator Pepper, from Florida, asked, "Well, what if he cannot affords to pay it?" Senator Bora responded, and I quote, "If he cannot afford to pay it, then he should close up the business. No business has a right to coin the very lifeblood of workmen and women into dollars and cents. Every man or woman who is worthy of hire is entitled to sufficient compensation to maintain a decent standard of living. I insist that American industry can pay its employees enough to enable them to live."

Quite frankly, I agree with Senator Borah, Mr. Speaker. StarKist, like any other industry, should pay its employees, whether in Ecuador or American Samoa, enough to live. StarKist should not be about the business of lobbying to suppress wages.

Mr. Speaker, I want to share a bit of history also with the Members. At a time when the national debate right here in this Chamber was about whether or not we should have a minimum standard wage rate, and this debate took place in 1937, the Members representing our fellow Americans from the South did not like the idea that if business wanted to find cheap labor they would go to the South. Industries up in the North always took advantage of the fact that they could find cheap labor if they would go to the South. Well, when this minimum wage was finally passed in the Congress, and after a hot debate in this Chamber, guess what, there was no economic chaos. There was tremendous growth that came along with it, with the increase of wages of the working men and women in our country.

When all is said and done, Mr. Speaker, tuna processing is the only industry holding together the economy of my district, the Territory of American Samoa. American Samoa's only advantage in the global marketplace is duty-free access to the U.S. market. And what price has American Samoa paid to have the U.S. trade privileges? As a territory of the United States, our men and women have paid the ultimate sacrifice in military service to our Nation.

American Samoa pledges its allegiance without question to this great Nation of ours. Ecuador and other Andean countries do not. American Samoa has been the backbone of StarKist's sales. Ecuador has not. In the past 25 years, StarKist and Chicken of the Sea have exported more than $6 billion worth of tuna from American Samoa to the United States. Thanks to American Samoa, StarKist is the number one brand of tuna in the world today. They call him "Charlie, the Tuna." Well, I do not know about Charlie the Tuna these days with the way they are operating.

Mr. Speaker, why is it that StarKist and its parent company, Heinz Corporation, are willing to allow tuna imports to coming into the U.S. duty free from other Andean countries, a position opposed by two other major U.S. tuna companies and even the entire U.S. tuna-fishing fleet? As StarKist testified at a recent Senate hearing, and I quote, "StarKist will continue to can and sell tuna. However, the history of tuna canning in the United States and Puerto Rico has demonstrated quite clearly that StarKist will also take whatever action is required to remain cost competitive."

Is this why StarKist and Heinz Corporation support a trade agreement that the entire U.S. industry opposes? Will StarKist and Heinz Corporation sell out America at a time when our Nation is in recession and our country is under attack?

Mr. Speaker, I trust that the Members of this esteemed body will do what is right for America. I trust that in these difficult times Members of this body will protect U.S. industries and U.S. workers, particularly the tuna industry. I trust that we will stand united together to exclude canned tuna from this proposed bill, H.R. 3009.

I would like to share with my colleagues some additional information that was submitted to me by my good friend, the CEO of the Bumble Bee Seafood Company out of California, in San Diego. Another note to my colleagues:

The Andean Pact nations do not comply with many of the environmental regulations supported by the United States. For instance, one of the Andean Pact countries, Bolivia, does not adhere to the dolphin-safe position of the U.S. market. In addition, many of the Andean Pact countries refuse to take enforcement actions against them.

The bill also penalizes the U.S. tuna industry for being American. Not only do we adhere to minimum wage standards and provide Social Security and medical insurance for our workers, we also enforce U.S. regulations regarding the environment and trade.

The letter says, "I support the U.S. initiative to battle the drug trade." We all know that, Mr. Speaker. But I think what is most important here is that I am making an appeal to StarKist Tuna Company and its parent company, Heinz Food Corporation, to join with the rest of the U.S. tuna industry to make the U.S. tuna industry a viable and credible industry in our country for the sake of some 10,000 workers who are about to lose their jobs if the Congress does the bidding of Heinz Corporation.

I think this is most unfair, Mr. Speaker; and I will continue working on this issue in the coming weeks and months. I sincerely hope that there will be a reasonable and an equitable solution to this problem that we now have.

Mr. Speaker, I submit for the RECORD the full letter from the CEO of the Bumble Bee Seafood Company, to which I earlier referred.

BUMBLE BEE SEAFOODS,
*San Diego, CA, August 22, 2001.*

Hon. ENI F. H. FALEOMAVAEGA,
*Rayburn Bldg.,*
*Washington DC.*

DEAR CONGRESSMAN FALEOMAVAEGA: I am writing on behalf of Bumble Bee Seafoods, the number one brand of canned seafood and number two brand of canned tuna in the United States. Bumble Bee, the only American company with a financial investment in the Andean tuna industry (in Ecuador), along with Chicken of the Sea and U.S. tuna boat owners, strongly oppose the granting of NAFTA status for canned tuna products to members of the Andean Pact as contemplated in S525.

The U.S. tuna industry has been an essential part of the U.S. economy for close to 100 years. We currently provide more than 10,000 jobs in California, Puerto Rico and American Samoa. In addition, we support an even greater number of jobs in related industries and we underpin the existence of the U.S. high seas tuna fishing fleet that operates throughout the Pacific Ocean.

From a consumer standpoint, canned tuna represents the third fastest moving product category in the entire U.S. grocery business and provides a high quality, affordable source of protein for 96% of U.S. families.

As written, S.525 would significantly damage the U.S. tuna industry, threatening jobs in both the processing and fishing sector. More importantly, it would place our business into foreign hands and benefit countries that do not abide by the same environmental, labor and safety standards imposed on U.S. manufacturers. S525 penalizes the U.S. tuna industry for being American and does an injustice to the U.S. consumer. Let me give you some key facts:

The Andean Pact nations do not comply with many of the environmental regulations supported by the United States. For instance, one of the Andean Pact countries, Bolivia, does not adhere to the dolphin safe position of the U.S. market. In addition, many of the Andean Pact countries refuse to take enforcement action against their flag vessels which have been found to be in violation of IATTC, (Inter American Tropical Tuna Commission) fishing regulations. These actions—or lack of action—threaten the conservation of the tuna stocks.

U.S. Trade policy already provides beneficial access to the U.S. market for the Andean Pact countries through the sale of frozen tuna 'loins'. The current import duty on tuna loins into the United states is less than one half of one percent, which is virtually zero. This trade policy has enabled the Andean Pact tuna industry to explode over the last ten years and supports our position that tuna should continue to be exempted from the Andean Trade Preference Agreement.

### ANDEAN PACT TUNA INDUSTRY GROWTH—1990 TO 2000

Number of tuna factories has increased from 7 to 23, up 229%; production capacity has increased from 450 to 2,250 tons per day, up 400%; direct employment has increased from about 3,500 to 12,500, up 257%; exports to the U.S. have grown from about $15 million to more than $100 million, up 567%; European exports are up even more significantly; the Andean fishing fleet has grown to the largest in the ETP and now represents more than 35% of the ETP catch.

To put this capacity in perspective, there is enough production capacity in the Andean Pact countries to supply the entire U.S. market. This leads to the real risk of product dumping which will damage the domestic tuna industry. This Andean Pact product is manufactured utilizing labor costs of less than $0.70/hour and a cost structure that is subsidized by their various governments. This will force the closure of U.S. tuna processing facilities and will decimate the economies of western Puerto Rico and American Samoa where 85% of public sector employment is based on the U.S. tuna industry.

The risk of product dumping has already been experienced by our NAFTA trading partner to the south, Mexico. Mexico recently imposed a 23% import duty on canned tuna products from one of the Andean Pact nations, Ecuador, due to product dumping.

S. 525 is not reciprocal. The bill provides NAFTA duty benefits to the United States market while the Andean Pact countries continue to enforce trade barriers against the U.S. tuna industry by imposing import duties on U.S. produced canned tuna as follows: Ecuador, 20%; Colombia, 20%; Peru, 12%; Bolivia, 10%; Venezuela (a possible addition to the Andean Pact), 20%.

This non-reciprocity also extends to other U.S. produced products that are essential to the processing of canned tuna such as empty cans, packaging and ingredients which are subject to import duties by the Andean Pact countries.

The bill penalizes the U.S. tuna industry for being American. Not only do we adhere to minimum wage standards and provide social security and medical insurance for our workers, we also enforce U.S. regulations regarding the environment and trade. Providing NAFTA trade benefits to the Andean Pact countries awards them for not complying with these policies.

S. 525 ignores the obligation we have to the U.S. consumer since the quality and food safety standards of many of the tuna processing facilities in the Andean Pact countries are not up to the same standards utilized by U.S. canned tuna processors.

To support the U.S. initiative to battle the drug trade, Bumble Bee has already established tuna loining operations in one of the Andean Pact countries, Ecuador. We are the only American company that has invested in Andean Pact region—close to $25 million—and we currently provide more than 2,000 jobs.

Yet despite our presence in Ecuador, Bumble Bee does not support S. 525 due to the negative ramifications we have highlighted in this letter.

In summary, S. 525 does not recognize the current tariff benefits on tuna products enjoyed by Andean Pact countries, ignores the tariff recently imposed on tuna products from Ecuador by our primary NAFTA trading partner, will lead to "dumping" that will in turn cause significant harm to the U.S. tuna industry and has significant potential to have negative consequences on the American consumer.

We therefore urge you to exempt canned tuna products from the scope of trade benefits offered by S. 525. There is no justification for granting such trade benefits at this time.

I would like to meet with you to discuss this matter in more detail. I can be reached by phone, e-mail or mail and am happy to travel to Washington to provide any other facts or information that can help you make an informed and responsible decision on this critical piece of trade legislation.

Thank you in advance for your support.

Very truly yours,
CHRISTOPHER LISCHEWSKI,
*President, Chief Operating Officer,*
*Bumble Bee Seafoods.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of urgent business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WU) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes; to the Committee on International Relations.

## ENROLLED JOINT RESOLUTIONS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 42. Joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

## ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 9, 2001, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4142. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport—Federal NOx Budget Trading Program, Rule Revision [FRL–7058–2] (RIN: 2060–AJ47) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4143. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington [FRL–7057–8] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of New Hampshire [AD–FRL–7064–1] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Finding of Attainment; Spokane, Washington Particulate Matter (PM–10) Nonattainment Area [Docket No. WA–01–001; FRL–7064–3] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4146. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.658(g) of The Commission's Rules—The Dual Network Rule [MM Docket No. 00–108] received September 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4147. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Swordfish Quota Adjustment [I.D. 070201A] received September 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4148. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Protection Areas in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 090701B] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4149. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 090401D] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4150. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf Alaska [Docket No. 010112013–1013–01; I.D. 090701A] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4151. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); Atlantic Tunas Reporting, Fishery Allocations and Regulatory Adjustments [Docket No. 000323080–1196–03; I.D. 031500A] (RIN: 0648–AN97) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4152. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 082701D] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4153. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Recreational Fishery [I.D. 080201B] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4154. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 2001 Summer Flounder, Scup, and Black Sea Bass Commercial Quotas [Docket No. 001121328–1041–02; I.D. 111500C] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4155. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 9 [Docket No. 010105005–1206–02; 120600A] (RIN: 0648–AO64) received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4156. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 001226367–01; I.D. 081501A] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4157. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule— Custody Procedures [INS No. 2171-01] (RIN: 1115–AG40) received September 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4158. A letter from the Director, Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Veterans' Benefits and Health Care Improvement Act of 2000 (RIN: 2900–AK68) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4159. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule— Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers [T.D. 01–68] (RIN: 1515–AC84) received September 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4160. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Request for comments on regulations that may be adopted on interest allocation [Notice 2001–59] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4161. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Date of Allowance of Refund or Credit [Rev. Rul. 2001–40] received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1007. The Committee on Government Reform discharged. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1408. Referral to the Committee on the Judiciary extended for a period ending not later than October 12, 2001.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself, Mr. Armey, Mr. DeLay, Mr. Sensenbrenner, Mrs. Kelly, and Mr. Goode):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. Menendez, Mr. Rohrabacher, and Mr. Royce):

H.R. 3049. A bill to contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan; to the Committee on International Relations.

By Mr. FLAKE:

H.R. 3050. A bill to amend the Internal Revenue Code of 1986 to make effective as of January 1, 2001, all of the individual income tax rate reductions, and to amend the Economic Growth and Tax Relief Reconciliation Act of 2001 to repeal the sunset of such rate reductions; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. Frost, Mr. Bonior, Mr. Bentsen, Mr. Stenholm, Mr. Pascrell, Mr. Pallone, Mr. Hinojosa, Mr. Ortiz, Mr. Cramer, Mr. Reyes, Mr. John, Mr. Turner, Mr. Hastings of Florida, Mr. Boehlert, Mr. Upton, Ms. McCarthy of Missouri, Ms. Eddie Bernice Johnson of Texas, Ms. Carson of Indiana, Mr. Rodriguez, Mrs. Napolitano, Mr. Baca, Mr. Watkins, Mr. Wynn, Mr. Brown of Ohio, Mr. Boucher, Mr. Sawyer, Mr. Doyle, Mr. Holden, and Mr. Clement):

H.R. 3051. A bill to designate "God Bless America" as the national hymn of the United States; to the Committee on Government Reform.

By Mr. GREEN of Texas:

H.R. 3052. A bill to amend the Immigration and Nationality Act to require that nonimmigrant visa applicants provide fingerprints; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself, Mr. LaTourette, Mr. Kanjorski, Mr. McGovern, Mr. Lantos, Mrs. Thurman, Mr. Rangel, Mr. Capuano, Mr. McNulty, Mr. Kucinich, Ms. Berkley, Mr. Baldacci, Mrs. Maloney of New York, Mr. Bentsen, Mr. Frost, Mr. Gillmor, Mr. Kildee, Ms. Slaughter, Mr. Wexler, Mr. Ney, Ms. Schakowsky, Mr. Langevin, and Mr. Sherman):

H.R. 3053. A bill to prevent identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. KING (for himself and Mrs. Maloney of New York):

H.R. 3054. A bill to award congressional gold medals on behalf of the officers, emergency workers, and other employees of the Federal Government and any State or local government, including any interstate governmental entity, who responded to the attacks on the World Trade Center in New York City and perished in the tragic events of September 11, 2001; to the Committee on Financial Services.

By Mr. SHAW (for himself and Mr. Carson of Oklahoma):

H.R. 3055. A bill to preserve the continued viability of certain businesses which are an integral part of the air transportation system; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 3056. A bill to direct the Administrator of the Federal Aviation Administration to take certain actions to improve airline security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WATKINS:

H.R. 3057. A bill to amend the Internal Revenue Code of 1986 to reduce to 3 years the depreciation recovery period for qualified technological equipment; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. Farr of California, Mr. George Miller of California, Mr. Cardin, Ms. Baldwin, Mr. Pallone, Mr. Kucinich, Mr. Stark, Mr. Horn, Mr. Green of Texas, Mr. McDermott, Mr. DeFazio, Mr. Costello, Ms. Solis, Ms. Jackson-Lee of Texas, Mrs. Davis of California, Mr. Moran of Virginia, Ms. Schakowsky, Mr. Bonior, Mr. Doyle, Mr. Waxman, Mr. Shays, Ms. Rivers, Mr. Kolbe, Mr. Traficant, Mr. Gordon, Ms. Kilpatrick, Mrs. Morella, Mr. Gilman, Mr. Evans, Mr. Baldacci, Mr. Hinchey, Ms. Woolsey, Mr. Maloney of Connecticut, Mr. Deutsch, Mr. Simmons, Mr. Frank, Mr. Filner, Ms. Brown of Florida, Mr. Udall of Colorado, Ms. Roybal-Allard, Mrs. Bono, Mr. Blumenauer, Mr. Taylor of Mississippi, Mr. Gonzalez, Mr. Sabo, Mrs. Napolitano, Mrs. Roukema, Mr. Jones of North Carolina, Mr. LoBiondo, Mr. Tancredo, Mr. Leach, Mr. Dicks, Mr. Clyburn, Mrs. Johnson of Connecticut, Mr. Gallegly, Mr. Inslee, Mr. Lipinski, Mr. Kildee, and Mrs. Lowey):

H.R. 3058. A bill to amend the Animal Welfare Act to improve the treatment of certain animals, and for other purposes; to the Committee on Agriculture.

By Mr. CROWLEY (for himself, Mr. Fossella, Mr. Engel, Mr. Grucci, Mr. Israel, Mr. King, Mrs. McCarthy of New York, Mr. Ackerman, Mr. Meeks of New York, Mr. Nadler, Mr. Weiner, Mr. Towns, Mr. Owens, Ms. Velázquez, Mrs. Maloney of New York, Mr. Rangel, Mr. Serrano, Mrs. Lowey, Mrs. Kelly, Mr. Gilman, Mr. McNulty, Mr. Sweeney, Mr. Boehlert, Mr. McHugh, Mr. Walsh, Mr. Hinchey, Mr. Reynolds, Ms. Slaughter, Mr. LaFalce, Mr. Quinn, Mr. Houghton, Mr. Bonior, Mr. Watts of Oklahoma, Mr. Murtha, Mr. Moran of Virginia, Mr. Hoyer, Mr. Hyde, Ms. DeLauro, Mr. Frost, Ms. Pelosi, Mr. Menendez, Mr. Abercrombie, Ms. Baldwin, Mr. Ballenger, Mr. Barrett, Mr. Borski, Mr. Blagojevich, Mr. Blumenauer, Mr. Brady of Pennsylvania, Mr. Brown of Ohio, Mr. Capuano, Mr. Cardin, Mr. Clay, Mrs. Clayton, Mr. Costello, Mr. Cummings, Mr. Davis of Florida, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Mr. Dooley of California, Mr. Doggett, Mr. Doyle, Mr. Edwards, Mrs. Emerson, Mr. Ford, Mr. Frank, Mr. Gibbons, Mr. Gonzalez, Mr. Green of Wisconsin, Mr. Hall of Ohio, Mr. Hill, Mr. Holden, Mr. Hoeffel, Ms. Hooley of Oregon, Mr. Hulshof, Mr. Jackson of Illinois, Mr. Jefferson, Mr. John, Mr. Johnson of Illinois, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Kolbe, Mr. Langevin, Mr. LaTourette, Mr. Larson of Connecticut, Ms. Lee, Mr. Lewis of Georgia, Mr. LoBiondo, Mr. McGovern, Mr. McIntyre, Ms. McKinney, Mr. Maloney of Connecticut, Mr. Markey, Mr. Matheson, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Moore, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Obey, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Price of North Carolina, Mr. Rahall, Mr. Reyes, Mr. Ross, Mr. Rothman, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Schiff, Mr. Shays, Mr. Shows, Mr. Skeen, Mr. Skelton, Mr. Stupak, Mr. Tanner, Mrs. Tauscher, Mr. Thune, Mr. Tierney, Mr. Turner, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Visclosky, Mr. Wu, Mr. Wynn, Mr. Doolittle, Mrs. Bono, Mr. Hinojosa, Ms. DeGette, Mr. Gutknecht, Mr. Carson of Oklahoma, Mr. Calvert, Mr. Etheridge, Mr. Sanders, Mr. Stenholm, Ms. Ros-Lehtinen, Mr. Scott, Mr. Peterson of Minnesota, Mr. Royce, Ms. Woolsey, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Rhode Island, Mr. Ryan of Wisconsin, Mr. Pombo, Mr. Ganske, Mr. Farr of California, Mrs. Johnson of Connecticut, Mr. Dicks, Mr. Berry, Mr. Baca, Ms. Brown of Florida, Mr. Lucas of Kentucky, Mr. Vitter, Mr. Thomas, Mr. Condit, Mr. Sabo, Ms. McCollum, Mr. Larsen of Washington, Mr. Tauzin, Mr. DeMint, Mr. McDermott, Mr. Boyd, Ms. Waters, Ms. Lofgren, Mr. Taylor of Mississippi, Mr. Filner, Mr. Waxman, Mr. Berman, Mrs. Napolitano, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Nethercutt, Mr. Young of Florida, Mr. Traficant, Mr. Rehberg, Mr. Rohrabacher, Mr. English, Mr. Sherwood, Mr. Ose, Mr. Inslee, Mrs. Capps, and Mr. Ferguson):

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Mr. SHAYS, Ms. SLAUGHTER, Mr. SERRANO, Mr. BROWN of Ohio, Mr. LARSEN of Washington, Mr. MATSUI, Mr. BERMAN, Mr. DELAHUNT, Ms. LOFGREN, Mr. FARR of California, Mr. FERGUSON, Mr. DINGELL, Mr. PAYNE, Ms. CARSON of Indiana, Mr. FORD, Mr. FRELINGHUYSEN, Mr. HERGER, Mr. HAYWORTH, Mr. CLEMENT, Ms. BERKLEY, Ms. MCCOLLUM, Mrs. MEEK of Florida, Mr. LOBIONDO, Mr. SOUDER, Mr. KIRK, Mr. CONDIT, Ms. ROYBAL-ALLARD, Mrs. BIGGERT, Mr. UDALL of Colorado, Mr. BECERRA, Mr. HYDE, Mr. ISRAEL, Mrs. JOHNSON of Connecticut, Mr. BLAGOJEVICH, Mr. SCHIFF, Mr. PASTOR, Mr. SIMMONS, Ms. KAPTUR, Mr. KING, Ms. SCHAKOWSKY, Mr. POMBO, Mr. PALLONE, Mr. PASCRELL, Mr. DOGGETT, Mr. KNOLLENBERG, Mr. MEEHAN, Mr. ROHRABACHER, Mr. COOKSEY, Mr. ANDREWS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. EVANS, Mrs. TAUSCHER, Ms. SOLIS, Mr. TOWNS, Mr. LANGEVIN, Mr. CRAMER, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. SHERMAN, Ms. PELOSI, Mr. MORAN of Virginia, Mr. JACKSON of Illinois, Mrs. MORELLA, Mr. GILMAN, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mr. CROWLEY, Mr. BISHOP, Mr. BURTON of Indiana, Ms. WATSON, Mrs. JONES of Ohio, Mr. BACA, Mr. HORN, Mr. WU, Mr. LANTOS, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Ms. MCKINNEY, Ms. WOOLSEY, Mr. FROST, Mr. FALEOMAVAEGA, Mr. SANDERS, Mr. BORSKI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. SMITH of New Jersey, Ms. LEE, Mr. OSE, Mr. RODRIGUEZ, Mr. MCDERMOTT, Mr. DOOLITTLE, Mr. GREEN of Wisconsin, Mr. KLECZKA, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. ROYCE, Mr. LEWIS of California, Mr. ACKERMAN, Mr. BONIOR, Mr. HOLT, Mr. CAPUANO, Mr. FATTAH, Mrs. NAPOLITANO, Mr. REYES, Mrs. MCCARTHY of New York, Mr. VISCLOSKY, Mr. BOUCHER, Mr. FILNER, Mr. CONYERS, Mr. DICKS, Ms. ESHOO, Mr. UDALL of New Mexico, and Mr. LAMPSON):

H. Res. 255. Resolution condemning bigotry and violence against Sikh Americans in the wake of terrorist attacks against the United States on September 11, 2001; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. FOLEY.

H.R. 81: Mr. MANZULLO.

H.R. 123: Mr. HAYES.

H.R. 162: Mr. HOYER and Mr. BACA.

H.R. 183: Ms. ROS-LEHTINEN.

H.R. 218: Mr. RYUN of Kansas.

H.R. 285: Mr. FILNER.

H.R. 458: Mr. GALLEGLY.

H.R. 525: Mr. HALL of Texas.

H.R. 602: Mr. GOODLATTE.

H.R. 632: Mr. FILNER.

H.R. 792: Mr. INSLEE.

H.R. 832: Mr. SIMMONS.

H.R. 869: Mr. RYUN of Kansas.

H.R. 1035: Mrs. NAPOLITANO.

H.R. 1097: Mrs. MINK of Hawaii.

H.R. 1212: Mr. DIAZ-BALART.

H.R. 1233: Mr. GRAHAM.

H.R. 1254: Mr. KENNEDY of Rhode Island.

H.R. 1357: Mr. BLUNT.

H.R. 1360: Mr. MEEHAN, Mr. FRANK, Ms. CARSON of Indiana, and Mr. FILNER.

H.R. 1375: Mr. GOODE.

H.R. 1405: Mr. PETERSON of Minnesota.

H.R. 1431: Mr. UDALL of New Mexico.

H.R. 1436: Mr. SIMMONS, Mr. ROGERS of Kentucky, and Mr. INSLEE.

H.R. 1475: Mr. BAIRD, Ms. DELAURO, and Ms. ROS-LEHTINEN.

H.R. 1556: Ms. WOOLSEY, Mr. RODRIQUEZ, and Mr. NUSSLE.

H.R. 1609: Mr. NUSSLE and Ms. WOOLSEY.

H.R. 1780: Mr. WOLF, Mr. CALVERT, Mr. THUNE, and Mr. SHIMKUS.

H.R. 1816: Mr. FALEOMAVAEGA and Mr. BONIOR.

H.R. 1822: Ms. DELAURO, Mr. MCINNIS, and Ms. CARSON of Indiana.

H.R. 1887: Ms. SLAUGHTER.

H.R. 2071: Mr. FRANK.

H.R. 2098: Mr. SOUDER.

H.R. 2117: Mr. LEWIS of Kentucky.

H.R. 2125: Mr. KILDEE.

H.R. 2235: Mr. KINGSTON and Mr. FERGUSON.

H.R. 2258: Mr. LANTOS and Ms. HART.

H.R. 2269: Mr. OSBORNE, Mr. LATHAM, Mr. CALVERT, Mr. RYUN of Kansas, and Mr. CULBERSON.

H.R. 2308: Ms. ESHOO and Mr. CUMMINGS.

H.R. 2362: Mr. FRELINGHUYSEN.

H.R. 2466: Mr. TOOMEY.

H.R. 2521: Mr. BRYANT, Mr. MORAN of Kansas, Mr. DUNCAN, and Mr. TOOMEY.

H.R. 2578: Mr. CUNNINGHAM, Mr. FILNER, Ms. LOFGREN, Mr. GEORGE MILLER of California, and Mr. OSE.

H.R. 2713: Ms. SCHAKOWSKY.

H.R. 2725: Ms. MCCOLLUM.

H.R. 2764: Mr. CUNNINGHAM, Mr. ISSA, Mr. DOOLITTLE, and Mrs. NAPOLITANO.

H.R. 2775: Mr. OBERSTAR.

H.R. 2794: Mr. SHAW and Mrs. JO ANN DAVIS of Virgina.

H.R. 2799: Mr. LEACH, Mr. PRICE of North Carolina, Mr. PETERSON of Minnesota, Mr. FRANK, Mr. SAWYER, Mr. BONIOR, Mr. STUPAK, and Ms. KAPTUR.

H.R. 2812: Ms. CARSON of Indiana.

H.R. 2830: Mr. BONIOR, Mr. CUMMINGS, Mr. FATTAH, Mr. FROST, Mr. KUCINICH, Ms. LEE, Ms. MCKINNEY, and Mr. UDALL of Colorado.

H.R. 2874: Mr. STUPAK, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, and Ms. LEE.

H.R. 2907: Mr. ROGERS of Kentucky, Mr. BROWN of Ohio, and Mr. BEREUTER.

H.R. 2940: Mr. BOEHLERT.

H.R. 2951: Mr. UPTON.

H.R. 2955: Mr. BLUMENAUER, Mr. CONDIT, Mr. RUSH, Mr. TIERNEY, Ms. VELÁZQUEZ, Mrs. LOWEY, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. FALEOMAVAEGA, Ms. SANCHEZ, and Ms. ESHOO.

H.R. 3003: Ms. LEE and Mrs. JONES of Ohio.

H.R. 3008: Mr. REYES.

H.R. 3011: Mrs. THURMAN.

H.R. 3015: Mr. UNDERWOOD and Ms. WOOLSEY.

H.R. 3021: Mr. PUTNAM.

H. Con. Res. 166: Mr. OSE.

H. Con. Res. 173: Mr. BONIOR, Mr. DEFAZIO, Ms. VELÁZQUEZ, and Mrs. CAPPS.

H. Con. Res. 184: Mr. SHADEGG, Mr. CRANE, Mrs. MYRICK, Mr. ISAKSON, Mr. BACHUS, and Mr. BARR of Georgia.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2960: Mrs. JO ANN DAVIS of Virginia.

# EXTENSIONS OF REMARKS

## CONGRATULATING JACKIE THOMAS ON HER 50TH BIRTHDAY

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. LOFGREN. Mr. Speaker, I rise today to congratulate Jackie Thomas, of San Jose, California, on her 50th birthday, which was Saturday, September 29, 2001.

Mrs. Thomas was born in 1951 in Little Rock, Arkansas. When she was three, her family moved to California, where they settled in the Bay Area. A member of a single-parent family, Mrs. Thomas helped to take care of her working father and raise her two younger brothers. After marrying and having two children of her own, Mrs. Thomas continued to devote herself to her family. Her selfless dedication to family has been a hallmark of her life.

The achievements of Mrs. Thomas' life include more than her success as a mother and wife. She was the first in her family to achieve a college degree. She also maintained her own career as a customer service and inside sales representative in the electronics industry, while supporting her husband's career goals and caring for two small children.

I extend to Mrs. Thomas the happiest birthday wishes on her 50th birthday and wish her many more in the years to come.

## TRIBUTE TO FEDEX

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize FedEx for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses like FedEx signify the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, FedEx has assisted UPCO and their customers nationwide providing the costs of mailing and distribution of dog supplies to the New York/New Jersey German Shephard Rescue. The patriotism and persistence of FedEx is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

## INTRODUCTION OF THE "RUSSIAN RIVER LAND ACT"

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to introduce the proposed legislation titled "Russian River Land Act" on behalf of Cook Inlet Region, Incorporated. The purpose of this legislation is to ratify an agreement that settles a land ownership issue at Russian River on the Kenai Peninsula in Alaska.

The agreement that this legislation ratifies was reached on July 26th of this year, after three years of negotiations between the Alaska Native regional corporation, Cook Inlet Region, Inc. and the United States Forest Service and the United States Fish and Wildlife Service. The agreement covers lands at the confluence of the Kenai and Russian Rivers.

The area surrounding the confluence of the Russian and Kenai is rich in archeological cultural features. It is also the site of perhaps the most heavily used public sports fishery in Alaska. Because of the archeological resources at Russian River, Cook Inlet Region, Inc. made selections at Russian River under the section of the Alaska Native Claims Settlement Act that allowed for selections of historical places and cemetery sites. The lands at the confluence are managed in part by the U.S. Forest Service and in part by the U.S. Fish and Wildlife Service.

Seeking to protect the public's access to the sports fishery at Russian River, the two federal agencies and Cook Inlet Region, Inc. have reached agreement that requires federal legislation in order to become effective. Because this agreement provides for the continuing ownership and management by the two federal agencies of the vast majority of lands at Russian River, the public's right to continue fishing remains unchanged from its current status.

Through negotiation and agreement, the two federal agencies and Cook Inlet Region, Inc. have found a way to fulfill the intent of the Alaska Native Claims Settlement Act in a way that fully protects the interests of the public. I congratulate all three parties on reaching final accord on the long-standing unresolved issue of land ownership at Russian River. I urge passage of the Russian River Land Act.

## ST. JOHN LUTHERAN CHURCH CELEBRATES ITS 95TH ANNIVERSARY

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KLECZKA. Mr. Speaker, it is with great pleasure that I congratulate St. John Lutheran Church in Cudahy, Wisconsin on its 95th anniversary as a congregation.

St. John was founded by a small group of area Slovak immigrants, and received its charter on October 7, 1906 as a member of the Slovak Evangelical Lutheran Church (SELC). Later, that synod merged with the Lutheran Church-Missouri Synod, and St. John became a member of the Missouri Synod's SELC district.

Over the years, St. John has grown and prospered, adding programs like its Day Care Ministry and a second ministry and workship site called the Life Enrichment Center along the way. In 1999, the church's renovation project expanded the sanctuary and fellowship hall, and added new office space.

St. John's theme for its 95th anniversary year is "Heritage of Faith; Foundation for the Future." What a fitting statement for a church that has played such an integral part in the spiritual life of the community for so many years, and continues to be a very special place to worship and grow in service to God and to His people.

The congregation is blessed with two gifted and devoted pastors, Reverend Carl H. Krueger, Jr., who also serves as president of the SELC District, and Reverend Richard Schauer. Other dedicated members of the St. John ministry team are the church's current vicar, Rodger Williams, parish nurse Marcia

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Isherwood, and Karen Erickson, who serves as the day care director.

The members and staff of St. John Lutheran are actively involved in many community activities, such as Project Concern and Cudahy/St. Francis Interfaith for the Elderly, Pastor Kreuger is also the chaplain at Wisconsin Air National Guard's 128th Air Refueling Wing in Milwaukee, the unit where I once proudly served as a medic. An attitude of service is certainly evident in every aspect of the life of the congregation.

Congratulations to St. John Lutheran Church on this very special day in the history of the congregation. May God continue to bless its ministry with His presence and His love.

## A SPECIAL TRIBUTE TO THE TIFFIN COUNCIL 608 OF THE KNIGHTS OF COLUMBUS ON THEIR 100TH ANNIVERSARY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GILLMOR. Mr. Speaker, on October 6, 2001 the Tiffin Knights of Columbus Council 608 will celebrate their 100th anniversary. For the past 100 years, this fraternal organization has worked to promote charity for those who are less fortunate, to promote unity and brotherhood among Catholic men, and to promote patriotism in our country.

More than 120 years ago, a small group of men met in the basement of St. Mary's Church in New Haven, Connecticut. These men formed a fraternal society that would one day become one of the world's largest Catholic family fraternal service organizations. Their purpose was to bring men together under the banner of fraternity and philanthropy. These men bound themselves together by the ideals of Christopher Columbus, the discoverer of the Americas, the one whose hand brought Catholicism to America.

For the last 100 years, the Tiffin Council has carried on the principles of their founding fathers. Their services to the Tiffin community are profound. The Tiffin Council provides religious education and activities for students and those with mental and physical disabilities. Their efforts at the Ecumenical Sharing Kitchen ensure that those who are less fortunate have a hot meal. Through their charitable efforts, the Tiffin Council raises funds for the Firefighters' Projects for Children, St. Rita School for the Deaf, and Catholic Guild for the Blind.

Mr. Speaker, I ask all the members of the 107th Congress to join me in applauding the efforts of the Tiffin Knights of Columbus Council 608. Their selfless acts of volunteerism and brotherhood over the past century are truly an example for future generations.

## COLONEL JAMES A. McMURRY RETIRES AS COMMANDER

### HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. PETRI. Mr. Speaker, on October 26, 2001, Colonel James A. McMurry will retire as Commander of Volk Field Combat Readiness Training Center, Camp Douglas, Wisconsin. After a distinguished career in the U.S. Air Force as an instructor pilot, Colonel McMurry joined the Wisconsin Air National Guard where he served as an instructor pilot, flight examiner and squadron standardization officer with the 128th Tactical Fighter Wing. During that time, he participated in three overseas deployments. In 1989 he was assigned to lead the installation of a $31 million Air Combat Maneuvering Instrumentation system at Volk Field. He became Commander in November, 1993. In 1997, he was assigned the additional duty of Air National Guard liaison to the Air Force Command and Control Battle Lab.

Colonel McMurry is a command pilot with over 3800 hours in a variety of aircraft. His awards and commendations include the Meritorious Service Medal, Air Force Commendation Medal, the Army Commendation Medal, the Joint Service Achievement Medal, the Outstanding Unit Award and the Organizational Excellence Award.

Colonel McMurry represents the very best in leadership in the Wisconsin National Guard. He is considered one of the most accomplished and respected senior officers in the Air National Guard. He has led in the area of new technologies to train the men and women of the future Total Force.

In addition to his distinguished military career, Colonel McMurry has served in a number of community leadership roles including the American Legion, Lions Club, County Wisconsin Workers Steering Committee and the Greater Mauston Wisconsin Development Corporation.

Colonel McMurry resides in Mauston with his wife, Sue, and their three children, April, Sara and Mike.

I have considered it an honor and a privilege to have worked with Colonel McMurry since his arrival at Volk Field, which is located within the 6th Congressional District that I represent. It is fitting that he receives full recognition and praise for the service he has rendered to his community, his state and his nation along with the thanks and best wishes of his fellow citizens in Wisconsin.

## ON INTRODUCTION OF FIRST RESPONDERS HOMELAND DEFENSE LAW

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. FORBES. Mr. Speaker, today, I rise to introduce legislation that will help our local law enforcement agencies and public safety personnel prepare for and respond to terrorist attacks.

As the horrific attacks upon our Nation on September 11th have proven, our local police, fire, and rescue personnel are our first line of response to acts of terrorism. While our federal law enforcement officers have a very important role to play in our homeland defense, the role of their state and local counterparts is still more critical. They are the first on the scene, the first to assess the damages and circumstances, the first to attend to victims.

But, they are not now well equipped or prepared for dealing with these situations. They must deal on a day-to-day basis with the more mundane tasks of keeping the peace on the streets and bringing common criminals to justice. They need access to the knowledge and equipment that our federal law enforcement and military personnel freely have, but now lie outside their routine training.

As our Nation sought to prosecute the long, hard war on drugs, we came to similarly realize the value of fully integrating beat cops, state troopers, and other law enforcement officials into the fight. But those officers needed access to the equipment and the knowledge of our military personnel in order to fully realize their capabilities. As a result, there are two programs through which state and local agencies fighting drugs can acquire defense personnel property to conduct counter-drug operations.

One of those two programs, found at 10 U.S.C. 2576a, was already amended by Congress to allow these same resources to be used for counter-terrorism. Through that program, local law enforcement can get free access personnel property no longer needed by the Department of Defense. It is time to bring the second program into the Twenty-First Century as well, and that is what my bill does.

This second program, found at 10 U.S.C. 381, simply provides state and local enforcement officers access to the catalog of equipment and knowledge currently available to the Department of Justice, the Department of Defense, and the General Services Administration.

No new funds are needed to expand this program. The local agencies pay for the items they purchase with their own dollars. But, by purchasing these items through this program, the communities may be able to leverage the buying power of the federal government and pay lower prices.

There is no cost to making this change in law, but there is a great cost to not providing our local public safety workers with the tools they need to respond to future potential terrorist attacks. As we begin to prepare our Nation to fight what could be a long, hard war against terrorism, we must arm our front-line soldiers—the police, fire, and rescue personnel of our local communities. The First Responders Homeland Defense Act is one right step in that direction.

## TRIBUTE TO THE SOUTHSIDE FALL FESTIVAL

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the patrons and organizers of the

Southside Fall Festival for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001 their families and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seeks to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of the patrons and organizers of the Southside Fall Festival signify the commitment and concern of Americans everywhere. Our Nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the patrons and organizers of the Southside Fall Festival have raised and contributed more than $1,500 to assist the grieving families and rescue workers. The patriotism and persistence of the patrons and organizers of the Southside Fall Festival is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the Nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed unspeakable horror, America's virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hated, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

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## HONORING THE SERVICE OF ART COOK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. McINNIS. Mr. Speaker, when someone is stranded in the backcountry and a search and rescue team is called into action, dedicated and brave individuals respond to the call of those in need. Today I would like to rise and honor the service and contributions of Art Cook, a 14-year veteran with the Mesa County Search and Rescue, whose service has led him to be one of the most respected members of his squad and who was recently recognized by the Lions Club in Grand Junction, Colorado for his selfless acts.

In the vast terrain of Colorado, the vehicles needed for search and rescue differ from region to region. However, the need for four-wheel drive vehicles always seems to be a necessity and Art established the four-wheel-drive division of the Mesa County Search and Rescue. Not only did he implement this crucial component to the service, Art also created a unique and very effective mechanism for rescuing someone out of the backcountry. His innovation has been appreciated tremendously and has served to make the Mesa County Search and Rescue a better operation.

Art began his volunteer service in 1987 after retiring from Mountain Bell. Now 67 years of age, Art has helped to save numerous lives and has extended a warm and helping hand in numerous instances. At times, his dedication worries his family but that does not halt his volunteering. This award from the Lions Club was accompanied with a check to be given to the Search and Rescue team.

Mr. Speaker, Art Cook has offered himself and his expertise to others on many rescues. His honorable and commendable service is greatly appreciated. I would like to take this moment to congratulate Art on his recent recognition and extend my warmest regards and best wishes to him and his family in many years to come.

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## IN HONOR OF CHARLES G. OFIESH

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber's attention to a distinguished decorated military veteran recently elected state commander of the Department of Pennsylvania Disabled American Veterans (PADAV). Mr. Charles G. Ofiesh, a resident of Altoona, Pennsylvania, located in the 9th Congressional District, served honorably during WWII and the Korean War. After his return from the Korean War, Mr. Ofiesh enlisted with the 341st Medical Company, Army Reserve, Altoona, and quickly rose to the rank of first sergeant—a position to held for years. Mr. Ofiesh was then transferred to the 99th Army Command where he was soon promoted to command sergeant major where he served until his retirement in November 1984.

During his distinguished military career, Mr. Ofiesh received over 24 awards and decorations, most notably the Legion of Merit and the Meritorious Service Medal with one Oak Leaf Cluster. Mr. Ofiesh is a member of the American Legion, the Veterans of Foreign Wars, has served as a member of the Altoona City Zoning Appeals Board for over 24 years and is very active in the Civil Air Patrol program.

The tragic incident of September 11th reminds all of us to honor our military, both past and present. Mr. Ofiesh is a person who believes in America and fought admirably to protect our country. Mr. Ofiesh deserves the recognition from Congress and we should take notice and acknowledge all of heroes like Mr. Ofiesh. I look forward to working with him in his new role as state commander of PADAV and joining the fight to ensure that all veterans and their families receive the respect and benefits that they have earned.

Mr. Speaker, I would like to place a copy of the article from the Altoona Mirror into the RECORD.

[From the Altonna Mirror, Sept. 30, 2001]

LOCAL MAN ELECTED TO HEAD PA. DISABLED AMERICAN VETERANS

(By Mark Leberfinger)

Charles G. Ofiesh has worn many hats over the years: government official, parade marshal, businessman and decorated military veteran.

Now he has a new hat to wear as state commander of the Department of Pennsylvania Disabled American Veterans.

"He's a guy whose feet never stop," department adjutant John W. Neeves said. "He's always on the go. "He has all the attributes a leader should possess."

Ofiesh was elected to his new role during the Disabled American Veterans' Pennsylvania convention in June. DAV was founded in 1920 and chartered by Congress in 1932. It is the official voice of America's service-connected disabled veterans.

Ofiesh said he joined the organization because he felt he could do more directly helping veterans than he could in other organizations.

"The DAV takes care of members of the Legion and VFW, everybody," he said. "You don't have to be a DAV member to be served.

"I couldn't do near what I could do in the other organizations what I can do in the DAV," Ofiesh said.

He has been working on several goals for the organization including improving the transportation system that takes veterans to area VA medical centers and doctor appointments and increasing membership in the nearly 53,000-member organization.

"The DAV is lobbying all the time for veterans," the new state commander said. "We're trying to tell them 'you made promises and you need to keep those promises'—to take care of the veterans for life after they came home."

In addition, the state Disabled American Veterans is seeking more grant money from the Commonwealth to purchase more vans for the James E. VanZandt VA Medical Center and the seven other VA centers in the state.

Before taking the reins of the state DAV, Ofiesh served as the organization's junior vice commander and senior vice commander.

He already has represented the state organization at various statewide veterans meetings.

"There are so many organizations and they're all working toward one goal: to support the veterans," he said.

Ofiesh served in the 24th Infantry Division during World War II and the Korean War. After his return from Korea, he enlisted with the 341st Medical Company, Army Reserve, Altoona. Ofiesh rose to the rank of first sergeant, a rank he held for 16 years.

He was transferred to the 99th Army Command in Oakdale, where he was promoted to command sergeant major. He retired at that rank in November 1984.

During his military career Ofiesh received many military awards including the Legion of Merit and the Meritorious Service Medal with one Oak Leaf Cluster.

Ofiesh and his wife, Helen, have three children and three grandchildren.

He is a member of the American Legion and the Veterans of Foreign Wars. Ofiesh has served as a member of the Altoona City Zoning Appeals Board for 42 years. He is also a member of the Altoona Blair County Development Corp. and Blair County Industrial Development Authority.

Ofiesh has been grand marshal for parades in Altoona during the past 20 years.

"I would call the commander's honor the crowning glory, my final salute," he said, "because all the other things I've done aren't of the magnitude of state commander of an organization like the DAV."

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## TRIBUTE TO LEONARD WADE FAULK

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Leonard (Wade) Faulk of Julesburg, Colorado. Wade was one of only 51 high school students nationwide selected for a $20,000 Coca-Cola Scholars Foundation Scholarship. For this, Mr. Speaker, the United States Congress commends him.

Wade is a recent graduate of Julesburg High School in Julesburg, Colorado. He and 117,000 other high school seniors representing over 16,500 high schools competed at the annual Coca-Cola Scholars Weekend in Atlanta Georgia. As a result of the competition, Wade was chosen to be a 2001 Coca-Cola National Scholar. The Coca-Cola Scholarship is one of America's most prestigious scholarship awards.

In a recent edition of the Julesburg Advocate, Sandy Williams, Chairman of the Board of Coca-Cola Scholars Foundation said, "Wade Faulk has demonstrated a commitment to educational achievement, leadership and service to his school and community. The Coca-Cola Scholars Foundation is proud to name him as a 2001 Coca-Cola National Scholar." Wade's strong work ethic and leadership remind us about the strength of America's youth. It is reassuring to know we have people like Wade to lead us into the future.

As a constituent of Colorado's Fourth Congressional District, Leonard Wade Faulk is truly a positive role model for the youth of America. He not only makes his community proud, but also his state and country. I ask the House to join me in extending our warmest congratulations to Mr. Leonard Wade Faulk.

[From the Julesburg Advocate, Aug. 23, 2001]

FAULK SELECTED AS 2001 NATIONAL COCA-COLA SCHOLAR

NATION'S MOST PRESTIGIOUS SCHOLARSHIP PROGRAM AWARDS JULESBURG STUDENT $20,000 FOR COLLEGE

Leonard [Wade] Faulk, a 2001 graduate of Julesburg High School is recognized as one of the country's most outstanding high school seniors as Coca-Cola awards him with a $20,000 National Coca-Cola Scholars college scholarship.

The Coca-Cola Scholars Foundation, a joint effort of Coca-Cola Bottlers across the United States and The Coca-Cola Company, is one of the largest corporate-sponsored, merit scholarship programs of its kind in the United States. The program recognizes a diverse group of exemplary high school seniors who have demonstrated academic and civic excellence in their schools and communities.

"Wade Faulk has demonstrated a commitment to educational achievement, leadership and service to his school and community. The Coca-Cola Scholars Foundation is proud to name him as a 2001 Coca-Cola National Scholar;" said Sandy Williams, Chairman of the Board of the Coca-Cola Scholars Foundation and President of Corinth Coca-Cola Bottling Works in Corinth, Miss.

Faulk is one of 51 National Scholars to receive a $20,000 college scholarship and one of 252 students across the country benefiting from the Coca-Cola Scholars Program.

Faulk competed for 51 National scholarships of $20,000 or 200 Regional scholarships of $4,000 when he joined 201 of America's most impressive high school students in Atlanta for Coca-Cola Scholars Weekend, April 27–29, with the theme, "Transitions." The 2001 Class of Coca-Cola Scholars interviewed with several education, business, government and arts leaders from across the country. Scholars were evaluated on their academic achievements, school and community leadership and the desire to succeed. Scholars were chosen from an initial applicant pool of more than 117,000 high school seniors representing more than 16,500 high schools nationwide.

While in Atlanta, the students were also recognized at a banquet held in their honor. In addition, the Scholars received surprise recognition when Coca-Cola, in partnership with the Corporation for National Service, presented each of them with the President's Student Service Award—an additional $500 scholarship, certificate and gold pin. The President's Student Service Award honors high school juniors and seniors who have contributed at least 100 hours of service during the last year. The President's Student Service Challenge is designed to reward and encourage activities that have a significant impact in meeting the needs of local communities.

During Scholars Weekend the students also visited the World of Coca-Cola, the Atlanta History Center, CNN and the Martin Luther King Jr. Center. The Scholars also participated in a community service project, working to beautify a local elementary school and tutoring students.

The Coca-Cola Scholars Program is the most-recognized and respected corporate sponsorship in America. The program was created in 1986 to commemorate the 100th anniversary of Coca-Cola establishing a lasting legacy for the education of tomorrow's leaders through college scholarships. There are more than 2000 Coca-Cola Scholars who have benefited from nearly $17.7 million in scholarship awards. The Foundation is supported by the financial commitment of local Coca-Cola Bottlers including Denver Coca-Cola Bottling Company and the Coca-Cola Company.

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## HONORING MITCHELL WRIGHT

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the bravery of a remarkable young man. Until last May, Mitchell Wright was a joyful, healthy nine-year-old boy without the burdens of a serious illness. Today, he lives with a rare strain of cancer called rhabdomyosarcoma that most nine-year-old children could not even imagine, or yet, overcome.

Mitchell discovered the cancer himself and approached his mother about it. They went to see doctors and their worst-case scenario was soon realized. Experts say that this type of cancer is usually not found until it is too late, but luckily Mitchell discovered the tumor when treatment was possible. Mitchell has been traveling from Grand Junction to undergoe chemotherapy and radiation therapy in Denver every three weeks and will continue to do so for another year. Mitchell has a tough road in front of him including numerous doctor checkups for the next five years. It is a well-known fact that the treatments that Mitchell is receiving have extremely uncomfortable side effects, but Mitchell is courageously enduring these struggles and his friends and family are standing by him.

It is my honor to stand up with Mitchell's family and friends to support him during this time and recognize the bravery this young man has demonstrated. Mitchell is a courageous individual, but he is not alone in his struggle. He is surrounded by a community that provides strength and support in Mitchell's battle to overcome rhabdomyosarcoma. My thoughts and prayers along with those of this Congress are with Mitchell and his family during these difficult times.

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## RECOGNIZING ARKANSAS TROOPS ON THEIR RETURN FROM BOSNIA

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. ROSS. Mr. Speaker, I wish to recognize and express my sincere appreciation to the National Guard Troops from southern Arkansas, our men and women in uniform, who have just returned to the United States from staging operations in Bosnia-Herzegovina.

These selfless individuals and their families made great sacrifices, including spending time away from their homes and jobs, to serve our country and to help the people of Bosnia in this time of need. They did so with honor and dignity, and I am grateful for their service.

In May, several members of my staff traveled to Bosnia to visit our National Guard units from Magnolia and Sheridan, Arkansas, in my district, including my legislative assistant for military affairs, Toby Stephens, a former member of the Magnolia unit. I regret that I was unable to accompany them due to my congressional responsibilities in our Nation's capital, but I was pleased to hear that our troops were admirably representing Arkansas and the United States in a foreign land.

As they return to their loved ones, their homes, and their daily lives in this current time of uncertainty, I want to personally thank each of these men and women for their invaluable servitude at home and abroad.

## HONORING THE MEMORY OF DONALD J. COHEN, M.D.

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. DELAURO. Mr. Speaker, I rise today with great sadness, in a time of national sadness, to pay tribute to an extraordinary man. Dr. Donald Cohen was a friend of the New Haven community and friend of mine. He left an indelible mark on all he touched and a legacy that will touch many he never knew.

For almost thirty years, he brought an unparalleled dedication to the Yale School of Medicine. Most recently he served as the Chairman of Child Psychiatry at the Yale-New Haven Children's Hospital and was the Sterling Professor of Child Psychiatry, Pediatrics and Psychology in the Yale School of Medicine. Donald has been the Director of the Yale Child Study Center, internationally renowned for its multi-disciplinary programs and advocacy for children and families, for nearly two decades. Under his leadership, the Center has grown to be one of the most respected research and development institutions in the world. Within the Center, Donald also founded the very successful Yale-New Haven Child Development Community Policing Program which helped teach law enforcement officers how to respond to children and families. The program has since been duplicated in communities throughout the country.

In a letter I recently received from Donald, he wrote, "the Child Study Center has been at the core of my intellectual and personal development. All of my work has been nourished by relationships that are based here . . . the coming together of so many wonderful people who gathered around the visions of the future directions and potentials of our field." Donald dedicated his career to helping children with very special needs. He has been recognized nationally and internationally for his work in urban child development and the impact of violence and trauma on children and families. However, it was his clinical and research activities which focused on the developmental psychopathology of serious childhood neuropsychiatric disorders including pervasive developmental and tic disorders and autism that were closest to his heart. It was here that he truly wanted to make a difference.

Over the last several years, I worked on so many projects with the Yale Child Study Center, and almost always worked closely with Donald. Since our first meeting, I was in awe of his tireless efforts and dedication—especially to his research on autism. It was only this past week that I received the news that he would be honored next month at the International Meeting for Autism Research with the Lifetime Award for Research in Autism. In his letter, he described this occasion as "particularly special . . . because they bring together what I have most cherished what I have most cherished about my life as a scholar and a clinician—the opportunity to be a part of family's lives and the lives of students and colleagues working together to improve our understanding of the most enduring questions of human development."

I stand today to pay tribute to a great man and to extend my deepest sympathies to his wife Phyllis, his four children and their families, and his mother Rose. A tireless advocate and a dear friend, Dr. Donald Cohen was an inspiring leader and his legacy will forever live in the hearts of the many lives he has touched.

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## STATEMENT ON THE TEMPORARY UNEMPLOYMENT COMPENSATION (TUC) ACT

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. CARDIN. Mr. Speaker, as our economy enters a period of great uncertainty, Congress can take at least one step that will protect the families most imperiled by mounting job losses, while simultaneously stimulating consumer demand and economic growth. In short, we should improve our unemployment compensation (UC) system. Expanding, extending and supplementing UC coverage will put more money into the pockets of the families most affected by economic dislocations and most likely to spend quickly.

I am therefore introducing the Temporary Unemployment Compensation Act to improve our Nation's response to rising unemployment levels. The bill would draw down funds from the federal unemployment accounts for one year to: (1) provide benefits to certain unemployed workers who are now not covered by the Unemployment Compensation system; (2) extend benefits by 13 weeks to workers whose regular UC has expired; and (3) supplement the amount of unemployment benefits. Over the next year, these provisions would provide UC benefits to over one million jobless Americans who otherwise would go without any assistance, they would extend UC coverage to roughly 3 million individuals whose regular benefits have expired, and they would increase the amount of unemployment payments to 9 million displaced workers. With new claims for unemployment benefits recently reaching their highest level in nine years, it is imperative that Congress and the Administration consider these reforms in the quickest possible time frame.

Any effort to improve our unemployment system must start with the recognition that many dislocated workers, particularly low-wage workers, do not receive assistance from the current system when they are laid off. The General Accounting Office (GAO) reported last December that while low-wage workers were twice as likely to become unemployed, they were only half as likely to receive UC benefits compared to higher-wage workers, even when employed for similar periods of time. The GAO cited the fact that only 18% of unemployed lowwage workers were receiving UI benefits compared to 40% of higher-wage workers. This problem may track a general reduction in the percentage of unemployed Americans who actually receive UC benefits (which has declined over the last few decades from about one-half to about one-third).

Over the last few years, Congress has received repeated recommendations to correct this situation. Groups suggesting changes include: the Advisory Council on Unemployment Compensation, which was jointly appointed by Congress and the President; the Committee for Economic Development, which is led by leaders in business and academia; and a group of state, federal, business and labor stakeholders in the UC system. All of these organizations highlighted two issues that must be addressed. First, too many unemployed workers are denied UC because their most recent wages are not counted. (Many States do not count the last completed quarter of work). And second, part-time workers are sometimes discriminated against in the UC system. To begin to address these inequities, the TUC Act would provide federally-funded UC coverage for one year to jobless workers who would be otherwise ineligible because their last completed quarter of employment was not included in their wage record, and to unemployed workers seeking part-time employment.

As unemployment creeps up, it becomes increasing difficult for dislocated workers to quickly find new jobs. For this reason, Congress also should consider increasing the duration of unemployment benefits, particularly since the current law provision providing an extension of benefits has proven ineffective. In fact, since 1983, only 12 States have triggered on to the current Extended Benefits (EB) program. Because changes to the existing EB program would demand time-consuming changes to many State's laws, this legislation would establish a new, temporary program that would provide an additional 13 weeks of benefits to individuals whose regular UC expires. Like the coverage for certain newly eligible workers, these extended benefits would be federally-funded and would continue requirements that recipients seek work.

One final area that deserves attention is the adequacy of UC benefits. Unemployment benefits generally replace 50% or less of lost wages, leaving many workers hard-pressed to meet their monthly bills. This is particularly true in many urban and suburban areas where housing costs have exceeded inflation over the last decade. Furthermore, many States have relatively low average and maximum UC payment rates (the average weekly UC payment in the US is about $230). Finally, UC wage replacement rates were never adjusted to account for the fact that unemployment benefits were made fully taxable in 1986. This tax policy was enacted to ensure equity among families with the same amount income but from different sources. However, it has had the effect of reducing the value of UC benefits by about 15%. Therefore, to restore the value of unemployment benefits, while also maintaining equity in the tax code, this legislation would increase every UC recipient's weekly check by 15% for the next year.

Mr. Speaker, we have over $38 billion in the Federal Unemployment Trust Funds. Those reserves are designed just for this purpose—responding to rising unemployment. We should spend a portion of those funds to help Americans face the uncertainties and hardships that come with increased joblessness. The Temporary Unemployment Compensation Act will put those monies to good use by expanding, extending and increasing unemployment coverage just when it is needed most. Thank you.

## A TRIBUTE TO MARY R. WRIGHT

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to honor the selfless public service of an individual who has committed herself to the betterment of our public parks. Ms. Mary R. Wright recently retired from her position as Chief Deputy Director of the California Department of Parks and Recreation, and I wish to take this opportunity to recognize her work for the State of California.

Mary began her career with the Department of Parks and Recreation in 1978 as the Acting Assistant Director, in Los Angeles. In this capacity, she worked as a liaison between the Department and various agencies and organizations in the greater Los Angeles area. Her valuable combination of talent in management and passion for our natural resources were quickly recognized by all those with whom she worked, and she held a variety of positions within the Department before being named District Superintendent for the Monterey District. The Monterey Peninsula is famous for its beauty and pristine natural habitats, enjoyed and treasured by residents of and visitors to the area. The role of managing and directing the efforts of those who work to preserve and protect these natural resources fell on Mary. She excelled at the task and, in June 1999, earned promotion as Governor Gray Davis's appointee to the position of Chief Deputy Director of the California Department of Parks and Recreation.

In addition to her official work on behalf of the State of California, Mary works alongside her husband as an enthusiastic community advocate. As a resident of Big Sur, she works on behalf of the residents and businesses there, serving as a member of the Big Sur Historical Society and as the Vice President of the Big Sur Health Center Board of Directors. She has also been active on the Monterey Peninsula for many years, serving as an appointed commissioner on the Monterey Historic Preservation Commission from 1983 until 1992, and as an appointed commissioner on the Marina Dunes Task Force from 1985 until 1992. She truly is a precious resource for our elected officials and community members.

Mary Wright is a dedicated public servant, and a respected administrator. Her talent and vision will be sorely missed in the California Department of Parks and Recreation, but I am certain that the communities of the Central Coast will continue to benefit from them. I wish her well as she heads into a well-deserved retirement.

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## HONORING THE ACHIEVEMENTS OF VINCE THOMAS

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. EVANS. Mr. Speaker, I rise to honor Vince Thomas, a committed and dedicated community activist from my Congressional District. He is retiring from his position as executive director of Project Now, a community action agency, after almost 30 years of service to the Quad Cities area.

I have had the honor to know Vince for over 20 years. Throughout my work as a Member of Congress, I have had the privilege to work closely with him on many projects and initiatives to aid our local area. Through these efforts, he has helped build a strong Quad City community that respects diversity and reaches out to the less fortunate in our area. I am proud of the work we have achieved together and the wise counsel that Vince has given to me over the years.

You need to look no farther than the numerous awards presented to him to know the high regard that the Quad Cities and people throughout Illinois hold for Vince. He has been awarded the Dr. Martin Luther King "I Have A Dream Award" and the Martin Luther King Steering Committee Peace Award as well as the Illinois State Council of Senior Citizens Award and an appreciation award from the Quad City League of Native Americans. He is clearly a man of conscience and duty.

While Vince has been a man of many causes, he is also known for his warm personality. He may be a tenacious advocate, but he is also known for his quick smile and considerate manner. I am fortunate to count Vince as a good friend.

For those who know Vince, his name is synonymous with working for social justice and serving the neediest in our society. While Vince will be retiring from Project Now, I know that he will continue to be an energetic advocate for the underprivileged in our area. I wish him the best as he embarks on his retirement. I know that he will continue to be an inspiration to those of us who seek to make the Quad Cities an even better place to live.

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## TRIBUTE TO OS2 NEHAMON LYONS IV OF PINE BLUFF, ARKANSAS

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. ROSS. Mr. Speaker, on September 11, 2001, our nation lost thousands of brave and innocent men and women in the unconscionable terrorist attacks on the World Trade Center and the Pentagon. Among those who admirably, but regretfully, gave their lives that day while serving our country at the Pentagon was a gentleman from my district, Operations Specialist 2nd Class Nehamon Lyons IV. I wish to recognize his life and achievements.

Officer Lyons was bom and raised in Pine Bluff, Arkansas, where he graduated from Dollarway High School in 1989. After graduating, he moved to Mobile, Alabama, and in 1997 enlisted in the Navy. Although he was first assigned to the USS *Gettysburg*, Officer Lyons had been attracted to the Pentagon since high school. Through hard work, he eventually received a coveted and prestigious assignment to the center of our nation's military command. During his tenure at the Pentagon, he effectively managed multiple responsibilities, including his most recent position as Chief of Naval Operations.

The Navy awarded Officer Lyons multiple accolades throughout his career for his contributions to our country including the Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Commendation, the Sea Service Deployment Ribbon, the Good Conduct Medal, and two Navy "E" Ribbons. In addition, for his bravery in the face of extreme peril on September 11, 2001, Officer Lyons will posthumously be awarded the Purple Heart of Courage and the Navy and Marine Corps Commendation Medal.

Officer Lyons was not only a decorated and distinguished serviceman, but also an honorable member of his community. He served this nation and his fellow citizens with spirit and bravery. All those who knew him will miss his cheerful demeanor and hard-working attitude. His passing is a significant loss not only to his family and friends, but also to our state and our nation.

I am grateful for Officer Lyons's service to and love for his country, and I pay tribute to him for his lifetime of accomplishments. My thoughts and prayers are with his mother, Jewel Lyons, and all his family and friends.

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## HERMAN CASTELLANI HONORED

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long record of service to the community by my very dear friend Herman D. Castellani, who will be honored as "Person of the Year" by the Italian-American Association of Luzerne County at the association's annual Columbus Day banquet on October 7.

Herman has served as president of the association for two years and has also served as secretary to, and a member of, its board of directors.

He has participated in numerous community activities throughout the years. He has served as president of the North Italian Citizens Club, Perugia Beneficial Italian Club and president of the Exeter Ghents Club. He has been a member of the Exeter Lions Club for 38 years, serving as president in 1971–1972. He was a volunteer office clerk for St. Anthony's Parish in Exeter, where he currently serves as vice president of the Holy Name Society and formerly served as president.

In addition, he served his fellow citizens as treasurer and occupational privilege tax collector for Exeter Borough for 11 years. He owned and operated delicatessens in Wilkes-Barre and Scranton for 21 years. He was a concrete foreman for Addy Asphalt in Wilkes-Barre for 19 years and presently works for Luzerne County.

He resides in Exeter with his wife of 47 years, the former Louise Fumanti. They have three daughters, Gloria Sekusky of Plains Township, Sharon Ellis of Shavertown and Lisa Dolhon of Exeter, and nine grandchildren. The son of the late Eugene and Palmina Catani Castellani of Nocera Umbria, Italy, he is a graduate of Plains Memorial High School.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long record of service to the community by Herman Castellani, and I wish him all the best.

## TRIBUTE TO DR. MARCUS HATTER

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the memory of Dr. Marcus Anthony Hatter. Dr. Hatter will be honored at a tree planting ceremony at his alma mater, Clio High School, on October 4. He was a member of Clio High School Class of 1975. The ceremony will honor both the Class of 1975 and Dr. Hatter's memory.

During his attendance at Clio High School, Marcus Hatter was student body president for several years. He served as captain of the varsity basketball team, he was a charter member of the Genesee County Youth Leadership Council, a member of the National Honor Society, and active in the Varsity Club.

After graduating from Clio High School with honors, Dr. Hatter obtained his Bachelor of Science degree from the University of Michigan, Ann Arbor, and graduated from the Michigan State University School of Medicine in 1989. He completed his medical residency at William Beaumont Hospital in Royal Oak, Michigan. He went on to become the primary physician for the Visiting Physicians Association at Medi-Lodge in Howell, Michigan. In 1994 he married Janette Dennis. They had four children and adopted a fifth child.

Dr. Hatter suffered from an illness that cut his life short. During this time Marcus Hatter was an undaunted example of courage, compassion and heart. His brother, Henry II, gave Marcus a kidney that extended his life by several years, but Dr. Hatter passed away on January 7, 2001.

He is enshrined in the memory of the people closest to him, wife Janette; children Elizabeth, Rachel, Miranda, Marcus Jr. and Aaron; parents Henry and Barbara Hatter; sister Kelly; brother Henry II; and many others who will treasure always the inspiration Dr. Hatter provided to others his entire life.

Mr. Speaker, I ask the House of Representatives to join the Clio High School Class of 1975 in paying tribute to one of its own. Dr. Marcus Hatter worked to make the world a better place. He brought joy to each person he met and will be greatly missed by his family, friends and our community.

## TAIWAN DESERVES A PLACE IN THE UNITED NATIONS

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SHERMAN. Mr. Speaker, last year, the people of Taiwan went to the polls to select the individual who would serve as the Tenth President of the Republic of China. Mr. Chen Shui-bian, a member of an opposition party, won that hotly contested race, and for the first time in Chinese history, people in Taiwan had a peaceful transfer of power.

Many scholars and government officials in the PRC suggested that if President Chen were elected, Southeast Asia would be thrown into economic and political turmoil. It did not occur. Instead, President Chen has avoided provoking the mainland. He has honored his pledge to seek a genuine dialogue with the Chinese mainland and his approach towards the PRC has won praise from neighbors in Asia and the United States.

Mr. Speaker, In spite of all that President Chen and the people of Taiwan have done, Taiwan is not a member of the United Nations, and its twenty-three million people are not represented in that body and in many other international organizations. It is time for fair-minded leaders of the world to correct this injustice.

Unfortunately, the General Assembly again failed to provide Taiwan with the membership in this body it so richly deserves this year. I call on my colleagues and the Bush Administration to urge membership for Taiwan when the issue comes before the General Assembly next year.

The members of the United Nations should include all people and nations, especially those who stand as a true example of political freedom. Many of my colleagues may be concerned about Taiwan's status as officially a province of China. I would remind my colleagues that other divided nations—Germany and Vietnam, for instance—enjoyed full representation in the UN by both of their governments. We should afford the free-market democracy of Taiwan the same.

## CENTRAL NEW JERSEY CELEBRATES THE REDEDICATION OF THE LAMINGTON BLACK CEMETERY AND HONORS THE EFFORTS OF ITS ORGANIZERS

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. HOLT. Mr. Speaker, I rise to recognize and celebrate the rededication of the Lamington Black Cemetery located in Somerset County, New Jersey and to honor those responsible for undertaking this reclamation effort.

Until a year ago, this rich history of New Jersey's African-American heritage was a hidden treasure lost among snarled tree roots and overgrown vegetation. But thanks to the efforts of many concerned citizens, the "old slave cemetery", its nearly three centuries of history and more than 100 graves—both marked and unmarked—have been preserved and rededicated.

For more than a year, neighbors and friends, brothers and coworkers, pastors and congregants have come together to rebuild and reclaim this small one acre cemetery. They have donated their time, talents and treasures to restore the peace and dignity those resting in this hallowed ground deserve.

At this time in our Nation's history, when we struggle to find solace and meaning in the acts of terror against us, we can gain strength and perspective from those buried in the Lamington Black Cemetery and those working to preserve our heritage. Theirs is a story of slavery, of war, and of freedom. Most importantly though, they are a genuine example of the dignity of human life, the strength of community and the pride of America.

Mr. Speaker, again, I celebrate this rededication and honor those who are buried and those who have worked so diligently to bring their memories back to life. I ask my colleagues to join me in recognizing this invaluable contribution to our community and New Jersey.

## HONORING THE SERVICE OF POLICE OFFICER DAVID ROBERTS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. McINNIS. Mr. Speaker, to serve the public as an officer of the law is truly a noble deed worthy of the praise from this body. These brave souls are the forgotten heroes of the day despite their importance to our country and to the welfare of the public. David Roberts, an outstanding retired police officer who served the Denver Police Department, considered being a police officer one of the greatest and most rewarding aspects of his life. The Denver chapter of the International Footprint Association has offered their praise by honoring him at the second annual Forgotten Officer Recognition Dinner. I too, would like to raise the service of this officer before this House and recognize his efforts to the service of the people of Denver, Colorado.

Although David is no longer an active officer, his heart is still captivated with a selfless devotion to others. In 1985, he experienced a gunshot wound to his mouth that ended his career. David had been with the department for only six years when one incident ended his career. The man who shot Officer Roberts was subsequently sentenced to 80 years in prison and David has been paralyzed on his left side since. This potential setback, though, has not fazed David and he is still involved with training officers by teaching them at police academies. He attempts to offer a glimpse of what to do should something of such traumatic magnitude strike them in the line of duty. But his teachings pertain to life more than just police duty.

Mr. Speaker, David Roberts gave a portion of himself to protecting the citizens of Denver and his service will not be forgotten. While the recognition he has received by the International Footprint Association is a piece of our appreciation, his admiration extends much further than an award. He is not a forgotten hero and will be considered a guardian to our security forever. Mr. Speaker, I would like to acknowledge the commendable and valiant service of David Roberts and extend to him my warmest regards and best wishes in the many years to come.

## TRIBUTE TO J.C. JEFFRIES OF PINE BLUFF, ARKANSAS

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. ROSS. Mr. Speaker, I wish to recognize the life and achievements of a man who was not only a personal friend, but a friend to his entire community and a respected civic leader in Arkansas, First Ward Alderman J.C. Jeffries.

J.C. passed away on Sunday, September 30, at the age of 57. Originally from Grady, Arkansas, J. C. moved to Topeka, Kansas, in high school and joined the Air Force upon graduation. Four years later, he joined the police department at Topeka and became involved in civic and youth issues. He returned to Arkansas and settled in Pine Bluff in 1979. J.C. spent the majority of his life caring for and taking an active role in the Pine Bluff community.

J.C. always put service above self by trying to make Pine Bluff a better place in which to live. He was a quiet man who always moved and spoke deliberately and with consideration. Although J.C. had his own opinions concerning politics or policy, he would always listen to others ideas and concerns. Under his leadership and non-confrontational guidance, J.C. could bring together many different groups within the community. I was honored to have him serve on my congressional African American advisory council.

As a member of the Pine Bluff City Council for 14 years, J.C. truly understood and enjoyed participating in city government. He had been an alderman since 1987 and was one of Pine Bluff's first African American city council members. As chairman of the council's public works committee, J.C. was dedicated to helping "at risk" youths through city programs. He fought hard for funding for the city's summer jobs program and made sure the money was used responsibly. The Pine Bluff Commission on Children and Youth was established under J.C.'s leadership.

In addition to his work in City Hall, J.C. also advised members of the Pine Bluff's academic community. J.C. worked at the University of Arkansas at Pine Bluff most recently as a career counselor and held several posts over the past twenty years. He helped find money to pave UAPB's streets and get financing for the new state-of-the-art Golden Lions Stadium.

J.C. was a man of great stature, a distinguished leader who showed compassion for everything he did and everyone he met. Even on his last day of life he was worrying more about his town's future than his own health. His passing is a significant loss not only to his family and friends, but also to the city of Pine Bluff and the people of Arkansas.

I pay tribute to him for his lifetime of accomplishments, and I am deeply grateful for J.C.'s friendship, his devotion to assisting others, and his commitment to the betterment of his community. My thoughts and prayers are with his daughters, Jacquelyn, Rhonda, and Felicia, and all his family, friends, and loved ones.

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## CONGRATULATING THE INSTITUTE FOR CUBAN AND CUBAN-AMERICAN STUDIES AT THE UNIVERSITY OF MIAMI

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. ROS-LEHTINEN. Mr. Speaker, on October 10, 1868, the Cuban people expressed their desire to be free of oppression and their determination to convert this dream into a reality. This "Grito de Yara" was a battle cry heard throughout the world, yet it was the United States who joined forces with Cuban patriots in their struggle for independence.

This served as the catalyst which would forever intertwine the histories of our two countries and would develop into an enduring friendship between our people, stemming from a unity of purpose and shared respect and admiration for our cultures.

Later, the exodus of Cubans fleeing the tyrannical and brutal rule of the Castro dictatorship in search of liberty in the U.S., further reinforced these bonds and enriched the tapestry weaving our two nations together.

The Institute for Cuban and Cuban-American Studies at the University of Miami, inaugurating its permanent home on October 10th, the anniversary of "Grito de Yara", builds upon this relationship by offering courses on Cuban history and culture, producing publications, sponsoring conferences and seminars, and generating original research on specific topics.

Its objectives are to preserve, teach, and disseminate the history and culture of Cuba; provide research and information about U.S. Cuban relations, contemporary Cuba, and about Cuban-Americans; increase awareness and appreciation of Cuba nationally and internationally; and to prepare for change in the island.

In the two years since its creation, the Institute for Cuban and Cuban-American Studies has coordinated a myriad of concerts; film viewings; and museum exhibits. It has held such important seminars as: "Bay of Pigs' 40th Anniversary"; "U.S. Policy Toward Cuba: Continuity and Change"; "Cuba After Castro: Succession, Transition or Chaos"; and the "Czech Republic and Human Rights in Cuba" with His Excellency Alexandr Vondra, Ambassador of the Czech Republic to the United States.

The caliber of the work being conducted by the Institute prompted the Association for the Study of the Cuban Economy to choose the Institute as its Secretariat, and compelled the U.S. Congress to recommend that one of its seminal endeavors, the Cuba Transition Project, be funded by the Agency for International Development.

The Cuba Transition Project exemplifies the forward-thinking approach and immense value of the Institute. The Project's mission is to help prepare for a transition to democracy in Cuba and for the reconstruction of the island once the post-Castro transition begins in earnest.

Under the leadership of its Founding Director, Dr. Jaime Suchlicki, and of Dr. Andy Gomez, Dean of the School of International Studies, the Institute has earned high praise from leaders in government, business, academia and the arts.

I would like to thank our University president, Dr. Donna Shalala, the Board of Trustees, and all the administrative leadership for their support of the Institute.

Today, as the Institute for Cuban and Cuban-American Studies embarks upon a new chapter in its history and another year of groundbreaking research and memorable activities, I join my voice to those of so many supporters in congratulating the Institute.

I look forward to the continued success of the Institute.

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## IN MEMORY OF LIEUTENANT COLONEL KAREN J. WAGNER, U.S. ARMY, KILLED AT THE PENTAGON ON SEPTEMBER 11, 2001

### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. RODRIGUEZ. Mr. Speaker, the events of September 11 shocked America. The horrible acts of terrorism, designed to kill the maximum numbers, woke all of us to the threat of international terrorism. Our borders have been violated, and we are not the same today as we were before that bright, but terrible, Tuesday morning. We have all felt the pangs of discomfort, and the national mood has gone from business as usual to mourning.

None, however, have faced the impact as much as the families of those who lost their lives that morning. One such family of so many lives in my hometown of San Antonio, and they must now lay to rest their precious daughter and sister, whose life and future were cut short at the Pentagon on September 11.

Our Nation will mourn the loss of Lieutenant Colonel Karen J. Wagner, a 17-year veteran of the U.S. Army. On October 5, 2001, she will be buried with full military honors at Fort Sam Houston National Cemetery in San Antonio, Texas.

Lieutenant Colonel Wagner began her Army service on February 14, 1984 with a ROTC appointment after graduation from the University of Nevada, Las Vegas. She previously received a masters degree in Health Services Administration from Webster University.

Lieutenant Colonel Wagner received her most recent promotion just this past August and was last assigned to the Medical Personnel Officer, Office of the Army Surgeon General, with duty as the Deputy Chief of Staff, Personnel at the Pentagon.

Her previous assignments included duties as Adjutant for the 85th Medical Evacuation Hospital at Fort Lee, Virginia; Executive Officer and Company Commander of D Company, 187th Medical Battalion, Fort Sam Houston; Chief, Personnel for the 57th Evacuation Hospital at Wurzburg, Germany; Chief, Personnel Services Branch at Walter Reed Army Medical Center; Personnel Officer assigned to Office of the Army Surgeon General; Staff Officer with Inspector General Office, U.S. Army Medical

Command, Fort Sam Houston, Texas; and Executive Officer and Secretary General Staff, Walter Reed Army Medical Center.

Lieutenant Colonel Wagner was born on February 22, 1961, in Kansas, and listed Texas as her home of record. She is survived by her mother of San Antonio, Texas, and two brothers and a sister.

Lieutenant Colonel Wagner was killed because she wore the uniform of our Nation's Army, and, like those who perished at the World Trade Center, simply because she was an American. She stood up for her country and has now paid the ultimate price. We all stand in honor of her and the thousands of others who lost their lives on September 11.

## HONORING HARVEY WILLOUGHBY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor an American who fought bravely for our country during World War II. Harvey Willoughby, a resident of Montrose, Colorado, was a soldier in the 268th Field Artillery Battalion that fought courageously for our country during the war.

Harvey's outfit was unique to the war effort. His battalion was armed with 8-inch guns that seemed more fitting for a battleship. They were capable of firing great distances and hitting targets beyond enemy lines. This gave the Allied forces an advantage that helped them forge forward through German forces. The 268th Field Artillery Battalion landed on the shores of Omaha Beach on August 27, 1944 following the historic D-Day invasion. After their arrival in St. Malo, it took less than three days for the 268th to overwhelm the German and Italian forces that were stationed there. Harvey and his battalion made their way east with their burly equipment and enormous guns fighting their way through Ubachsburgh, Aachen and several other cities until finally forcing German troops back across the Rhine. Harvey proudly served his country and earned several citations including the Bronze Star for his service during the war.

Mr. Speaker, Harvey Willoughby fought bravely for our country. As a nation, we are indebted to him for the perseverance and heroism Harvey displayed during World War II. I would like to extend my warmest regards and thanks and the recognition of this Congress to Harvey Willoughby for the monumental sacrifices that he has made in service to our Flag.

## 125TH ANNIVERSARY OF TEXAS A&M UNIVERSITY

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor Texas A&M University, the oldest public university in Texas, which is celebrating its 125th anniversary today. By virtue of being the first public institution of higher learning opened in the state of Texas, today we commemorate a milestone for public higher education in Texas.

When Texas A&M opened on October 4, 1876 it attracted a mere six students. Today its student body has grown to nearly 45,000, a level that is expected to once again place it among the five largest universities in the nation. Since its opening, Texas A&M has awarded more than 265,000 degrees. Its graduates include Texas Governor Rick Perry, Bolivian President Jorge F. Quiroga, legislators and other public officials at both the Federal and state levels, chief executive officers of Fortune 500 companies and numerous other highly successful individuals in business, industry and education. Additionally, it has produced thousands of officers for all branches of the military, including more than 200 who have achieved the rank of general or admiral.

While teaching at both the undergraduate and graduate levels will always be central to Texas A&M's multiple missions, the University has emerged as a major research institution. In fact, this past May it was selected for membership in the Association of American Universities (AAU), the prestigious 101-year-old organization that restricts its ranks to the nation's premier public and private institutions of higher learning. Texas A&M's annual investment in research now totals more than $400 million annually—the most for any institution in Texas or the Southwest. The myriad of studies and experiments are significantly enhancing the basic body of knowledge, and many of the projects have had major economic impact on the state and nation.

Texas A&M's success in teaching and research can be attributed to an outstanding faculty whose ranks now total approximately 2,400. Included are scores of individuals who are considered among the best in their fields-nationally and internationally. The faculty includes a winner of the Nobel Prize, the National Medal of Science, the World Food Prize and numerous members of the National Academy of Sciences and the National Academy of Engineering.

Mr. Speaker, Texas A&M was founded as a Land-Grant College under provisions of the Morrill Act which was approved by Congress on July 2, 1862. The act stipulated that such institutions' "leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and mechanical arts in order to promote the liberal and practical education of the industrial classes in the various pursuits and professions in life . . ."

By most assessments, Texas A&M is unsurpassed in staying true to its Land-Grant heritage while expanding into other areas that provide the foundations for a leading 21st Century university. For example Texas A&M's Colleges of Agriculture and Engineering are among the largest and most respected in the nation, and its Corps of Cadets is the largest uniformed student organization on any campus in the nation, except for the service academies.

Additionally, Texas A&M took the lead nationally in applying the Land-Grant concept to two other areas that are crucial to the nation, specifically sea and space. The concept that led to the Federal creation of Sea-Grant and Space-Grant Colleges was initiated at Texas A&M, and Texas A&M is one of a select few institutions to hold Federal mandates as a Land-, Sea- and Space-Grant College.

Mr. Speaker, I have been fortunate to represent and work closely with Texas A&M University since I was elected to Congress in 1996. During this time I have seen first-hand from the students, the faculty, and the administration why Texas A&M University has become one of our nation's premier universities.

Again, I wish to congratulate Texas A&M University on its first 125 years and wish everyone there much success in the university's next 125 years.

## REACHING UP AND OUT . . . EMPOWERING OTHER WOMEN

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, on October 15, an extraordinary fashion show will take place in Chicago. This fashion show, sponsored by the law firm of Arnstein & Lehr, is designed by women who are committed to improving opportunities for other women.

The theme of this fashion show is "Reaching Up and Out . . . Empowering Other Women." I want to commend Arnstein & Lehr for their tremendous work in putting this event together. They have demonstrated a commitment to improving the lives of women in the Chicagoland community that is extraordinary, and I believe that this is the first example of a law firm hosting such an event. I hope that other firms will follow their example.

The proceeds of the October 15 fashion show will benefit two wonderful charities. The Prentice Women's Hospital at Northwestern Memorial Hospital is one of the most preeminent women's hospitals in the country, providing clinical care, education and research into women's health care. For too long, medical research and delivery services have failed to address the needs of women. Prentice Women's Hospital is playing a tremendous part in changing that, by focusing on women's health and allowing women to be actively involved in improving their access to medical care. The Nathaniel B. and Joyce Miriam Hirschtick Memorial Matching Gift Program will be unveiled at the Chicago Fashion Show, and it will continue to raise funds for Prentice Women's Hospital.

The other charity that will benefit is the Bottomless Closet, an organization also dedicated to improving the lives of women. The Mission Statement of the Bottomless Closet is "to provide professional clothing, job retention training, coaching and mentoring services to working-poor women, enabling them to add value to the organizations that hire them while empowering them to craft a new vision for their lives." Clothes can make a difference, not just in how others see us but in how we see ourselves. The Bottomless Closet makes sure that low-income and working-poor women have the tools necessary to achieve their goals. With that assistance, women will be empowered to improve the well-being of their families and to become productive members of their community.

In addition to commending Arnstein & Lehr, I want to recognize the contributions of Cynde Hirschtick Munzer, a key organizer and moderator of this event, as well as Terry Schwartz and Gwen Rich, who are coordinating the Chicago Fashion Show and outfitting the models. I am pleased to be one of the participants in the Chicago Fashion Show. I also want to recognize the other women who will model clothing: Joy Cunningham, senior vice president and general counsel of Northwestern Memorial Hospital; Carrie Hightman, President of Ameritech Illinois; Mary Pat Reilly, press secretary to Senator DICK DURBIN; Rhoda Belson Salins, senior vice president of Solomon Smith Barney; Sheryl Swibel, a family therapist; Martha Tuite, a Chicago realtor; Vicki Turoff, Northwestern Memorial Hospital Service League board member; Stacey Kruger Birndorf, corporate managing director of Cushman & Wakefield of Illinois; Kathy Brock, anchorwoman at WLS–TV; Renee Cipriano, director of the Illinois Environmental Protection Agency; Sherren Leigh, editor of Today's Chicago Women; Roni Weiner Pressler, assistant vice president of Illinois State Medical Insurance Services, Inc.; and the Honorable Rita Mullins, mayor of the Village of Palatine. Their willingness to contribute their time to this important event is greatly appreciated.

Arnstein & Lehr is not just putting together a charity Fashion Show in Chicago. They will also host a similar event in Miami later this year, where the benefiting charities will be the Women's Fund of Miami-Dade County and Suited for Success.

Again, I want to congratulate and commend Arnstein & Lehr for demonstrating such a wonderful commitment to women in their communities and for acting now at a time when our nation is facing economic difficulties and security threats. Now, more than ever, it is important for all of us—individuals and businesses alike—to support each other. The Chicago Fashion Show is a wonderful example of how one law firm can make a difference in the lives of many.

## MARC TENBUSCH: DEAN OF THE POLKA DANCERS

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor Marc Tenbusch for his induction into the Michigan State Polka Music Hall of Fame. Michigan is a state whose citizens are proud of their multi-cultural ancestry and who delight in celebrating that diversity with others. The Polish community is one of the proudest in Michigan, bringing with it a love for good food, good spirits, fellowship, dancing and the lively, footstomping traditions of the polka.

When Marc first hit the dance floor in the early 1950s to step to the sounds of the polka, he both fulfilled a family tradition and became part of a rich musical heritage with origins in the European waltz and the folk dancing of many lands. Contemporary polka music and dance represents a melange of musical talents and dancing styles brought to America by the many immigrants that created our great melting pot culture. Marc quickly became a master practitioner of the polka and a much sought after dance partner at places such as the Arcadia Ballroom in Parisville, Ravenna Gardens near Saginaw and Edgewood Gardens in Owosso.

Many former students at Ubly Community still fondly recall Marc teaching them the polka, the waltz and the oberek as they listened to records on an old juke box in the school gymnasium. Marc also later took his passion for the polka to Fort Bliss, Texas, during a stint in the Army, where he always insisted a few polka tunes be played at Sunday evening get-togethers at a singles club on post. When he returned to the Ubly area, Marc continued promoting the polka and sponsoring dances. The citizens of Parisville will always be grateful for a polka dance fund-raiser he organized to help pay for rebuilding Saint Mary Catholic Church after a fire destroyed the original structure.

Marc's reputation as a premier polka dancer was well-known beyond mid-Michigan and he proudly recounts taking part in a contest at the Polkabration in New London, Connecticut, with a well-know dancer called "Tillie from Philly." He also was honored to serve as a groomsman in the wedding party of "Big Daddy" Marshall Lackowski and Mary Ann Finnelli at the Polish Home in Baywood, New Jersey, where he danced the Baltimore Polish Wedding March and the New Jersey Bounce.

Mr. Speaker, I ask my colleagues to join me in congratulating Marc Tenbusch on achieving the Michigan Polka Music industry's highest honor. Marc's polished and seemingly effortless footwork was an inspiration to a generation of polka dancers and I am confident that his love of dance will continue to provide encouragement to many more polka dance enthusiasts in the future.

## HONORING STEWART R. WALLACE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to acknowledge the contributions that Stewart R. Wallace has made to the mining industry in Colorado. He has made significant strides in the field of exploratory geology. Mr. Wallace's years of work have led to substantial advances in the field of geology.

Stewart Wallace, born in 1919, has spent the majority of his life developing the molybdenum mining industry through extensive geological studies. In 1955, Stewart began working for Climax Molybdenum in Climax, Colorado. His studies have contributed to a better understanding of the geology of molybdenum ore bodies and aided in developing models that help predict the location of the ore bodies. His most significant discoveries included the Henderson Mine and the Ceresco Ore body at Red Mountain and Climax, respectively. These discoveries provided a significant boost to the Colorado mining industry. Additionally, Stewart's work with molybdenum have also led to significant advances in producing stronger steel alloys.

Mr. Speaker, Stewart Wallace was recently recognized for his achievements at the 2001 National Mining Hall of Fame induction ceremony. I too would like to recognize Mr. Wallace and thank him for the contributions that he has made to the Colorado Mining industry.

## HONORING THE CARING SERVICE OF CAROLYN JAFFE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. MCINNIS. Mr. Speaker, special care is needed both medically and emotionally as a person nears the end of their life. Today, I would like to honor a woman whose contributions will never be forgotten as she has provided this care for countless patients throughout her own life. Carolyn Jaffe, a nurse who helped to establish the Hospice of Metro Denver in 1978, passed away on September 27, 2001 at the age of 76 and we will missed by the many whose lives she has touched.

Carolyn was born in Youngstown, Ohio and received her doctorate degree from the University of Denver in 1965. Always selflessly devoting her actions to the care of others in need, Carolyn worked at the Children's Hospital from 1971 until 1983 when she retired. Throughout this time, she directed the audiology and speech pathology department while serving in numerous other capacities in the community. Carolyn concentrated a great deal of her energy with Hospice in addition to her full time job at the Children's Hospital.

Since implementing her vision in 1978 with the Hospice, over 700 patients have experienced the tender thoughtfulness of the facility and its people. In fact, the Hospice of Metro Denver has developed into the largest hospice in the Rocky Mountain region. Carolyn and her co-founder realized how sensitive this time is and the critical conditions that people face in life. Thus, they created the Hospice to provide a setting that creates a sense of comfort and security to its patients. This transformational approach, outlined in her book All Kinds of Love: Experiencing Hospice, which she co-authored with Carol H. Ehrlich, viewed dying patients as people worthy of care and not just subjects that consume resources.

Mr. Speaker, Carolyn Jaffe was a highly respected member of the Denver community and never asked for anything in return for her helping hands. Just as she helped many others and their transition to a life without a loved one, it is our time to assist her family and friends at this time of remembrance and mourning. With a solemn heart, I would like to extend my deepest sympathies and the respect and sympathies of this body of Congress to her family and wish them all of the best in years to come. Carolyn was a tremendous person and she will be missed greatly.

## HONORING WILLIAM R. MARTINELLI

### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SIMMONS. Mr. Speaker, I rise to honor an individual, a friend, and pay tribute to the late William Martinelli, from Mystic, Connecticut, a veteran and a civic leader in our community.

Bill was a pillar of the Martinelli family. From his humble beginning in Norwich, Connecticut, Bill received great success in business and in life, but Bill's greatest satisfaction came from helping others.

Recently I received a letter from his wife, and she said that one of the most important things about Bill was that he hated to see people in need. He would always provide a helping hand during numerous community programs including the Tootsie Roll Drive, Special Olympics, the Mystic Art Festival, the Sunshine Committee and the Used Medical Equipment Committee, for which both he and his wife earned the Connecticut Treasures Award in 2000. Bill touched the lives of many individuals in the community by giving unselfishly.

Bill Martinelli's efforts throughout the years earned him the "Citizen of the Year Award" by the Mystic Chamber of Commerce and had Dec. 2, 1999 proclaimed "Bill Martinelli Day" by the Stonington Board of Selectmen in appreciation for his many volunteer efforts.

Mr. Speaker, Bill Martinelli reached out and touched the lives of many individuals in eastern Connecticut, contributing to a variety of causes. He gave his service to our country in World War II and continued to serve our nation as a pipe fitter at Electric Boat in Groton. Best of all, Bill served my local community faithfully. We will miss him.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in heartfelt appreciation for the service this great man provided my community. I would also like to ask the House to join me in extending our deepest condolences to Bill's wife, Liz and her four children, Robert, Gary, Gene, and Terry Ann.

## TRIBUTE TO REVEREND WILLIAM D. WATLEY, PH.D. ON HIS 17TH PASTORAL ANNIVERSARY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to Reverend William D. Watley and his family as he celebrates his 17th anniversary as Pastor of Saint James African Methodist Episcopal Church in Newark, New Jersey.

Reverend Watley has been an active and involved leader, implementing a number of innovative programs, including a successful effort to feed over one thousand people weekly. He also established the Intergenerational After-School Program and sponsors Alcoholics Anonymous, Narcotics Anonymous, and an HIV AIDS Ministry that educates the community about the disease.

A former president of Paul Quinn College in Waco, Texas, Dr. Watley initiated the Adult Basic Educational Program, the St. James Bible Institute, The Christian Learning Center, New Life Ministries, Community Bible Study, Men and Women's Bible Studies and the Pastor's Bible Study. His fourteen year quest to build St. James Preparatory School, a Christian Academy, came to fruition a few years ago.

St. James is world renowned for its Wednesday "Sweet Hour of Praise" Service, which I have had the privilege of attending many times. The service in its eleventh year has grown from one worshipper to hundreds.

Dr. Watley serves as chairman of the St. James Preparatory School: A Christian Academy, St. James Social Services, and St. James Credit Union. He serves on the boards of the New Jersey Housing Mortgage Finance Agency, Horizon Mercy, Boys and Girls Clubs of Newark, United Movie Corporation, the World Council of Churches, National Council of Churches, African Methodist Episcopal Church First District and Beth Israel Medical Center.

He has authored several books and articles and is currently writing a book. He has a long and distinguished record in the areas of education, pastoral practice and youth services. Dr. Watley holds both the Doctor of Philosophy and Masters of Philosophy degrees from Columbia University in Ethics and Theology respectively. His B.A. degree is from Saint Louis University. He has also completed the Institute for Educational Management Program at Harvard University.

Dr. Watley is married to Muriel Watley and they are the proud parents of two children and a granddaughter.

Mr. Speaker, I know my colleagues join me in extending our very best wishes to Dr. Watley and his family as they continue their dedicated service to the church and the community.

## GIVE TOM RIDGE THE AUTHORITY TO DO HIS JOB

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Ms. HARMAN. Mr. Speaker, tomorrow is Tom Ridge's last day as Governor of the Commonwealth of Pennsylvania.

On Monday, former Governor Ridge takes on a huge assignment as Director of the Office of Homeland Security—a job critically important in fashioning our government's response to terrorism.

To be effective, he needs tools that Congress must provide. Today, my colleague from Nevada, Mr. GIBBONS, and I introduced legislation that does just that.

The bill, the Office of Homeland Security Act of 2001, creates a Cabinet-level position subject to Senate confirmation.

The Director of Homeland Security is given authority to review, certify, or reject the terrorism-related budgets of the more than 40 federal departments and agencies. This power is essential to assure coordination and integration of the many programs needed to prevent, prepare for, and respond to terrorist attacks.

The people working today to protect our nation are spread among federal, state and local agencies. They are involved in collecting and analyzing intelligence, patrolling our borders, protecting critical infrastructure, and identifying and treating health effects of various attacks on our population.

The Gibbon-Harman-LaHood-Roemer-Castle-Boehlert bill assigns the Director for Homeland Security the responsibility for:

Directing the creation of a national strategy for homeland security and developing a national budget to carry out this strategy;

Certifying or rejecting agencies' budget requests;

Coordinating all federal homeland security activities, and certifying or rejecting federal agencies' budgets for the activities;

Directing the development of a comprehensive national threat assessment;

Overseeing information sharing among Federal, State, and local agencies involved in intelligence collection and law enforcement; and

Conducting a review of the legal authorities still needed to prevent and respond to terrorist threats.

Every day that Governor Ridge does not have these powers, his ability to do his job will decrease.

I urge my colleagues to join us in securing passage of this bill as quickly as possible.

## INTRODUCTION OF BILL TO ESTABLISH MEMORIAL TO VICTIMS OF SEPTEMBER 11 ATTACK ON THE PENTAGON

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. MORAN of Virginia. Mr. Speaker, I am joined today by a group of bipartisan colleagues to introduce legislation to establish a memorial in honor of the victims of the September 11 attack on the Pentagon.

This legislation would reserve a portion of land at the Navy Annex, which is situated across from the Pentagon in Arlington, to erect a memorial for this purpose.

Anyone that has visited this site knows the many personal stories and tributes left in memory of the victims of this attack. It overlooks the site of the attack on the Pentagon and has already served as a informal memorial location, marked by countless flowers, handwritten notes and candlelight vigils.

This land, which is already subject to transfer to the Secretary of the Army (under section 2881 of the Military Construction Authorization Act for FY2000, P.L. 106–65), would provide an ideal location to locate a memorial to honor the victims of the Pentagon attack.

Words do not sufficiently describe the pain and utter sadness we all feel as a result of this tragic event. Locally, we all know someone who was affected by this attack.

The establishment of a memorial at the Navy Annex is just one small way we as a country can ensure that the spirit of these individuals lives on and that our American way of life is uplifted.

These 189 victims were not only friends and neighbors, but they represent the countless American lives that have been touched by September 11. Many of them were serving their country as either soldiers or public servants.

They were parents, friends and active members of our communities. They, like other victims of the tragic events of that day, represented a cross-section of America, coming from all walks of life.

Despite the profound pain that our country has experienced, we have also witnessed an uplifting of the American spirit in the aftermath of this event through the outpouring of generosity and volunteer assistance.

We must not forget how powerful our country is when we come together and work toward a common goal and purpose. I think this memorial should also serve as a reminder of what makes our country and its people persevere in the face of adversity.

Already we have seen an outpouring of generosity and interest from members of the public in establishing the Navy Annex as an official site for such a memorial.

The New York and Pennsylvania delegations are planning to establish memorials to the victims who died in those attack sites. It is only fitting that we establish a site here that will enable the general public to pay tribute to the 189 Americans who died in the September 11 attack at the Pentagon.

I would note that this legislation complies with the established standards for memorials and commemorative works. It leave the process of siting, design, and construction of the memorial to the National Capital Planning Commission, the National Capitol Monuments Commission and the Fine Arts Commission.

I am confident that the collective expertise of these commissions will yield an appropriate design and message for such a memorial.

I look forward to working with Members of Congress and the administration to swiftly enact this legislation establishing a memorial to properly honor the victims of the September 11 attack on the Pentagon.

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## THE AGONY OF THE LEFT

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. OXLEY. Mr. Speaker, for those who might have missed it, I would commend to the attention of my colleagues a piece by Andrew Sullivan from today's Wall Street Journal.

Mr. Sullivan skillfully delineates the egregious errors of many on the radical left who would dare to blame the recent terrorist attacks on our nation's policies—even as other liberal groups recognize and properly condemn the atrocities of Osama bin Laden and the Taliban regime that supports him.

[From the Wall Street Journal, Oct. 4, 2001]

THE AGONY OF THE LEFT

(By Andrew Sullivan)

One of the most telling things I have seen since the Sept. 11 massacre was an early "peace movement" e-mail. It listed three major demands: stop the war; stop racism; stop ethnic scapegoating. A liberal friend had appended a sardonic comment to the bottom. "Any chance we could come out against terrorism as well?"

One of the overlooked aspects of the war we are now fighting is the awakening it has spawned on the left. In one atrocity, Osama bin Laden may have accomplished what a generation of conservative writers have failed to do: convince mainstream liberals of the illogic and nihilism of the powerful postmodern left. For the first time in a very long while, many liberals are reassessing—quietly for the most part—their alliance with the anti-American, anti-capitalist forces they have long appeased, ignored or supported.

COLLECTIVE KNEE

Of course the initial response of left-wing intellectuals to Sept. 11 was one jerking of the collective knee. This was America's fault. From Susan Sontag to Michael Moore, from Noam Chomsky to Edward Said, there was no question that, however awful the attack on the World Trade Center, it was vital to keep attention fixed on the real culprit: the United States. Of the massacre, a Rutgers professor summed up the consensus by informing her students that "We should be aware that, whatever its proximate cause, its ultimate cause is the fascism of U.S. foreign policy over the past many decades." Or as a poster at the demonstration in Washington last weekend put it, "Amerika, Get A Clue."

Less noticed was the reasoned stance of liberal groups like the National Organization for Women. President Kim Candy stated that "The Taliban government of Afghanistan, believed to be harboring suspect Osama bin Laden, subjugates women and girls, and deprives them of the most basic human rights—including education, medicine and jobs. The smoldering remains of the World Trade Center are a stark reminder that when such extremism is allowed to flourish anywhere in the world, none of us is safe." The NAACP issued an equally forceful "message of resolve," declaring, "These tragedies and these acts of evil must not go unpunished. Justice must be served."

Left-wing dissident Christopher Hitchens, meanwhile, assailed his comrades as "soft on crime and soft on fascism." After an initial spasm of equivocation, the American Prospect magazine ran a column this week accusing the pre-emptive peace movement of "a truly vile form of moral equivalency" in equating President Bush with terrorists. Not a hard cell, but daring for a magazine that rarely has even a civil word for the right.

Most moving was Salman Rushdie's early call in the New York Times to "be clear about why this bien-pensant anti-American onslaught is such appalling rubbish. Terrorism is the murder of the innocent; this time, it was mass murder. To excuse such an atrocity by blaming U.S. government policies is to deny the basic idea of all morality: that individuals are responsible for their actions." Whatever else is going on, the liberal-left alliance has taken as big a hit as the conservative-fundamentalist alliance after the blame-America remarks of Jerry Falwell and Pat Robertson.

It's not hard to see why. Unlike previous Cold War battles, this one is against an enemy with no pretense at any universal, secular ideology that could appeal to Western liberals. However, repulsive, the communist arguments of, say, Ho Chi Minh or Fidel Castro still appealed to a secular, Western ideology. American leftist could delude themselves that they shared the same struggle.

But with Osama bin Laden, and the Islamo-fascism of the Taliban, no such delusions are possible. The American liberal mind has long believed that their prime enemy in America is the religious right, what does that make the Taliban? They subjugate women with a brutality rare even in the Muslim world; they despite Jews; they execute homosexuals by throwing them from very high buildings or crushing them underneath stone walls. There is literally nothing that the left can credibly cling to in rationalizing support for these hate-filled fanatics.

This is therefore an excruciating moment for the postmodern, post-colonial left. They may actually have come across an enemy that even they cannot argue is morally superior to the West. You see this discomfort in the silence of the protestors in Washington, who simply never raised the issue of bin Laden's ideology. You see it is Barbara Ehreneich's sad plea in the Village Voice: "What is so heartbreaking to me as a feminist is that the strongest response to corporate globalization and U.S. military domination is based on such a violent and misogynist ideology."

You see it in the words of Fredric Jameson, a revered postmodernist at Duke University, arguing in the London Review of Books that the roots of the conflict are to be found "in the wholesale massacres of the Left systematically encouraged and directed by the Americans in an even earlier period . . . . It is, however, only now that the results are working their way out into actuality, for the resultant absence of any Left alternative means that popular revolt and resistance in the Third World have nowhere to go but into religious and 'fundamentalist' forms." The only adequate description of this argument is desperate. And, of course, it ducks the hard question. What does the left do now that these forces are indeed fundamentalist?

The other rhetorical trope that is fast disintegrating is the anti-racist argument. The doctrine of "post-colonialism" which now dominates many American humanities departments invariably sides with Third World regimes against the accumulated evil of the West. So the emergence of the Taliban is a body-blow. If dark-skinned peoples are inherently better than light-skinned peoples, then how does a dark-skinned culture come up with an ideology that is clearly a function of bigotry, misogyny and homophobia?

One immediate response is to argue that the U.S. itself created Osama bin Laden in its war against Soviet communism. This isn't true—but even if it were, doesn't this fact, as Mr. Hitchens has argued, actually increase the West's responsibility to retaliate against him?

WHAT SUPPRESSION?

It may be, in fact, that one of the silver linings of these awful times is that the far left's bluff has been finally called. War focuses issues in ways peace cannot.

Leftists would like to pretend that any criticism of their views raises the spectre of domestic repression. But in a country with a First Amendment, no suppression from government is likely, and in the citadels of the media and the academy, the far left is actually vastly over-represented. The real issue, as pointed out this week by Britain's Labour prime minister, is that some on the left have expressed "a hatred of America that shames those that feel it."

The left's howls of anguish are therefore essentially phony—and they stem from a growing realization that this crisis has largely destroyed the credibility of the far left. Forced to choose between the West and the Taliban, the hard left simply cannot decide. Far from concealing this ideological bankruptcy, we need to expose it and condemn it as widely and as irrevocably as we can. Many liberals are already listening and watching—and the tectonic plates of politics are shifting as they do.

## INTRODUCTION OF THE COBRA COVERAGE ACT OF 2001

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. SCHIFF. Mr. Speaker, I rise today to announce the introduction of a piece of legislation that I believe is an essential component of our efforts to help those affected by the attacks of September 11th. My bill, the COBRA Coverage Act of 2001, will provide a 50 percent tax credit toward COBRA coverage for laid-off workers. I believe this is the best way for us to ensure that the thousands of Americans recently laid-off do not go without health insurance.

Under current law, commonly referred to as COBRA, workers who are laid off are allowed to remain in their employer-based health insurance plan for up to 18 months, provided they pay the full premium for the plan (their share plus the employer share) plus a small administrative fee. The problem is, the full premium for employment-based coverage averages almost $2,500 per year for self-only coverage and about $6,500 per year for family coverage.

Since COBRA coverage is very expensive, many laid-off workers let their insurance lapse, gambling that they won't get sick or injured before they find another job. We cannot continue to allow so many hard-working Americans and their families to go uninsured. We must find a way to make COBRA coverage more affordable for the thousands of laid-off workers trying to recover from the September 11th attacks.

And my bill does exactly that. The COBRA Coverage Act of 2001 provides continuing health care coverage for laid-off workers at half the price. Under this legislation, laid-off workers would be eligible for a tax credit for 50 percent toward the COBRA coverage premium. The credit would be limited to a maximum of $110 for an individual and $290 for a family per month, and would be administered by the employer. This way, workers can receive an immediate benefit and would not have to wait until the end of the year to claim tax credit.

Now, more than ever, we must ensure that American families can afford to remain insured in case of sickness or injury. We must take the lead in ensuring that the thousands of hard-working Americans who have fallen victim to the effects of the September 11th attacks are not set back even further by the lack of health insurance. I urge my colleagues to join me in this effort to make COBRA coverage more affordable for our laid-off workers.

## THE FARM SECURITY ACT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. KUCINICH. Mr. Speaker, my office has been contacted by dozens of groups expressing concerns about the Farm Security Act (H.R. 2646). I submit the following letter on their behalf.

OCTOBER 2, 2001.

Dear Representative: The one hundred forty-eight (148) groups listed below, from across the country representing family farmers and ranchers, sustainable agriculture, religious communities, environmental and wildlife concerns, consumers, and many other constituencies and issues have joined forces to urge you to vote against the Farm Security Act of 2001 (H.R. 2646). As agricultural and rural groups, we make this urgent plea to vote against a farm bill with great reluctance. However, this bill proposed by the House Agriculture Committee would continue and expand misguided policies that have driven commodity program spending to record high levels, while doing little to stem family farm decline and falling far short of providing solutions to the many conservation, rural development, credit, research and other needs of America's farmers, ranchers, and their communities. This nation needs a Farm Bill that works for family farms, ranchers, rural communities, consumers and the environment. Unfortunately, H.R. 2646 fails to do this.

Specifically, H.R. 2646 would:

Unfairly subsidize the nation's very largest farms, while encouraging overproduction, low prices, environmental distress, and large government payments in perpetuity.

Ignore the need for a competition title to address the impact of rapid consolidation in agriculture and to check anti-competitive behavior that harms farm and ranch families, consumers, rural communities and the environment.

Transform the Environmental Quality Incentives Program (EQIP) into a subsidy program for huge, polluting, factory livestock operations.

Ignore the needs of beginning farmers and ranchers.

Cap and severely limit funds for conservation technical assistance for the Conservation Reserve and Wetlands Reserve Programs.

Weaken the highly successful Wetlands Reserve Program (WRP).

Phase out within the next five years nearly all direct lending programs within USDA.

Fail to increase the percentage of total farm bill funds dedicated to conservation, and ignore the calls for a comprehensive stewardship incentive program for working land.

Take only minimal steps to support marketing innovation and development and value-adding enterprises and to reverse the decline in public support for agricultural research.

Fail to address structural changes essential to assure fair and equitable delivery of USDA programs and services to all farmers, despite costly legal settlements brought on by USDA actions.

The results would do substantial harm to family farms, to our communities and the environment. For years, family farmers and ranchers and concerned citizens have been developing solutions to agricultural problems and putting them into practice on their farms and in their communities. In our view, the bill reported out by the House Agriculture Committee not only ignores these solutions, but in fact would make them more difficult to achieve.

H.R. 2646 was reported out of the House Agriculture Committee in July 2001 after just 15 hours of debate. Federal policy affecting our nation's agriculture system and food supply for the next ten years is much too important to be pushed through in a matter of days. This bill must go back to the House Agriculture Committee for the substantial debate and policy development process our nation needs and deserves.

At a minimum, a new round of deliberations on the Farm Bill by the House Agriculture Committee should include:

Removal of biases against small and moderate-scale agriculture, and assuring that all farmers receive equitable access and service.

Comprehensive assistance for all small-scale, socially disadvantaged and new farmers and ranchers not served by current programs.

Restoration of direct lending for all family-size farms.

Stewardship incentives for family farmers that provide real conservation and environmental benefits for our society.

Rural development, research and marketing programs that increase the farm and ranch share of food system profit and support development of new cooperative and small businesses.

Commodity programs that enable family farms to earn a fair price.

A competition title to increase competition and fairness in the domestic agricultural marketplace.

We respectfully request that you vote no on H.R. 2646.

Alabama Sustainable Agriculture Network.
Alternative Energy Resources Organization (AERO).
Agricultural Resources Center.
American Corn Growers Association.
Arkansas Natural Produce, Inc.
Ashland Community Food Store.
Berkeley Ecology Center (CA).
Berkeley Farmers' Market (CA).
Beyond Organic Communications.
Cabinet Mountain Market (MT).
California Certified Organic Farmers (CCOF).
California Church IMPACT.
California Farmers Union.
California Institute for Rural Studies.
California Sustainable Agriculture Working Group.
California Wilderness Coalition.
C.A.S.A. de Llano (Communities Approaching Sustainable Agriculture) (TX).
C.A.T.A., Farmworker Support Committee (NJ).
Campaign for Contract Agriculture Reform.
Carolina Farm Stewardship Association.
Center for Earth Spirituality and Rural Ministry, School Sisters of Notre Dame (MN).
Center for Food and Justice, Urban and Environmental Policy Institute, Occidental College.
Center for Rural Affairs (NE).
Center for Sustainable Systems (KY).
Citizens Action Coalition of Indiana.
Coalition for the Bight (NY).
Coastal Enterprises, Inc. (ME).
Colorado Organic Producers Association.
Columbia Area Food Circle (MO).
Community Farm Alliance (KY).

Community Food Security Coalition.
Community Market Gardens.
Consumer Federation of America.
Corporate Agribusiness Research Project.
Dakota Resource Council.
Dakota Rural Action (SD).
Delta Land and Community.
Demeter Association.
Earthfriends.
Eden Foods, Inc.
Erehwon Retreat (NY).
Family Farm Defenders.
Family Farms for the Future (MO).
Farming Alternatives Program at Cornell University.
Federation of Southern Cooperatives/Land Assistance Fund.
Florida Organic Growers.
Food Works (VT).
Friends of Rural Alabama, Inc.
Friends of the Earth.
GRACE Public Fund (Global Resource Action Center for the Environment).
Green Eggers Farm (MS).
Greenpeace USA.
Henry A. Wallace Center for Agricultural and Environmental Policy at Winrock International.
Hoosier Environmental Council.
Idaho Organic Alliance.
Illinois Stewardship Alliance.
Indiana National Farmers Organization.
Innovative Farmers of Ohio.
Iowa Citizens for Community Improvement.
Iowa Environmental Council.
Institute for Agriculture and Trade Policy.
Johnny's Selected Seeds (ME).
Just Food (NY).
Kansas City Food Circle.
Kansas Rural Center.
Maine Farms Project.
Maine Organic Farmers & Gardeners Association (MOFGA).
Maysie's Farm Conservation Center (PA).
McCone Agriculture Protection Organization.
Michael Fields Agricultural Institute.
Midwest Organic and Sustainable Education Services (MOSES).
Minnesota Project.
Minnesota Food Association.
Mississippi 2020 Network, Inc.
Mississippi River Basin Alliance.
Missouri Farmers Union.
Missouri Rural Crisis Center.
National Catholic Rural Life Conference.
National Campaign for Sustainable Agriculture.
National Center for Appropriate Technology.
National Family Farm Coalition.
National Farmers Organization.
Nebraska Wildlife Federation.
New York City Soil and Water Conservation District.
New England Small Farm Institute.
New York Certified Organic, Inc.
New Jersey Environmental Lobby.
New York State Grange.
New York Sustainable Agriculture Working Group (NYSAWG).
Northeast Organic Farming Association-New York.
North Carolina Contract Poultry Growers Association.
Northeast Organic Farming Association of Connecticut (CT).
Northeast Sustainable Agriculture Working Group.
NorthEast Neighborhood Alliance (NY).
Northern Plains Resource Council.
Northern Plains Sustainable Agriculture Society.
Northwest Coalition for Alternatives to Pesticides.
Nebraska Wildlife Federation.
Ohio Ecological Food and Farm Association.
Ohio Environmental Council.
Ohio Family Farm Coalition.
Organic Agriculture Systems Consulting.
Organic Farming Research Foundation.
Organic Independents.
Organic Trade Association.
Organization for Competitive Markets.
PCC Farmland Fund.
Pennsylvania Association for Sustainable Agriculture.
Pennsylvania Certified Organic.
Pesticide Action Network-North America.
Philadelphia Fair Food Project (PA).
Poughkeepsie Farm Project (NY).
Peacework Organic Farm (NY).
Provender Alliance (Pacific Northwest).
Regional Food and Farm Project (Northeast).
Rio Grande Agricultural Land Trust (NM).
Roby Van En Center (PA).
Rocky Mountain Farmers Union.
Rodale Institute.
Rural Advancement Foundation International-USA.
Rural Coalition/Coalición Rural.
Rural Vermont.
Rural Virginia Inc.
San Juan Citizens Alliance.
Sierra Club Agricultural Committee.
Social Concerns/Rural Life Office Diocese of Jefferson City (MO).
Sophia Garden CSA (NY).
South Central Farmers Market Association (PA).
Southern Research and Development Corp. (LA).
Southern Sustainable Agriculture Working Group.
Students Interested in Sustainable Agricultural (Dickinson College, PA).
Sustainable Agriculture Coalition.
Sustainable Agriculture for Everyone.
Sustainable Earth (IN).
Sustainable Food Center (TX).
Tennessee Land Stewardship Association.
Tuscaloosa CSA (AL).
Tuscarora Organic Growers Cooperative (PA).
Union of Concerned Scientists.
United Methodist Church, General Board of Church and Society.
Washington Biotechnology Action Council (WA).
Washington Sustainable Food & Farming Network.
Western Organization of Resource Councils.
Western Sustainable Agriculture Working Group.
Willimantic Food Co-op (CT).
Wisconsin Public Interest Research Group
Virginia Biological Farming Association.
Veritable Vegetable (CA).

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## IN RECOGNITION OF CANADA'S STEADFAST SUPPORT FOR THE AMERICAN PEOPLE AND THE UNITED STATES FOLLOWING TERRORISTS ATTACKS ON SEPTEMBER 11, 2001

### HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. HASTERT. Mr. Speaker, I rise today to pay tribute to our northern neighbors, the people of Canada.

Next week, I will be addressing the NATO Parliamentary Assembly in Ottawa, Canada. While there, I will have the high honor of meeting with Canadian Prime Minister Jean Chretien and my colleague in the Canadian House of Commons, Speaker Peter Milliken. With both great leaders, I will express our heartfelt thanks for their tremendous support during these challenging times.

At this time, I would like to submit for the CONGRESSIONAL RECORD two documents sent to me from Speaker Milliken. The first is a letter he wrote to me detailing "the profound sorrow and sympathy" Canadians have for the families and friends of the victims in September 11th's harrowing attack.

The second is a Resolution passed in the House of Commons on Monday, September 17, 2001, that in part reads: the people's body of Canada reaffirms "its commitment to the humane values of free and democratic society and its determination to bring to justice the perpetrators of this attack on these values and to defend civilization from any future terrorist attack."

In closing, I look forward to my meetings with the NATO Parliamentary Assembly so I can personally deliver America's thanks to the leaders of the free world, especially our friends across our northern border, the people of Canada.

HOUSE OF COMMONS,
*Ottawa, Canada, September 19, 2001.*

Hon. J. DENNIS HASTERT,
*Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER, on behalf of all members of the House of Commons of Canada, I would like to convey to you, and to the Members of the House of Representatives of the United States, the profound sorrow and sympathy of the Canadian people for the families and friends of the victims of the September 11th attack on the United States of America.

At this most difficult time, Canadians and Americans have found solace in the strength and endurance of their friendship. On September 14th, a National Day of Mourning in Canada, I stood with my colleagues from the House, shoulder to shoulder with 100,000 Canadians on the lawn of Parliament Hill in Ottawa, grieving the incalculable loss the world has sustained. Throughout our country, in similar ceremonies, the citizens of Canada echoed, and shared, the sadness of the American people.

The United States and Canada have often taken their relationship for granted; somehow, today, that seems right. There is, after all, much comfort to be had in the unwavering support of our friends during dark times. In fact, former Prime Minister Pierre Trudeau once said: "The friendship between our two countries is so basic, so non-negotiable, that it has long since been regarded by others as the standard for enlightened international relations." In the difficult days that lie ahead, I trust you will continue to count on that friendship, as we count on yours.

I have attached the resolution that was adopted by the House of Commons on September 17th, 2001, and signed by the Clerk, as well as the day's Hansard, the transcript of the Commons' proceedings. I hope they will serve to convey to you some of the sentiments expressed by your Canadian colleagues in the House of Commons, as well as their heartfelt hope that the United States will draw strength from its many friends and allies around the world.

Yours truly,

*Peter Milliken,*
*The Speaker.*

RESOLUTION

*Resolved*.—That this House express its sorrow and horror at the senseless and vicious attack on the United States of America on September 11, 2001;

That it express its heartfelt condolences to the families of the victims and to the American people; and

That it reaffirm its commitment to the humane values of free and democratic society and its determination to bring to justice the perpetrators of this attack on these values and to defend civilization from any future terrorist attack.

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## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2001.

Mr. GILMAN. Mr. Chairman, I rise today to support the amendment offered by the gentleman from Oregon, Mr. BLUMENAUER, relating to animal fighting.

This amendment, which is identical in content to H.R. 1155, would close a loophole in section 26 of the Animal Welfare Act and bar any interstate shipment of birds for fighting purposes.

Mr. Speaker, in 1976, I joined my colleagues on the floor of the U.S. House in overwhelmingly approving an amendment to the Animal Welfare Act barring any interstate shipment of birds for fighting. Unfortunately, in the conference with the Senate on this legislation, a provision was inserted to allow shipment of fighting birds to States where cockfighting is legal [at that time, there were six States that allowed legal cockfighting].

For the last quarter century, it has become apparent that this loophole has undermined the effectiveness of State bans against cockfighting. Now only three States allow cockfighting, and the loophole in the law allows illegal cockfighters to argue that they possess and train fighting birds and equipment in order to sell the animals and equipment to any one of the three legal cockfighting States. In reality, they are typically making an excuse to conceal their illegal cockfighting operations within their own State. For instance, a cockfighter in Florida or West Virginia, where cockfighting is illegal, can evade scrutiny, and confiscation of fighting animals, by claiming he is going to ship the birds to one of the three legal States. In short, the loophole provides a smokescreen behind which illegal cockfighters operate and undermine the effectiveness of state laws against animal fighting.

Mr. Chairman, this amendment mirrors the provisions of H.R. 1155, a bill introduced by Mr. PETERSON of Minnesota which has 205 bipartisan cosponsors. This measure has been endorsed by 98 law enforcement agencies.

We should note that the legislation has been endorsed by leading animal welfare groups including the Humane Society of the United States and the American Veterinary Medical Association.

While the Animal Welfare Act currently prohibits any interstate movement of dogs for fighting, the prohibition does not apply to birds shipped interstate to fight in the three States where cockfighting is still legal. This loophole should be closed.

Accordingly, I urge a "yes" vote on this amendment.

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## TRIBUTE TO JACQUELYN C.C. MENDIOLA

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. UNDERWOOD. Mr. Speaker, I would like to bring attention to an exceptional young woman named Jacquelyn C.C. Mendiola. Jacquelyn, a 16-year-old junior attending George Washington High School in Mangilao, Guam, enjoys music, reading, writing and playing basketball. I bring special attention to her today because of a passionate poem she wrote regarding the September 11 attacks on our nation. Jacquelyn happened to be home sick that day and watched the World Trade Center events in New York on the TV news headlines. Her inspiration came from repeatedly watching the families of victims through CNN news. Her emotions and creativity is reflected in her heart-felt poem which I submit for the RECORD along with her story in her own words.

I stayed home sick from school. When I awoke, I found my mom tuned into CNN. At first, I couldn't believe what was happening. It was like a movie. The twin towers were on fire and came crashing down. The people running on the streets trying desperately to get away. I was then glued to the television and the news reports CNN gave were unbelievable. They did an interview on relatives of those victimized by the attacks. Looking at their faces and seeing the pain in their eyes was overwhelming for me. It broke my heart because I realized that something traumatic can happen to anyone so unexpectedly. They didn't know they were going to die that day. No one suspected they would lose their loved ones. Then I heard about the lost firemen, those who went into save lives and ended up losing their own. When my mom and dad left for work, and my brother and sister were at school, I had a lot of time to myself and I couldn't help but reflect on what was happening. I knew people would be asking, "Why" or "Where is God when you need Him?" or they would be pointing fingers looking for someone to blame. I can't blame them for being angry because this is terribly disappointing. However, I was thinking that if we continue to seethe with anger instead of uniting to help one another, the situation will be worse than it already is. It's so sad. We need support more than ever, but most of all, I feel we need a God whose power is much more great than the amount of evil in our world. It's harder to trust now and it's hard to maintain hope. We need a strength that defeats our own. With all this on my mind, I wrote it down, and I choose to express myself by writing a poem about a day we shall never forget.

TAKE YOUR SEATS

Passengers take their seats
On a flight to a set destination,
Not knowing that on this day
They will cry out with desperation.

Employees take their seats
In offices stories high,
Not knowing that in this city
Many of them will die.

New York's usual rhythm stopped
When loud explosion came.
It took our nation by surprise
On this long tragic day.

Firefighters and police
Rush to save their lives.
Courageous heroes trapped within
Feared to have not survived.

Faces and dreams wiped away,
The very thought makes me cry.
To know these victims cried in anguish,
Tears falling from their eyes.

Father why did this happen?
Your children have been killed.
Friends and families mourn their deaths.
There is a great void to fill.

A freedom-loving nation torn
United we must stand.
Help us to be strong, I pray
Shelter us with Your hand.

Have mercy on these victims God,
Whose lives came to a sudden stop.
Grant comfort to their loved ones
And be their unshaken rock.

How can this world have so much hate?
Although I've been there too,
Teach us to love instead of hate
Help us to be like You.

Passengers take their seats
On a flight to a set destination.
Not knowing that on this day,
Their flight will lead to Heaven.

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## SOCCER HALL OF FAME HONOREES

### HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. BOEHLERT. Mr. Speaker, I rise today to talk about an exciting event that will be taking place next week in my Congressional District. On October 8, 2001 the U.S. Soccer Hall of Fame, on Oneonta, New York, will award the National Soccer Medal of Honor to a truly remarkable group of individuals, the Championship 1991 U.S. Women's National Soccer Team.

The National Soccer Medal of Honor is a special honor created by the members of the Society of American Soccer History (SASH), and Board of Directors of the National Soccer Hall of Fame to be awarded on special occasions when an individual has so influenced the sport of soccer in the United States as to effect the course of its history. The medal is rarely bestowed. In fact, the October 8th presentation will be only the third in the last twenty years!

The amazing accomplishment of the U.S. Women's National Soccer Team in China in

1991 opened the door for tremendous gains in the world of women's soccer for the United States. A few such achievements include; a first Women's world championship tournament and World Championship title, the addition of women's soccer as an official Olympic event played for the first time at the 1996 Olympic Games in Atlanta, a foundation for the most successful women's sporting event in history-the 1999 Women's World Cup hosted in the United States, and last but far from least, the creation of the first women's professional soccer league in the U.S.—the Women's United Soccer Association (WUSA) which is in its inaugural season.

On this tenth anniversary of the unprecedented accomplishment of a group of 18 American soccer players, their coaches and support staff at the first ever Women's World Championships in China, the National Soccer Medal of Honor will be presented once again to the 1991 U.S. Women's National Team:

Michele Akers, Amy Allman, Tracey Bates-Leone, Debbie Belkin, Brandi Chastain, Joy Fawcett, Julie Foudy, Wendy Gebauer, Linda Hamilton, Mia Hamm, Mary Harvey, April Heinrichs, Lori Henry, Shannon Higgins-Cirovski, Carin Jennings-Gabarra, Kristine Lilly, Megan McCarthy, Kim Maslin-Kammerdeiner, Carla Overbeck, Head Coach Anson Dorrance, Coach Tony DiCicco, Coach Lauren Gregg.

This honor is to be awarded at the Soccer Hall of Fame in Oneonta, New York. The new $7 million museum opened in 1999 on the Hall's 61 acre soccer campus to rave reviews. The highly interactive, youth-oriented museum tells the story of soccer in the USA from the earliest games played on the Boston Common to the latest scores and standings. They have been host to international teams from the USA, Brazil, Russia, Mexico, New Zealand, Canada, Chile and Saudi Arabia as well as local collegiate and high school championships. The Hall of Fame also offers a summer long tournament series for premier and club teams in every age category. Mr. Speaker, I have visited the National Soccer Hall of Fame numerous times. With each return visit, I encounter something new and exciting.

Mr. Speaker, in closing I would like to bid all those who will attend this ceremony and the honorees my best wishes for the success of their event and applaud their desire to honor such a phenomenal group of athletes—the 1991 U.S. Women's National Team.

## FARM SECURITY ACT OF 2001

SPEECH OF

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011:

Mr. REYES. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, Mr. CONYERS. It is time that we hold the United States Department of Agriculture (USDA) accountable for the gaps in service to disadvantaged farmers and ranchers. This amendment will set a system in place that will allow the public to routinely monitor any failures of the Department to provide equitable service. In addition, this amendment makes county level data on USDA program participation of disadvantaged producers available to the public. The amendment also requires the release of similar data on participation in Farm Services Agency (FSA) county committee elections, and requires that the process of opening and counting ballots in county committee elections be open to the public.

Mr. Chairman, because of my role as Chair of the Congressional Hispanic Caucus, I have been approached by Hispanic farmers across the country who are alleging discriminatory practices by the USDA and the FSA. The USDA claims that no discrimination has taken place, but the stories that I have personally heard from these farmers lead me to a very different conclusion. In fact, I am so concerned by what I have heard, that I have requested a General Accounting Office (GAO) audit with my good friend and colleague, Congressman JOE BACA. This audit, which is currently underway, asks, among other things, how much time it has taken the USDA and FSA to process loans for Hispanic farmers as compared with the non-Hispanic population. According to my constituents, the slow turn around time of loans from the USDA makes it impossible for them to plant their crops until it is too late. The lateness in planting the crops leads to the failure of the yield, and ultimately to the default on their loans. In addition, I have heard stories of corruption in regard to county committees and the elections of committee officers that greatly exacerbate the problem. These issues need to be addressed now.

I know that the Small and Disadvantaged Farmer Access and Accountability Amendment is not going to address all of these issues, but it is a start. I am hopeful that passage of this amendment will lead to a more equitable situation for Hispanic and other minority farmers, and I urge all of my colleagues to vote for the amendment offered by Mr. CONYERS.

## HONORING CAL RIPKEN, JR.

SPEECH OF

## HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. WALSH. Mr. Speaker, I also rise in support of H. Res. 247 sponsored by Representative EHRLICH that recongnizes the outstanding contributions Cal Ripken, Jr. has made both on and off the baseball field. He is an American icon symbolizing integrity, team spirit, and discipline, and has exemplified true leadership throughout his twenty-one season baseball career.

Since 1978, Mr. Ripkin has been honored with several prestigious awards including Rookie of the Year, Most Valuable Player, Golden Glove, Lou Gehrig Award, and Most Valuable Oriole. Baseball's "Ironman" has broken several significant American and personal records such as ending a 2632 consecutive games-played winning streak in 1998, scoring his 400th home run in 1999, and hitting his 3000th career hit in 2000. These moments will never be forgotten.

His greatest contribution has been the ability to take this success off the diamond and outside the walls of Memorial Stadium and Camden Yards by contributing significant time and energy towards various charitable organizations within the greater Baltimore area. Along with his wife, Kelly, he established the Kelly and Cal Ripken, Jr. Foundation which supports adult and family literacy, youth recreational, and health-related programs. They have also been greatly involved in the Baltimore Reads Ripken Learning Center and other organizations within the area.

I was fortunate enough to be able to attend opening day in Baltimore this season, and saw firsthand the all star abilities of this great baseball player. Cal Ripken is a winner in every sense of the word and his contribution to our national pastime will live in the minds of fans forever. He deserves the nation's recognition today. He is truly a living legend.

## IN HONOR OF MIKE BYRNE

## HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize the selfless contributions of one of the Oregonians I am privileged to represent, Mike Byrne of Malin, Oregon. I am also pleased to observe his 50th birthday today and offer up my sincere hope that he is blessed with another half century among his friends and family.

Mike Byrne is a long-time rancher on the southern Oregon—northern California border. He is a devoted husband and father and a tireless servant of his fellow Oregonians. But Mr. Speaker, he is much, much more. He is a patient confidant, a visionary, and a man of uncompromising principle. Perhaps most importantly, to me and to the people of his community, he is simply a good friend.

Mr. Speaker, in April of this year the Bureau of Reclamation announced that, based on biological opinions rendered by the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the farmers and ranchers of the Klamath Basin would be denied irrigation water for agriculture from Upper Klamath Lake. This decision, coming on the heels of a severe drought, has subjected the local agriculture community to extreme financial hardship. The combination of drought and misguided decision-making by the federal government has literally put the future of their way of life in doubt, as farming as it has existed in the Basin for over 100 years has virtually ceased.

Before the ink on the government's decision was dry, Mike Byrne was hard at work raising awareness about the Klamath crisis and rallying the local community. He has been in the trenches everyday, Mr. Speaker—in town hall meetings, in negotiations with federal, state and local authorities, and around kitchen tables throughout the Basin—to lend what help he could in seeing the farmers and ranchers of the region through this difficult time. Mike was one of the principal organizers of the historic Bucket Brigade on May 7, 2001, which raised the visibility of the crisis and brought the plight of the Klamath Basin to living rooms across America.

Since the crisis first arose in the Klamath Basin, Mike has been at the forefront of the effort to bring diverse groups together to achieve a workable solution. Mike understood that the future of agriculture in the Klamath Basin—and throughout the United States—laid in finding a balanced, workable solution to the conflict between farming and species protection. When this problem is solved and a practical resolution is agreed to by the many parties involved, it will be because of the patience and dedication of people like Mike Byrne.

Mr. Speaker, I take enormous pride in Mike's ceaseless efforts on behalf of his fellow ranchers and farmers. The perseverance he and others like him have demonstrated during this crisis has literally made the difference between despair and hope for so many of the farmers in the Klamath Basin. Mike Byrne represents the best of what citizenship in America means. I offer him both my praise and my most sincere gratitude for working on behalf of the people of the Klamath Basin, who have faced such significant trials. Many hurdles remain in the path of Klamath farmers, and I am grateful that I'll have Mike Byrne by my side throughout the challenges that lie ahead. Happy 50th birthday, Mike.

Mr. Speaker, for allowing me to share with my colleagues the extraordinary service of this outstanding American.

## INTRODUCING THE VISA INFORMATION SECURITY ACT OF 2001

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce the Visa Information Security Act of 2001 (VISA Act)—legislation that increase the security of the American people by closing some of the loopholes within our visa applicatiot system. This legislation requires that all non-immigrant visa applicants submit a biometric fingerprint as of the routine visa application process.

Specifically, it would amend the Immigration and Nationality Act to require that non-immigrant visa applicants provide a biometric identifier, such as a fingerprint, that is machine readable, to be contained the visa or other documentation required for admission at their port of entry into the United States.

The recent terrorist attacks have highlighted the need to review the visa application process and we call improve the screening process used by U.S. Consular offices abroad. Usually, visa applicant names are checked against the State Department database for admissibility. However, some individuals use false information from their country of origin when they apply for a visa or use stolen visas to enter the U.S. As the Washington Post reported today, in the last few years, one country lost approximately 60,000 visas.

While it is impossible to screen every single individual who enters our country, with advanced technology and better coordination with the intelligence community we can better secure our nations border. However, in order to effectively authenticate individuals, we need a method based on inherent characteristics of a person that cannot be lost, changed or duplicated. Through biometric fingerprints, we would have an accurate and clear idea of who is entering our country.

This process is quick and efficient and can be run through our national criminal database to see if the applicant should or should not be allowed into the country. Additionally, when the individual enters the country through the port of entry, his fingerprints will be scanned to verif, authenticity. Adding this technology requirement would not add significant time to the visa application process. But it would certainly prevent known terrorists and criminals from entering the country, while at the same time decrease fraudulent visa requests.

In addition, this legislation authorizes the Attorney General to impose a new fee on all visa applicants to cover the costs of implementing this important program. I want to note that my legislation will not apply to NAFTA participating countries and actually allows the Attorney General maximum discretion to decide what methods to utilize for those types of border crossings.

Mr. Speaker, we need to collect more information about the individuals trying to enter this country, but we must do it in a way that does not overburden our consular offices and still allows for visitors to enter the United States. My legislation is an economical first step in increasing our national security and I intend to work tirelessly for its passage.

## INTRODUCTION OF H.R. 3049, AFGHANISTAN FREEDOM ACT OF 2001

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. GILMAN. Mr. Speaker, I have today introduced the "Afghanistan Freedom Act of 2001", H.R. 3049.

This legislation is intended to underscore to the American people and to the international community our unequivocal commitment to the war on terrorism that was thrust upon us by the barbaric September 11th terrorist attack on our nation. This legislation further underscores that the enemy in this war includes not only the terrorists who attacked us, but also the regimes that harbor those terrorists.

One such regime is the Taliban in Afghanistan.

Since 1996, the Taliban has harbored Osama bin Laden and his al Qaeda organization, who were the authors of the September 11th attack on our nation. The Taliban cannot claim that they were unaware that Osama bin Laden was plotting war against our nation from the refuge they afforded him in Afganistan.

Osama bin Laden and a number of his associates were indicted for orchestrating the 1998 bombings of our embassies in Kenya and Tanzania, and the United Nations Security Council joined our nation in demanding that the Taliban surrender them to stand trial for their crimes. The Taliban refused. As a result, the United Nations Security Council imposed mandatory sanctions on the Taliban in 1999.

Following this action, the Taliban chose to continue harboring Osama bin Laden rather than take the steps necessary to end the United Nations sanctions. Because the Taliban chose to place the interests of Osama bin Laden over the interests of the Afghan people, he was able to orchestrate from his base in Afghanistan the September 11th terrorist attack on our nation that claimed approximately 6,000 lives.

In view of these facts, there can be no doubt that the Taliban shares responsibility for the September 11th terrorist attack on our nation. In waging this war that has been thrust upon us, our objectives must include not only the capture of Osama bin Laden and the destruction of his terrorist organization, but also the removal from power of the Taliban regime in Afganistan.

This legislation gives the President important authorities that he can use to help our nation succeed in this effort. It authorizes him to provide up to $300 million in military assistance to resistance organizations in Afghanistan that are today fighting to overthrow the Taliban. It affords the President wide latitude in selecting which organizations should receive this assistance. In addition, the legislation authorizes $300 million in humanitarian assistance to refugees and other victims of the conflict in Afghanistan. And it mandates the establishment of a Radio Free Afghanistan to broadcast a message of hope to the people of Afghanistan.

Finally, the legislation seeks to put teeth in the existing United Nations sanctions on the Taliban. It requires regular reports to Congress regarding whether any governments are violating those sanctions, and it authorizes the President to impose severe penalties on any governments that he determines are endangering our U.S. military personnel or other U.S. citizens by aiding the Taliban in defiance of United Nations mandates.

By this legislation, we do not declare war on the Taliban. Rather, we recognize that the Taliban has declared war on us, and we seek to equip the President with some of the tools he will need to prevail in this conflict.

H.R. 3049

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Afghanistan Freedom Act of 2001".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The rise to power of the Taliban in Afghanistan has caused a drastic decline in the human, political, and civil rights of the Afghan people, particularly among women, girls, and ethnic minorities.

(2) In the year 2001, millions of Afghans are on the verge of starvation, the largest such group in the world.

(3) The United States is the single largest donor of humanitarian assistance to Afghanistan, totaling more than $185,000,000 in fiscal year 2001.

(4) There are approximately 2,000,000 Afghan refugees in Pakistan, 1,500,000 Afghan refugees in Iran, and 1,000,000 internally displaced persons in Afghanistan, most fleeing oppression, violence, and economic hardship.

(5) During the period of Taliban rule, Afghanistan has become the world's largest source of illegal opium, and proceeds from the sale of raw opium to drug traffickers are used by the Taliban to finance its war on the Afghan people.

(6) Under Taliban rule, Afghanistan has become a training ground, operational base, and safe haven for terrorists and international terrorist organizations, many of whom gain experience fighting alongside Taliban forces inside Afghanistan prior to conducting terrorist operations outside Afghanistan.

(7) The Taliban have, since 1996, harbored and protected terrorist leader Osama bin Laden and members of his terrorist al Qaeda network.

(8) Osama bin Laden and his al Qaeda associates were indicted for the August 7, 1998, bombings of the United States embassies in Nairobi, Kenya, and Dar-es-Salaam, Tanzania, as a result of which the United Nations Security Council adopted Resolution 1267 (1999), demanding that the Taliban surrender Osama bin Laden for trial and determining that the Taliban's continued provision of sanctuary to international terrorist organizations constitutes a threat to international peace and security.

(9) In order to compel the Taliban to surrender Osama bin Laden and terminate support for international terrorist organizations, the United Nations Security Council has imposed progressively more comprehensive sanctions on the Taliban under Resolutions 1267 (1999), 1333 (2000), and 1363 (2001), which sanctions are binding on all members of the United Nations under Chapter VII of the Charter of the United Nations.

(10) As a result of the Taliban's failure to comply with the demands of the United States and the United Nations Security Council, Osama bin Laden and his al Qaeda network were able to orchestrate from Afghanistan the September 11, 2001, terrorist attack on the United States in which approximately 6,000 Americans and foreign nationals were murdered.

(11) The Taliban have, since the September 11th attack on the United States, rejected all entreaties by the United States and other governments to surrender Osama bin Laden, close down international terrorist operations in Afghanistan, and comply with the other demands that have been made by the United Nations Security Council.

(12) Afghanistan is an ethnically diverse nation that can prosper only under a representative government that affords all citizens of that nation their basic human rights, restores peace and security, eradicates the drug trade, and brings all terrorists and terrorist organizations in Afghanistan to justice.

### SEC. 3. UNITED STATES POLICY TOWARD AFGHANISTAN.

It shall be the policy of the United States to promote the removal from power of the Taliban regime in Afghanistan so as to diminish the risk of future terrorist attack on the United States and restore basic human freedoms to the people of Afghanistan.

### SEC. 4. MILITARY ASSISTANCE TO AFGHAN RESISTANCE ORGANIZATIONS.

(a) AUTHORITY TO PROVIDE MILITARY ASSISTANCE.—

(1) TYPES OF ASSISTANCE.—The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for eligible Afghan resistance organizations.

(2) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under paragraph (1) may not exceed $300,000,000.

(b) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS.—An Afghan resistance organization shall be eligible to receive assistance under subsection (a) if the President determines and reports to the appropriate congressional committees that such organization, or coalition of organizations, is committed to—

(1) the removal from power of the Taliban regime in Afghanistan;

(2) preservation of the territorial integrity and political independence of Afghanistan;

(3) respect for internationally recognized human rights; and

(4) the suppression of terrorism in all of its forms and the surrender to justice of all international terrorists in Afghanistan, including perpetrators of the September 11, 2001, attack on the United States.

(c) REIMBURSEMENT FOR ASSISTANCE.—

(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the President for fiscal year 2002 such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under subsection (a).

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this section.

(e) AUTHORITY TO PROVIDE ASSISTANCE.—Activities under this section may be undertaken notwithstanding any other provision of law.

### SEC. 5. DISASTER AND HUMANITARIAN ASSISTANCE FOR THE PEOPLE OF AFGHANISTAN.

(a) DISASTER AND HUMANITARIAN ASSISTANCE.—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.) is amended by adding at the end the following:

### "SEC. 495I. AFGHAN RELIEF, REHABILITATION, AND RECONSTRUCTION.

"(a) DECLARATION OF POLICY.—Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering of the people of Afghanistan from four years of extreme drought and 20 years of civil war and to restore the confidence of the people in that country.

"(b) ASSISTANCE.—The President is authorized to furnish assistance on such terms and conditions as the President may determine for the relief, rehabilitation and reconstruction needs of the people of Afghanistan, including displaced persons and other needy people. Assistance provided under this section shall be for humanitarian purposes with emphasis on providing food, medicine and medical care, clothing, temporary shelter, and transportation for emergency supplies and personnel.

"(c) POLICIES AND AUTHORITIES TO BE APPLIED.—(1) Assistance under this section shall be provided in accordance with the policies and general authorities of section 491.

"(2) Assistance under this section or any other provision of law to alleviate the human suffering caused by famine and disease in Afghanistan shall be provided, to the maximum extent practicable, through international agencies, private voluntary organizations, and any eligible Afghan resistance organization.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this section $100,000,000 for each of the fiscal years 2002 and 2003. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are in addition to amounts otherwise available for such purposes and are authorized to remain available until expended.".

(b) OTHER ASSISTANCE FOR AFGHANISTAN.—

(1) ASSISTANCE.—The President is authorized to provide assistance from funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for the provision of food, medicine, or other assistance to the Afghan people, notwithstanding any other provision of law.

(2) AMOUNT OF ASSISTANCE.—In each of fiscal years 2002 and 2003, not less than $50,000,000 of the aggregate amount of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 is authorized to be made available for assistance to the Afghan people pursuant to paragraph (1).

### SEC. 6. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) ESTABLISHMENT.—The Broadcasting Board of Governors is authorized to make grants for surrogate radio broadcasting by RFE/RL, Incorporated (formerly known as Radio Free Europe/Radio Liberty) to the people of Afghanistan in languages spoken in Afghanistan, such broadcasts to be designated "Radio Free Afghanistan".

(b) SUBMISSION OF PLAN TO BROADCASTING BOARD OF GOVERNORS.—Not later than 15 days after the date of the enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a detailed plan for the establishment of the surrogate radio broadcasting described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEARS 2002 AND 2003.—In addition to such sums as are authorized to be appropriated for each of the fiscal years 2002 and 2003 for "International Broadcasting Operations", $8,000,000 is authorized to be appropriated for the fiscal year 2002 and $6,000,000 is authorized to be appropriated for the fiscal year 2003 for "International Broadcasting Operations" to be available only for the surrogate radio broadcasting described in subsection (a).

(2) TRANSMITTER.—Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 2002, $1,500,000 shall be available only for a new transmitter for the surrogate radio broadcasting described in subsection (a).

### SEC. 7. COMPLIANCE WITH MEASURES DIRECTED AGAINST THE TALIBAN BY THE UNITED NATIONS SECURITY COUNCIL.

(a) REPORTS TO CONGRESS.—Not later than one month after the date of the enactment of this Act, and every three months thereafter until the President determines and reports to the appropriate congressional committees that the Taliban no longer exercises power in any part of Afghanistan, the President shall submit to the appropriate congressional committees a report that identifies the government of each foreign country with respect to which there is credible information that the government has, on or after the date of the enactment of this Act, violated, or permitted persons subject to its jurisdiction to violate, measures directed against the Taliban pursuant to United Nations Security Council Resolutions 1267 (1999), 1333 (2000), or 1363 (2001), or pursuant to any other United Nations Security Council resolution adopted under the authority of Chapter VII of the Charter of the United Nations.

(b) Content of Reports.—Each report submitted under subsection (a) shall detail with respect to each government of a foreign country identified in such report the nature of the violation (other than violations detailed in previous reports submitted pursuant to this section), and shall evaluate—

(1) the importance of the violation to the efforts of the Taliban to remain in power in Afghanistan;

(2) the importance of the violation to the efforts of terrorist groups to continue operating from Afghanistan; and

(3) the risk posed by such violation to the safety of the United States Armed Forces and the armed forces of other countries acting in coalition with the United States.

(c) Authority To Impose United States Sanctions.—The President is authorized to impose one or more of the United States sanctions provided in subsection (d) if the President determines and reports to the appropriate congressional committees that—

(1) a government of a foreign country identified in a report submitted under subsection (a) has knowingly violated, or knowingly permitted persons subject to its jurisdiction to violate, measures directed against the Taliban pursuant to United Nations Security Council Resolutions 1267 (1999), 1333 (2000), or 1363 (2001), or pursuant to any other United Nations Security Council resolution adopted under the authority of Chapter VII of the Charter of the United Nations; and

(2) such violation has put at risk the lives of members of the United States Armed Forces, or other United States citizens.

(d) United States Sanctions Authorized To Be Imposed.—The United States sanctions referred to in subsection (c) are the following:

(1) No assistance may be provided to that government or nationals under the Foreign Assistance Act of 1961 or the Arms Export Control Act.

(2) No license may be issued for any transfer to that government or nationals of any goods, services, or technology controlled under the Arms Export Control Act, the Export Administration Act of 1979, or the Export Administration Regulations.

(3) The restrictions of subsections (a) and (b) of section 3 of the Trading With the Enemy Act (50 U.S.C. App. 3(a) and (b)) shall apply to relations between the United States and the government of a foreign country and all nationals of that country with respect to which the President makes a determination described in subsection (c).

**SEC. 8. SUBMISSION OF DETERMINATIONS AND REPORTS IN CLASSIFIED FORM.**

When the President considers it appropriate, determinations and reports to the appropriate congressional committees submitted under this Act, or appropriate parts thereof, may be submitted in classified form.

**SEC. 9. DEFINITIONS.**

In this Act:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) National.—The term "national" means, with respect to a foreign country, a national of the country, including a natural person, corporation, business association, partnership, or other entity operating as a business enterprise under the laws of the country.

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## TRIBUTE TO THE LATE RONALD FLORES RIVERA

## HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. UNDERWOOD. Mr. Speaker, each of us in our own way adds to the history of our community; some people make history conspicuously, with flamboyant deeds and actions; others do it subtly, with powerful words quietly spoken. If a history maker is one who contributes significantly to the social, political or economic evolution of a community, then we in Guam are laying to rest a history maker, my good friend and confidant, Ronald Flores Rivera.

On September 27, 2001, the people of Guam lost a dedicated advocate who was steadfast in his political beliefs, free with his thoughts, judicious with his words and gentle in his manner. Ron Rivera, the son of Fay Naputi Flores and Francisco Afaisen Rivera, earned the respect of many on our beloved island. Born in Tamuning, Guam, on October 9, 1953, he grew up and attended grade school in the southern village of Inarajan. Ron graduated with honors from John F. Kennedy High School at age 16.

While an employee of the Department of Vocational Rehabilitation, Ron was selected for training and education by then federal consultant at the University of Guam, Wally Kearns, with whom he shared a lifelong friendship. Ron was sent to attend the University of Arizona in Tucson where he earned both a Bachelor of Science and Master of Arts degree in Rehabilitation. Ron was a very intelligent and motivated individual and was often sought by his peers for his counsel. He was admired by his colleagues not only for his in-depth knowledge within his realm of expertise, but also for his ability to understand and absorb vast amounts of information in many other areas.

While away for his studies, Ron never forgot his home island of Guam. His good natured character, determination and perseverance emanated with the love and commitment to return to the island and continue working for the benefit of the people of Guam. As with his early educational endeavors and the desire to return home, Ron managed to complete his educational program and earn both degrees in less than the average time expected for such specialities.

In addition to his rehabilitation work, Ron also got involved with Guam's tourist industry, selling handicrafts both in Guam and Saipan. He eventually went into business full-time for himself, operating Ronsan Beach House, a recreational rental business on Tumon Bay. Running his own business allowed him the freedom to devote time and energy to his political activities.

Passing away just a few days shy of his 48th birthday, Ron left behind a body of work that would have taken the average person several lifetimes to accomplish. With his trademark Panama hat, Ron gained prominence and respect as a Chamorro Rights' activist.

As the status of the former Trust Territories was being addressed in the last 1970s and early 1980s, Ron became involved with Guam's search for its own political status. He shared great concern for the Chamorro people—the indigenous inhabitants of Guam, who had never been offered the opportunity to decide their own political fate. Delving into the matter, Ron was introduced to a committee on non-self-governing territories within the United Nations that received regular reports from the United States on its administration of Guam. Always a man of action, Ron began to work towards voicing perspective and aligning himself with the Organization of People for Indigenous Rights (OPIR). Through OPIR, Ron requested and later gained approval to make presentations for Guam at the United Nations, together with similarly situated political jurisdictions that were working toward ending their colonial relationships with their administering countries. Ron believed that the United Nations' forum offered a reasonable and objective way to focus upon the Guam-United States relationship.

Whether it was in congressional hearings, presentations at the United Nations, village meetings in Guam, or simply talking with tourists on the beach, Ron's friendly manner and quiet dignity never faltered. He was sure and proud of his heritage and sincere in his advocacy of the Chamorro people. He never waivered in his sentiments and he always impressed friends and opponents alike. His name, his approach, his ideas will be written into the history books of Guam whenever there is a discussion about the political development of Guam's people.

Ron's commitment to his family was beyond reproach. He was a loving husband and father. He recognized the connection between his political advocacy, the well being of the people he came from, and the family which sustained him. His maturity, his dignity, his gentlemanly approach to dealing with difficult situations made him the anchor of his family and a highly regarded member of his extended family. His wife, Annie; his daughters Andrea, Faye, Cara, and Vanessa; his grandchildren, Erica, Aaron, Connor Reid, Taylor Raye, and Evan Reece have so much to be proud of and are very lucky to have shared his presence in the short time that he was with us. I know that his parents, his siblings, his aunts and uncles and cousins all share in this pride. I extend to all of them my most sincerest condolences.

Mr. Speaker, I can't begin to describe my deep sense of personal loss. He was a very close friend, a mentor, a supporter, and a brother. I join his family and the people of Guam in mourning this great loss and, at the same time, celebrating the life and work of a devoted husband, dutiful son, loving father, great friend, and staunch advocate of the Chamorro people. He will be greatly missed. Adios, Ron.

## WALTER G. MORRISON, AN AMERICAN HERO

### HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

Mr. BOEHLERT. Mr. Speaker, in the wake of the terrible tragedy that occurred on September 11, 2001, it is necessary that we honor and recognize the men and women who risk their lives on a daily basis to ensure the safety of others—our Nation's fire and emergency services personnel. It is also necessary to pause, reflect, and honor the over 300 fire service personnel who made the ultimate sacrifice in the name of public safety on the 11th. Remembering the events that transpired on the 11th conjure up horrific images, but also images that inspire—images of true dedication to others, devotion to duty and bonafide heroism. It also triggers memories of a fire-service veteran and true hero from my congressional district—Walter G. Morrison—an individual who would have, without equivocation, been nowhere other than at ground "0" assisting victims on that fateful day. Walter died on July 18, 1981, in the line of duty—selflessly attempting to help others. A fire and civil defense coordinator in Otsego County, Walter also served as Chief of the Fly Creek Fire Department, a board member of the Central New York Firemen's Association, and Secretary of the New York State Fire Service Council. Walter exemplified the fire service and all it stands for. He was 46. Today, it is fitting that he, along with four of his fellow firefighters from the great state of New York, and numerous others from around the nation, have their names permanently etched upon the National Fallen Firefighters monument in Emmittsburg, Maryland for all to see and remember. It is our duty—our responsibility to never forget that it is people much like Walter—a neighbor; a colleague; an friend; a father; a son; a brother; a mother; willingly placing themselves in danger for you—for all of us.

## DISPLACED WORKERS' RELIEF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Ms. ROYBAL-ALLARD. Mr. Speaker, on September 21, Congress approved the Air Transportation Stabilization Act to provide $15 billion to help stabilize our nation's airlines, save jobs and moderate the negative economic impact of the September 11 attack. Helping our ailing aviation industry was important; helping the workers affected by the economic impact of this national tragedy is equally as important.

Over 100,000 people who worked in the airline industry have become unemployed as a result of the terrorist attacks, and even more are expected to lose their jobs in the future. If Congress does not act quickly, these men and women will be unable to pay for the necessities of life, such as food and rent. These workers need help now.

I encourage the leadership to work with Democrats, who have a plan to provide retraining programs, health insurance, and unemployment benefits to displaced workers and their families. This proposal will give critically needed assistance now, while providing workers with the tools necessary to find new employment and rebuild long term economic security for themselves and their families.

I supported the Air Transportation Stabilization Act not only because it was needed to help stabilize the airline industry and our economy, but also because congressional leaders committed to quickly bring forth legislation to address the needs of displaced workers, who deserve the same attention and quick action Congress gave to the aviation industry. The time has come to make good on that promise.

## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011:

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Chairman, I rise today to offer an amendment to provide $25 million for child nutrition programs. These programs provide funding for our nation's schools to purchase commodities for their National School Lunch and School Breakfast Programs.

The National School Lunch Program serves more than 27 million children every day, slightly over half to children who live at or near the poverty level in this country. More than 85% of the 7 million breakfast served in schools each day go to poor children. For these children, our federal school meal programs are their most secure link to good nutrition. These commodity food programs also allow school districts to offset the costs of lunches for children who do not participate in the program. In essence, these programs benefit the child receiving the free or reduced cost meal as well as the child who pays full price.

Research has confirmed a link between nutrition and children's cognitive development, cognitive performance, and ability to concentrate. Preschool and school age children need to receive proper and adequate nutrition. Studies also show that those nutiritonal programs have contributed positively to scores on test of basic skills, reduced tardiness and absenteeism.

Also clear is the link between our federal nutrition programs and our agricultural communities. The United States began providing agricultural commodities to our schools more than a decade before we started grants in aid to schools to provide meals, and three decades before we recognized the special needs of our poorest children through the free and reduced price meal subsidies. In 1994, Congress amended the National Lunch Act to require that at lease 12% of all federal support for schools meals must be in the form in commodities. However, in 1998 the Congress again amended the National School Lunch Act to count bonus commodities, food products purchased under separate authorizations and for a very different purpose, to meet the 12% statutory requirement. While some thought this was merely an accounting change, the effect was a real cut in support for our school lunch program. The commodities, which will not be purchased under the entitlement authorization, are the ones best suited to meet the menu and nutritional requirements of our school meal programs. The impact of the change was not felt last year or this because Congress yet again passed another statute that correct the error, but only for 2000 and 2001. But our schools will lose more than $55 million dollars in entitlement commodities in 2002 unless we act to correct the problem. Over the next eight years, this cut will exceed $440 million. That is a very real and significant cut to our school programs. Make no mistake, this is a school lunch budget cut—this is more than $55 million per year that schools will not receive. It is also a $440 million cut in the amount of agricultural commodities purchased by USDA.

I have spoken with several of my colleagues and they share my interest in this matter. After all, this money is used by USDA to purchase agricultural commodities, and these purchases have a significant impact on producer incomes. The magnitude of this cut is even more dramatic when you consider the amount of food that it represents. This cut means that USDA will reduce its overall purchases by 660 million pounds.

One of the best ways we can move forward as a society is to meet our obligations to our children. The Federal Government must follow through on its commitment to work in partnership with states, schools, and the agricultural community to administer a major program designed to improve children's diets and, in turn their overall health and well being. We can be proud that these school meal programs promote the well being of some of our Nation's most vulnerable children by providing them with the nourishment they need to develop healthy bodies and sound minds. Nutritious meals help students reach their full potential by keeping them alert and attentive in the classroom. As both common sense and extensive scientific research confirm, a hungry child cannot focus on schoolwork as well as one who has been fed a nutritious meal.

Mr. Chairman, recognizing the many needs being addressed in this bill, I will withdraw the amendment, but would like to draw attention to how we, the representatives of our preschool and school age children across America, have neglected them. And in the spirit of National School Lunch Week, which begins the second week of October every year, I would also like to express my interest in working together with members of both the Committee on Agriculture and the Committee on Education and the Workforce to explore this issue and seek ways to support our nation's pre-school and school age children by providing additional agricultural commodities. Finally, Mr. Speaker, I look forward to working with all of my colleagues who share my concern to emend this problem and provide for our pre-school and school age children at home first. Thank you.

## IN MEMORY OF SAMANTHA EGAN, LISA EGAN, MICHAEL CURTAIN AND JOANNE AHLADIOTIS

### HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. GRUCCI. Mr. Speaker, today I rise to honor the memory of four constituents from the community of Rocky Point in my district who lost their lives at the World Trade Center in the tragic events that occurred there on September 11, 2001.

The tragedy that struck our great nation on the morning of September 11 has been an immense source of sorrow and mourning for our country, touching the lives of nearly every citizen in our country. This is especially so in Rocky Point, where the lives of four alumni of Rocky Point High School High School were taken on that fateful morning. This community will gather together this Sunday, October 7, to celebrate their lives and show their unity as a community.

Samantha Egan, a graduate of Rocky Point High School in 1992, spent much of her time involved in student activities. She played on the soccer, basketball, and softball teams. She was a member of both the Singing Santa's and Leaders Clubs. Samantha was also an adept musician.

Lisa Egan, Samantha's younger sister, was a graduate of the class of 1988, also spent her time studying and playing music. An ambitious young woman, she remained heavily involved in the Peer Leadership Program at her school were she spent much of her time.

Michael Curtain, a graduate of the class of 1975, retrained both the attributes of a scholar and an athlete. Michael occupied his time in the Thespian Society while at the same time holding the office of Vice President of his class. Michael played for the soccer, basketball, and baseball teams. He also involved himself in the Varsity Club. His guidance counselor once reflected upon Michael's career goals, stating, "I hope Mike will be given a chance to attain his goal as a police officer".

Joanne Ahladiotis, a graduate of the class of 1992, was regarded as a well-rounded and dynamic person. Her interests were diverse, ranging from the study of Modern Greek and playing on the field hockey team, to performing in the High School musical and working on the school's yearbook.

Those who lost their lives and those that gave their lives in the line of duty at the World Trade Center have shown themselves to be heroes. Their lives, like the lives of many other Americans that day, are a shining example of what makes this country as great as it is.

I ask my colleagues to join me in expressing our deepest sympathies and condolences to the Egan, Curtain and Ahladiotis families, and join the Rocky Point community in honoring the memory of these four young people.

## ECONOMIC STIMULUS AND WORKING FAMILIES

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to speak about the urgent need to provide immediate economic stimulus to this country in the form of a payroll tax rebate for working families.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for economic stimulus and worker relief.

We should move quickly to jumpstart the economy by putting money into the hands of the tax paying lower wage workers that are more likely to spend it immediately.

My bill, the Working Families Tax Rebate Act will do just that.

This bill will provide an immediate payroll tax rebate of up to $300 to people who didn't benefit from the tax cut signed into law in June.

The dramatic decrease in travel and tourism not only affects those workers employed by the airline industry.

Working men and women in the hospitality industry and service sector are also facing massive layoffs.

These people need immediate help with buying their groceries, preparing for the holidays, and paying their heating bills. Our shop keepers need consumers back in the stores.

I urge my colleagues to support H.R. 3015. Because this country needs economic stimulus now.

## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber when the following rollcall votes were taken, rollcall vote 336, rollcall vote 337, rollcall vote 349 and rollcall vote 350. I want the record to show that had I been present in this Chamber I would have voted "yea" on each of these rollcall votes.

## VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF BLAKE KINKAID, CRAIG STEVENS, AND BRITTANY CHANDLER

REGARDING TOBACCO PREVENTION—MAY 7, 2001

CONGRESSMAN SANDERS: Now we are going up to the Northeast Kingdom and the Northeast Kingdom Youth Services. Who is going to begin?

BLAKE KINKAID: Blake Kinkaid.

BRITTANY CHANDLER: Brittany Chandler.

CRAIG STEVENS: Craig Stevens.

BLAKE KINKAID: That's a pretty tough act to follow, you guys. I have been watching it. The whole Napster thing. That is awesome. The cannabis thing. It is kind of hard to follow up on, but Josh. the whole tobacco thing killed a lot more people. He said that cannabis hadn't. Tobacco kills one person every fourteen seconds. different related disease such as cancer, heart disease. or anything like that. My dad. he has been a smoker ever since he was 14. And it has been a big shock to me. Last night. he was put in the hospital because of his heart. He is 40 years old. He just turned 40, and he is having heart problems through all the smoking. It scared the crap out of me. because it is exactly what my grandfather did when he was on his deathbed. Well, emphysema. He had smoked all his life too. And I just realized: Oh, my god! I wonder how many other people have to go through this every day. And it is really hard. and our group. we belong to a group called OVE. Our Voices Exposed. that helps get the prevention world for tobacco. Brittany is a new member who just started. and Craig is with me from the beginning. And we help put out the word about prevention, such as we give kids an alternative activity to do to keep them out of trouble. And Craig will elaborate on it.

CRAIG STEVENS: We are going to be having a dance coming up this Friday.

CONGRESSMAN SANDERS: Try to speak a little bit louder. We don't have a mike. Sorry.

CRAIG STEVENS: We have going to have a dance this Friday, and we have had—what?—three dances in the past.

BLAKE KINKAID: Five.

CRAIG STEVENS: Five. We had five dances. We have had sliding parties, bowling, pizza parties. We have had a whole lot of stuff I can't remember.

BLAKE KINKAID: We have had cookouts at Lake Willoughby and Harvey's Lake sometimes. We have had jamborees down there in the summer, having a battle of the bands, and we had a haunted house that brought over 300 people. Everything we do has a nonsubstance theme. We have these things to try to keep kids off tobacco, and we try to give them something to do. I found the biggest cause of smoking and all other substance use in boredom. that is why I started, just boredom, pretty much.

CONGRESSMAN SANDERS: Brittany, do you want to add anything?

BRITTANY CHANDLER: Well, most of my friends smoke, and I have noticed that my friends that do smoke, most of them don't do activities and stuff. And so they have nothing to do with their time, and just sit around and smoke and everything. And most of the people are around people that smoke, like their parents and stuff.

ON BEHALF OF DANIELLE HARVEY, ANDREA SHAHAN, AND STEPHANIE GRAY

REGARDING OPPOSITION TO PARENTAL NOTIFICATION FOR ABORTION—MAY 7, 2001

DANIELLE HARVEY: This year, the Vermont House has discussed the question of making parental notification for abortion a requirement. We feel that this would be making a big mistake. Having to tell your parents you are sexually active is hard enough; having to tell them that you are pregnant as a result could be dangerous, maybe even life-threatening. For this reason, as well as others, some girls delay in telling their parents about the predicament, which could cause some major health risks, such as: When someone goes out of state to avoid parental involvement laws, they are putting themselves at risk during the trip home, because there may be long stretches where medical care is not readily available. Parents who are opposed to abortion Might force their daughters to carry the babies to Term, regardless of any possible or known health or life risks. Or a woman who is pregnant and a few months short of her 18th birthday may wait until she is 18 to have the abortion. A delay of even five days can cause major complication in a procedure. If the government and the state of Vermont, as well as the national government, wants what is best for the nation's youth, they should leave parents out of a girl's decision to have an abortion. The decision is hard enough to make on her own, and adding parents to the situation makes it almost impossible.

STEFANIE GRAY: If a child is forced to tell her parents that she is pregnant, then her parents would know that she is sexually active. Most of the time, parents don't approve. Finding out she is sexually active and pregnant could cause verbal or physical abuse by her parents. The girl's parents may force her to go through with the pregnancy, or they may even kick her out. Family breakdown is a major result from girls telling their parents that they're pregnant and want an abortion. Girls that don't have a good relationship with their parents to begin with will probably make it worse and risk abuse. Families with good relationships don't need the law, because they are supportive. Then again, you might lose the family trust. In unsupportive families, the law will be ineffective because the families would be more likely to be abusive and add to the family's problems.

ANDREA SHAHAN: Some supporters of parental notification concede that some parents can become abusive when they learn their daughter wants to receive an abortion, and they have offered an option of going before a judge, instead of their parents, to get permission to receive an abortion. This option is known as the judicial waiver. Women who live in sparsely populated areas usually have difficulty receiving a judicial waiver, since easy access to a judge is not possible. Women who live in large cities, however, have easy access to courthouses, therefore not making it fair to many women in the U.S. In receiving a judicial review, confidentiality is not guaranteed. Many teens lack the knowledge and experience of court procedures to obtain a waiver. Students who need to attend their hearings will not be able to do so during school hours. Many of the court judges are very strongly pro-life. Even though the Supreme Court requires judges to issue a waiver if the teen is mature or if an abortion is in her best interests, several judges still deny them a waiver. Judge Nixon, of the District Court in Tennessee estimated that, even under the best Circumstances, the judicial waiver process would take 22 days to complete. This becomes a significant problem, given the time-sensitive nature of pregnancy, and the risk involved in later abortions. Representative Sanders, we oppose any efforts to put into effect parental notification under Vermont law, and we hope that you will oppose any efforts at the federal level as well. Thank you, Mr. Sanders.

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## CENTRAL NEW JERSEY CELEBRATES THE BOROUGH OF ROCKY HILL AND THE TRI-CENTENNIAL HERITAGE DAY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Borough of Rocky Hill, New Jersey and its Tri-Centennial Heritage Day celebration. For three centuries, the community of Rocky Hill has made tremendous contributions to our state and our nation through its legacy of committed residents and unique spirit of pride and unity.

Rocky Hill, less than one square mile in size, has a rich history that began in 1717 when John Harrison obtained land from Indian Chief Nowenock. Then, in 1783, as he awaited the news that the Treaty of Paris had been signed, General George Washington prepared his famed "Farewell to the Troops" at his home Rockingham, located in Rocky Hill.

As we know it, Rocky Hill enjoyed industrial success at the turn of the century due to its proximity to the Delaware and Raritan Canal as well as the opening of the New Jersey Railroad and Transportation Company's spur line along the Millstone River. This water traffic carried not only passengers, but lumber, coal and vegetables.

Rocky Hill has been home to not only President and General George Washington, but John Hart, a New Jersey Signer of the Declaration of Independence as well as a more recent outstanding American, former Rocky Hill Council-Member, Bill Fallon, a victim of the tragic September 11th attack.

Rocky Hill is home to a tight-knit community of families and friends and the celebration of the Tri-Centennial presents an opportunity to pause and reflect on our history and to strengthen and renew our spirit for the centuries to come.

Mr. Speaker, again, I celebrate this Tri-Centennial Heritage Day and honor the Borough of Rocky Hill and its residents, both past and present, who have worked so diligently to make this day possible. I ask my colleagues to join me in recognizing this community and its 300th anniversary.

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## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011:

Mr. SHAYS. Mr. Chairman, I rise in support of the Ackerman-Houghton Amendment to prohibit the marketing of animals so sick they oftentimes cannot even walk. Animals too weak from sickness or injury are routinely pushed, kicked, dragged, and prodded with electric shocks in an effort to move them at auctions and intermediate markets, en route to slaughter. There is no excuse of this unnecessary torment.

This amendment will protect these animals by preventing bad actors from transporting downed animals to livestock markets and requiring these downed animals to be humanely euthanized.

Unfortunately, because livestock sold for human consumption will being a higher dollar than livestock sold for other purposes, greed has proven to be more important to some than the suffering of the animals or the knowledge that meat from these animals is likely to be unfit for consumption.

These animals do not deserve this treatment and we do not deserve the threat of contaminated meat at our grocery stores. As Co-Chair of the Congressional Friends of Animals Caucus, I urge my colleagues to vote in favor of the Ackerman-Houghton Downed Animal Amendment.

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## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 4, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011:

Mr. GILMAN. Mr. Chairman, I rise to support the amendment offered by my colleague from Pennsylvania, Representative Sherwood to permanently extend the Northeast Dairy Compact.

Furthermore, I am distressed that this amendment was unable to receive a waiver from the Judiciary Committee, and thus will not receive an up or down vote.

New York's dairy farmers, which make up 60 percent of our agricultural base in my home State, have been cut out of this legislation. Producers and their organizations have been concerned about the viability of the dairy industry in the northeastern States for several years.

Declining herd and cattle numbers, combined with drought and fluctuating market prices, have lead to a loss of infrastructure and revenue for our New York dairy farmers. Our farmers continue to experience a reduction in farm income including the loss of at least $200 million annually.

Our dairy farmers are relying on their inclusion in the Northeast Dairy Compact, to provide them with stability in pricing. However, that measure is not only missing from this legislation, it was not even permitted to be discussed. Time and time again, our Nation's dairy farmers have had to face the challenges of nature and an unstable market.

In response to these challenges, these distressed dairy farmers looked to the Congress to provide them with a crucial milk price safety net, by extending the Northeast Dairy Compact, and offering the preferred milk pricing structure.

Accordingly, along with my colleagues from New York and throughout the region, I anticipated the opportunity to respond to our farmers by negotiating for the inclusion of favorable dairy language in this legislation. However, this opportunity was not afforded to us.

Finally, I urge the full committee to work toward the inclusion of the Northeast Dairy Compact during negotiations in the conference.

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## TRIBUTE TO OPERATION BREAKTHROUGH

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to one of Kansas City, Missouri's most successful childcare facilities. Serving more than 400 children daily, Operation Breakthrough is Missouri's largest single site childcare center and broad based social service agency. This year, Operation Breakthrough will celebrate 30 years of helping less fortunate children develop to their fullest potential.

After working together at St. Vincent's Elementary School in 1967, Sister Corita Bussanmas and Sister Berta Sailer were approached by several economically disadvantaged working mothers that wanted affordable and quality childcare. In 1971, at the mothers request the sisters opened a childcare center in their living room, at 31st and Paseo to care for 50 children. Later that year, the Catholic Diocese closed St. Vincent's Parish. Without funds from the Diocese, the parents worked together to obtain Model Cities funding in addition to a grant from the Hall Family Foundation. Thanks to the hard work, long hours and dedication from the sisters, families, volunteers and the community, Operation Breakthrough has gone through many transformations to become the non-religious, 501 © (3) not-for-profit corporation that we know today.

In 1976, the center grew to include before and after school programs allowing parents the ability to enter and remain in the workforce. Five years later, Operation Breakthrough moved to its current location at 31st and Troost continuing its commitment to the urban core where it has added an extensive assortment of social services to meet the needs of the families and their children.

Over the past 30 years, Operation Breakthrough has assisted numerous children living in poverty by providing them a caring and positive learning environmental. This not-for-profit organization offers the families and children of Kansas City the services of day care, Early Start and Head Start programs, a 7,000-volume library, a children's computer lab, health and dental services through Children's Mercy Hospital and various dental clinics, speech therapy, play therapy, occupational therapy, housing assistance, GED tutoring, parenting classes, mentoring, a clothing closet, and nutritious meals.

As the largest childcare provider in the state of Missouri, Operation Breakthrough has excelled in every aspect of its service to our community. As a direct result from the success Operation Breakthrough has shown, last years appropriation committee recognized their efforts by funding the Second Step anti-violence program and Child Abuse prevention program in the sum of $180,000.

Today, Operation Breakthrough is a place of laughter and joy for children in need. Five days a week from six a.m. to six p.m., Operation Breakthrough is a place which strives to provide children and their families the security and stability missing in their lives. Since 1971, Operation Breakthrough has provided the very education that will not only assist in developing these children, but also positively impact their ways of thinking and behaviors for the rest of their lives. Mr. Speaker, please join me in congratulating Operation Breakthrough celebrate thirty years of outstanding service to the Kansas City community.

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## AMERICA'S FIRST LINE OF DEFENSE

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. BLUMENAUER. Mr. Speaker, I was very pleased a week ago to see an oped in my hometown newspaper, The Oregonian, written by the president of the American Foreign Service Association, John Naland. It highlights the work of the Foreign Service that we now know is even more important in the wake of the September 11 attack on our country.

There is a serious problem facing the Foreign Service, and it can be rectified in the FY02 Commerce-Justice-State appropriations bill, H.R. 2500, when it goes to the House/Senate Conference. Personnel shortages in the Foreign Service Corps seriously impede our ability to conduct our nation's foreign policy. Even before September 11, our Foreign Service personnel were stretched too thinly in the face of growing demands. Work that should have been done was not getting adequate attention because of competing demands of time and energy. Personnel shortages also leave us under-trained because in choosing between training or filling a position, the system fills the position.

The Department of State calculates that the shortfall is about 1,100 people. The 2000 report on 'State Department Reform' by the Task Force chaired by Frank Carlucci and cosponsored by the Council on Foreign Relations and the Center for Strategic and International Studies estimated the workforce shortfall to be some 700 Foreign Service Officers or nearly 15 percent of Foreign Service requirements.

As the Foreign Service continues to promote and protect our interests abroad in these difficult days, it is vital that we appropriate funding for the Diplomatic and Consular Account in the State Department portion of the FY02 C–J–S appropriations bill that is at or above the $3,646 million level provided by the House of Representatives. I encourage conferees to adopt this funding level.

I urge my colleagues to carefully consider the views of the American Foreign Service Association as presented here.

[From the Oregonian, Sept. 28, 2001]

DON'T FORGET THE VITAL ROLE OF DIPLOMACY

(By John K. Naland)

President Bush has vowed to use every resource at his command to defeat terrorism. In his address to the nation last week, he included four that are familiar to most Americans: military might, intelligence collection, law enforcement and financial pressure. But many citizens might be hard-pressed to explain the practical value of the anti-terrorism tool that Bush put at the very top of his list: Diplomacy.

Diplomacy is the art of influencing foreign governments and peoples to support our nation's vital interests. Never has skilled U.S. diplomacy been more needed than in the current crisis. The president has made it clear that destroying the network of international terrorists will require the combined efforts of many nations. Thus, the task of forming that international coalition against terrorism now rests on the shoulders of U.S. diplomacy.

While Bush and Secretary of State Colin Powell are clearly our chief diplomats in this effort, our career diplomats stationed around the globe are implementing the detailed work. As Powell said in a Sept. 13 "all hands" message sent to all U.S. diplomatic and consular posts, "the men and women of American diplomacy will be at the forefront of this unprecedented effort . . . to break the back of international terrorism."

U.S. diplomats are now rallying key governments to apply political pressure on those countries that harbor terrorists. They are seeking to enlist foreign police forces and intelligence services in the search for the attackers. U.S. diplomats are negotiating for the military overflight and basing rights that will be needed if we must, as the president put it, "bring justice to our enemies."

Unfortunately, even as Congress does its part to fight terrorism by augmenting the budgets of our military, law enforcement and intelligence agencies, some in Congress do not acknowledge the parallel need to strengthen our diplomatic efforts. This despite the fact that diplomatic readiness is no less important to our national security than is military readiness.

Lost in the flurry of congressional activity last week was the Senate passage of a State Department appropriations bill that fell far short of what Powell requested last spring. The deleted funding was to have addressed two of the State Department's most pressing deficiencies: inadequate staffing and dilapidated overseas infrastructure. Because the House version of the bill fully funded the administration's request, a House and Senate conference committee will soon meet to decide on the final funding level.

The events of Sept. 11 underscore the urgent need for adequate resources for diplomacy, which Powell has aptly termed "America's first line of offense." As our diplomats go about forging an international coalition against terrorism, it is vital for the Congress to give them the tools they need to succeed.

John K. Naland, a career Foreign Service Officer and former U.S. Army officer, is president of the American Foreign Service Association.

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## PERSONAL EXPLANATION

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. WELDON of Pennsylvania. Mr. Speaker, I wish to explain my absence today, which resulted in my being unable to vote my strong support for the Emergency Appropriations Supplemental bill. I have been in lower Manhattan, where I have observed what can only be described as wreckage from a war zone. More moving, and more powerful, than the images of shattered skyscrapers and exploding airplanes, though, is what else I have seen. In New York, I have seen bravery and heroism that has transformed by deep sadness into a far more profound sense of pride. This may be America's darkest hour, but in many ways it is also her finest.

Much has been said regarding the cowardly nature of these attacks, which were perpetrated largely against unarmed civilians. And yet September 11 was a day of heroes too, because of the heroism of everyday Americans. The terrorists struck the innocent because they thought they would be helpless, but the opposite proved to be true.

Admiral Chester W. Nimitz, speaking of the Battle of Iwo Jima during another great American crusade, said famously, "Uncommon valor was a common virtue." Such was the case on September 11. On that day, a fourth plane, perhaps intended for the White House or the Capitol itself, was brought down in the fields of Pennsylvania through the courageous deeds of determined Americans, ordinary Americans, who knew they were near the end, and that their story would never be told. Uncommon valor was a virtue demonstrated in abundance by the passengers on United Airlines Flight 93.

In New York I also saw the rubble which entombs the bodies of perhaps three hundred firemen. Many of these souls perished attempting to rescue others from the doomed World Trade Center, charging up stairways filled with people fleeing downward. Their sacrifice is astounding when one considers the fact that we lose an average of 100 firefighters each year nationwide. 300 were lost in one day, in one city block. We also lost a staggering number of police officers on Tuesday, individuals who gave their lives while serving and protecting the people of their city. We will not forget them.

In New York, I brought word that the House of Representatives, the people's house, mourns with the rest of the nation. I brought word that help is on the way. Let is be heard by all of those who were touched by this tragedy that the United States Congress will give whatever aid is necessary to respond to this disaster. The Congress will also stand behind the President, united with one voice, as he pursues those responsible for this barbarity.

The terrorists underestimated the spirit of America on September 11. While they must have known of the devastating military retaliation that would follow inevitably from their actions, they clearly did not anticipate how the average American would react that day. Terrorism did not inspire terror but instead courage, selflessness, and sacrifice. Many thousands were unable to defend themselves. However, those who were able to act did so with magnificent valor. America drew strength from these people as we stared together into the abyss. During our darkest day, these Americans gave us hope.

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## MISSILE DEFENSE NEEDED NOW MORE THAN EVER

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. SCHAFFER. Mr. Speaker, How ridiculous it would be to start leaving the front door unlocked just because burglars had recently found it easier to enter through the back window. When it comes to national defense, America will regret leaving its front door wide open.

Our military's preparation and emphasis on modern warfare proved insufficient in preventing last month's terrorist attacks. Appropriately, congress reacted by devoting greater resources to preventing future acts of terrorism and compensating for certain weaknesses. But the needs for modern defenses have not diminished. In fact, they have only become more acute.

The United states needs to broaden its response to the terrorist attack on the World Trade Center and Pentagon. It is not enough to focus on stopping terrorist attacks using commercial airlines, or the buildup of air power in the Middle East and Southwest Asia, or covert operations in Afghanistan against Osama bin Laden. The United States must not neglect building a defense against ballistic missiles and the possibility of terrorists making an unauthorized launch of ballistic missiles. Instead of the loss of six thousand lives, the United States could lose six million.

Even the accidental launch of ballistic missiles is possible, for example, from Russian nuclear-missile-carrying submarines where the command and control of nuclear missiles is much less secure than for United States ballistic missile submarines. Russian land-based or road-mobile ICBMs are also less secure than American Weapon systems and could similarly be taken over by terrorists and launched. Nor are accidents unthinkable. As recently as January of 1995 a Norwegian sounding rocket activated Boris Yeltsin's portable nuclear command briefcase for initiating a retaliatory missile strike against the United States.

In the early 1990's the United States recognized the threat of an accidental or unauthorized (terrorist) launch of ballistic missiles in President Bush's plan for building a ballistic missile defense called Global Protection Against Limited strikes (GPALS). To protect the United States from accidental or terrorist launches or rogue nations like North Korea, President Bush proposed building a space-based defense including high-energy lasers and Brilliant Pebbles interceptors. Unfortunately, Congress under funded the program, and President Clinton discontinued it.

The United States faces serious international implications affecting its security. On September 11, the same day of the attacks on the World Trade Center and Pentagon, China signed a memorandum of understanding to provide economic and technical aid to the Taliban. For two years, Chinese companies have assisted the Taliban in its efforts to improve its telephone system in Kabul.

Unfortunately, the Congress is considering using the war on terrorism as a excuse to cut its ballistic missile defense programs, especially space-based defenses, evidently unaware of how china has threatened it with long-range missiles and is engaged in an aggressive arms buildup. China's ambitious buildup includes its DF–31 ICBM and JL–2 SLBM. China's road-mobile DF–31, which has been flight-tested and forms part of its Long Wall Project aimed at the United States, its forces, and allies particularly in the Pacific.

The war on terrorism extends to Iraq, which has helped equip Osama bin Laden with chemical weapons. It extends to the war on drugs as drugs are used to finance terrorism. Much of the world's supply of heroin comes from Afghanistan. The war on terrorism also extends to U.S. relations with other countries and alliances, and the alliances china is forming to increase its international influence and control.

Beneath the war on terrorism is a reluctance of the United States to end its vulnerability to ballistic missiles, unwilling to confront their use by terrorists or in acts of war by countries such as China, Iran, Iraq, Libya, North Korea, and others. Most importantly, the Congress, in passing the $343 billion House Defense Authorization Bill, cut its space-based ballistic missile defense programs by $400 million, which will continue to leave millions of Americans vulnerable to destruction by ballistic missiles and nuclear weapons.

If the United States is to succeed in its war against terrorism, it must act decisively against Osama bin Laden, confiscate his nuclear devices and destroy his chemical weapons. At the same time America must guard itself against ballistic missiles, realizing that ballistic missiles can be hijacked by terrorists. It must rebuild its military strength and intelligence. It must build the best ballistic missile defense it can by accelerating its Navy Theater Wide program, and emphasizing space-based defenses, including high-energy lasers, Brilliant Pebbles interceptors, and particle beams.

Thriving democracy, abundant liberty and glorious freedom are the legacy of our republic. These profound American qualities continue to be the envy of the world and the hope for humanity; and they only exist today because of God's blessings and America's commitment to a robust, and proficient defensive capability. Flinging wide open America's front door is an invitation to an even greater, and more cataclysmic frontal attack upon our liberty.

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## BOWDOIN COLLEGE INAUGURATES ITS NEW PRESIDENT, BARRY MILLS

### HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. ALLEN. Mr. Speaker, on October 27th, Barry Mills will be inaugurated as the 14th president of Bowdoin College, my alma mater and one of the finest liberal arts colleges in the nation.

The selection of Barry Mills by the Bowdoin College Board of Trustees last January was an ideal choice. He brings to this position qualities and experience that will serve Bowdoin's students, faculty and alumni exceptionally well. The community in which Bowdoin is located, Brunswick, Maine, as well as the entire nation, will also benefit enormously.

Barry knows Bowdoin well, both as a graduate (Class of 1972) and as a member of the College's Board of Trustees. I came to appreciate Barry's abilities when we served together on that Board. He combines a sharp intelligence, leadership skills and energy with a warm and empathetic personality. His business acumen, scholarship and experience will be a great value in his new position.

Barry holds a doctorate in biology and a law degree. He formerly served as the deputy presiding partner of Debevoise & Plimpton in New York City, one of the nation's preeminent international law firms. He joined the firm in 1979 and became a partner in 1986.

Born in Providence, Rhode Island, on September 8, 1950, Barry graduated in 1968 from Pilgrim High School in Warwick, Rhode Island.

A Dean's List student at Bowdoin, Barry graduated cum laude in 1972 with a double major in biochemistry and government. He earned his doctorate in biology in 1976 at Syracuse University, where he taught courses as a graduate student in introductory biology, cell physiology, and animal physiology. He earned his law degree at the Columbia University School of Law in 1979, where he was a Harlan Fiske Stone Scholar.

Barry has published papers in the field of biology and, as a lawyer, has produced numerous publications and speeches in his field. He was also a leader with the firm's continuing legal education program at Debevoise & Plimpton.

He is married to Karen Gordon Mills, a founder and managing director of Solera Capital, LLC, a private equity firm located in New York City. As a student at Radcliffe College, Karen Mills was president of the Harvard Dramatic Club. She graduated magna cum laude from Radcliffe in 1975 with a degree in economics and earned her M.B.A. at the Harvard Business School in 1977. She is currently a member of the Harvard University Board of Overseers.

As President of Bowdoin, Barry has already begun to focus on priorities he has wisely identified as important for the College's future: increasing campus diversity, improving technology and expanding Bowdoin College's international presence.

Barry known how to find out what's going on at the campus: by listening and by doing what students do. In an interview with the *Portland Press Herald* earlier this year, he said, "I love talking with students. I invited them to send me an e-mail telling me when they think my office hours should be, to be most accessible to them. That could be 8 to 11 at night, when they hit their bio-rhythms. They are going to see me at concerts, lectures, art shows, on the football field, and in training rooms. I'm really going to be a part of this campus. And I'm going to be a part of their lives."

I am pleased that Barry Mills will play an even greater role in the life of Bowdoin College. I congratulate him on his inauguration and congratulate Bowdoin College on the wisdom of his selection.

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## IN HONOR OF GRACE BAPTIST CHURCH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the fifty-first anniversary of the founding of Grace Baptist Church of Westlake, OH. This congregation has been a wonderful part of the Greater Cleveland community for over half a century.

This church traces its history back to February 24, 1950, when forty-seven members signed the charter to organize the church officially. The congregation originally met in an upper hall on the corner of Orchard Grove and Detroit Avenue in Lakewood, but a small church building was later purchased in Rocky River. As the church continued to grow, a larger building was needed. The church purchased land from Mrs. Dorothy Rogers, a member of the congregation, and broke ground on April 17, 1966. The dedication services were held in the present building on October 26, 1967. The congregation of Grace Baptist Church worships at that location to this day.

The church is located on a seven acre site in the eastern part of Westlake. The members come from the western part of Cleveland, Lakewood, Rocky River, Fairview Park, North Olmstead, Westlake, Bay Village, Avon, Avon Lake, and North Ridgeville. All ages are represented in the congregation.

The church is very active. Among its activities are a Sunday school for all ages, Sunday morning and evening worship, youth groups, prayer meetings, adult social groups, and junior and senior high school youth groups.

From the beginning, the prayer of Grace Baptist's membership has been that the church family would always stay faithful to God. For fifty-one years, that prayer has been answered. My fellow colleagues, join me in honoring Grace Baptist Church.

# SENATE—*Tuesday, October 9, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we come to You as intercessors for our beloved Nation at this crucial time of confrontation with the evil forces of terrorism in the world. May this war be decisive, undergirded by Your mighty power and lead toward the extrication of terrorism from the world. We intercede for our President George W. Bush, Colin Powell, Don Rumsfeld, General Richard Myers, General Tommy Franks, Condeleezza Rice, John Ashcroft, and all who seek Your guidance and supernatural power for their leadership in this just war. We pray for Tom Ridge as he assumes his new responsibilities to coordinate all who must work cooperatively for the protection of our land against further terrorist attacks. And Lord, we ask for a special measure of Your wisdom and strength for TOM DASCHLE, TRENT LOTT, HARRY REID, and DON NICKLES as they seek to lead this Senate in unity, in support of our Armed Forces. Protect the men and women now in harm's way both in the strategic bombing and the humanitarian effort. Grant Your peace to the American people, many of whom are gripped with unhealed grief over September 11 and now feel panic over the danger of terrorist attacks.

Dear Father, flood our hearts with Your Spirit, filling us with trust in You. May patriotism for our Nation, and pertinacity to win this battle be the antidote to fear. In the Name of our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 9, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the same previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. But under the previous order, the Senator from West Virginia, Mr. BYRD, is recognized to speak for up to 30 minutes.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

## UNDERTAKING A DANGEROUS MISSION

Mr. BYRD. Mr. President, this morning I have come to the Senate floor to talk about our late friend and Senate majority leader, Mike Mansfield. But before I do, I shall take a moment to recognize the efforts of the men and women of our Armed Forces who have undertaken a dangerous mission in the past few days. They are fighting to protect our Nation's interests and its security. They are working to ensure the freedom of others across the globe, never wavering in their duty. Throughout America's history, our sons and daughters have always been ready to answer that call to duty. In particular, West Virginians have a proud and enviable record of service to our country in perilous times of war and conflict. This time is no different; mountaineers once again are playing an important role in the defense of our country.

Our soldiers, sailors, and airmen are now engaged in what could be a long battle. In locales stretched around the world, they will put themselves in harm's way. They will fight to protect our freedoms and the freedoms of people around the world. We in the Senate and House of Representatives will make sure they have the resources they need in order to be successful, but until their return home they and their families will be in our thoughts and prayers. May God watch over them and bring them home safely in the end.

## SENATE MAJORITY LEADER MIKE MANSFIELD

Mr. BYRD. Mr. President:

When I remember all
The friends, so link'd together,
I've seen around me fall
Like leaves in wintry weather,
I feel like one
Who treads alone
Some banquet-hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed!
Thus, in the stilly night,
'Ere slumber's chain has bound me,
Sad Memory brings the light
Of other days around me.

Mr. President, in June 1970, it was my honor and privilege as the then Secretary of the Senate Democratic party conference to go to this floor and make the announcement that Senator Mike Mansfield had become the longest serving majority leader in history.

Today, it is with sadness that I come to the Senate floor to speak of the passing on Friday last of Mike Mansfield, and of his service to this Chamber and to our country.

Mike Mansfield personified both America and the American dream. He was born in New York City, the son of Irish immigrant parents, in 1903, the year in which the Wright Brothers made their historic flight. He was raised in his beloved Montana. When he was only 14 years of age, without completing the 8th grade, he served first in the U.S. Navy during World War I, and eventually in the Army and the Marine Corps—at that time, all of the branches of the U.S. military. After the war, he became a miner, then a mining engineer.

At 30 years of age, he was finally able, with the constant help of his devoted wife Maureen, to obtain the first of several college degrees that would enable him to become a college professor of history and political science for almost a decade.

In 1942, he was first elected to the U.S. Congress and served five terms in the House of Representatives. In 1952, Mike was elected to the Senate—that was the year in which I was elected to the House of Representatives—and began a remarkable quarter-of-a-century of service in this Chamber, a career that included being elected Senate majority whip in 1957.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In January 1961, Senator Mansfield was elected Senate majority leader, and he served in that capacity until 1977—one of the most turbulent periods in American history. It was a time of assassinations and riots, marches and demonstrations, war and anti-war protests.

Nevertheless, under his leadership—a leadership that emphasized cooperation, honor, fairness, integrity, and negotiation—and a leadership style marked by personal conviction and a loyalty to lasting principles—the Senate was a place of remarkable legislative accomplishments, including the Great Society legislation of the mid 1960's. That was one of the most productive periods of Congress in American history, and Senate Majority Leader Mansfield certainly had an important role in it.

I worked shoulder to shoulder with Mike Mansfield for 10 years on this floor, where I served as secretary of the Democratic conference for 4 years and as Democratic whip for 6 years.

After leaving the Senate, he continued his public career by serving as the American Ambassador to Japan under Presidents Carter, Reagan, and Bush. Mansfield's 12 years as Ambassador to Japan are the longest in history.

Mike Mansfield of Montana was a man of outstanding achievements, a remarkable Senator, and an outstanding leader.

Mr. President, it was on last Friday, that the pallid messenger with the inverted torch beckoned Mike Mansfield to depart this life. We can believe that he awakened to see a more glorious sunrise with unimaginable splendor of a celestial horizon, and that he yet remembers us as we remember him, for we have the consolation that has come down to us from the lips of that ancient man of Uz, whose name was Job: "Oh that my words were written in a book and engraved with an iron pen, and lead in the rock forever, for I know that my redeemer liveth and that in the latter day he shall stand upon the earth."

Mike Mansfield has now passed from this earthly stage and gone on to his eternal reward. The links which connect the glorious past with the present have been forever sundered.

Passing away!
'Tis told by the leaf which chill autumn breeze,
Tears ruthlessly its hold from wind-shaken trees;
'Tis told by the dewdrop which sparkles at morn,
And when the noon cometh
'Tis gone, ever gone.

I always held Mike Mansfield in the highest esteem. He was a gentleman with great courage and unwavering patriotism, a wise and courageous statesman, affable in his temperament, and regarded as one of the outstanding men in the Senate. He was both morally and intellectually honest and that is saying a great deal in these times. He was simple in his habits and devoid of all hypocrisy and deceit. There was not a deceitful cell in his body. He never resorted to the tricks of a demagog to gain favor and, although he was a partisan Democrat, he divested himself of partisanship when it came to serving the best interests of his country. May God rest his soul.

The potentates on whom men gaze
When once their rule has reached its goal,
Die into darkness with their days.
But monarchs of the mind and soul,
With light unfailing, and unspent,
Illumine flame's firmament.

Socrates, Plato, Aristotle, Cicero, and other great Grecian and Roman philosophers, by pure reason and logic arrived at the conclusion that there is a creating, directing, and controlling divine power, and to a belief in the immortality of the human soul. Throughout the ages, all races and all peoples have instinctively so believed. It is the basis of all religions, be they Islamic, Hebrew, Christian, or heathen. It is believed by savage tribes and by semi-civilized and civilized nations, by those who believe in many gods and by those who believe in one God. Agnostics and atheists are, and always have been, few in number. Does the spirit of man live after it has separated from the flesh? This is an age-old question. We are told in the Bible that when God created man from the dust of the ground, "He breathed into his nostrils the breath of life, and man became a living soul."

When the serpent tempted Eve, and induced her to eat the forbidden fruit of the tree of knowledge, he said to her, "ye shall not surely die."

Scientists cannot create matter or life. They can mold and develop both, but they cannot call them into being. They are compelled to admit the truth uttered by the English poet Samuel Roberts, when he said:

That very power that molds a tear
And bids it trickle from its source,
That power maintains the earth a sphere
And guides the planets in their course.

That power is one of the laws—one of the immutable laws of God, put into force at the creation of the universe. From the beginning of recorded time to the present day, most scientists have believed in a divine creator although I read not too long ago that only about 40 percent of the scientists in this country believe in a creator. I have often asked a physician:

> Doctor, with your knowledge of the marvelous intricacies of the human body and mind, do you believe that there is a God, a Creator?

Not one physician has ever answered, "No."

Each has answered, readily and without hesitation, "Yes." Some may have doubted some of the tenets of the theology of orthodoxy, but they do not deny the existence of a creator. Science is the handmaiden of true religion, and confirms our belief in the Creator and in immortality.

It was William Jennings Bryan who said:

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the earth the soul of man made in the image of his Creator?

As an aside let me say that I always grow a few tomatoes—about four vines. This year I planted four vines, and I had more than 400 tomatoes off those four vines. Sometimes I plant the Early Girl, sometimes I plant Big Boy or Better Boy. I grow enough tomatoes to furnish my wife and myself, also to supply our older daughter and her husband. Our grandsons and our granddaughters and their spouses live farther away, but sometimes they have some tomatoes for them.

Whoever plants a seed beneath the sod
And waits to see it break away the clod
Believes in God.

As Longfellow said:

> It is not all of life to live, nor all of death to die. Rather, as he says:

There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life Elysian,
Whose portal we call death.

Life is but a narrow isthmus between the boundless oceans of two eternities. All of us who travel that narrow isthmus today, must one day board our little frail barque and hoist its white sails for the journey on that vast unknown sea where we shall sail alone into the boundless ocean of eternity, there to meet our Creator face to face in a land where the roses never wither and the rainbow never fades. Mike Mansfield has gone on to meet his pilot face to face. He was 98. I am but 84—within 42 days I will reach my 84th birthday. And it won't be long until I, too—and then so will you, and so will you—meet our pilot face to face.

Sunset and evening star,
And one clear call for me
And may there be no moaning of the bar
When I put out to sea,
But such a tide as moving seems asleep,
Too full for some and foam,
When that which came from out the boundless deep
Turns again home.
Twilight and evening bell
And after that the dark,
And may there be no sadness of farewell
When I embark,
For though from out our borne of time and place,
The flood may bear me far
I hope to see my Pilot face to face
When I have crost the bar.

To that borne, from which no traveller ever returns, Mike Mansfield has now gone to be reunited with his wife Maureen and others who once trod these marble halls, and whose voices once rang in this Chamber.

I can hear them yet: Hubert Humphrey, Paul Douglas, Allen Ellender, Richard B. Russell—who sat at this desk—George Aiken, Everett Dirksen, Norris Cotton, "Scoop" Jackson—their voices in this earthly life have now been forever stilled.

Mike Mansfield has crossed the Great Divide. Of that illustrious man who sat in this Chamber when he and I were young Senators, only STROM THURMOND and I remain here today.

They are drifting away, these friends of old
Like leaves on the current cast;
With never a break in their rapid flow
We count them, as one by one they go
Into the Dreamland of the Past.

Erma and I extend our condolences to Mike's daughter, Ann, and to others of his family. May his soul rest in peace.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Montana.

## THE "MIKE" I KNEW

Mr. BURNS. Madam President, I cannot find the words I want for Mike Mansfield—their meaning—and put them together like our good friend from West Virginia. He knew Michael almost as long as I did.

But Mike has moved on. His work here on Earth is done. His legacy will live as it will be placed among the archives as majority leader of the Senate, as a Member of the House of Representatives, and as an Ambassador to Japan. As a nation, we have been graced and blessed by great leaders who rose to uncommon levels in times of national crises. We, the Members of this Senate, are the benefactors of his stewardship. A thankful nation is the benefactor of his wisdom.

I now occupy the seat once held by Mike. Thirteen years ago, I came to this body, and for 13 years Mike and I had breakfast every Wednesday morning the Senate was in session. He seldom missed. Those conversations were wonderful, and they were also very insightful. They were full of wisdom, information, and insight.

Senator BYRD described him as a nonpartisan. That is 95 percent correct. But one cannot work in this system and not have some partisan leanings.

No person in Washington, DC, was kinder or more helpful to a newly elected Member of the Senate than Mike Mansfield—even being on the other side of the aisle. I shall never be able to thank him enough or forget what he did for me.

Senator, Ambassador, Mike Mansfield, whichever you prefer—he was a good and faithful servant of the Nation and of the people of Montana whom he represented. His long lifespan was some 98 years. That gave him a perspective on life and history that very few of us will ever understand or attain. His wise eyes had seen and experienced so much of this country's history. In his lifetime, a nation—think about this—went from horseback to the Moon. Think of it.

He was an honest man. He lied a little about his age to get into World War I. He came home and worked in the mines of Butte and Anaconda. One has to read the history of Montana to know that was not easy work, and very dangerous.

His beloved wife Maureen, who preceded him in death just a year ago, pushed him for education to better himself and to lift himself from the mines. He experienced the rigors of the worst depression in the history of the United States—what lessons that taught many of us—and the experience of World War II. If that weren't enough, the era of Korea, Vietnam, and the cold war, when two powers looked each other in the eye until one blinked.

During tumultuous times, the United States has been blessed with common men and women who rose to uncommon levels of leadership when they were tested and asked to do so—men and women with a hidden character of steel, vision, compassion, and integrity. Mike Mansfield was one who, when called, responded to that level demanded by the day.

Looking back at those conversations, they were mostly events and happenings of the Senate. He loved to tell stories of the giants of their day. That gave me great insight of this body, and his advice was seldom, if ever, wrong.

The Mike I knew will be with me as long as I shall breathe. I thank God every day that our Nation's demands were answered by men and women such as Mike Mansfield.

The best advice that was ever given to me by Senator Mansfield was short and very pointed.

By the way, I used to work in the press corps in Montana when Michael was a Member of this body. The producer of the news show would say: Go out and interview Senator Mansfield. We need about a 15-minute interview. That meant you had better have about 40 questions, because the answers were very short.

Yes, noble—little possible doubt. He didn't embellish much. But the best advice he ever gave me was short and very pointed. He said one time—and I will never forget it—"At the end of the day, it will be courage and vision that will sustain this Republic for generations to come." Courage and vision to sustain this Republic for the generations to come.

This Nation has not only been blessed by great topography, but with a great climate and great natural resources from the mountains in the East, across the Ohio, the Missouri, and Mississippi valleys to the mountains of the West, to the high prairies and the Deep South. It has always produced men and women who, when tested, showed the steel of character and vision.

Thank God he was a Member of this body. And might all of us live for the day when we can even stand in measure with him.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## MEASURES PLACED ON THE CALENDAR—S. 1499 and S. 1510

Mr. REID. Madam President, I understand the following bills are at the desk, having been read the first time: S. 1499 and S. 1510.

I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, and I then object to any further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1499) to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

A bill (S. 1510) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

## AVIATION SECURITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (S. 1447) to improve aviation security, and for other purposes.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both leaders on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, what time is it?

The PRESIDING OFFICER. It is 10:18.

Mr. REID. We have 12 minutes left before the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Chairman HOLLINGS is in the Chamber.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, we have the cloture vote on the motion to proceed to the airport security bill at 10:30.

I say, in the few minutes allotted me, I wish everyone could have been at the Commerce Committee briefing we had with the El Al airline security chief and Israeli government security officials. You would immediately understand that when the plane went down over the Black Sea this past weekend, even though the plane came from Israel, the explosion had to come from somewhere else because it is veritably impossible to get a bomb aboard a plane at airports in Israel.

The United States military is now working with Ukrainian and Russian officials to verify evidence that a Ukrainian missile may have gone astray during military exercises on the Black Sea coast. I only mention this incident to emphasize the thoroughness of airport security in Israel. They call their security plan the "onion ring" perimeter defense. Their plan effectively addresses not only security during the boarding of the plane, but security surrounding the airport and on the tarmac. But we continue to talk more narrowly about security in the cockpit and the need for federal screeners and U.S. marshals on board. As inexperienced as we are on these matters, this is where our minds are focused.

However, we need to expand our work on airline security to the airport and airline personnel working on the tarmac. At some point during preflight preparation, you have not only the screeners, cargo handlers, caterers, and general airport perimeter officials, but you have the individual who vacuums underneath the seats, who all have access to the airplane prior to take-off. Because of this access, all personnel need to go through an FBI check, in our opinion. That is what this bill provides.

Take the following scenario for instance. A terrorist checks in ahead of time online and the airline staff says to the person you have seat 9A. All a terrorist has to do is pick up that mobile phone and call a friend who has been working 2 years on the tarmac out there and say it is a 12 o'clock flight to Charleston, seat 9A. That is it. They tape a pistol or a weapon of some kind under seat 9A. But even there at the counter, all you have to do is get out there a little bit early, get your ticket, and then sit down and be calm. Then just give a motion up at the window because your friend has already been told that this is the flight you are going to take.

The bill itself has been released to the Senate after a full day's hearing we had at the Commerce, Science, and Transportation Committee with nearly all of the Senators in attendance. In a bipartisan fashion, Senator MCCAIN, and I, Senator KAY BAILEY HUTCHISON, who has been working on this over several years, along with the chairman of our Subcommittee on Aviation, Senator ROCKEFELLER of West Virginia, all got together with some two dozen cosponsors to develop this legislation.

We do have a managers' amendment that really takes care of some of the flexibility needs that we found out about from the FAA with respect to restrictions on parking 300 feet from the airport building—that kind of thing. As the Senator from North Dakota says, I think if you move 300 feet from the airport building in North Dakota, you will be in Senator DORGAN's cow pasture. We must be careful to maintain reasonable and flexible oversight of airline security in order to ensure the continued efficiency of the industry. Those kinds of judgments can be made from time to time by the administering agency.

These efforts will be paid for. Right now, we are studying the exact cost. Senator MCCAIN and I have tried to hold costs down—including the passenger security fee itself. What we have agreed upon at the moment, of course, is $2.50 per ticketed passenger which would add up to $1.5 billion. But they are saying, no, if you are going to take care of the 18,000 screeners and some 10,000 other personnel around the tarmac and out on the sidewalk, you are going to really get into about $1.7 billion or maybe $1.9 billion total cost. So we might have to raise the passenger fee up to $3. I don't know. We are currently trying to obtain the best CBO figures.

The airline executives favor this bill; the airline pilots favor the bill. You go right on down the list, all the personnel involved; the mayors have sent us resolutions. I think we made a mistake in calling it airline security. We should have used the word "stimulus," the "airline stimulus" bill, because if we had used that word, we would not have had any trouble at all in passing this measure. Everybody is around here trying to stimulate, stimulate, stimulate—these fancy words we get up here in Washington.

I know of no better measure to stimulate airline travel and get the airlines back to normal. We give the airlines $15 billion and then guarantee they go broke by keeping the airports closed or extending the idea that there is no security, that there are no marshals on the plane, as the Senator from California told me early this morning. We are going to have marshals. We are going to have security with this airline stimulus security measure.

I yield to the distinguished Senator from Montana. He has worked closely with us on this issue, and perhaps he would have an observation.

Mr. BURNS. I thank my good friend from South Carolina. I didn't think he had to be invigorated or stimulated to make a great speech. I was going to stay out of this, but the Senator is correct; nothing will stimulate travel more than a strong sense of security. It has to be visible. People have to see the measures that are being taken to make it viable and to give them a sense of security whenever they fly. We know we are in a different kind of a confrontation now. Some have termed it a war. It really is. But it is different from anything this Nation has ever faced.

Whenever we start talking about our own security, providing security for our people in this country and abroad, we only have to look—I was interested, as was the chairman of the Commerce Committee, that when we talk to the representatives of El Al, the national airline of Israel, we talked to the people who are in charge of security. If the Senator remembers, there are 7,000 employees of El Al, both domestic and international; 1,500 of that 7,000 are in security. And there is a bright line between their security people and everybody else—the pilots, the people who operate their airports, the people who operate their reservation systems, the people who operate their ground operations and their in-flight operations. There is a bright line of authority between those people who are the security people. They know how to exercise that authority. They are accountable and responsible for that. But most importantly, they are accountable to their airline and to their country.

We have crafted this legislation without a hearing—we never had a markup—but it is as close, and I think with a couple of amendments we can perfect it, as we can come to some understanding on that bright line of accountability and responsibility for security.

I congratulate the Senator for his leadership. He understands where we have to go and how to get there in order to provide the safety and security the American people demand.

I thank the Senator.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 166, S. 1447, a bill to improve aviation security:

Blanche Lincoln, Harry Reid, Ron Wyden, Ernest Hollings, Herb Kohl, Jeff Bingaman, Jack Reed, Hillary Clinton, Patrick Leahy, Joseph Lieberman, Jean Carnahan, Debbie Stabenow, Byron Dorgan, John Kerry, Thomas Carper, Russ Feingold.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1447, a bill to improve aviation security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Jeffords
Stevens
Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly sworn and having voted in the affirmative, the motion is agreed to.

### EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Madam President, it was my hope we could move directly now to the bill, given the 97–0 vote on the motion to proceed. As I understand it, there are still objections to go to the bill itself. I hope we can work through whatever objections there may be on the other side so we can get on the bill and begin offering amendments and coming to closure of this bill quickly. We have a lot of work. All of it is being held up now as a result of our inability to get that work done.

In the interim, it would be my hope for those Senators who had come to the floor with the expectation they could speak as if in morning business on Senator Mike Mansfield and other matters, we accord Senators that opportunity. I ask for the next hour that the Senate stand as if in morning business to accommodate Senators who wish to speak in tributes to Senator Mansfield and other matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AVIATION SECURITY

Mr. KERRY. Madam President, I ask the majority leader if we could clarify something for the record. We had 97 Senators vote, publicly saying they are prepared to have a motion that allows us to at least proceed to the bill, but we are not actually able to get on the bill itself. Nobody should be mistaken that suddenly the Senate is actually making big progress on aviation security.

I ask the majority leader if he would just clarify what the procedural hurdle is now, and also, what is the substantive resistance here and how he sees the Senate proceeding.

Mr. DASCHLE. If the Senator will yield, I will simply say it is the right of any Senator to ask for his or her time allocated to postcloture debate. As everyone in this body knows, you have 30 hours of postcloture debate after cloture has been achieved. We have now voted on cloture, and Senators are entitled to a 30-hour debate.

It is my hope we can accelerate and somehow bring to closure this postcloture period of debate so we can somehow get on the bill. I do not think it is in anybody's interests right now to be exacerbating the situation with any kind of accusations about who is at fault. We are going to try to work through that. I just hope we can work through it in a way that will accommodate debate on the bill and ultimately a successful conclusion of that debate so we can enact this legislation this week. It is critical that we get this work done. No Senator has to be reminded of that.

Again without acrimony, without pointing fingers, let's see if we can work through it in a constructive way, and that is my intention. I will be speaking to the Republican leader momentarily, as well as, again, to the ranking member of the Commerce Committee, as we try to find a way to resolve whatever outstanding problems there still are.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the majority leader.

I want to emphasize, as I know Senator MCCAIN and Senator HOLLINGS feel, nobody at this point wants the good work of the Senate to be distracted in any way by any kind of finger pointing or accusations. That is not the purpose of my question.

But we have now been discussing airport security for several weeks—several weeks. There is a very significant majority of the Senate who are poised to vote in a certain way. It is my hope my colleagues will allow the will of the Senate to be worked. The American people expect nothing less of this Congress than a prompt response in a responsible way. Frankly, I think we can do better at the job of resolving this faster than we seem to be at this moment. I hope that will happen in short order, in the course of the next 24 or 48 hours.

I thank the Chair.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana.

Mr. BAUCUS. I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. BAUCUS. Certainly.

### ORDER FOR RECESS

Mr. REID. I ask unanimous consent the Senate recess from 12:30 p.m. to 2:15 p.m. today for the party luncheon conferences and that the recess time be charged postcloture as well as a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

### THE PASSING OF MIKE MANSFIELD

Mr. BAUCUS. Mr. President, I rise today to pay tribute to a great Montanan, a great American, and a great leader who passed away early Friday morning.

In our Nation's history, we have been blessed with leaders who have stepped forward to lead us in moments of crisis, war, or social upheaval. Mike Mansfield of Montana was such a man, such a leader.

Modest and self-effacing, Mike Mansfield, as Senate Majority Leader, was instrumental in the 1960s and 1970s in steering the U.S. Senate and America through some of the most tumultuous times in our Nation's history.

He was here in this Chamber, leading the Senate through the sadness following the assassination of President Kennedy.

He helped pass landmark Great Society programs, including the Civil Rights Act of 1964, which prohibited discrimination in public accommodations.

And the Voting Rights Act of 1965, which allowed blacks in the South to more widely take part in Federal and State elections.

He questioned our country's growing role in the Vietnam War when that might have been unpopular to do so, but when it needed to be done.

He helped lead the Senate through Watergate, when the foundations of our democracy and government were shaken by scandal and the resignation of our President.

And he was most proud of his role in helping Congress pass legislation that led to ratification of the 26th amendment. That gave our young people—18 year olds—the right to vote and extended participation in our government to even more Americans.

Mike Mansfield was a key leader in extraordinary times. He was the sage, laconic captain with his hand firmly on the wheel. The captain we could trust in rough seas, who knew when to speak and give orders, and knew when to listen.

He was a counselor and team leader who walked the bridge to consult with Presidents Kennedy, Johnson, Nixon, and Ford. And later Presidents tapped Mike Mansfield for even more public service—to serve as America's Ambassador to Japan, one of the most sensitive postings in the world.

This Senator from Montana served longer than anyone else in American history as Senate majority leader and as U.S. Ambassador to Japan.

And he left the Senate a better place, not only for Senators but for the American people. He left it a civilized institution that allowed all Senators an equal voice in the legislative process. He encouraged younger Senators to speak, breaking the tradition of a Senate dominated by an exclusive club of older men. Senator Mansfield democratized the Senate.

When he retired at age 73, Senator Mansfield noted that in his period of service in Congress—from 1942 to 1976—he had witnessed: "One-sixth of the Nation's history since independence. The administrations of seven Presidents. The assassination of a President and his brother. Able political leadership and seamy politics and chicanery. The dawn of the nuclear age and men on the moon.

"A great war and a prelude to two more wars. A dim perception of world order, and an uncertain hope for international peace. There is a time to stay and a time to go. Thirty-four years is not a long time, but it's time enough."

That's quite a record, quite a resume, quite a life.

But that all pales in comparison to his love for his wife Maureen, and his love for Montana and the people he so faithfully represented.

Over the course of his career, Mike Mansfield went by many titles: Professor Mansfield, Congressman Mansfield, Senator Mansfield, Majority Leader Mansfield, and Ambassador Mansfield.

Senator Mansfield was an internationally recognized leader. But in Montana, we simply knew him as "Mike." And he was our Mike.

Mike was the embodiment of Montana: Quiet, humble, strong, salt of the earth, committed to his wife, family, State and country. He was my mentor and he was my friend.

Although he served six U.S. Presidents in his career as majority leader and ambassador to Japan, Mike once said humbly, "I reached the height of my political aspirations when I was elected Senator from Montana."

That's just the kind of man he was, a quiet but firm leader, one who didn't like the spotlight but endured it in service to his State and country.

Michael Joseph Mansfield was born in New York City on March 16, 1903. He moved with his family to Great Falls, MT, in 1906.

When he was only 14 years old, Mike joined the Navy and served as a seaman in World War I. He then served as a private in the Army in 1919 and 1920, and as a private first class in the Marines from 1920 to 1922.

After his military service, Mike moved back home to Montana, where he worked as a mine mucker and engineer in the copper mines of Butte for 8 years.

It was during this time that he met his soon-to-be wife, Maureen. After meeting Maureen, Mike's life was forever changed, he would say. They would marry in 1934. By her guidance, her faith in him, Mike said, Maureen pushed him to go back to school and was responsible for his success in life.

So Mike went back to school. He attended the Montana School of Mines in Butte in 1927 and 1928, then graduated from Montana State University—as it was called then—in 1932. Mike earned a masters degree in history in 1934, and taught history and political science for eight years.

Mike's 34-year career of representing Montanans in Washington began in 1942, when Maureen urged him to run for a seat in the U.S. House of Representatives. He served Montanans well in the House for over a decade. Then we sent him to the Senate in 1952.

Mike's ability to bring people together and find common ground enabled him to succeed Lyndon Johnson as Senate majority leader in 1961, a post he held until 1977.

When John F. Kennedy asked him to serve as majority leader, Mike at first declined. Mike and Kennedy were freshmen together in the Senate, and Mike became a close confidant. Mike finally agreed to serve—for love of country—and went on to become one of the most effective gentlemen ever to grace this great Chamber.

After he was elected majority leader, Mike was asked if he would act the same way as the legendary Lyndon Johnson, whose style as majority leader was blunt and heavy-handed. In typical Mansfield fashion, Mike said, "I am who I am."

After Mike Mansfield's distinguished service here in the Senate, President Carter appointed him in 1977 to be our ambassador to Japan. Mike was reappointed to that post by President Reagan. And Mike continued his diplomatic service until he retired in 1988, making him the longest-serving Ambassador to Japan in our Nation's history.

When he served as Ambassador to Japan, Mike said, "I try to put myself in the shoes of the Japanese, but I have never forgotten that the shoes I wear are American, and that my country's interests come first."

That's Mike. He never forgot where he came from.

Although he came from the mines in Butte, Mike understood the importance of our relationships with other countries and the world.

I remember about 5 years ago, I wanted to ask Mike about his thoughts on Most Favored Nation status for China. So, I called him up. We talked briefly and then he said, "MAX, do you have a few minutes?" I said, "Of course." Then he proceeded to read to me an in-depth analysis he had written on the U.S.-China relationship and China's role in the world.

Mr. President, that was the most cogent, trenchant analysis I had ever encountered or have ever seen to date. But that was Mike. In a matter-of-fact tone, he just read it to me over the phone.

Mike's legacy includes, among many others, the Mansfield Center for Pacific Affairs in Washington, D.C., and the Maureen and Mike Mansfield Center at the University of Montana in Missoula.

These institutions live on. They teach us and our children the importance of looking out across our borders, the importance of understanding different cultures. And that is more important now than ever.

That's a distinguished record. But Mike never lost touch with his roots. Mike was so humble. I told him once that I was looking forward to reading his memoirs one day. He simply said: "Nope."

He said many of those conversations were confidential. No kiss and tell for Mike. He was such a classy, deep, dignified, thoughtful, and wonderful person.

When I first considered running for Congress in 1974, I went to Mike and asked whether or not he thought I should run. "Yep," he said. That's how he used to respond to questions: Yep, nope, and maybe. Very straight forward, he told it as it was.

He told me running for Congress took a lot of hard work, a lot of shoe leather, and a little bit of luck. That was enough for me.

That wasn't the last time I sought out Mike's counsel. Right up until his death last Friday, I went to Mike for his advice on a variety of issues. I saw him just a few weeks ago, not long after the September 11 terrorist attacks. Even though he was laid up in a hospital bed, he immediately said, "Hi, MAX," and invited me to take off my coat and have a seat. At age 98, he was still sharp as a tack and just as gracious as ever.

We talked for some time before our conversation turned to Afghanistan. This was a man who knew so much. He talked about the history of Afghanistan—how the Russians and every would-be conqueror attempting to occupy that country ran into trouble. His history lesson on Afghanistan was rich with such figures as Genghis Kahn and Alexander the Great.

When a Japanese reporter once asked Mike about his secret of longevity and health, Mike smiled and said, "A good wife and good Montana people." Mike was always quick to point out that all the success he had in life he owed to his beloved wife Maureen. Maureen Hayes took him out of the mines of Butte and into greatness.

Her quiet encouragement gave Mike the strength to lead our nation during some very difficult times: civil rights, the Vietnam War, Watergate. Maureen cashed in her life insurance policy to help pay for Mike's education. And in Washington, she worked in his office without compensation so she could spend more time with him.

What they did, they did together. Mr. President, Mike and Maureen were a team, a great team. When Maureen passed away last year, we all mourned the loss. Today, we mourn the loss of Mike. But today we also find comfort in knowing that the love affair that started so long ago has come full circle. Now, Mike and Maureen are together.

Now, we as Montanans and Americans pay tribute to their lives and their contributions. Now, especially now, we look to their example of leadership through humility, integrity, and dignity.

Mike was the embodiment of family, saying so eloquently in Maureen's eulogy, that what he did and accomplished, they did together. That recognition of her greatness, strength and vision was Mike's greatness, strength and vision.

I am proud and honored to have known Mike and Maureen Mansfield. They were common people who led uncommon lives. They were great Montanans, they were great Americans, and they were our friends.

Mike used to say he had three loves in this world: His wife, Montana and the U.S. Senate.

When I saw him just over two weeks ago in the hospital, we talked about Montana, we talked about the Senate, and we talked world events. Then we talked about Maureen.

And right before I left him, he leaned back in his bed, looked off in the distance, closed his eyes, smiled, and said, "Maureen—what a girl she was, what a girl."

And Mike, what a great man you were. You were both great—together.

This is not goodbye, Mike. Rather, as our many Indian friends say, "See you later." And as you would say and said so many times to your many Montana friends, Tap 'er light, Mike.

Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Montana for his comments about our former majority leader. I was one of those who was fortunate enough, as he was, to know Senator Mansfield—not nearly as well, of course, as Senator BAUCUS did, but well enough to seek his counsel, to enjoy his friendship, to be provided with his guidance on so many occasions over the years that I have had the good fortune to serve as leader.

Mike Mansfield, in every way, shape, and form, was a Senator whom all could admire, a Senator who understood that in this body of loquaciousness there is an eloquence to simplicity, that in this place of debate there is always an opportunity for decency, that in this location, as we consider those who are more prominently seen throughout the country in positions of leadership, there is that quiet strength that came from a Mike Mansfield.

Mike Mansfield once said, "when I am gone, I want to be forgotten."

With all due respect to my dear friend and teacher, he will never be forgotten.

Mike Mansfield began his service to America as Senator BAUCUS noted, when he was 14, when he managed to enlist in the Navy in World War I. Eventually, he would serve in both the Army and the Marine Corps as well.

He served 34 years in Congress, 24 of them in the Senate.

He said he achieved the height of his ambition when he was elected Senator from Montana. But it was certainly not the height of his achievement.

He served as majority leader longer than any other leader has in our Nation's history—16 years.

Following that, for 12 years, under two Presidents—one Republican and one Democratic—he represented America as our Ambassador to Japan.

He said he had three great loves in his life. The first was obvious.

The first was his wife, Maureen—his partner for more than 65 years. She was the one who forced an eighth grade dropout to leave the coal mines of Montana, go to college, and make something of himself.

The second was his beloved State of Montana.

The third was this institution, the U.S. Senate.

The Senate majority leader has been called "the first among equals." No one deserved that title more than Mike Mansfield. He was wise. He was decent. He was endlessly patient. He was a man who deeply believed in the ability of free people to govern themselves wisely. It is no coincidence that the Mansfield years remain the most civil and the most productive in our Senate's history.

He was a steady hand during turbulent times. In the sad and anxious days that followed President Kennedy's death, Senator Mansfield's words and poise helped calm this Nation.

In the years that followed he led the Senate to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. During his tenure, he led the Senate through a war in Vietnam and the resignation of a President.

The last time Mike Mansfield spoke to a group of Senators was 3½ years ago when he returned to the Capitol to inaugurate the leaders' lecture series begun by my colleague and friend Senator LOTT. On that night, Senator Mansfield delivered a speech that he had written many years earlier. He wrote the speech to answer critics who said he was not forceful enough as majority leader. He said he had intended to give the speech on a quiet afternoon when there would be no news to compete with. The date he had chosen was Friday, November 22, 1963.

A week later, as the Nation grieved, Senator Mansfield simply inserted his remarks in the CONGRESSIONAL RECORD. Thirty-five years later, he returned to the Capitol and delivered them for the first time. I want to read a section of those remarks.

> I have always felt that the President of the United States—whoever he may be—is worthy of the respect of the Senate. I have always felt that he bears a greater burden of responsibility than any individual Senator for the welfare of the nation, for he, alone, can speak for the nation abroad; and he, alone, at home, stands with the Congress as a whole, as constituted representatives of the American people. In the exercise of his grave responsibilities, I believe we have a profound responsibility to give him whatever

> understanding and support we can, in good conscience and in conformity with our independent duties.
>
> I believe we owe it to the nation of which all our states are a part—particularly in matters of foreign relations—to give to him not only responsible opposition, but responsible cooperation.
>
> And finally, within this body, I believe that every member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the nation. . . .
>
> And to the extent that the Senate may be inadequate in this connection, the remedy lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.
>
> The constitutional authority and responsibility does not lie with the leadership. It lies with all of us individually, collectively and equally. And in the last analysis, deviations from that principle must in the end act to the detriment of the institution. And, in the end, that principle cannot be made to prevail by the rules. It can prevail only when there is a high degree of accommodation, mutual restraint and a measure of courage—in spite of our weaknesses—in all of us.
>
> It can prevail only if we recognize that, in the end, it is not the Senators as individuals who are of fundamental performance. In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.

So said Senator Mansfield and so it is advice to all of us. We are in the Senate today considering matters of the gravest national importance. I can think of no better advice than the sage guidance Mike Mansfield left for all of us. His words are at least as important today as they were when he delivered them 3½ years ago and when he wrote them 38 years ago.

We were lucky to have Mike Mansfield for as long as we did. Now we have his remarkable example. That itself is a considerable gift. We should treasure it. We should live by it.

Our thoughts and prayers go to his daughter Anne.

Contrary to Mike Mansfield's wishes, Mike Mansfield will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak about Mike Mansfield, not from the standpoint of the eloquent eulogy given by the Senator from Montana, who knew Mike Mansfield so well, or the majority leader, who knew him and served with him. I didn't serve with Mike Mansfield, but I did have a wonderful relationship with him in a very different way.

The first time I ever saw the stature of Mike Mansfield was through his picture that is in the Mansfield Room. For anyone who has been in the Mansfield Room, which is one of the major meeting rooms in the Capitol, the picture of Mike Mansfield says so much about him because it is a very long, narrow picture with Mike Mansfield standing there alone, nothing behind him, just that solitary figure that is so very powerful.

That is exactly the kind of man I came to know. I go to the Senate prayer breakfast every Wednesday morning, where Senators and former Senators meet to talk about our feelings about religion. We have Jewish members. We have Catholic members. We have Protestant members. We have even had a member come and talk about agnosticism.

It is something we all keep very personal and private. It has been one of the highlights of my service in the Senate to meet every Wednesday morning and talk about religion and the importance of religion in our lives and in the life of our Nation.

The special place Mike Mansfield held was in the Senate prayer breakfast. He was coming to the Senate prayer breakfast all the way up until he died. He never missed a week except in the unusual circumstance when Maureen had taken a turn for the worse or immediately following Maureen's death, and then only when he was sick. And I would call him if he missed one or two times and I was concerned about him. I would find there was a reason, but he was going to be OK. Getting to know him was wonderful.

It was kind of interesting because no one has assigned seats and it is a small room. Probably 30 of us come in any 1 week. But there are no assigned seats. You just take the seat that is empty—except for Mike Mansfield's seat. He did have a regular seat. No one would sit in Mike Mansfield's seat unless it was clear that he wasn't coming. He was always there on time. So if we started and he wasn't there, someone might sit in his seat, but never before because we revered having him there. He was such a wonderful presence, and his countenance was always so positive.

I had the opportunity to talk to him because I generally sat next to him. I started getting to know him when I joked with him. Here was Mike Mansfield when he was 95, 96, 97, and he had a breakfast that was eggs, bacon, biscuits, and if they had gravy, it would have been on there, too. Do you know what, I have to sit by a guy who still eats like a guy because so many people are now into rabbit food, as we call it. This was a guy who still ate like a guy. It gave me great hope that someone who was 97 years old was eating like that. And so we started a friendship that has lasted throughout my 8 years in the Senate.

I talked to Mike Mansfield about Japan. As many people know, he was our wonderful Ambassador to Japan immediately—not immediately following his Senate leadership position, but he was appointed by a Democrat, as well as a Republican President, because he was so effective in Japan and he understood that part of the world so well. I would talk to him about the economic situation in Japan. As things would look bad, I would ask him about it. He always had absolutely great insights. I remember a time when Mike Mansfield was telling me that he worked for Goldman Sachs. He worked for Goldman Sachs all the way up until he died.

I said: "Well, tell me what you do."

He said: "I advise them on the Far East and Japan."

That is very important for the economy, of course, and for them.

I said: "When did you start working for them?"

He said: "Actually, they started calling me, and I thought there must be a mistake, so I didn't return their calls."

This was years ago.

So he said: "They kept calling," and I said, "I'm 88 years old; are you really serious about wanting me to go to work for you?" He said only after they said: "We know how old you are; we think you have very valuable advice."

So he agreed to go to work for Goldman Sachs and worked for them up until he died at the age of 98. He was so pleased that he could still be helpful. We all knew that his mind never left him. He was so precise and up on issues that it would astound anyone. He read the London Economist and the newspapers in Japan. He was very up to date.

I talked to Mike Mansfield once about Maureen, and I told him that I knew of the great love story; it is legendary around here, how committed he was to Maureen. She was bedridden for a long time. He would go to see her regularly. He kept her in their apartment until he just could not take care of her, and then he would visit her daily when she was being taken care of in another place.

I asked him about her, and he never forgot that it was Maureen who made him what he was. That is what he said. Just as Senator BAUCUS related earlier, it was Maureen who saw this miner and saw that he could be something more than a miner. So she encouraged him to get his high school education and then his college education. She saw in him someone who could make a great contribution, and he never forgot that, no matter how high he went. He went to the very highest level as the distinguished majority leader and then as Ambassador to Japan. He never forgot that it was Maureen who made him what he was, and his love for her was so touching and so poignant. I enjoyed having that conversation with him.

So my experience with Mike Mansfield was not during his active service, as it was with so many of my colleagues here. My experience with him was in a different way, but it was so rewarding. He would bring me clips from foreign newspapers that he thought would be of interest to me. So I thought he was a great man in a different time of his life.

It shows how much you can contribute if you stay active and keep on top of world affairs, and that is what Mike Mansfield did. It was hard to believe that he was 96, 97, 98 years old if you were around him because he was so absolutely vivacious and clear. He wasn't a talkative person, as has been mentioned. He was the strong, silent type—the epitome of what you would think of as the Marlboro Man who didn't feel as if he had to talk a lot. But certainly when he did speak, he had a lot to say, and it was clear and focused; there was no excess. But you knew it was the wisdom of all those years coming through.

I pay tribute to Mike Mansfield as a man who was a symbol of decency and humility in the Senate and throughout his public service career. Honesty and integrity will always be words that will be associated with this great man. We have lost a friend and one of the great Members of the Senate. I know that Republicans and Democrats will feel this loss for a long time to come. I know his words and the speeches that were read by the majority leader will be here for us to remember a great leader and give us guidance as we go through the trying times we are facing in our country today.

Thank you, Mr. President. I yield the floor.

Mr. HOLLINGS. Mr. President, it is an honor for me to pay tribute to my former Senate leader, Mike Mansfield. The State of Montana and the United States have lost a great man, a valiant soldier, a dedicated statesman, and a gentleman of a breed we don't see enough of these days.

Mike Mansfield was a revered figure whose distaste of partisanship led the Senate to accomplish great deeds for civil rights, voting rights, and foreign relations during Vietnam, the cold war, and the Watergate scandal. His leadership emphasized equality, cooperation, and fairness which were marked by his personal style of leadership. He was considered a quiet man who did not care for self-promotion, often answering questions with a "Yep," "Nope," "Maybe," or "Can't say." Although he was not known as an orator, his simple statements and words were extremely effective. He said in eulogy for John F. Kennedy, "There was a sound of laughter; in a moment, it was no more. And so she took a ring from her finger and placed it in his hands." In his quiet manner, he managed to guide a exceptionally productive Senate during a turbulent political era which could have become bogged down had he not been able to work with both Republicans and Democrats alike.

Mike was a Representative and Senator from Montana who came to Congress after dutifully serving his country in the military during WWII. At 14, he stretched the truth about his age in order to enlist in the Navy. He then went on to serve in both the Army and the Marine Corps. Having returned from duty in 1922, he worked as a "mucker" in the copper mines of Butte, Montana where he met Maureen Hayes. In 1932, he married Maureen who is said to have played an essential role in his remarkable career. She was the person who convinced him to go back to school, run for Congress, and become U.S. Ambassador to Japan under President Carter and President Reagan.

He was elected as the Senate Majority Leader in 1961, 5 years before I was elected to the Senate from South Carolina. I remember in 1971 when I was in Canada on my honeymoon with Peatsy, Mike's office called and asked us to come to Europe. Peatsy and I left Canada immediately and spent our honeymoon traveling around Europe with Mile and Muareen.

Mike served as Senate Majority Leader for 16 years-longer than anyone in Senate history. He was extremely involved in the civil rights movement, a critic of the Vietnam conflict, and an advocate of health care legislation. He was a man who was convinced that the true strength of the Senate lay in the center and not on the right of the left. Partisan politics was not his style, and his success lay in the fact that he was an honest, straight shooting individual who cooperated and worked with both sides of the aisle.

We have lost a great statesman and a fine man who served his country well.

The distinguished Senator from Montana was my role model. He believed in getting things done. In order to get things done, you have to listen and let everyone be heard. But once done, then move on.

He was particularly kind to me because I was just a freshman Senator in 1966. He had me immediately on what we call the policy committee. I then, in 1971–1972, chaired the campaign committee for the Democrats on this side of the aisle.

It so happened that I was off on a trip just after my wedding in 1971. Senator Mansfield was asked by President Nixon to coordinate and communicate the 10-percent surcharge on imports with about 10 country heads in Europe and in Africa and Morocco. He called me. I was in Canada. He called and I came immediately back down to the Andrews air base. We boarded the plane, and we went to Helsinki, Norway, Denmark, France, Germany, Italy, Spain, Morocco, of course, London, several, a couple other countries, he and his wife Maureen and my wife Peatsy and myself.

Watching him, how he responded and acted and more or less chaired those meetings with the heads of state was really an inspiration to me. He was so direct, so much to the point. We have so much in the field of political correctness now. Mike Mansfield was always politically correct, but he didn't bother around with all those nuances.

He was the finest of Senators and leaders in the history of this body.

The best of Mike Mansfield was more or less said by himself in a eulogy to his wife at the time of her funeral just last year. I included that eulogy. He permitted me to put it in the RECORD because I knew he had friends all over the country and the world. They wanted to be with him in that trying moment. I knew that they would, more than any, appreciate the real Mansfield flavor if they could just hear him.

The most eloquent of all tributes to be paid to Mike Mansfield was sort of paid to himself when he made the eulogy to his charming wife Maureen, and I ask unanimous consent that that be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

### EULOGY FOR MAUREEN MANSFIELD DELIVERED BY SENATOR MIKE MANSFIELD, SEPTEMBER 26, 2000

*1929*

We met—She was 24 and I was 26.

She was a high school teacher; I was a miner in the Copper mines of Butte.

She was a college graduate; I had not finished the 8th grade.

She urged me to achieve a better education. I followed her advice and with her help, in every way, we succeeded.

She took me out of the mines and brought me to the surface.

*1932*

We were married in Missoula during the great depression.

She gave up her teaching job.

She cashed in on her insurance.

She brought what little savings she had and, she did it all for me.

*1940*

Maureen was very politically oriented—I was not.

She urged me to run for Congress.

We campaigned together.

We finished next to last.

The day after the election she put us on the campaign trail for the next election and we won.

*1942*

Maureen was largely responsible for our election to the House of Representatives.

Almost every summer she drove herself and our daughter, Anne, to Missoula—5 days and 3,000 miles.

Why? To campaign for us and in

*1952*

She got us elected to the U.S. Senate.

*1977*

We decided—after talking it over, to retire.

We did not owe anything to anybody—except the people of Montana—nor did anyone owe anything to us.

*1977*

President Carter asked me if we would be interested in becoming the U.S. Ambassador to Japan. Maureen thought we should accept and we did and when President Reagan called and asked us to stay, we did for almost 12 years.

*1988*

Around Xmas Maureen almost literally forced me to go to the Naval Hospital at Yokosuka, which sent me to the Army Hospital at Honolulu, which sent me directly to Walter Reed Army Hospital where I had heart bypass and prostate operations. Again it was Maureen.

*1989*

We came home.

*1998*

Illness began to take its toll on Maureen.

On September 13, 2000, less than 2 weeks ago, we observed—silently—our 68th Wedding Anniversary.

Maureen and I owe so much to so many that I cannot name them all but my family owes special thanks to Dr. William Gilliland, and his associates, who down through the last decade did so much to alleviate Maureen's pain and suffering at Walter Reed Army Medical Hospital—one of the truly great medical centers in our country.

We also owe special thanks to Gloria Zapata, Ana Zorilla and Mathilde Kelly Boyes and Ramona the "round the clockers" who took such loving care of Maureen for the last two years on a 24 hour day, seven day week basis.

### MAUREEN MANSFIELD

She sat in the shadow—I stood in the limelight.

She gave all of herself to me.

I failed in recognition of that fact until too late—because of my obstinacy, self centeredness and the like.

She sacrificed much almost always in my favor—I sacrificed nothing.

She literally remade me in her own mold, her own outlook, her own honest beliefs. What she was, I became. Without her—I would have been little or nothing. With her—she gave everything of herself. No sacrifice was too little to ignore nor too big to overcome.

She was responsible for my life, my education, my teaching career, our elections to the House and Senate and our selection to the Embassy to Japan.

She gave of herself that I could thrive, I could learn, I could love, I could be secure, I could be understanding.

She gave of her time to my time so that together we could achieve our goals.

I will not say goodby to Maureen, my love, but only "so long" because I hope the Good Lord will make it possible that we will meet at another place in another time and we will then be together again forever.

Mr. NELSON of Florida. Mr. President, I go from the debate, along with my good chairman and leader, Senator HOLLINGS, that tends to get one's blood pressure up over the fact we are having to spend 30 hours debating the airline security bill, to now go to the subject of great sadness over the passing of one of the greatest leaders that the Senate has ever produced: Senator Mike Mansfield.

Growing up in my political adult lifetime, of course, he has always been someone to whom I have looked up. He was someone I looked up to while I was in college because he was already an established leader. He was an assistant to the majority leader, Lyndon Johnson. He reigned because he was loved and respected as majority leader for an unprecedented 16 years. One of the greatest compliments I have read in the commentary since his death was made by one who was on the other side of the aisle, Senator Scott, who paid him an extraordinary compliment that he was one of the finest men he had ever met.

The fact that Senator Mansfield was selected by administrations of both parties to represent this Nation in the nation of Japan as our Ambassador for an unprecedented long time also speaks volumes.

But the reason I felt compelled to come to the floor today was to share with the Senate my observations of Senator Mansfield in the last few months, for I had never really known Senator Mansfield except when I saw him faithfully every Wednesday as he attended the Senate prayer breakfast. It is a private meeting completely off the record where Senators can come and share what is on their hearts. Who was the first one there every Wednesday? None other than Senator Mansfield at age 98, as much a participant in that activity every week as anybody else in the room, often with many of us deferring to him for his political, professional, and spiritual guidance.

That spoke volumes to this freshman Senator. It said something else to me about a man who has had so many accolades. But I saw a man that was truly walking humbly with his God.

That is what I wanted to come to the floor of the Senate to share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

## STRUGGLING TOGETHER WITH TERRORISM

Mrs. CARNAHAN. Mr. President, grief has changed the face of America. We are a tear-stained nation, but in spite of that, we are united as never before. Americans are wearing symbols on their lapels. They are displaying flags from their cars and windows, and they are donating millions of dollars to victims' families. America has responded, as we always do, with patriotism and purpose.

Today, we are uniting further in support of our troops flying dangerous missions in Afghanistan. This is the first step in a prolonged campaign against terrorism. It is a necessary step, and it was directed at the right targets—the Taliban government, which has given safe harbor to terrorists and to organizations such as theirs for far too long.

Americans are also united in sympathy with the Afghan people. While our bombers were flying over Taliban strongholds, our C–17s were dropping food to the refugees. Congress has also responded to the September 11 attacks with unity and determination. We came together to support the people of Washington and New York by providing $40 billion to begin the relief effort. We came together to support the President and our military by authorizing the use of force in this new struggle with terrorism. We came together to aid our airlines by enacting a $15 billion stabilization package, and with the vote today in favor of cloture, we are poised to increase airline security.

We are now focused on our military action abroad and security issues at home, but we also need to deal with the severe economic problems the September 11 attacks have caused. Our airlines are now flying and their short-term economic crisis has been resolved. Now we must come together behind the men and women who are the heart and soul of the airline industry—the workers. The layoffs announced in the airline industry since September 11 are staggering. We need only look at this chart to see Boeing, 30,000; American Airlines, 20,000; United Airlines, 20,000. The list goes on and on. Twenty to thirty percent of Boeing's orders for new aircraft have been cancelled, and they plan to lay off as many as 30,000 workers. Then there are the airport workers, the concessionaires, and the workers who make the airlines' meals.

The total number of announced layoffs in the industry is 140,000, and that figure may continue to rise. These are not just numbers on a page. These are men and women. These are moms and dads who up until just a few weeks ago thought they had good paying jobs, believed they would be able to pay their bills, and were saving to send their children to college. They believed their future was secure.

These layoffs are going to affect communities all across the country. St. Louis; Kansas City; Springfield, MO, have about 14,000 airline workers, and they will be hard hit by these layoffs. The Boeing layoffs will also cause hardships for every family in Everett, WA, and Wichita, KS. Any city that is home to a large hub airport—Pittsburgh, Cleveland, Salt Lake City, Denver, Dallas, Chicago—will feel the effects of these layoffs.

Once the airline safety bill is under consideration, I will offer an amendment. It will provide meaningful assistance for airline industry workers who have lost their jobs as a result of the September 11 attacks.

My amendment will do three things: First, it will provide income support because many of these families live from paycheck to paycheck.

Second, it will provide job training so employees can prepare to work in other industries, or new jobs within the airline industry.

Third, it will give health care benefits so workers can stay in their health plan and keep their doctors while they are looking for work.

The benefits in my proposal would be available to employees of airlines, airports, aircraft manufacturers, and suppliers to airlines.

Obviously, airline industry employees are not the only ones who are losing their jobs. When we do an economic stimulus package, I believe we should address the problem more broadly. But the impact on the airline industry has been abrupt, immediate, and severe. Congress acted quickly and decisively to provide $15 billion of assistance for the airlines, and we should act with the same level of urgency for the airline industry workers.

It is interesting, when we did the airline bailout, I did not hear my colleagues saying we should wait until we came up with a package to help other industries that were impacted by the attack. But now, when it comes to the workers, all of a sudden some argue we need to slow down.

We did the right thing for the airlines when we acted quickly. We should do the same thing for the workers as well.

Another criticism of this proposal has been assistance is already available for displaced workers, and there is no need to provide additional help.

I have modeled my package of benefits on the Trade Adjustment Assistance Act, which provides benefits to workers displaced due to products imported into the United States.

The Trade Adjustment Assistance Act provides additional assistance beyond standard unemployment insurance. It also provides resources to retrain laid-off workers so they can get back to work.

In passing the Trade Adjustment Assistance Act, Congress determined to support workers who lose their job due to the vagaries of international trade. Can we not again determine that workers who are laid off as a direct result of a terrorist attack on the United States also deserve assistance?

The primary difference between my amendment and the Trade Adjustment Assistance Act is the inclusion of health care coverage for the displaced worker. We have had lots of discussion during this Congress about how to address the problems of the uninsured. Today is the chance for Members to take a courageous step that will prevent 140,000 workers and their families from joining the rolls of the uninsured.

Some have also said the best way to help workers is to keep the airlines going. That is about half right. We did the right thing helping the airlines, and that has protected thousands of jobs. The assistance bill did not do anything for those workers who were put out of a job or have no immediate prospects of being rehired and will now have to seek work in an economy that has slowed.

Last week, the President highlighted three things that should dictate the way we undertake efforts to stimulate the economy and help displaced workers. He said we should take actions that will, first, encourage economic growth. Second, we should be bipartisan and instead of creating new programs, we should make use of the programs that already exist and make them work better. I strongly agree.

My amendment is consistent with these principles. First, it will encourage growth by providing income assistance and job training benefits to airline employees who have recently been laid off.

Second, the amendment has bipartisan support. Senators FITZGERALD, BROWNBACK, and GORDON SMITH have signed on as cosponsors.

Finally, it makes use of an existing program, the Trade Adjustment Assistance Program, that was put in place to help displaced workers in times of need.

While the President's plan is a step in the right direction, I believe we need stronger action at this time. As we did with the bailout and the disaster relief package, we need to act boldly. We need to make sure those airline industry workers who were laid off suddenly, with no time to make preparation, receive immediate assistance, obtain retraining, and are able to retain their health care. The President's package does not guarantee these benefits for everyone covered by my amendment.

I am extremely pleased this amendment is being supported by the airline industry. The airlines know their employees have been dealt a severe blow and deserve help. Our Governors have also known many communities around the country are going to be hard hit.

As Carl Sandburg once reminded us, "We are Americans. Nothing like us ever was."

Now is the time for us to stand together, and that means standing together behind our industries and our workers. Every day we delay, our economy suffers. Every day we delay, families struggle to pay bills. Every day we delay, children go without health insurance. Let us do what is right for those who need it most.

I am pleased my proposal has received bipartisan support, and I hope it will be adopted by the Senate. I ask unanimous consent that a letter from the Air Transport Association and a letter from a tripartisan group of 13 Governors be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AIR TRANSPORT ASSOCIATION,
*Washington, DC, October 1, 2001.*

Hon. TRENT LOTT,
*Republican Leader, U.S. Senate,*
*Washington, DC.*

DEAR MR. LEADER: The member airlines of the Air Transport Association deeply appreciate your leadership in obtaining the economic stabilization package enacted September 22. Without this assistance the very viability of the industry would have been in question.

Even with the adoption of the airline stabilization package many of our members have found it impossible not to furlough large numbers of employees. Just as the economic disaster that has befallen the airline industry is the result of our being used as an instrumentality of the terrorists, these dedicated employees face very serious adverse economic consequences. These employees, along with those still working, are the backbone of our industry. We are working very hard to put this difficult period behind us and, hopefully, bring them back as soon as the economic situation allows us to.

In the meantime, we strongly support the prompt adoption of legislation to provide these workers with displacement assistance including extended unemployment benefits, training and retraining, and the continuation of health care coverage. It is only fair and reasonable that we ensure that adequate provisions are made for the basic protections for the workers who face extreme economic hardship in the weeks and months ahead.

The airlines and their workers are inextricably linked in the battle against terrorism. We must ensure that all participants are adequately protected, and we urge the prompt enactment of worker relief legislation.

Sincerely,

CAROL B. HALLETT,
*President and CEO.*

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OCTOBER 1, 2001.

Hon. TOM DASCHLE,
*Senate Majority Leader, U.S. Senate,*
*Washington, DC.*

Hon. TRENT LOTT,
*Senator Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR SENATORS: We applaud the Congress' timely response to appropriate funds for recovery and relief efforts in the aftermath of the devastating attacks of September 11th. Likewise, we strongly supported Congressional legislation to assist the airline industry, which has suffered incredible financial losses.

However, we believe that the Congress should also provide assistance to displaced workers who have been laid off as a result of the ongoing security crisis. Airlines and related employers are laying off tens of thousands of workers, and industry experts are estimating that more than 130,000 people could lose their jobs. These displaced workers are going to need financial assistance—and because we do not know how long they will be out of work, it is important for the federal government to act now to ensure that the necessary assistance is available to those who might need it.

S. 1454, the Displaced Workers Assistance Act, would provide financial assistance, training, and health care coverage to those workers displaced due to the attacks of September 11, 2001. The benefits would be distributed within the framework created by the Trade Adjustment Act.

We are writing in support of S. 1454. States, of course, will finance the initial 26 weeks of unemployment assistance. However, federal financing of an additional 52 weeks of unemployment insurance and the extension of health coverage will protect those unemployed workers that might not otherwise have a safety net. The additional funding to help train those individuals who cannot be expected to return to the airline industry, and those who would need new training to prepare for a different job within the industry, is definitely needed. We also support providing 8 months of Medicaid to those who do not qualify for COBRA coverage, and 26 weeks of unemployment compensation to those who would not normally be eligible for their state programs.

It is difficult at this time to determine how long our displaced workers will be out of work. Obviously, they are going to need financial assistance. States will do their job to assist these vulnerable citizens, but we need the federal government to help provide the funds to do so. Please work with us to enact S. 1454.

Thank you.

Sincerely,

13 STATE GOVERNORS.

Mrs. CARNAHAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from New York, I ask unanimous consent that the quorum call be rescinded. Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AVIATION SECURITY ACT

Mr. WELLSTONE. Mr. President, I am not going to take long. I know there are other colleagues who are going to want to speak, but I do want to talk about where we are right now in this Senate Chamber. I want to try to do that not in an abstract way but in relation to what is happening throughout the country and, particularly, I want to talk about my State of Minnesota.

Yesterday we had a field hearing in Minnesota. It was a formal hearing of the Subcommittee on Employment, Safety and Training of which I am lucky enough to chair. It was just absolutely packed with people. I am not sure that is good news. I think it was packed with people because we have had a sharp economic downturn, and it affects a broad section of the population in Minnesota and around the country.

I said yesterday that I cannot remember—and I think I said this to the distinguished Presiding Officer—another time in my adult life when I ever felt as if our country was facing three challenges or crises and all at the same time.

One of them has to do with the world that we live in—military action, use of force in Afghanistan. I have said back home that I very much want this action to be successful. I think it is terribly important that it is with the most careful targeting. I think it is essential that we do everything we know how to do to minimize the loss of innocent civilian life.

I pray for the men and women of our armed services, and, frankly, I pray no innocent Afghan, or anyone else, is killed in this process.

I had a chance to talk with the Ambassador to Pakistan today and was asking her how things were going in her country. And she, too, talked about how it is so important that what we do militarily, and in many other ways, we do in the right way. Whatever we do has to be consistent with our own values. That means, above and beyond the use of force, dealing with the humanitarian crisis, dealing with the massive hunger and starvation in Afghanistan, and doing everything we can to minimize the loss of civilian life.

Then there is the whole question of physical security in our own country. Today Chairman KENNEDY and the HELP Committee had very powerful hearings. The distinguished Chair testified about his work and some of his legislation as to what we need to do to better defend our own homeland. Then there is economic security. What I rise to discuss briefly is my indignation about some of the opposition and delay. Quite often, one person's political truth is another person's political horror. We are all different, and political truth can be illusive. We have different ideas. People of good conscience can disagree. That always is the case, including now as well.

I have to say I don't really know how any Senator, Democrat or Republican, can go home, after we have provided $15 billion of help for the airline industry—which we should have done; I don't think they are playing Chicken Little crying that the sky is falling in—now and be unwilling to provide the employees with help.

Senator CARNAHAN has an amendment, in which a number of us have joined—it makes all the sense in the world—extending unemployment insurance to a full year, picking up the cost of COBRA or helping people get Medicaid assistance—when you lose your job, the other thing that is so terrifying in our country is, you lose your health care coverage for yourself and your loved ones—making sure that that is there, making sure the funding is there for training. I am just amazed at the opposition to this amendment. I am amazed that we have been having to go through cloture votes, and now people want to burn up yet more time.

For my own point of view, I don't think we should move. Senator HOLLINGS is right that one of the best ways to get this industry back on its feet is to have people think they are safe. God knows the whole notion of federalizing the security forces is what the vast majority of people are for. That is apparently being opposed. There are other colleagues who talk about Amtrak and say there has to be a commitment to that as part of our transportation system. They are right.

What I want to relate today is what Senator DAYTON and other colleagues from Minnesota, Democrats and Republicans, heard at our field hearing, which was all the employees, 4,500 people out of work, who were asking: What about us? You helped the industry. Fine. But what about working families? What about us?

I said about a week ago now that I believe the people values are coming out in the country. September 11 and beyond, people really are very committed to helping one another. I can't quite figure out why that has not extended to the Senate.

There will be plenty of discussion about this in the Chamber, but as far as I am concerned, this is the place we draw the line. This airline security bill has to pass. If there is opposition to federalizing part of the security forces, so be it; we will vote on it. If there is opposition to providing the help to employees I just outlined, the Carnahan amendment, then we will vote on it. If there is opposition to other amendments, then we will vote on them.

I just can't, for the life of me, understand the opposition. I can't understand why we wouldn't want to help people flat on their back. Frankly, I don't want to go back home to Minnesota and face these employees and tell them that Congress was unwilling to provide the help.

I thank the majority leader and the whip, Senator REID, for their commitment. I am committed to this fight. We are unified as a country. There is no question about it. We have to be our own best selves. To me, part of being your own best self is to speak out and advocate for people you love and believe in who need help. That is what we are talking about right now.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. It is my understanding that the Senator has offered a resolution—in fact, did so last week—commending the Capitol Police for the valiant work they did on September 11 and what they have done since then; is that true?

Mr. WELLSTONE. That is true. I did offer an amendment, and I was hoping that every single Senator would support it. I thought on Thursday or Friday maybe the whip could help me out.

I actually submitted it. I didn't want to make a big hoo-ha about it. I wanted to thank the Capitol Police and thought maybe we would pass it by unanimous consent. Then we could send it out and let everyone know we have expressed our appreciation.

My understanding is, it has been blocked; is that correct?

Mr. REID. That is my understanding. We wanted that cleared last week, but somebody is holding this up. My friend knows how holds work. We have a general idea from where they come but not specifically from whom. I say to the Senator from Minnesota, he has always been such a supporter of the Capitol Police. He has always been thoughtful and kind to them. I have seen that as he walked through the Capitol. I personally am so grateful for the work they have done. Prior to September 11, I always felt really strongly about the work they did. Since September 11, my emotions have run much higher.

I commend the Senator from Minnesota for this resolution. I want him to know we are going to continue to talk about this resolution until it is cleared. Otherwise, we will try to figure out a way to get a vote on it so anyone who has the audacity to stand and not say to the Capitol Police they have done a good job will have to come forward and be counted.

Mr. WELLSTONE. Mr. President, I will not speak much longer. Let me say to the whip—who, by the way, also was a member of the Capitol Police, the only one in the Senate—I thank him. I don't even want to make a big deal of this. In fact, I am almost embarrassed about it. This now is going to become a point of contention? I am a pretty good rabble-rouser. I didn't think this would be something on which we would have to go this far.

My hope is that it will pass. I say to the whip that I would like to get his help, that if this doesn't clear today, then I will prepare an amendment. I would love to have the whip's support and do it with him. We will just come out here and have a debate, I suppose, if Senators are opposed to the resolution of support. Above and beyond that, we are talking about a lot of Capitol Police. They are working 6 days a week, 12 hours a day. Frankly, the whip discussed this with me. Above and beyond just the resolution saying "thank you for your support," the other point is the additional resources. With all due respect, there will have to be additional resources to go to them for them to be able to do this job.

I thought when I came back that this resolution would have been passed. I wouldn't have thought there would have been any controversy. I thought we then could notify the police.

Now what we will do is talk about it for a day or so. We will keep asking who is holding it up. We will keep asking why. It is hardly a way to say thank you to the police. And if necessary, we will have an amendment on it.

Mr. REID. I say to the Senator, I am hopeful and confident that it is just a misunderstanding. Otherwise, we will have to move forward as the Senator from Minnesota has indicated.

## EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in a period of morning business until the hour of 4 o'clock today with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And that the time continue to be charged against the underlying matter before the Senate; that is, on the motion that is postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AVIATION SECURITY AND THE STIMULUS PACKAGE

Mr. WELLSTONE. Mr. President, I was actually thinking about reading some of the descriptions and testimony of some of the people who spoke yesterday.

Let me just say one more time that on this one, we don't budge until we get the help for the employees. That is all there is to it. If that is the difference between Democrats and Republicans, so be it. That would make me proud to be a Democrat. If it does not end up being the difference between Democrats and Republicans and we do it in a bipartisan way, all the better. But we are not waiting any longer. I am not going back home again this weekend trying to explain to people how in the world the Senate could not provide them some support.

My final point is, the truth is, we need to be doing this business and more because, frankly, we have something else that is ahead of us, which is all the other people in Minnesota and in the country who have been affected, all of the other people who are losing their jobs, whether it be in the tourism industry, hotel/restaurant, related to tourism, whatnot, whether it be small businesses, or whether it be people in high-tech. There are a lot of people right now who are out of work. A lot of small businesses lost some of their business, and they never had a lot of capital to rely on in the first place.

So I just say to colleagues that we are in a serious recession in our country. These are hard economic times. We need to put a stimulus package together next week. We need to have the stimulus package large enough to make a difference. It has to be something that focuses on getting money into the hands of consumers—those who will make purchases right away. It has to take effect within the next couple of months, frankly, to really make a difference. There are a lot of people who, A, could use the help and, B, this would put purchasing power back into the economy. Unemployment benefits need to be extended and improved. There is the health care coverage for people and child care expenses, and there is the workforce development and work training that is so important. There are ways in which we can invest in rebuilding crumbling schools and affordable housing and creating jobs at the same time. There is a whole lot we need to do, and we need to do it now. That is part of the crisis that is staring us in the face. Yet we are in morning business for another 2 hours this afternoon.

I just wanted to make it clear that—and I think I am speaking for other Democrats—we are not giving any ground on getting help to the aviation employees and others, and we are going to do it this week on this bill. We are not going to give any ground on safety, and we are going to pass this bill this week. We are also going to move on and get serious about an economic stimulus package as well.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

Because of the unanimous consent agreement, I ask that the time continue to run on the motion to proceed because it is the same morning business we asked it to run against; is that right?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 4:30 p.m. today with the time charged against the postcloture proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 2:54 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from South Dakota, notes the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLASSIFIED INFORMATION

Mr. DORGAN. Mr. President, about a half hour ago, President Bush was in the Rose Garden for a ceremony. During the question-and-answer period, the President expressed some great concern—in my judgment, justifiable concern—about the leaking of classified information that was given to some Members of Congress. Apparently, at least a couple Members of Congress, on a couple of occasions, have leaked that information to the press.

In my judgment, the President has every right to be very upset about that. This country has asked its young men and women in military service to risk their lives in this time of national emergency. As they undertake military operations in parts of the world that are thousands and thousands of miles from here, it ill-serves our country's interests to have any Member of Congress, under any circumstance, at any time, going to a classified briefing and then disclosing the information from that classified briefing to a member of the press.

The solution, I might say, is not, however, for the administration to stop briefing the Congress about classified material. The solution, I would urge the President, would be for us to find out which Member of Congress has leaked classified information and then make certain that this Member of Congress—House or Senate—is not given classified information in the future.

I know this is a difficult area and a difficult set of circumstances, but this country faces some very difficult days ahead.

The September 11 terrorist attacks that were committed against this country changed almost everything. The need for security is quite evident to almost everyone in this country.

The terrorist attacks require this country to respond. The President had no choice. We cannot ignore those attacks. We had to respond to those attacks. And the President has the full support of the American people in his response, in my judgment, and certainly the full support of the Congress.

But I just want to say that the President was dead right this afternoon in expressing anger about the disclosure—the unlawful disclosure and unauthorized disclosure—of classified information. Members of the House or the Senate who would disclose classified information to the press that they received in classified briefings do no service to this country.

I would hope the administration and the President, rather than deciding they will not share that information with Congress, would decide that they would sanction those who have misused that classified information.

In order for Congress to do its work, and in order for the committees in Congress to do their work, information must be made available, even classified information. But the President is correct that information must be treated as classified, treated as top secret, and cannot be given to the press. An unauthorized disclosure, in my judgment, undercuts this country's interests.

I hope the President's admonition today, and I hope the discussion by other Members of Congress about this, will convince the administration they ought to continue the briefings. They are helpful and important as a part of this process. But some of us in Congress full well understand the President's concern about the unauthorized leaks that have occurred.

## THE FARM BILL

Mr. DORGAN. Mr. President, last week the House of Representatives passed a new farm bill. That piece of legislation is an important step forward because most of us believe the current farm bill does not work. The so-called Freedom to Farm bill, in fact, has been a disaster for family farmers now for many years. It had no ability to help farmers during tough times to provide for disasters and collapses in commodity prices. Because of this, each year Congress has had to come up with emergency funding at the end of the year.

We did that. We did not do enough, but we did some each year to try to repair the hole in the so-called Freedom to Farm bill. That bill now expires at the end of next year and needs to be replaced.

The House of Representatives, God bless them, said: No. We should not wait until next year. We should write a new farm bill now. And it ought to be in place for the next crop-year when people go into the fields next spring. We in the Senate now have the obligation to do the same, and I believe we will do the same.

With respect to the bill that the House of Representatives enacted last week, let me say this: I think it is better than the Freedom to Farm bill. They have made progress. Good for them. I commend them.

There are some things we need to do better than they did in the House bill. For example, in my part of the country we raise a great deal of wheat and barley. The loan rates, for example, for wheat and barley are not significant enough, when compared to other crops. They are far too low in the House bill. So we need to make some adjustments to that piece of legislation.

Farm benefits ought to be better targeted to family farmers, in my judgment, as well. We have had the development in this country of these giant agrifactories. Well, that is not what we are trying to preserve. If this isn't about preserving family farms, families that are trying to live out their lives in the country and make a living on the family farm, if that is not what this is about, then, in my judgment, we do not need a farm bill.

Abraham Lincoln started the Department of Agriculture with nine employees in the 1860s. As you know, a century and a half later, it is a behemoth organization. If a farm bill is only to support the giant agrifactories of the world, then count me out. But if it is to support family farms, I say: Good: it is important. And it is important to this country's future that we maintain a network of family farm food producers.

There is a national security interest as well for the Senate to do a farm bill. The House has done the bill, so we also ought to do it before we adjourn, in the interest of national security.

What is the national security interest? The other evening on national television, they described a feedlot with nearly 200,000 cattle in it over the year. This is a giant agricultural enterprise that brings large numbers of cattle together and feeds them in a huge series of feedlots. They talked about the potential of bioterrorism entering the food supply, and how convenient it would be for those giant agrifactories to be a target for efforts in bioterrorism.

It seems to me a broad network of family producers across this country tends to thwart that.

Security of America's food supply is best achieved by a network of family farms producing America's food. That is why a farm bill is so important.

We have the obligation and the opportunity in the Senate to do the right thing. Between now and when we leave at the end of this session of Congress, we should pass a farm bill, go to conference, reach agreement with the House, and then send a farm bill to the President that he will sign. I understand the President says he doesn't support the bill passed by the House of Representatives. The fact is, however, if it is not his priority, it is ours. We ought to write a good farm bill and send it to him.

I believe at the end of the day he will support it because the House passed it with a veto-proof majority. I would expect a good farm bill will pass the Senate with a similar majority.

I believe we ought to waste no time. I have talked to the majority leader and others about it. He agrees. Let's try to do what we can do to pass a farm bill in the Senate, then go to conference and see if we can't get a farm bill signed into law before the end of this year. That way, family farmers who go into the fields next spring will understand what the new farm bill will be and will be able to plan accordingly.

It will certainly be better than the Freedom to Farm bill, a bill that has undercut the interests of families trying to make a living on a family farm.

Very few people in this country have seen their income cut as dramatically as the average family farm income has been cut over the years. This loss of income, then, is somewhat ironic. We are dropping food into Afghanistan because people are on the abyss of starvation; we hear reports of old women climbing trees in Sudan to forage for leaves to eat; and one-half a billion people go to bed every night with an ache in their belly because it hurts to be hungry. All told, thousands of children die every day from hunger and hunger-related causes. Yet the farmers of South Dakota and North Dakota and Kansas and Montana and Nebraska are told, when they load their truck with wheat or barley and take it to the country elevator, that which they produce has no value. They are told the food somehow has no value, that the price is collapsed because it is not worth very much. It seems to me that much of the world is placing great worth on that which we produce in great abundance on America's farms.

If we can't find a way to connect that which we produce to those who need it, then we are not thinking hard. The surest road to stability and peace in the world is to try to help people who are hungry. We must place a value on the food our family farmers produce. Again, there is a disconnection there somewhere. We need to find it and reconnect it.

Let me again say, I hope in the coming couple of weeks we will, in the Senate, make it a priority to write a farm bill, bring it to the floor, and go to conference with the House. We have that obligation to our family farmers. That ought to be our responsibility now. It is not only good for family farmers; it is good for American security interests, for food security interests to do that. I hope we will do it soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AVIATION SECURITY ACT—MOTION TO PROCEED

Mr. HOLLINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1447.

Mr. HOLLINGS. Mr. President, let me correct a statement I made sometime last week when we were checking into the practice of other countries with respect to airport security. We were told that of the countries in Europe, all were Government employed. That should be corrected. That is not the case. In fact, France, Belgium, the Netherlands, and England, those four countries, have contracts, but they have the health benefits and the guaranteed vacation and other benefits guaranteed by the Government. It is a sort of hybrid situation.

Of 102 countries around the world with significant air travel systems, only 23 use contract screeners. I think that is not the point I want to make this afternoon.

No one would suggest that we take the security for the President of the United States; namely, the Secret Service, and privatize it, contract it out. Nor would anyone recommend privatizing the security that the distinguished Chair, myself, and other Senators receive, the Capitol Police, who incidentally have been working around the clock, doing an outstanding job. You can go on down the list, whether it is Customs, whether it is the Border Patrol, and the Immigration and Naturalization Service that has some 33,000 personnel, no one in the House or Senate has suggested that we contract that out.

No one has suggested we contract out the Federal Bureau of Investigation with the thousands of professionals conducting the investigation right now. No one suggests that they take some 669,000 civilian workers in national defense and contract them out. In fact, there was a suggestion by the OMB earlier this year to do just that. The OMB folks called over to the Pentagon and said: We are looking at downsizing and we want to get some contracting out of 5 to 10 percent of your civilian workers. And the Department of Defense said: That will never happen. We are in the security business.

Yet the big hangup is federalization, the Government taking over the responsibility of security for air travel in America.

Now, we have tried after Pan Am 103 back in 1988, with more training, more hours, more supervision, extra this and extra that, to no avail; we had TWA 800 in 1996 and again the Gore commission with more training, more supervision, and what have you. And now we have 6,000 killed and 13,000 casualties. To me, it will take unmitigated gall, with the recent experiences in mind, to come forth with a contracting out proposal.

Only a while ago did I learn why we are having to put up with this nonsense. All you have to do is read Roll Call, "Airport Firms Form Alliance." The airport firms formed an alliance with a Swedish company and call themselves the Aviation Security Association. And who do they have as members? The contractors that want to keep continuing their misdeeds. For instance, one of the association members, Argenbright had the contract for the Dulles and Newark airports.

Now, let's read about Argenbright. I find in an article on September 13 in the Miami Herald:

> The security company that provides the checkpoint workers at the airports breached by Tuesday's hijackers has been cited at least twice for security lapses.
>
> In its worst infraction, Atlanta-based Argenbright Security pleaded guilty last year to allowing untrained employees, some with criminal backgrounds, to operate checkpoints at Philadelphia National Airport.
>
> In settling the charges, Argenbright agreed to pay $1.2 million in fines and investigative costs.
>
> . . . Argenbright was also found to have committed dozens of violations of Federal labor laws against its employees at Los Angeles International Airport, an administrative law judge ruled in February 2000.

Here we are trying to do the work of the people of America, and we don't have any Senators listening. They are listening to the lobbyists, the K Street crowd, who are down here working the different Senators, and I can't explain to them the problem of security at the airports. Mind you me, those who are falsifying records, if you please, are now saying what we have to do is have contracting out; we can't federalize.

Of course, that appeals to the crowd that comes into public service by promising to get rid of the Government. "The Government is not the solution, the Government is the problem." That is all they all talk about. They are thinking of what? Of next year's reelection. They are not thinking of security. They are thinking: Wait a minute now, I was going to downsize and get rid of the Government, and now I supported 18,000 screeners and some 10,000 other airport personnel—some 28,000 I am going to put on the Government payroll, and my opponent is going to say: He promised to get rid of the Government, and he went and voted to add 28,000 more Government jobs.

That is the problem—along with the blooming lobbyists. They are trying to carry out their political commitments. They are not looking out for the safety of the traveling public in America. The worst thing we have ever done is give the money to the airlines. They didn't take care of the employees. I had Herb Kelleher, of Southwest Airlines, tell me he did not furlough a single employee and maintained 100 percent service. But they were all going broke. Why? Because the lobbyists took over—the same crowd that came running around hollering they were all going to go broke. Here I am fighting to do the people's work, and Senators are gathered together in their offices with all of these airline lobbyists. This is the fifth week since September 11, and we can't pass airline security.

All of America wants this responsibility fixed within the Government. No one for a second, as I say, would suggest that the FBI and the Secret Service, the Border Patrol, and Customs, or any of the other security agencies—no one would suggest that the 669,000 civilians in defense be contracted out. According to the lobbyists the Government is too big, the Government can't do anything. They ought to be ashamed of themselves. Look at what is happening. Turn on your TV if you want to see what Government can do. Look at these attacks on Osama bin Laden and the Taliban. I don't know—there are some 31 different military targets, with 2 countries involved. B-2s coming all the way from Missouri, ships stationed in the Indian Ocean, planes coming off Diego Garcia—all Government, Government recruited, Government fed, Government housed, Government trained, Government deployed, with precision work that we all praise—but we can't get a Government airport security screener. Oh, no, no, that would be against my ideology. No, we want contracting out, privatization.

We now know what we are putting up with in this lobbyist crowd and the silly ideology that the Government can't do anything. Well, I am proud of our Government; I am proud of our deployment. We are going to correct this situation, and we are not going to have an Executive order. I have heard word that the administration might implement an Executive order to take care of it and say Congress is dragging its feet.

We are trying to go along and be bipartisan and everything else because this is a bipartisan bill, reported unanimously out of the Commerce Committee. We have been ready to vote and take amendments, consider them and vote upon them. But they are going to say now that we are going to have to get an Executive order because we are dragging our feet and can't get security out of the Congress, mind you me.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HOLLINGS. I am delighted to yield to the distinguished Senator.

Mr. DORGAN. I was listening with interest to the Senator about this issue of national objectives and Federal employees doing airport screening. I know there are some who think there is nothing in Government that can be done correctly. But I say them, that they should go to ground zero in New York City, the site of these terrorist acts, and talk to the firefighters and law enforcement people. They will then understand that those Government employees, those firefighters who lost their lives, were climbing the stairs of those twin Trade Towers even as they were coming down. As that fire broke out in both buildings and people began to evacuate those buildings, those firefighters were going up with full backpacks. People told me—and I read reports—of seeing firefighters on the 20th floor and the 30th floor, nearly out of breath, climbing the stairs of those buildings. Those are public servants providing a public service that is unmeasurable in its value to this country.

So when I hear people talk about Government workers in a disparaging way, I say this: There are a lot of people who commit themselves to public service in this country who, every day and every way, every hour, protect this country and stand up for the interests of this country. Yes, I'm describing the firefighters of New York, and the law enforcement folks in New York and New Jersey and the surrounding region, but this public service also occurs in every community across this country, every single day.

The Senator from South Carolina has proposed, and I support, the notion that at the 100 largest airports in this country we federalize the screeners who are screening baggage so that they are following national standards and national training guidelines. It makes great sense to me. And with respect to the other airports, I believe the Senator proposed that local airports could contract with law enforcement officials and others to do the same thing.

But it seems to me that—I guess I will ask the Senator this question, finally, that we are hung up on this issue at this moment: The issue of aviation security is of paramount importance to this country. Why? Because some people don't like the notion that we would replace the big companies that have now contracted to provide this service—service where inspector after inspector has shown us you can drive a truck through the holes in the service. They decide: We don't want to do it. Therefore, we will hold up the legislation and not allow it to continue.

How long, I ask the Senator, have we been held up on the floor of the Senate by this ideology that says we won't allow there to be Federal screeners at the Nation's largest airports? How long?

Mr. HOLLINGS. We are into the fifth week. We are into the fifth week since the attacks. We immediately held these hearings, and I called the distinguished Secretary of Transportation the week of this occurrence. It was on the following Thursday immediately after September 11th. I said: I am going to set this hearing up. I said: You can enhance cockpit security by installing reinforced cockpit doors. We found in Israel that once you secure that cockpit—and Boeing said they could retrofit doors immediately in the next 2 to 3 weeks, and then they will have a more secure door. They have a retrofit package for the planes right now, and if you and I were head of an airline, we would immediately require this for the security of our pilots.

We want pilots to fly, not fight. Once they secure that door, then you do not have disturbed individuals storming that door as we had on that Los Angeles to Chicago flight. That ends hijacking for all intents and purposes, because never again can they use an air flight as a weapon of mass destruction.

I do not want to pass up the eloquence of the observation of the Senator with respect to these firefighters. They are the best in the world. They are not paid enough. They are working extra hours, and they were willing, as the Senator says, to give their life to try to save those lives while the building was coming down. They thought there could be a chance they would save a life or two, and they were going up those steps. That is fixed in my mind.

We should be ashamed of ourselves for delaying this bill. We get all boiled up about procedure. We have to move now. Once we moved 97 to 0 to cloture, we need to go ahead to the bill itself. Why are we not debating the bill this afternoon and passing it tonight?

There are two or three amendments. Let us vote on those amendments. They could be just ideas. We are not hard and fast, except on one thing, and that is to get airport security. Yes, there is flexibility in the bill. We live in the real world.

Take small, rural airports such as at Bamberg and Orangeburg, SC. They are not used to having the federalization of the system, but we have to have the Federal standards for inspections to make certain they have airport security. We do not want a plane coming from, say, Bamberg to fly into Charlotte and then the passengers get off, never having been checked properly, to come into Washington, never having had the proper security check.

So that is a lesson I learned from El Al, the Israeli security agents, and the chief pilot at El Al. He told me, for example, once that cockpit door was closed, they could be assaulting his wife in the cabin, but he does not open the door. That is why, when they heard this Russian plane that had come out of Israel exploded and went down into the Black Sea last weekend, they knew immediately it was not from a bomb, because for 30 years they have known they are not going to get anywhere. They are still investigating the possibility that a Ukrainian missile gone astray may have caused the crash. They might start a fight and hurt, say, 5 people, but not 5,000. But the pilot immediately lands and already has law enforcement waiting to take over.

The rule used to be—and I guess still is unless that FAA is getting going—if I am the pilot and you come forward and say, this is a hijacking and I want to go to Havana, Cuba, you say, oh, yes, I always wanted to go to Cuba; let's all go to Havana, wonderful, yes—just go wherever the hijacker wants and get it down and then let law enforcement come.

No, the rule has changed and ought to have been changed 3 weeks ago, and they are still dillying around wondering about contractors and the employees.

I actually had a meeting with the transportation officials, and they were talking about 9 months to a year to get this thing done. Absolutely ludicrous. We are in an emergency situation. We have men committed in battle, putting their lives on the line, and we are talking about maybe securing our airlines in a year's time even though we have already sent $15 billion to the airlines.

Mr. DORGAN. Will the Senator yield further for a question?

Mr. HOLLINGS. Yes.

Mr. DORGAN. I do not mean to interrupt the Senator, but I was inspired listening to his discussion and I want to make a couple of additional comments, concluding with a question.

It is not unusual for politicians to compliment themselves, but the Senator from South Carolina is not someone who would ever do that. So let me pay a compliment to Senator HOLLINGS and also to Senator McCAIN. The Senator has brought a bill to this Chamber that makes good sense. He worked on this legislation in a manner of developing a consensus, worked in a bipartisan way, brought a bill in a very timely manner, and then, as the Senator from South Carolina has said, it has been hung up now for some weeks.

It is inexplicable that in a time of national emergency—and it is that, not just with respect to national security issues but also with respect to this economy—it is inexplicable that there is, among some, business as usual in the Senate. This is not business as usual. In my judgment, it ought to be a circumstance where, if someone disagrees with what Senator HOLLINGS and Senator McCAIN have brought to the floor, then by all means offer an amendment, make their best case and try to strip it out.

Mr. HOLLINGS. Right.

Mr. DORGAN. Have a record vote and strip it out.

As I understand the circumstances, those with whom the Senator disagrees at this point, they are content just preventing the Senator from considering this bill because they do not want to have a vote. They will lose the vote, and lose the vote by a fairly large margin.

Will the Senator from South Carolina agree with that assessment?

Mr. HOLLINGS. I agree with that assessment, and part of that assessment should go right to the lobbyists. This is actually a headline: Airport firms form alliance. Well, they did not form an alliance for safety or security. They formed an alliance to feather their own nests. They are not interested in security, and that is what the hold-up is over with that political stand-off of "get rid of the Government." They are thinking about their reelection campaigns next year. They are not thinking about the security of airline travel in America, I can say that.

Mr. DORGAN. Will the Senator yield one final time for a question? I deeply appreciate his indulgence.

The reason this is important, aside from basic safety, which I think is paramount, is the airline industry and commercial aviation are critically important to this country's economy. Prior to September 11 our economy was very soft, and the airline industry as a leading economic indicator was hemorrhaging in red ink going into September 11. Then the Government shut down the entire commercial aviation sector, just shut it down completely. Now that it has begun to start up once again, people are leery, are worrying about whether or not they want to get back on an airplane. People are cancelling trips. They are cancelling conferences.

The thing is, Government has the obligation to say to those people who have images in their head of an airplane crashing into a trade tower over and over again, we have a responsibility to say to people we are taking effective, decisive, and immediate action to deal with security on commercial airliners in this country, and that is why there is this urgency.

Yes, it is about this industry, but even more so it is about this economy. It is important that we do this, that we do it right, and that we do it immediately.

Let me again say I think the leadership of the Senator and the leadership of Senator McCAIN is something all of us should cherish, and I hope we can get to this bill and get it moving, have the votes, and pass this legislation. I support what the Senator is doing.

Mr. HOLLINGS. I thank the distinguished Senator. It is proper to mention the leadership of Senator McCAIN, Senator KAY BAILEY HUTCHISON of Texas, Senator CONRAD BURNS of Montana, Senator OLYMPIA SNOWE of Maine, and it has been bipartisan; this was not a partisan approach.

We have tried over the past 15 years to set professional standards for airline security, more hours of training, more supervision. But even with all of the contract standards, with all the training, with all the supervision, they are falsifying the records and putting people with criminal records in as the screeners, and they say: Let us keep doing it. Give us some more standards. Give us some more training. Come on.

Mr. REID. Will the Senator yield for a question?

Mr. HOLLINGS. Yes, sir.

Mr. REID. I recognize the Senator is not talking about contracting out, but the Senator mentioned contracting out, and I am an opponent of contracting out. I have seen what it has done to Federal installations in the State of Nevada where these outside contractors come in and say, we will give you a real good deal, and they give a contract this year, and the next year it goes up and up and up, where we would have been better off sticking with Government in the first place.

So I thank the Senator from South Carolina very much for bringing to the attention of the American public the fact we have to federalize the safety of these airplanes and to also alert the American public that contracting out is not a panacea for good government.

Mr. HOLLINGS. That is right. We want those in charge of security to have their minds set on just that, not the bottom line, not the profit. We are going to do the oversight. We will look and see whether there is any fat, or anything else of that kind. The truth of the matter is, we have to have accountability. The only way to do it now is to fix it. Don't have some security measures over here, some over there, and then not check in there.

If you go to the onion ring security structure of the Israel Security Agency and El Al, the Israeli airline, you can see exactly you can't have any gaps. They start with the outer perimeter of intelligence. Incidentally, Senator, when I mention intelligence, harken the New York Times article by Bobby Inman, Admiral Inman, former head of the CIA, which recounts how our intelligence went down, down, down, was inadequate, and brought about—indirectly, obviously—these September 11 attacks. It never could have occurred if we had the intelligence agents like before.

I became involved in intelligence matters under the Hoover Commission in 1954. We had McCarthy running around about security. So President Eisenhower appointed the commission on the reorganization of the executive branch under former President Herbert Hoover. I served as one of the six members of that task force going into the CIA, Army, Navy, air intelligence, security, Secret Service, special clearance, atomic energy. At that time we had the entire sphere of security and intelligence. Under Alan Dulles we had a real outfit, but it has gone down, down, down with respect to high, high costs of technology. And the technology is so amazing to you and me that we can see this and recognize that. We collect as much intelligence information as they have in the Library of Congress, perhaps, every day. But nobody looks at it, they just say: Oh, look at all the information we are getting.

In addition to that, when they are talking about analysts, we want something to look at, but we don't want too much analysis. They have General Scwharzkopf on TV. All weekend he was on the TV. I will never forget the briefing he gave us when he returned from Desert Storm. He told a Defense Appropriations Subcommittee that CIA analysts rounded the edges, they cut the corners, they protected their backsides. When I got it—I am going to use the word he used—it was "mush." He said it was of no value, it was mush. I had to go to my pilots in order to get the intelligence and find out how I could move forward.

Now that is what we have been limping along with. It is our fault. There is no question about it. But read what Bobby Inman said. The intelligence is starting at the outer perimeter of a security system. The intelligence is keyed on not just the screener, but when they get to the departure gate, to the pilots, to the marshals on that plane and everything else. And it is not a one-way feed. It is back and forth, all the time. You know somebody is not going to come through with a knife or a gun. The entire airport is a screening place now.

All we do, the Senator and I, we get our ticket to go down to Miami. The agent says here is your ticket; you have seat 9A. So I call my friend who has been out there for 2 years working on the tarmac. He knows when I call, that is the signal. I will take the 12 o'clock flight, 9A, to Miami. He is out there and he goes to seat 9A and tapes a pistol or tapes a box cutter or whatever else they are using. Or you don't have to wait, just go to the counter and you get your seat assignment. Then you just drift around in the crowd. You have already alerted your friend on the tarmac and you are by the window and give the signal, 9A, and he puts a weapon under the seat.

You have to check and have absolute security, not just for screeners but with the person who vacuums the plane. You have the marshals. They come in and they check those things. They don't take their seat and wait for a hijacking, just sitting there eating and drinking. They are alert and know exactly what they are looking for. They look for suspicious actions and reactions on the plane by any of the passengers. They know what to look for. We have to get serious about security because it comes right down to the aircraft.

As I pointed out, once you secure that door, that for all intents and purposes ends the hijacking of commercial flights. But since they have been flying planes, I don't know how we control private flight.

There are many more opportunities for terrorism beyond airlines. But once we secure airlines, we can try to get some of the other things done on the railroads, on the seaports, that the Senator from Florida and his senior colleague, Senator GRAHAM, have been pointing out for years. In fact, we have the bill on the calendar, seaport security. They can take one of those containers which is hardly looked at, bring it into New Jersey, and drive it down to Times Square and have the container full of anthrax, 40,000 pounds.

There can be all kinds of acts of terrorism. This thing is not the 100-yard dash. It is the endurance contest. We have to endure, sober up and get serious. We need to cut out all of our reelection concerns about what we promised to do in getting rid of the Government and that kind of thing. We are elected by the people to make the Government work, and work efficiently and economically.

By the way, this is paid for, Senator. That is the genius of this. All you have to do is put $2.50 or $3 and we are arguing that backwards and forwards, but we will get the amount, and that will take care of all the screeners, make sure every bag has gone through the screener. If I go through now and take a bag—they just put out the rule I cannot take but one—but a bag goes through the screener. Why let baggage that goes into the cargo be different? All of the cargo should be screened, air marshals on all of these flights, particularly cross-country and down to Florida, up and down the seaboard, up and down California, and across the country. We have to have those marshals on the plane. Once they know that, America comes back again.

Mr. NELSON of Florida. Will the Senator yield?

Mr. HOLLINGS. I am happy to yield.

Mr. NELSON of Florida. The Senator has been a great inspiration to me and all the members of the Commerce Committee which he chairs. What a great inspiration it is to see on matters of grave national importance that the Senator, as chairman, and the ranking member, Senator MCCAIN, work so closely together. I want the Senator to know that observation comes from many Members.

What troubles me is that certain Members of this Chamber, for either ideological reasons or for partisan reasons or for parochial reasons, would not recognize what the chairman of the Commerce Committee and the leadership is saying, how important to the national defense of this country it is to produce legislation on airline security so that the American people believe we are following through on a promise we made to them so they will be encouraged to get back on the airlines and start flying. This will help all of the collateral industries such as car rental companies, such as hotels, such as restaurants, tourism destinations, and so forth.

As we say in the South, it is just beyond me——

Mr. HOLLINGS. It is beyond this Senator.

Mr. NELSON of Florida. That we would have people hold up this legislation, cause us to have 30 hours of debate not on the bill but just on a motion to proceed to get to the bill. The big hangup is over federalizing the airline passenger screeners.

Mr. HOLLINGS. Right.

Mr. NELSON of Florida. Everybody in America wants the most proficient, the most trained, the most expert, and well-paid people doing the adequate and professional and thorough job of screening people when they go through those checkpoints. If that means federalizing, then we ought to be getting about the business of the American public and passing this legislation and moving it.

I want to add a comment and also another compliment to the Senator, our chairman. Over the weekend I visited two ports in Florida. I visited, on Friday, the Port of Pensacola. In the warehouse there, I found a huge load of sacked flour that was going to Tadzhikistan. Fortunately, those 100-pound sacks of flour were red, white, and blue so people would know where it was coming from—the USA.

That is what we need to do if we are going to try to win the hearts and minds of people as we have had such tremendous success doing in North Korea, a Communist dictatorship. The food we have sent in there is in these red, white, and blue sacks so people know where it is coming from—the USA. So I was very gratified to see that.

But when I went to the Port of Pensacola on Friday and the Port of Jacksonville yesterday, Monday, it was to talk about security and to talk about the bill the Senator had passed out of committee on September 14 and the amendment that he intends to add, increasing the amount available, both in grants and in loan guarantees, for the 300 ports that we have in this country in order for them to upgrade security because, if we are looking at vulnerability, where a terrorist might attack, clearly a port—whether it be a cruise ship or whether it be a commercial ship with a precious cargo or whether it be a port colocated with a military facility or, in the case of the Port of Pensacola, where they would be responsible for loading and unloading military equipment—not for the Pensacola Naval Air Station but for Hurlburt Air Force Base, which is the head of the Air Force Special Operations Command—be it any of those particular roles that a port plays, we have to upgrade security there.

I thank our chairman for his leadership. Wouldn't it be nice to get to the port security bill, if we could get through the airline security bill?

Mr. HOLLINGS. Exactly. Exactly. We are bogged down in here and they all seem to be enjoying it. I do not understand.

I understand you have to be considerate. We are not ramming anything. We do not want to, for example, ram this bill through the House. They are going to have their say, and they do have their say. But heavens above, let's move it over to them so they can have their say.

We want to be considerate—and you have been too generous to me. The point is with respect to seaports, 9 out of 10 containers coming in are not even looked at. If Senator NELSON and Senator HOLLINGS wanted to get into the drug business down in Colombia, we would fill up 10 containers full of cocaine and send it in. I can tell you right now, you have 9 of them that would go through and we would have made a fortune. We don't mind one getting caught; that is the name of the game.

What they have been trying to do is brag how fast they could move cargo through. Up there in New Jersey they not only go to the port, then they go to a staging area 25 miles farther. In between the time they go from the port, actual dock to the 25-mile site, some of them, they never see those trucks again. They don't know where they went or whatever happened to them. They just do not show up for the inspections.

The DEA says, no, it is the Customs' fault. Customs say, no, it is the port's fault. The port says, no, it is the Coast Guard's fault. The Coast Guard says you are running the port and you are in charge. But no one is in charge. That is where we have had it with these contractors.

We are not going to give this the runaround. We are going to fix this responsibility once and for all. With the seaports, under the law, the captain of the port is the responsible officer. You cannot just put in one bill and wave a wand and all of a sudden you have security. You have to give them time and money and let them change the culture and get in step. Labor is absolutely concerned about background checks of those working the docks, just as they were in El Al. They had trouble, the El Al security people and the El Al chief pilot said, yes, we had problems too with labor, and we finally got past that and everybody is subject to these background checks and periodic spot checks for security.

When you mention FAA—and that is one of the reasons we put it under a Deputy Secretary of Transportation and not under the FAA—last week I had the distinction of meeting, if you please, with the former chairman, on the House side, of the Transportation Appropriations Committee of FAA. He told me some of the horror stories. For spot checks he had the individual given the pictures and told: We are going to make spot checks down in Florida next week, so you go to these particular airlines and show them the pictures because these are the fellows coming through making the spot checks.

That is how incestuous the FAA has become. That is why the airlines continue to say they want to be able to provide the money.

No, no, they are going to be Federal employees with Federal pay. It is going to be subject to appropriations. Why? Because we know already, under the Airport and Airways Improvement Act, we owe them $15 billion because you and I and the Government have been using that $15 billion to balance the budget, to cut the deficits down and try to get surpluses. We have not given them airport security.. We have not given them airport improvements.

So when we look at this, our distinguished colleague and friend, the Senator from the State of Washington, Mrs. MURRAY—she has that committee. She is going to have the oversight. With Senator BYRD, the full committee chairman, along with Senator STEVENS, the ranking member, we are going to have it subject to appropriations.

The gamesmanship is stopped. We have gotten dead serious about this situation. We are going to fix the responsibility and have accountability, accountability, accountability.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent I be recognized to speak as in morning business, and the time I consume be counted against the 30 hours of postcloture debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under "Morning Business")

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE WORDS OF GORDON HINCKLEY

Mr. REID. Mr. President, every 6 months the Church of Jesus Christ of Latter-Day Saints, referred to as the Mormon Church, has a semiannual conference. Every 6 months, for 3 days, the leaders of the church get together and those people who are members of the church come to Salt Lake City to the relatively new auditorium which holds approximately 22,000 people. It is broadcast and telecast around the world to 11 million members of the church.

The reason I come to the floor today is to read to the Senate a few select paragraphs from a statement that was given by the president of the church, a 92-year-old man by the name of Gordon Hinckley.

I will ask unanimous consent at the appropriate time to have the full statement printed in the RECORD.

His statement started with the words:

> I have just been handed a note that says a U.S. missile attack is underway.

Keep in mind that this is being telecast to 11 million members of the church and millions of others who are watching.

He went on to say:

> You are all acutely aware of the events of September 11, less than a month ago. Out of that vicious and ugly attack we are plunged into a state of war. It is the first war of the 21st century. The last century has been described as the most war-torn in human history. Now we are off on another dangerous undertaking, the unfolding of which and the end thereof we do not know.
>
> For the first time since we became a nation, the United States has been seriously attacked on its mainland soil. But this was not an attack on the United States alone. It was an attack on men and nations of good will everywhere. It was well-planned, boldly executed, and the results were disastrous. It is estimated that more than 5,000 innocent people died. Among these were many from other nations. It was cruel and cunning, an act of consummate evil.

Skipping a couple of paragraphs, he went on to say:

> Now we are at war. Great forces are being mobilized and will continue to be. Political alliances are being forged. We do not know how long this conflict will last. We do not know what it will cost in lives and treasure. We do not know the manner in which it will be carried out. It could impact the work of the Church in various ways.

Skipping again a couple of paragraphs, President Hinckley went on to say:

> Those of us who are American citizens stand solidly with the President of our nation. The terrible forces of evil must be confronted and held accountable for their actions. This is not a matter of Christian against Muslim. I am pleased to see that food is being dropped to the hungry people of a target nation. We value our Muslim neighbors across the world and hope that those who live by the tenets of their faith will not suffer. I ask particularly that our own people do not become a party in any way to the persecution of the innocent. Rather, let us be friendly and helpful, protective and supportive. It is the terrorist organizations that must be ferreted out and brought down.

Skipping two paragraphs, he went on to say:

> On the Larry King television broadcast the other night I was asked what I think of those who, in the name of their religion, carry out such infamous activities. I replied, "Religion offers no shield for wickedness, for evil, for those kinds of things. The God in whom I believe does not foster this kind of action. He is a God of mercy. He is a God of love. He is God of peace and reassurance, and I look to Him in times such as this as a comfort and a source of strength."

Mr. President, I ask unanimous consent that the full statement of Gordon B. Hinckley be printed in the RECORD, with the understanding that his statement is one that lays out what most Americans believe: that we are in a time of trouble; that there are things we can do as Americans to respond.

But the most important thing we can do to respond is to treat our fellow man with the Golden Rule: Do unto others as you would have them do unto you; be kind, thoughtful, and considerate to those you come in contact with on a daily basis. This is the most important thing we can do to thwart the actions of these terrible people who did these terrible, evil deeds on September 11.

There being no objection, the material was ordered to be printed in the Record, as follows:

### The Times in Which We Live

(By President Gordon B. Hinckley of the Church of Jesus Christ of Latter-day Saints)

My beloved brethren and sisters, I accept this opportunity in humility. I pray that I may be guided by the Spirit of the Lord in that which I say.

I have just been handed a note that says a U.S. missile attack is under way.

I need not remind you that we live in perilous times. I desire to speak concerning these times and our circumstances as members of this Church.

You are all acutely aware of the events of September 11, less than a month ago. Out of that vicious and ugly attack we are plunged into a state of war. It is the first war of the 21st century. The last century has been described as the most war-torn in human history. Now we are off on another dangerous undertaking, the unfolding of which and the end thereof we do not know.

For the first time since we became a nation, the United States has been seriously attacked on its mainland soil. But this was not an attack on the United States alone. It was an attack on men and nations of good will everywhere. It was well-planned, boldly executed, and the results were disastrous. It is estimated that more than 5,000 innocent people died. Among these were many from other nations. It was cruel and cunning, an act of consummate evil.

Recently, in company with a few national religious leaders, I was invited to the White House to meet with the President. In talking to us he was frank and straightforward.

That same evening he spoke to the Congress and the nation in unmistakable language concerning the resolve of America and its friends to hunt down the terrorists who were responsible for the planning of this terrible thing and any who harbored such.

Now we are at war. Great forces are being mobilized and will continue to be. Political alliances are being forged. We do not know how long this conflict will last. We do not know what it will cost in lives and treasure. We do not know the manner in which it will be carried out. It could impact the work of the Church in various ways.

Our national economy has been made to suffer. It was already in trouble, and this has compounded the problem. Many are losing their employment. Among our own people this could affect Welfare needs, and also the tithing of the Church. It could affect our missionary program.

We are now a global organization. We have members in more than 150 nations. Administering this vast worldwide program could conceivably become more difficult.

Those of us who are American citizens stand solidly with the President of our nation. The terrible forces of evil must be confronted and held accountable for their actions. This is not a matter of Christian against Muslim. I am pleased to see that food is being dropped to the hungry people of a target nation. We value our Muslim neighbors across the world and hope that those who live by the tenets of their faith will not suffer. I ask particularly that our own people do not become a party in any way to the persecution of the innocent. Rather, let us be friendly and helpful, protective and supportive. It is the terrorist organizations that must be ferreted out and brought down.

We of this Church know something of such groups. The Book of Mormon speaks of the Gadianton Robbers, a vicious, oath-bound, and secret organization bent on evil and destruction. In their day they did all in their power, by whatever means available, to bring down the Church, to woo the people with sophistry, and to take control of the society. We see the same thing in the present situation.

We are people of peace. We are followers of the Christ who was and is the Prince of Peace. But there are times when we must stand up for right and decency, for freedom and civilization, just as Moroni rallied his people in his day to the defense of their wives, their children, and the cause of liberty.

On the Larry King television broadcast the other night I was asked what I think of those who, in the name of their religion, carry out such infamous activities. I replied, "Religion offers no shield for wickedness, for evil, for those kinds of things. The God in whom I believe does not foster this kind of action. He is a God of mercy. He is a God of love. He is God of peace and reassurance, and I look to Him in times such as this as a comfort and a source of strength."

Members of the Church in this and other nations are not involved with many others in a great international undertaking. On television we see those of the military leaving their loved ones, knowing not whether they will return. It is affecting the homes of our people. Unitedly, as a Church, we must get on our knees and invoke the powers of the Almighty in behalf of those who will carry the burdens of this campaign.

No one knows how long it will last. No one knows precisely where it will be fought.

No one knows what it may entail before it is over. We have launched an undertaking the size and nature of which we cannot see at this time.

Occasions of this kind pull us up sharply to a realization that life is fragile, peace is fragile, civilization itself is fragile. The economy is particularly vulnerable. We have been counseled again and again concerning self-reliance, concerning debt, concerning thrift.

So many of our people are heavily in debt for things that are not entirely necessary. When I was a young man, my father counseled me to build a modest home, sufficient for the needs of my family, and make it beautiful and attractive and pleasant and secure. He counseled me to pay off the mortgage as quickly as I could so that come what may there would be a roof over the heads of my wife and children. I was reared on that kind of doctrine. I urge you as members of this Church to get free of debt where possible, and to have a little laid aside against a rainy day.

We cannot provide against every contingency. But we can provide against many contingencies. Let the present situation remind us that this we should do.

As we have been continuously counseled for more that 60 years, let us have some food set aside that would sustain us for a time in case of need. But let us not panic nor go to extremes. Let us be prudent in every respect. And above all, my brothers and sisters, let us move forward with faith in the Living God and His Beloved Son.

Great are the promises concerning this land of America. We are told unequivocally that it is a "choice land and whatsoever nation shall possess it shall be free from bondage, and from captivity, and from all other nations under heaven, if they will but serve the God of the land, who is Jesus Christ" (Ether 2:12). This is the crus of the entire matter-obedience to the commandments of God.

The Constitution under which we live and which has not only blessed us but has become a model for other constitutions, is our God-inspired national safeguard ensuring freedom and liberty, justice and equality before the law.

I do not know what the future holds. I do not wish to sound negative, but I wish to remind you of the warnings of scripture and the teachings of the prophets which we have had constantly before us.

I cannot forget the great lesson of Pharaoh's dream of the fat and lean kine, and of the full and withered stalks of corn.

I cannot dismiss from my mind the grim warnings of the Lord as set forth in the 24th chapter of Matthew.

I am familiar, as are you, with the declarations of modern revelation that the time will come when the earth will be cleansed and there will be indescribable distress, with weeping, and mourning, and lamentation (see D&C 112:24).

Now, I do not wish to be an alarmist. I do not wish to be a prophet of doom. I am optimistic. I do not believe that the time is here when an all-consuming calamity will overtake us. I earnestly pray that it may not. There is so much of the Lord's work yet to be done. We and our children after us, must do it.

I can assure you that we who are responsible for the management of the affairs of the Church will be prudent and careful as we have tried to be in the past. The tithes of the Church are sacred. They are appropriated in the manner set forth by the Lord Himself.

We have become a very large and complex organization. We carry on many extensive and costly programs. But I can assure you that we will not exceed our income. We will not place the Church in debt. We will tailor what we do to the resources that are available.

How grateful I am for the law of tithing. It is the Lord's law of finance. It is set forth in a few words in the 119th section of the Doctrine and Covenants. It comes of His wisdom. To every man and woman, to every boy and girl, to every child in this Church who pays an honest tithing, be it large or small, I express gratitude for the faith that is in your hearts. I remind you, and those who do not pay tithing but who should, that the Lord has promised marvelous blessings (see Malachi 3:10–12). He has also promised that "he that is tithed shall not be burned at his coming" (D&C 64:23).

I express appreciation to those who pay a fast offering. This costs the giver nothing other than going without two meals a month. It becomes the backbone of our Welfare Program, designed to assist those in distress.

Now, all of us know that war, contention, hatred, suffering of the worst kind are not new. The conflict we see today is but another expression of the conflict that began with the war in heaven. I quote from the book of Revelation:

"And there was war in heaven: Michael and his angels fought against the dragon; and the dragon fought and his angels,

"And prevailed not, neither was their place found anymore in heaven.

"And the great dragon was cast out, that old serpent, call the Devil, and Satan, which deceiveth the whole world: he was cast out into the earth, and his angels were cast out with him.

"And I heard a loud voice saying in heaven, Now is come salvation, and strength, and the kingdom of our God, and the power of his Christ" (Rev. 12:7–10).

That must have been a terrible conflict. The forces of evil were pitted against the forces of good. The great deceiver, the son of the morning, was defeated and banished, and took with him a third of the hosts of heaven.

The Book of Moses and the Book of Abraham shed further light concerning this great contest. Satan would have taken from man his agency and taken unto himself all credit and honor and glory. Opposed to this was the plan of the Father which the Son said He would fulfill, under which He came to earth and gave His life to atone for the sins of mankind.

From the day of Cain to the present, the adversary has been the great mastermind of the terrible conflicts that have brought so much suffering.

Treachery and terrorism began with him. And they will continue until the Son of God returns to rule and reign with peace and righteousness among the sons and daughters of God.

Through centuries of time, men and women, so very, very many, have lived and died. Some may die in the conflict that lies ahead. To us, and we bear solemn testimony of this, death will not be the end. There is life beyond this as surely as there is life here. Through the great plan which became the very issue of the war in heaven, men shall go on living.

Job asked, "If a man die, shall he live again?" (Job 14:14).

He replied:

"For I know that my redeemer liveth, and that he shall stand at the latter day upon the earth:

"And though after my skin worms destroy this body, yet in my flesh shall I see God:

"Whom I shall see for myself, and mine eyes shall behold, and not another" (Job 19:25–27).

Now, brothers and sisters, we must do our duty whatever that duty might be. Peace may be denied for a season. Some of our liberties may be curtailed. We may be inconvenienced. We may even be called on to suffer in one way or another. But God our Eternal Father will watch over this nation and all of the civilized world who look to Him. He has declared: "Blessed is the nation whose God is the Lord" (Psalms 33:12). Our safety lies in repentance. Our strength comes of obedience to the commandments of God.

Let us be prayerful. Let us pray for righteousness. Let us pray for the forces of good. Let us reach out to help men and women of good will whatever their religious persuasion and wherever they live. Let us stand firm against evil, both at home and abroad. Let us live worthy of the blessings of heaven, reforming our lives where necessary, and looking to Him, the Father of us all. He has said: "Be still, and know that I am God" (Psalms 46:10).

Are these perilous times? They are. But there is no need to fear. We can have peace in our hearts and peace in our homes. We can be in influence for good in this world, every one of us.

May the God of heaven, the Almighty, bless us, help us, as we walk our various ways in the uncertain days that lie ahead. May we look to Him with unfailing faith. May we worthily place our reliance on His Beloved Son who is our great Redeemer, whether it be in life or in death, is my prayer in His Holy Name, even the name of Jesus Christ, Amen.

The PRESIDING OFFICER. The Senator from Montana.

## AVIATION SECURITY ACT

Mr. BURNS. Mr. President, we have been talking about aviation security. While the chairman of the Commerce Committee is still in the Chamber, I want to get a few things straight. The amendment that is hanging out there for this piece of legislation has nothing to do with airport security—nothing. In all other parts of the debate, we are so close to agreement it is unbelievable. And those areas can be ironed out.

I am one, as the chairman knows, who has an amendment that would put the authority of airport security under the Justice Department. There is a very good reason for that. The model is already in front of us.

The Attorney General can either have the Marshals Service or the FBI, whichever, put them in charge of airport security, and then give them the leeway if they wanted to contract using their standards and their clearance, making sure, I would imagine, that the people who work as screeners or baggage handlers or with the cargo could stand the scrutiny of a security clearance.

The chairman of the Commerce Committee, and rightly so, invited members of El Al's security team in to visit with us. We sat there and listened to them. I was impressed with what they did. I think the Senator would have to admit that. But they only have 31 airplanes. They have 7,000 employees, and 1,500 of them are security people. They do nothing but security.

There is a bright line between those people who fly them, those people who load them, those people who refuel them, those people in checkout areas, or check-in areas, and baggage areas—they know what they are supposed to do—but there is a bright line on their security. One person is in charge of security.

Those areas the Senator mentioned a while ago—passenger lists and intelligence, the airport, the periphery outside, the check-in area, the departure gate, cargo, the aircraft—you get down to the little bottom part of it that says: Aircraft. Above that is where it parks. We know those areas. And they can be supervised by people who understand restricted areas, restricted cargo, the movement of contraband, and understand passenger lists and intelligence. And that is Justice. That is where it is at. So we can agree on that, I am sure, before it is all over.

But that is what we have to do. This debate is right on target, I say to the Senator. And I do not know what the House wants. I have no idea. They have not told anybody. I do not know what they want or what they do not want.

But I think it is incumbent on us and the chairman of the Commerce Committee, through his leadership, that we get a bill out of this Senate this week and also probably an antiterrorism bill, too. We can agree on those things.

But make no mistake about it; what is continuing this debate, which I doubt continues past tomorrow, is an amendment that is hanging out there that has nothing to do with airport security.

What we have to be very careful about—and I think there are a couple others, but those areas can be worked out. We can negotiate those out. I am satisfied with them because nobody understands justice any better than our chairman. He chairs the appropriations subcommittee that gives them their money. He understands that. And I am willing to work with my chairman to make sure that we make this as suitable as possible.

But what I think I want to do, I want to make a bright line of authority, accountability, and responsibility because we are in war. Why am I adamant about this? It is very simple. Approximately 6,000 people died September 11. That is an astounding figure to me, astounding. And the system we were using had a soft point. It did not work.

So what I am saying is this: Give authority where there is accountability and responsibility and also a presence that is trusted by the American people so they feel confident, safe, and secure when they fly.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. BURNS. I certainly will.

Mr. HOLLINGS. Mr. President, I thank the Senator from Montana. He has been the most diligent of all. He has been to every one of the hearings, all the briefings with El Al, and has been a wonderful supporter to get responsibility fixed. That has been his theme. And whether we do it in Justice or whether we do it in Transportation, or wherever, I always tended toward trying to get it done. And the White House wanted it in Transportation. Transportation has a follow-on with respect to railroads and the seaports. So I thought the one entity of Transportation would be it.

But there is tremendous logic in what the Senator has pointed out. I cannot thank him enough for his support, so we can move to let the majority's will govern.

We ought to be embarrassed. Five weeks after September 11, and we are still dillying around, with an empty Senate Chamber, arguing about maybe benefits and maybe about the railroads and maybe about something else.

I am ready to move to this and have it done and then take up railroads. Let's take up the question of the seaports and take up counterterrorism and all these other measures. But I think in trying to engineer around and satisfy this Senator and satisfy that Senator, we have been doing that for 3 weeks, and we have gotten nowhere.

I thank the Senator for his leadership.

Mr. BURNS. Mr. President, I thank the Senator for his time and appreciate that we quit monkeying around and that we get it done. But in those areas that really concern us about airport security, we are pretty close. We can agree on that.

So I think we ought to keep our eyes on the ball, why we are here, what the legislation is supposed to do, and then let other issues come up as they shall. But I think the American people expect this piece of legislation.

Again, I cannot believe that people would venture into areas that have nothing to do with security when basically we are at war. Nobody understands that in this body today as well as the man who is the Presiding Officer, his losing friends, family—maybe not family but friends. Six thousand people died on that day. It is time to quit monkeying around. It is time to get on with our business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT REQUEST— S. 1510

Mr. DASCHLE. Madam President, we have been negotiating in good faith on both sides of the aisle all day long. As you know, there have been Republican objections to moving directly to the airport security bill. We are still in that postcloture period where the 30 hours are being consumed as we attempt to address the need to move directly to the bill. Tomorrow at 5 o'clock, we will have that opportunity. It was my hope, in consultation with Senator LOTT, that we could move in the interim to the counterterrorism bill. So much work and effort and negotiation has gone into getting us to this point that it was my hope, in the interest of expediting consideration of this bill, that we would have the opportunity to take it up, and it would be my hope we could take it up tonight, work through the day tomorrow, and then have a vote on final passage tomorrow.

I ask unanimous consent that at 10 o'clock tomorrow, the Senate turn to consideration of S. 1510, the antiterrorism bill; that the time between then and 5 o'clock be equally divided between Senator LEAHY and Senator HATCH; that the only amendment in order be a managers' amendment to be cleared by both managers, with 30 minutes of Republican time under the control of Senator SPECTER; that at 5 p.m. tomorrow, the bill be read the third time, and the Senate vote without any intervening action or debate on final passage. Further, upon disposition of S. 1510, the Senate immediately vote on the motion to proceed to S. 1447.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I understand and certainly appreciate the urgency of this bill. It is very important we give the Department of Justice and our intelligence agencies the tools they need to combat and prevent terrorism, but it is also crucial that civil liberties in this country be preserved. Otherwise, I am afraid the terrorists win this battle without firing another shot.

It is our constitutional duty in this body to preserve and protect the Constitution of the United States. Our freedoms in part are what the terrorists hate about us. We cannot be expected to limit those freedoms without careful study and debate, and I do know—and the majority leader, of course, is right—how hard the leaders, the chairman, and the ranking member of the Judiciary Committee have been working on this measure, and I appreciate all they have done. But there has not been an open process in the Judiciary Committee, much less the full Senate, for Senators to have an opportunity to raise concerns about how far this bill goes in giving powers to law enforcement to wiretap or investigate law-abiding U.S. citizens.

As of the end of last week, we were told the bill would probably come up on Thursday of this week. Today the request is made to bring it up immediately under extremely restrictive terms for debate that would not allow any opportunity for amendments other than the one the majority leader mentioned.

Senators must have the opportunity to read and debate this 200-plus page bill and offer amendments. It does not have to take weeks or even days, but it cannot be done before most Senators have even had a chance to read and understand the far-reaching changes this bill makes on our laws.

Madam President, I reserve the right to object. I do not wish to object, but in order to give due attention to the serious constitutional issues before us, and in the interest of moving forward on this important legislation, I ask unanimous consent that the leader's request be modified to allow this Senator to offer four relevant amendments with each to be debated for an hour equally divided.

Mr. DASCHLE. Will the Senator from Wisconsin be prepared to insert the text of the amendments in the RECORD this evening?

Mr. FEINGOLD. I will not be able to do it this evening, but I will be able to do it tomorrow.

Mr. DASCHLE. Madam President, that is exactly the problem we have had with the Senator from Wisconsin and others over the course of the last several days. There is a desire on the part of Senators to amend the bill but no amendments are available. I cannot agree to amendments I have not seen, obviously, and I think it is asking a good deal of all the Senate that we reserve opportunities for him to offer amendments without having the opportunity to see the amendments themselves. Of course, I have to object to that.

I am very disappointed. This bill has been on the calendar now for some time. It has been available for all Senators to review. We have had the opportunity to discuss it in caucus now on several occasions.

It has been available for discussion, certainly for further consideration, as Senators have had the opportunity to talk to the distinguished Chair, with me, and with others. So I am understandably concerned about the request of the Senator from Wisconsin. Obviously, I am not able to agree to it.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from Vermont.

Mr. LEAHY. Madam President, reserving the right to object, and I will not object to the request of the leader because I agree with it, but I want Senators to know an enormous amount of time has gone into this bill. We have been trying to consult with Senators on the Judiciary Committee and outside the Judiciary Committee as we have gone forward. We have consulted with Republicans, Democrats, the White House, and with the Department of Justice. I have tried to keep the distinguished majority leader informed each step of the way, and I know Senator Hatch has done the same with the distinguished Republican leader.

We put the bill in last week.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. REID. Is it not true that the Senator and Senator HATCH and the staffs have spent hundreds of hours on the bill in the last 5 weeks? Is that a fair statement, hundreds of hours?

Mr. LEAHY. I tell my friend from Nevada not only is it a fair statement, but I am painfully aware of all of those hours. In fact, I got up at 3 this morning in Vermont to come back in time to be prepared to go forward to discuss the bill, to have a full discussion today or tomorrow, if need be, so that Senators could ask questions and they could either vote for it or against it. I say to my friend, the senior Senator from Nevada, throughout those nights and days, a lot of times I would leave about 1 a.m. and the staff would still be there at 4 a.m. or 5 a.m. We made a number of changes. Nobody is more protective of the rights of individuals than I, and considerably more than that, I feel very strongly in agreement with Benjamin Franklin's comment when he literally had his neck on the line when he said people who would trade their liberty for security deserve neither.

We are trying to get that balance between liberty and security. Is it a perfect bill? No. Could we pass a perfect bill? I doubt it very much. Is it far better than when it was originally proposed by the administration as far as being protective of civil liberties? I believe it is.

Mr. REID. I ask my friend one more question. I know that one of Senator LEAHY's key staff members had a longstanding dinner engagement, and he had to dress in the car prior to taking 2 hours off on a Saturday night for dinner because he had worked all Friday night, all Saturday, and he finished dinner and was going back to work.

Mr. LEAHY. I have asked him about those 2 hours he took off during that 48 hours.

Mr. REID. I ask the Senator this question: During this process, has the Senator's staff been available to my staff and any other Senator who had a question about what was being done with that legislation?

Mr. LEAHY. We have had calls from Senators on and off the committee. The Senator from Nevada is absolutely right, to answer his question. We have been available to everybody. Since the bombing, I have been able to go back a couple of times to Vermont, mainly to tell Vermonters what has happened. I do not know the number of faxes and calls I had from Senators around the country who had questions, and we tried to get answers to them. I sometimes get e-mails at 2 a.m., going back and forth. So I do not know any Senator who could say they have not had an opportunity.

The Senator from South Dakota is absolutely right; as I said, I have tried to keep him briefed. I know Senator HATCH tried to keep Senator LOTT briefed. I say to my friend from Wisconsin, is it moving faster than I would like to see such legislation move? Yes. Are we facing other threats in this country today? I believe we are.

I also might say this bill does not answer all of those threats. We will at some appropriate time go back and look at the number of things that were probably overlooked by the Department of Justice or the FBI or others, things that might have prevented the bombings in the first place that were overlooked, things that have been gathered under the current law.

Having said all of that, and notwithstanding the fact the current law was not used as well as it should have been by the Department of Justice and others, we have made some improvements, but the House has also made changes.

I ask my friend from Nevada, who is the distinguished deputy majority leader, would it not be his assumption that ultimately the final version of this bill will come out of that conference between the Senate and the House? But we cannot get to conference until we get the bill off the floor.

The PRESIDING OFFICER. The Senate majority leader has the floor.

Mr. DASCHLE. Madam President, I again propound the unanimous consent request.

Mr. LOTT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senate minority leader.

Mr. LOTT. I will not object, but I do wish to commend Senator DASCHLE for working to make it possible to move this antiterrorism bill forward. I also commend Senator LEAHY. Two weeks ago, it looked as if it was hopelessly balled up and an agreement or compromise was not going to be worked out. There was a lot of give and take, and Senator LEAHY hung in there. Even though some people were being critical of him, he did not let it deter him. He stuck with it and came up with a very strong bill, a delicately balanced bill. He worked with the administration. He worked with his colleague on the other side of the aisle, and I think compliments are due all around.

Is it a perfect bill? No. I have people on our side of the aisle who believe it is still not nearly strong enough, and Senators who would like to have an opportunity to offer amendments that would make it even stronger from the standpoint of how we deal with the necessary information we need, wiretaps, and from a law enforcement standpoint, but this was a way for us to deal with this critical issue.

I do not make a blanket indictment. I do worry about, Heaven forbid, something further happening that we could have avoided if we had had these tools at our disposal. We still have to get through the Senate, get through the House, get into conference, and get this bill done. We are talking about, if we get this done tomorrow or the next day, still probably a week.

So I urge my colleagues on both sides, let us work together. An example has been set, and I am proud of what the Senate has done. I am proud of what the committee has done and is willing to do. I hope the rest of us will take advantage of the opportunity to follow that leadership.

I wanted to get that on the record. I will not object, Madam President.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. We can certainly continue these discussions, but I want to say it is certainly not the case that I have not shared the concerns I have, I would say, concerning the amendments we have talked about, the actual areas, and shared them with the leadership. We certainly could have the text of all of these amendments by 10 tomorrow morning. In other words, the language would be available before the bill even comes up. That strikes me as sufficient notice usually in the Senate.

I do not think it is a fair complaint to say we cannot agree to these reasonable requests simply because of the extra language written out at this point.

Madam President, at this point, unless other Members wish to address this issue, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if the Senator from Mississippi seeks recognition, obviously I yield to the distinguished Senator.

Mr. LOTT. Madam President, I was hoping to have a brief opportunity to speak about the magnificent leadership of Senator Mike Mansfield, but I will be glad to withhold on that.

Mr. LEAHY. I will say to the minority leader, Mike Mansfield is a man who was my mentor and I will be speaking about him tomorrow after the memorial service. But I say to the distinguished leader, he was my leader when I came to the Senate, and I think he probably had as much involvement in teaching me how to be a Senator as anybody. I will speak further on that at another time.

I hope Senators would work with the distinguished majority leader and the distinguished Republican leader to help us schedule this legislation. I have tried to be accommodating, getting up at 3 o'clock this morning in Vermont to try to get back.

Do I love this bill? Of course I don't love this bill, Madam President. But neither does the distinguished Republican leader. Neither does the distinguished ranking member. There is nobody in here who does. It is impossible to craft a bill of this nature that everybody is going to like.

Does it protect us for all time from terrorism? Of course it does not. As I said earlier, I suspect we had information prior to September 11 in our files at the Justice Department that might have led to the apprehension and the stopping of the terrorists. That was information and intelligence that was acquired properly under the current laws. Will this protect us by itself? No. Will it give us some tools we don't have? Yes. This can be done in such a way that we ask ourselves, are we willing to try some of this for a while? Put constitutional limitations.

I think the distinguished Senator from Mississippi knows I am very truthful when I say I will have some very serious and, I would hope, bipartisan oversight hearings of abuse of the law as we go along. This is not a liberal or conservative piece of legislation. We have liberals and conservatives and moderates who have areas of concerns. We all do because we protect and respect our privacy. I come from a State where privacy is paramount to everybody. It is one thing that unites every one of us, no matter our political background.

But we cannot tell what is going to be the final bill until we consider it. We have to pass something out of the Senate. The House has to pass something. They have been working extraordinarily hard, Madam President, both Chairman SENSENBRENNER and Ranking Member CONYERS. Why not see what we can come up with? The committee of conference will be the final package. If I don't like the final package, I will be the first to vote against it. But I suspect we will come up with something. We will probably have some very late nights that will be worthwhile.

I thank my friend from Mississippi and my friend from South Dakota for trying to bring this bill up. I will stand ready. I don't have to leave at 3 o'clock anymore this week to be here. I am here. Although I might say, if anybody could know how absolutely beautiful it is in Vermont at this time of year, with the best foliage we have had in 25 years, maybe we should move the Senate up there. It depends on the good graces of my friend from Mississippi.

I yield the floor.

Mr. LOTT. I thank Senator LEAHY for his work. We have clearly come up with a superior bill to the one being moved in the House, but the House is also moving forward. I know Senator SMITH of New Hampshire has an amendment he wanted to offer, too. Every Senator has the right to object. We should not be critical of a Senator exercising that right.

But I think there is urgency on this legislation. I hope, I say to Senator LEAHY, we will continue to work to see if we can clear this bill and get it considered tomorrow. If we don't, there is a danger that the aviation security bill will tangle up the rest of the week and we might not be able to get to this bill until next week.

I think the American people have appreciated the way we have worked together, shoulder to shoulder, regardless of party. We are all feeling a great need to pull together with patriotism while protecting fundamental rights. I hope we can continue to do that. We will be glad to work with Senators LEAHY and DASCHLE to see that happens.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1521 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE UNITING AND STRENGTHENING AMERICA ACT OF 2001

Mr. LEAHY. Madam President, last Thursday, October 4, I was pleased to introduce with the Majority Leader, Senator DASCHLE, and the Chairmen of the Banking and Intelligence Committees, as well as the Minority Leader, Senator LOTT, and Senator HATCH and Senator SHELBY, the United and Strengthening America, or USA Act. This is not the bill that I, or any of the sponsors, would have written if compromise was unnecessary. Nor is the bill the administration initially proposed and the Attorney General delivered to us on September 19, at a meeting in the Capitol.

We were able to refine and supplement the administration's original proposal in a number of ways. The administration accepted a number of the practical steps I had originally proposed on September 19 to improve our security on the Northern Border, assist our Federal, State and local law enforcement officers and provide compensation to the victims of terrorist acts and to the public safety officers who gave their lives to protect ours. This USA Act also provides important checks on the proposed expansion of government powers that were not contained in the Attorney General's initial proposal.

In negotiations with the administration, I have done my best to strike a reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I have acquiesced in some of the administration's proposals because it is important to preserve national unity in this time of crisis and to move the legislative process forward.

The result of our labors still leaves room for improvement. Even after the Senate passes judgment on this bill, the debate will not be finished. We will have to consider the important judgments made by the House Judiciary Committee in the version of the legislation making its way through the House. Moreover, I predict that some of these provisions will face difficult tests in the courts and that we in Congress will have to revisit these issues at some time in the future when, as we all devoutly hope, the present crisis has passed. I also intend as Chairman of the Judiciary Committee to exercise careful oversight of how the Department of Justice, the FBI and other executive branch agencies are using the newly-expanded powers that this bill will give them.

The negotiations on this bill have not been easy. Within days of the September 11 attacks, I instructed my staff to begin work on legislation to address security needs on the Northern Border, the needs of victims and State and local law enforcement, and criminal law improvements. A week after the attack, on September 19, the Attorney General and I exchanged the outlines of the legislative proposals and pledged to work together towards our shared goal of putting tools in the hands of law enforcement that would help prevent another terrorist attack.

Let me be clear: No one can guarantee that Americans will be free from the threat of future terrorist attacks, and to suggest that this legislation—or any legislation—would or could provide such a guarantee would be a false promise. I will not engage in such false promises, and those in the administration who make such assertions do a disservice to the American people.

I have also heard claims that if certain powers had been previously authorized by the Congress, we could somehow have prevented the September 11 attacks. Given this rhetoric it may be instructive to review efforts that were made a few years ago in the Senate to provide law enforcement with greater tools to conduct surveillance of terrorists and terrorist organizations. In May 1995, Senator LIEBERMAN offered an amendment to the bill that became the Antiterrorism and Effective Death Penalty Act of 1996 that would have expanded the Government's authority to conduct emergency wiretaps to cases of domestic or international terrorism and added a definition of domestic terrorism to include violent or illegal acts apparently intended to "intimidate, or coerce the civilian population." The consensus, bipartisan bill that we consider today contains a very similar definition of domestic terrorism.

In 1995, however, a motion to table Senator LIEBERMAN's amendment was agreed to in a largely party-line vote, with Republicans voting against the measure. In fact, then Senator Ashcroft voted to table that amendment, and my good friend from Utah, Senator HATCH, spoke against it and opined, "I do not think we should expand the wiretap laws any further." I recall Senator HATCH's concern then that "We must ensure that in our response to recent terrorist acts, we do not destroy the freedoms that we cherish." I have worked very hard to maintain that balance in negotiations concerning the current legislation.

Following the exchange on September 19 of our legislative proposals, we have worked over the last two weeks around the clock with the administration to put together the best legislative package we could. I share the administration's goal of providing promptly the legal tools necessary to deal with the current terrorist threat. While some have complained publicly that the negotiations have gone on for too long, the issues involved are of great importance, and we will have to live with the laws we enact for a long time to come. Demands for action are irresponsible when the road-map is pointed in the wrong direction. As Ben Franklin once noted, "if we surrender our liberty in the name of security, we shall have neither."

Moreover, our ability to make rapid progress was impeded because the negotiations with the administration did not progress in a straight line. On several key issues that are of particular concern to me, we had reached an agreement with the administration on Sunday, September 30. Unfortunately, within two days, the administration announced that it was reneging on the deal. I appreciate the complex task of considering the concerns and missions of multiple federal agencies, and that sometimes agreements must be modified as their implications are scrutinized by affected agencies. When agreements made by the administration must be withdrawn and negotiations on resolved issues reopened, those in the administration who blame the Congress for delay with what the New York Times described last week as "scurrilous remarks," do not help the process move forward.

We have expedited the legislative process in the Judiciary Committee to consider the administration's proposals. In daily news conferences, the Attorney General has referred to the need for such prompt consideration. I commend him for making the time to appear before the Judiciary Committee at a hearing September 25 to respond to questions that Members from both parties have about the administration's initial legislative proposals. I also thank the Attorney General for extending the hour and a half he was able to make in his schedule for the hearing for another fifteen minutes so that Senator FEINSTEIN and Senator SPECTER were able to ask questions before his departure. I regret that the Attorney General did not have the time to respond to questions from all the Members of the Committee either on September 25 or last week, but again thank him for the attention he promised to give to the written questions Members submitted about the legislation. We have not received answers to those written questions yet, but I will make them a part of the hearing record whenever they are sent.

The Chairman of the Constitution Subcommittee, Senator FEINGOLD, also held an important hearing on October 3 on the civil liberties ramifications of the expanded surveillance powers requested by the administration. I thank him for his assistance in illuminating these critical issues for the Senate.

Rule 14: To accede to the administration's request for prompt consideration of this legislation, the leaders decided to hold the USA Act at the desk rather than refer the bill to the committee for markup, as is regular practice. Senator HATCH specifically urged that this occur, and I support this decision. Indeed, when the Senate considered the anti-terrorism act in 1995 after the Oklahoma City bombing, we bypassed committee in order to deal with the legislation more promptly on the floor.

Given the expedited process that we have used to move this bill, I will take more time than usual to detail its provisions.

The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11. Even now, we cannot assess the full measure of this attack in terms of human lives, but we know that the number of casualties is extraordinarily high.

Congress acted swiftly to help the victims of September 11. Within 10 days, we passed legislation to establish a Victims Compensations Program, which will provide fair compensation to those most affected by this national tragedy. I am proud of our work on that legislation, which will expedite payments to thousands of Americans whose lives were so suddenly shattered.

But now more than ever, we should remember the tens of thousands of Americans whose needs are not being met—the victims of crimes that have not made the national headlines. Just one day before the events that have so transformed our nation, I came before this body to express my concern that we were not doing more for crime victims. I noted that the pace of victims legislation had slowed, and that many opportunities for progress had been squandered. I suggested that this year, we had a golden opportunity to make significant progress in this area by passing S.783, the Leahy-Kennedy Crime Victims Assistance Act of 2001.

I am pleased, therefore, that the antiterrorism package now before the Senate contains substantial portions of S.783 aimed at refining the Victims of Crime Act of 1984, VOCA, and improving the manner in which the Crime Victims Fund is managed and preserved. Most significantly, section 621 of the USA Act will eliminate the cap on VOCA spending, which has prevented more than $700 million in fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. Section 621 of the USA Act replaces the cap with a self-regulating system that will ensure stability and protection of Fund assets, while allowing more money to be distributed to the States for victim compensation and assistance.

Other provisions included from S. 783 will also make an immediate difference in the lives of victims, including victims of terrorism. Shortly after the Oklahoma City bombing, I proposed and the Congress adopted the Victims of Terrorism Act of 1995. This legislation authorized the Office for Victims of Crime (OVC) to set aside an emergency reserve of up to $50 million as part of the Crime Victims Fund. The emergency reserve was intended to serve as a "rainy day" fund to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victim compensation program and crime victim assistance services. Last month's disaster created vast needs that have all but depleted the reserve. Section 621 of the USA Act authorizes OVC to replenish the reserve with up to $50 million, and streamlines the mechanism for replenishment in future years.

Another critical provision of the USA Act will enable OVC to provide more immediate and effective assistance to victims of terrorism and mass violence occurring within the United States. I proposed this measure last year as an amendment to the Justice for Victims of Terrorism Act, but was compelled to drop it to achieve bipartisan consensus. I am pleased that we are finally getting it done this year.

These and other VOCA reforms in the USA Act are long overdue. Yet, I regret that we are not doing more. In my view, we should pass the Crime Victims Assistance Act in its entirety. In addition to the provisions that are included in today's antiterrorism package, this legislation provides for comprehensive reform of Federal law to establish enhanced rights and protections for victims of Federal crime. It also proposes several programs to help States provide better assistance for victims of State crimes.

I also regret that we have not done more for other victims of recent terrorist attacks. While all Americans are numbed by the heinous acts of September 11, we should not forget the victims of the 1998 Embassy bombings in East Africa. Eleven Americans and many Kenyan and Tanzanian nationals employed by the United States lost their lives in that tragic incident. It is my understanding that compensation to the families of these victims has in many instances fallen short. It is my hope that OVC will use a portion of the newly replenished reserve fund to remedy any inequity in the way that these individuals have been treated.

Hate Crimes: We cannot speak of the victims of the September 11 without also noting that Arab-Americans and Muslims in this country have become the targets of hate crimes, harassment, and intimidation. I applaud the President for speaking out against and condemning such acts, and visiting a mosque to demonstrate by action that all religions are embraced in this country. I also commend the FBI Director for his periodic reports on the number of hate crime incidents against Arab-American and Muslims that the FBI is aggressively investigating and making clear that this conduct is taken seriously and will be punished.

The USA Act contains, in section 102, a sense of the Congress that crimes and discrimination against Arab and Muslim Americans are condemned. Many of us would like to do more, and finally enact effective hate crimes legislation, but the administration has asked that the debate on that legislation be postponed. One of my greatest regrets regarding the negotiations in this bill was the objections that prevented the Local Law Enforcement Enhancement Act, S. 625, from being included in the USA Act.

The administration's initial proposal was entirely focused on Federal law enforcement. Yet, we must remember that State and local law enforcement officers have critical roles to play in preventing and investigating terrorist acts. I am pleased that the USA Act we consider today recognizes this fact.

As a former State prosecutor, I know that State and local law enforcement officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These New York public safety officers, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local law enforcement partners. The USA Act provides three critical measures of Federal support for our State and local law enforcement officers in the war against terrorism.

First, we streamline and expedite the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and rescue workers who perish or suffer a disabling injury in connection with prevention, investigation, rescue or recovery efforts related to a future terrorist attack.

The Public Safety Officers' Benefits Program provides benefits for each of the families of law enforcement officers, firefighters, and emergency response crew members who are killed or disabled in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of our national fight against terrorism, it is important that we provide a quick process to support the families of brave Americans who selflessly give their lives so that others might live before, during and after a terrorist attack.

This provision builds on the new law championed by Senator CLINTON, Senator SCHUMER and Congressman NADLER to speed the benefit payment process for families of public safety officers killed in the line of duty in New York City, Virginia, and Western Pennsylvania, on September 11.

Second, we have raised the total amount of Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000. This provision retroactively goes into effect to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans during the year. Although this increase in benefits can never replace a family's tragic loss, it is the right thing to do for the families of our fallen heroes. I want to thank Senator BIDEN and Senator HATCH for their bipartisan leadership on this provision.

Third, we expand the Department of Justice Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and authorize a doubling of funding for this year and next year. The RISS Secure Intranet is a nationwide law enforcement network that already allows secure communications among the more than 5,700 Federal, State and local law enforcement agencies. Effective communication is key to effective law enforcement efforts and will be essential in our national fight against terrorism.

The RISS program enables its member agencies to send secure, encrypted communications—whether within just one agency or from one agency to another. Federal agencies, such as the FBI, do not have this capability, but recognize the need for it. Indeed, on September 11, 2001, immediately after the terrorist attacks, FBI Headquarters called RISS officials to request "Smartgate" cards and readers to secure their communications systems. The FBI agency in Philadelphia called soon after to request more Smartgate cards and readers as well.

The Regional Information Sharing Systems Program is a proven success that we need to expand to improve secure information sharing among Federal, State and local law enforcement agencies to coordinate their counterterrorism efforts.

Our State and local law enforcement partners welcome the challenge to join in our national mission to combat terrorism. We cannot ask State and local law enforcement officers to assume these new national responsibilities without also providing new Federal support. The USA Act provides the necessary Federal support for our State and local law enforcement officers to serve as full partners in our fight against terrorism.

I am deeply troubled by continuing reports that information is not being shared with state local law enforcement. In particular, the testimony of Baltimore Police Chief Ed Norris before the House Government Reform Committee last week highlighted the current problem.

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of Border Patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home State of Vermont has seen huge increases in Customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and Customs Service employees in each of the States along the 4,000-mile Northern Border. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the administration agreed that this critical law enforcement improvement should be included in the bill. Senators CANTWELL and SCHUMER in the Committee and Senators MURRAY and DORGAN have been especially strong advocates of these provisions and I thank them for their leadership. In addition, the USA Act, in section 401, authorizes the Attorney General to waive the FTE cap on INS personnel in order to address the national security needs of the United States on the northern border. Now more than ever, we must patrol our border vigilantly and prevent those who wish America harm from gaining entry. At the same time, we must work with the Canadians to allow speedy crossing to legitimate visitors and foster the continued growth of trade which is beneficial to both countries.

In addition to providing for more personnel, this bill also includes, in section 402(4), my proposal to provide $100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. The bill also includes, in section 403(c), an important provision from Senator CANTWELL directing the Attorney General, in consultation with other agencies, to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States. In short, this bill provides a comprehensive high-tech boost for the security of our nation.

This bill also includes important proposals to enhance data sharing. The bill, in section 403, directs the Attorney General and the FBI Director to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center, NCIC, database, as the administration and I both proposed. The Attorney General is directed to report back to the Congress in two years on progress in implementing this requirement. We have also adopted the administration's language, in section 413, to make it easier for the State Department to share information with foreign governments for aid in terrorist investigations.

The USA Act contains a number of provisions intended to improve and update the federal criminal code to address better the nature of terrorist activity, assist the FBI in translating foreign language information collected, and ensure that federal prosecutors are unhindered by conflicting local rules of conduct to get the job done. I will mention just a few of these provisions.

FBI Translators: The truth certainly seems self-evident that all the best surveillance techniques in the world will not help this country defend itself from terrorist attack if the information cannot be understood in a timely fashion. Indeed, within days of September 11, the FBI Director issued an employment ad on national TV by calling upon those who speak Arabic to apply for a job as an FBI translator. This is a dire situation that needs attention. I am therefore gratified that the administration accepted my proposal, in section 205, to waive any federal personnel requirements and limitations imposed by any other law in order to expedite the hiring of translators at the FBI.

This bill also directs the FBI Director to establish such security requirements as are necessary for the personnel employed as translators. We know the effort to recruit translators has a high priority, and the Congress should provide all possible support. Therefore, the bill calls on the Attorney General to report to the Judiciary Committees on the number of translators employed by the Justice Department, any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

Federal Crime of Terrorism: The administration's initial proposal assembled a laundry list of more than 40 Federal crimes ranging from computer hacking to malicious mischief to the use of weapons of mass destruction, and designated them as "Federal terrorism offenses," regardless of the circumstances under which they were committed. For example, a teenager who spammed the NASA website and, as a result, recklessly caused damage, would be deemed to have committed this new "terrorism" offense. Under the administration's proposal, the consequences of this designation were severe. Crimes on the list would carry no statute of limitations. The maximum penalties would shoot up to life imprisonment, and those released earlier would be subject to a lifetime of supervised release. Moreover, anyone who harbored a person whom he had "reasonable grounds to suspect" had committed, or was about to commit, a "Federal terrorism offense"—whether it was the Taliban or the mother of my hypothetical teenage computer hacker—would be subject to stiff criminal penalties. I worked closely with the administration to ensure that the definition of "terrorism" in the USA Act fit the crime.

First, we have trimmed the list of crimes that may be considered as terrorism predicates in section 808 of the bill. This shorter, more focused list, to be codified at 18 U.S.C. §2332(g)(5)(B), more closely reflects the sorts of offenses committed by terrorists.

Second, we have provided, in section 810, that the current 8-year limitations period for this new set of offenses will remain in place, except where the commission of the offense resulted in, or created a risk of, death or serious bodily injury.

Third, rather than make an across-the-board, one-size-fits-all increase of the penalties for every offense on the list, without regard to the severity of the offense, we have made, in section 811, more measured increases in maximum penalties where appropriate, including life imprisonment or lifetime supervised release in cases in which the offense resulted in death. We have also added, in section 812, conspiracy provisions to a few criminal statutes where appropriate, with penalties equal to the penalties for the object offense, up to life imprisonment.

Finally, we have more carefully defined the new crime of harboring terrorists in section 804, so that it applies only to those harboring people who have committed, or are about to commit, the most serious of Federal terrorism-related crimes, such as the use of weapons of mass destruction. Moreover, it is not enough that the defendant had "reasonable grounds to suspect" that the person he was harboring had committed, or was about to commit, such a crime; the Government must prove that the defendant knew or had "reasonable grounds to believe" that this was so.

McDade Fix: The massive investigation underway into who was responsible for and assisted in carrying out the September 11 attacks stretches across State and national boundaries. While the scope of the tragedy is unsurpassed, the disregard for State and national borders of this criminal conspiracy is not unusual. Federal investigative officers and prosecutors often must follow leads and conduct investigations outside their assigned jurisdictions. At the end of the 105th Congress, a legal impediment to such multi-jurisdiction investigations was slipped into the omnibus appropriations bill, over the objection at the time of every member of the Senate Judiciary Committee.

I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. §530B. According to the Justice Department, the McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate federal prosecutions. At a time when we need Federal law enforcement authorities to move quickly to catch those responsible for the September 11 attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on Federal investigations and prosecutions caused by this ill-considered legislation.

On September 19, I introduced S. 1437, the Professional Standards for Government Attorneys Act of 2001, along with Senators HATCH and WYDEN. This bill proposes to modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I am delighted that the administration recognized the importance of S. 1437 for improving Federal law enforcement and combating terrorism, and agreed to its inclusion as section 501 of the USA Act.

The first part of section 501 embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of professional responsibility, and not to the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of section 501 specifically addresses the situation in Oregon, where a State court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See In re Gatti, 330 Or. 517 (2000). Such activities are legitimate and essential crime-fighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, section 501 addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. We need to pass this corrective legislation before more cases are compromised.

Terrorist Attacks Against Mass Transportation Systems: Another provision of the USA Act that was not included in the administration's initial proposal is section 801, which targets acts of terrorism and other violence against mass transportation systems. Just last week, a Greyhound bus crashed in Tennessee after a deranged passenger slit the driver's throat and then grabbed the steering wheel, forcing the bus into the oncoming traffic. Six people were killed in the crash. Because there are currently no Federal laws addressing terrorism of mass transportation systems, however, there may be no Federal jurisdiction over such a case, even if it were committed by suspected terrorists. Clearly, there is an urgent need for strong criminal legislation to deter attacks against mass transportation systems. Section 801 will fill this gap.

Cybercrime: The Computer Fraud and Abuse Act, 18 U.S.C. section 1030, is the primary Federal criminal statute prohibiting computer frauds and hacking. I worked with Senator HATCH in the last Congress to make improvements to this law in the Internet Security Act, which passed the Senate as part of another bill. Our work is included in section 815 of the USA Act. This section would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a definition of "loss" to cover any reasonable cost to the victim in responding to a computer hacker. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of "protected computer," to include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases.

Finally, this section eliminates the current directive to the Sentencing Commission requiring that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least 6 months.

Biological Weapons: Borrowing from a bill introduced in the last Congress by Senator BIDEN, the USA Act contains a provision in section 802 to strengthen our Federal laws relating to the threat of biological weapons. Current law prohibits the possession, development, or acquisition of biological agents or toxins "for use as a weapon." This section amends the definition of "for use as a weapon" to include all situations in which it can be proven that the defendant had any purpose other than a peaceful purpose. This will enhance the Government's ability to prosecute suspected terrorists in possession of biological agents or toxins, and conform the scope of the criminal offense in 18 U.S.C. section 175 more closely to the related forfeiture provision in 18 U.S.C. section 176. This section also contains a new statute, 18 U.S.C. section 175b, which generally makes it an offense for certain restricted persons, including non-resident aliens from countries that support international terrorism, to possess a listed biological agent or toxin.

Of greater consequence, section 802 defines another additional offense, punishable by up to 10 years in prison, of possessing a biological agent, toxin, or delivery system "of a type or in a quantity that, under the circumstances," is not reasonably justified by a peaceful purpose. As originally proposed by the administration, this provision specifically stated that knowledge of whether the type or quantity of the agent or toxin was reasonably justified was not an element of the offense. Thus, although the burden of proof is always on the government, every person who possesses a biological agent, toxin, or delivery system was at some level of risk. I am pleased that the administration agreed to drop this portion of the provision.

Nevertheless, I remain troubled by the subjectivity of the substantive standard for violation of this new criminal prohibition, and question whether it provides sufficient notice under the Constitution. I also share the concerns of the American Society for Microbiology and the Association of American Universities that this provision will have a chilling effect upon legitimate scientific inquiry that offsets any benefit in protecting against terrorism. While we have tried to prevent against this by creating an explicit exclusion for "bona fide research," this provision may yet prove unworkable, unconstitutional, or both. I urge the Justice Department and the research community to work together on substitute language that would provide prosecutors with a more workable tool.

Secret Service Jurisdiction: Two sections of the USA Act were added at the request of the United States Secret Service, with the support of the administration. I was pleased to accommodate the Secret Service by including these provisions in the bill to expand Electronic Crimes Task Forces and to clarify the authority of the Secret Service to investigate computer crimes.

The Secret Service is committed to the development of new tools to combat the growing areas of financial crime, computer fraud, and cyberterrorism. Recognizing a need for law enforcement, private industry and academia to pool their resources, skills and vision to combat criminal elements in cyberspace, the Secret Service created the New York Electronic Crimes Task Force, NYECTF. This highly successful model is comprised of over 250 individual members, including 50 different Federal, State and local law enforcement agencies, 100 private companies, and 9 universities. Since its inception in 1995, the NYECTF has successfully investigated a range of financial and electronic crimes, including credit card fraud, identity theft, bank fraud, computer systems intrusions, and e-mail threats against protectees of the Secret Service. Section 105 of the USA Act authorizes the Secret Service to develop similar task forces in cities and regions across the country where critical infrastructure may be vulnerable to attacks from terrorists or other cyber-criminals.

Section 507 of the USA Act gives the Secret Service concurrent jurisdiction to investigate offenses under 18 U.S.C. section 1030, relating to fraud and related activity in connection with computers. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two. This will enable the Secret Service to investigate a wide range of potential White House network intrusions, as well as intrusions into remote sites, outside of the White House, that could impact the safety and security of its protectees, and to continue its missions to protect the Nation's critical infrastructure and financial payment systems.

Counter-terrorism Fund: The USA Act also authorizes, for the first time, a counter-terrorism fund in the Treasury of the United States to reimburse Justice Department for any costs incurred in connection with the fight against terrorism.

Specifically, this counter-terrorism fund will : one, reestablish an office or facility that has been damaged as the result of any domestic or international terrorism incident; two, provide support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities; three, conduct terrorism threat assessments of Federal agencies; and four, for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

I first authored this counter-terrorism fund in the S. 1319, the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I introduced in August.

The USA Act provides enhanced surveillance procedures for the investigation of terrorism and other crimes. The challenge before us has been to strike a reasonable balance to protect both security and the liberties of our people. In some respects, the changes made are appropriate and important ones to update surveillance and investigative procedures in light of new technology and experience with current law. Yet, in other respects, I have deep concerns that we may be increasing surveillance powers and the sharing of criminal justice information without adequate checks on how information may be handled and without adequate accountability in the form of judicial review.

The bill contains a number of sensible proposals that should be not be controversial.

Wiretap Predicates: For example, sections 201 and 202 of the USA Act would add to the list of crimes that may be used as predicates for wiretaps certain offenses which are specifically tailored to the terrorist threat. In addition to crimes that relate directly to terrorism, the list would include crimes of computer fraud and abuse which are committed by terrorists to support and advance their illegal objectives.

FISA Roving Wiretaps: The bill, in section 206, would authorize the use of roving wiretaps in the course of a foreign intelligence investigation and brings FISA into line with criminal procedures that allow surveillance to follow a person, rather than requiring a separate court order identifying each telephone company or other communication common carrier whose assistance is needed. This is a matter on which the Attorney General and I reached early agreement. This is the kind of change that has a compelling justification, because it recognizes the ease with which targets of investigations can evade surveillance by changing phones. In fact, the original roving wiretap authority for use in criminal investigations was enacted as part of the Electronic Communications Privacy Act, ECPA, in 1986. I was proud to be the primary Senate sponsor of that earlier law.

Paralleling the statutory rules applicable to criminal investigations, the formulation I originally proposed made clear that this roving wiretap authority must be requested in the application before the FISA court was authorized to order such roving surveillance authority. Indeed, the administration agrees that the FISA court may not grant such authority sua sponte. Nevertheless, we have accepted the administration's formulation of the new roving wiretap authority, which requires the FISA court to make a finding that the actions of the person whose communications are to be intercepted could have the effect of thwarting the identification of a specified facility or place. While no amendment is made to the statutory directions for what must be included in the application for a FISA electronic surveillance order, these applications should include the necessary information to support the FISA court's finding that roving wiretap authority is warranted.

Search Warrants: The USA Act, in section 219, authorizes nationwide service of search warrants in terrorism investigations. This will allow the judge who is most familiar with the developments in a fast-breaking and complex terrorism investigation to make determinations of probable cause, no matter where the property to be searched is located. This will not only save time by avoiding having to bring up-to-speed another judge in another jurisdiction where the property is located, but also serves privacy and fourth amendment interests in ensuring that the most knowledgeable judge makes the determination of probable cause. The bill, in section 209, also authorizes voice mail messages to be seized on the authority of a probable cause search warrant rather than through the more burdensome and time-consuming process of a wiretap.

Electronic Records: The bill updates the laws pertaining to electronic records in three primary ways. First, in section 210, the bill authorizes the nationwide service of subpoenas for subscriber information and expands the list of items subject to subpoena to include the means and source of payment for the service.

Second, in section 211, the bill equalizes the standard for law enforcement access to cable subscriber records on the same basis as other electronic records. The Cable Communications Policy Act, passed in 1984 to regulate various aspects of the cable television industry, did not take into account the changes in technology that have occurred over the last 15 years. Cable television companies now often provide Internet access and telephone service in addition to television programming. This amendment clarifies that a cable company must comply with the laws governing the interception and disclosure of wire and electronic communications just like any other telephone company or Internet service provider. The amendments would retain current standards that govern the release of customer records for television programming.

Finally, the bill, in section 212, permits, but does not require, an electronic communications service to disclose the contents of and subscriber information about communications in emergencies involving the immediate danger of death or serious physical injury. Under current law, if an ISP's customer receives an e-mail death threat from another customer of the same ISP, and the victim provides a copy of the communication to the ISP, the ISP is limited in what actions it may take. On one hand, the ISP may disclose the contents of the forwarded communication to law enforcement, or to any other third party as it sees fit. See 18 U.S.C. section 2702(b)(3). On the other hand, current law does not expressly authorize the ISP to voluntarily provide law enforcement with the identity, home address, and other subscriber information of the user making the threat. See 18 U.S.C. section 2703(c)(1)(B),(C), permitting disclosure to government entities only in response to legal process. In those cases where the risk of death or injury is imminent, the law should not require providers to sit idly by. This voluntary disclosure, however, in no way creates an affirmative obligation to review customer communications in search of such imminent dangers.

Also, under existing law, a provider even one providing services to the public may disclose the contents of a customer's communications—to law enforcement or anyone else—in order to protect its rights or property. See 18 U.S.C. section 2702(b)(5). However, the current statute does not expressly permit a provider voluntarily to disclose non-content records, such as a subscriber's login records, to law enforcement for purposes of self-protection. See 18 U.S.C. Section 2703(c)(1)(B). Yet the right to disclose the content of communications necessarily implies the less intrusive ability to disclose non-content records. Cf. *United States* v. *Auler*, 539 F.2d 642, 646 n.9, 7th Cir. 1976, phone company's authority to monitor and disclose conversations to protect against fraud necessarily implies right to commit lesser invasion of using, and disclosing fruits of, pen register device, citing *United States* v. *Freeman*, 524 F.2d 337, 341, 7th Cir. 1975. Moreover, as a practical matter providers must have the right to disclose the facts surrounding attacks on their systems. When a telephone carrier is defrauded by a subscriber, or when an ISP's authorized user launches a network intrusion against his own ISP, the provider must have the legal ability to report the complete details of the crime to law enforcement. The bill clarifies that service providers have the statutory authority to make such disclosures.

Pen Registers: There is consensus that the existing legal procedures for pen register and trap-and-trace authority are antiquated and need to be updated. I have been proposing ways to update the pen register and trap and trace statutes for several years, but not necessarily in the same ways as the administration initially proposed. In fact, in 1998, I introduced with then-Senator Ashcroft, the E-PRIVACY Act, S. 2067, which proposed changes in the pen register laws. In 1999, I introduced the E-RIGHTS Act, S. 934, also with proposals to update the pen register laws.

Again, in the last Congress, I introduced the Internet Security Act, S. 2430, on April 13, 2000, that proposed: one, changing the pen register and trap and trace device law to give nationwide effect to pen register and trap and trace orders obtained by Government attorneys and obviate the need to obtain identical orders in multiple Federal jurisdictions; two, clarifying that such devices can be used for computer transmissions to obtain electronic addresses, not just on telephone lines; and three, as a guard against abuse, providing for meaningful judicial review of government attorney applications for pen registers and trap and trace devices.

As the outline of my earlier legislation suggests, I have long supported modernizing the pen register and trap and trace device laws by modifying the statutory language to cover the use of these orders on computer transmissions; to remove the jurisdictional limits on service of these orders; and to update the judicial review procedure, which, unlike any other area in criminal procedure, bars the exercise of judicial discretion in reviewing the justification for the order. The USA Act, in section 216, updates the pen register and trap and trace laws only in two out of three respects I believe are important, and without allowing meaningful judicial review. Yet, we were able to improve the administration's initial proposal, which suffered from the same problems as the provision that was hastily taken up and passed by the Senate, by voice vote, on September 13, 2001, as an amendment to the Commerce Justice State Appropriations Act.

Nationwide Service: The existing legal procedures for pen register and trap-and-trace authority require service of individual orders for installation of pen register or trap and trace device on the service providers that carried the targeted communications. Deregulation of the telecommunications industry has had the consequence that one communication may be carried by multiple providers. For example, a telephone call may be carried by a competitive local exchange carrier, which passes it at a switch to a local Bell Operating Company, which passes it to a long distance carrier, which hands it to an incumbent local exchange carrier elsewhere in the U.S., which in turn may finally hand it to a cellular carrier. If these carriers do not pass source information with each call, identifying that source may require compelling information from a host of providers located throughout the country.

Under present law, a court may only authorize the installation of a pen register or trap device "within the jurisdiction of the court." As a result, when one provider indicates that the source of a communication is a carrier in another district, a second order may be necessary. The Department of Justice has advised, for example, that in 1996, a hacker, who later turned out to be launching his attacks from a foreign country, extensively penetrated computers belonging to the Department of Defense. This hacker was dialing into a computer at Harvard University and used this computer as an intermediate staging point in an effort to conceal his location and identity. Investigators obtained a trap and trace order instructing the phone company, Nynex, to trace these calls, but Nynex could only report that the communications were coming to it from a long-distance carrier, MCI. Investigators then applied for a court order to obtain the connection information from MCI, but since the hacker was no longer actually using the connection, MCI could not identify its source. Only if the investigators could have served MCI with a trap and trace order while the hacker was actively on-line could they have successfully traced back and located him.

In another example provided by the Department of Justice, investigators encountered similar difficulties in attempting to track Kevin Mitnick, a criminal who continued to hack into computers attached to the Internet despite the fact that he was on supervised release for a prior computer crime conviction. The FBI attempted to trace these electronic communications while they were in progress. In order to evade arrest, however, Mitnick moved around the country and used cloned cellular phones and other evasive techniques. His hacking attacks would often pass through one of two cellular carriers, a local phone company, and then two Internet service providers. In this situation, where investigators and service providers had to act quickly to trace Mitnick in the act of hacking, only many repeated attempts—accompanied by an order to each service provider—finally produced success. Fortunately, Mitnick was such a persistent hacker that he gave law enforcement many chances to complete the trace.

This duplicative process of obtaining a separate order for each link in the communications chain can be quite time-consuming, and it serves no useful purpose since the original court has already authorized the trace. Moreover, a second or third order addressed to a particular carrier that carried part of a prior communication may prove useless during the next attack: in computer intrusion cases, for example, the target may use an entirely different path, i.e., utilize a different set of intermediate providers, for his or her subsequent activity.

The bill would modify the pen register and trap and trace statutes to allow for nationwide service of a single order for installation of these devices, without the necessity of returning to court for each new carrier. I support this change.

Second, the language of the existing statute is hopelessly out of date and speaks of a pen register or trap and trace "device" being "attached" to a telephone "line." However, the rapid computerization of the telephone system has changed the tracing process. No longer are such functions normally accomplished by physical hardware components attached to telephone lines. Instead, these functions are typically performed by computerized collection and retention of call routing information passing through a communications system.

The statute's definition of a "pen register" as a "device" that is "attached" to a particular "telephone line" is particularly obsolete when applied to the wireless portion of a cellular phone call, which has no line to which anything can be attached. While courts have authorized pen register orders for wireless phones based on the notion of obtaining access to a "virtual line," updating the law to keep pace with current technology is a better course.

Moreover, the statute is ill-equipped to facilitate the tracing of communications that take place over the Internet. For example, the pen register definition refers to telephone "numbers" rather than the broader concept of a user's communications account. Although pen register and trap orders have been obtained for activity on computer networks, Internet service providers have challenged the application of the statute to electronic communications, frustrating legitimate investigations. I have long supported updating the statute by removing words such as "numbers . . . dialed" that do not apply to the way that pen/trap devices are used and to clarify the statute's proper application to tracing communications in an electronic environment, but in a manner that is technology neutral and does not capture the content of communications. That being said, I have been concerned about the FBI and Justice Department's insistence over the past few years that the pen/trap devices statutes be updated with broad, undefined terms that continue to flame concerns that these laws will be used to intercept private communications content.

The administration's initial pen/trap device proposal added the terms "routing" and "addressing" to the definitions describing the information that was authorized for interception on the low relevance standard under these laws. The administration and the Department of Justice flatly rejected my suggestion that these terms be defined to respond to concerns that the new terms might encompass matter considered content, which may be captured only upon a showing of probable cause, not the mere relevancy of the pen/trap statute. Instead, the administration agreed that the definition should expressly exclude the use of pen/trap devices to intercept "content," which is broadly defined in 18 U.S.C. 2510(8).

While this is an improvement, the FBI and Justice Department are shortsighted in their refusal to define these terms. We should be clear about the consequence of not providing definitions for these new terms in the pen/trap device statutes. These terms will be defined, if not by the Congress, then by the courts in the context of criminal cases where pen/trap devices have been used and challenged by defendants. If a court determines that a pen register has captured "content," which the FBI admits such devices do, in violation of the Fourth Amendment, suppression may be ordered, not only of the pen register evidence by any other evidence derived from it. We are leaving the courts with little or no guidance of what is covered by "addressing" or "routing."

The USA Act also requires the government to use reasonably available technology that limits the interceptions under the pen/trap device laws "so as not to include the contents of any wire or electronic communications." This limitation on the technology used by the government to execute pen/trap orders is important since, as the FBI advised me June, 2000, pen register devices "do capture all electronic impulses transmitted by the facility on which they are attached, including such impulses transmitted after a phone call is connected to the called party." The impulses made after the call is connected could reflect the electronic banking transactions a caller makes, or the electronic ordering from a catalogue that a customer makes over the telephone, or the electronic ordering of a prescription drug.

This transactional data intercepted after the call is connected is "content." As the Justice Department explained in May, 1998 in a letter to House Judiciary Committee Chairman Henry Hyde, "the retrieval of the electronic impulses that a caller necessarily generated in attempting to direct the phone call" does not constitute a "search" requiring probable cause since "no part of the substantive information transmitted after the caller had reached the called party" is obtained. But the Justice Department made clear that "all of the information transmitted after a phone call is connected to the called party . . . is substantive in nature. These electronic impulses are the 'contents' of the call: They are not used to direct or process the call, but instead convey certain messages to the recipient."

When I added the direction on use of reasonably available technology, codified as 18 U.S.C. 3121(c), to the pen register statute as part of the Communications Assistance for Law Enforcement Act, CALEA, in 1994, I recognized that these devices collected content and that such collection was unconstitutional on the mere relevance standard. Nevertheless, the FBI advised me in June 2000, that pen register devices for telephone services "continue to operate as they have for decades" and that "there has been no change . . . that would better restrict the recording or decoding of electronic or other impulses to the dialing and signaling information utilized in call processing." Perhaps, if there were meaningful judicial review and accountability, the FBI would take the statutory direction more seriously and actually implement it.

Judicial Review: Due in significant part to the fact that pen/trap devices in use today collect "content," I have sought in legislation introduced over the past few years to update and modify the judicial review procedure for pen register and trap and trace devices. Existing law requires an attorney for the Government to certify that the information likely to be obtained by the installation of a pen register or trap and trace device will be relevant to an ongoing criminal investigation. The court is required to issue an order upon seeing the prosecutor's certification. The court is not authorized to look behind the certification to evaluate the judgement of the prosecutor.

I have urged that government attorneys be required to include facts about their investigations in their applications for pen/trap orders and allow courts to grant such orders only where the facts support the relevancy of the information likely to be obtained by the orders. This is not a change in the applicable standard, which would remain the very low relevancy standard. Instead, this change would simply allow the court to evaluate the facts presented by a prosecutor, and, if it finds that the facts support the Government's assertion that the information to be collected will be relevant, issue the order. Although this change will place an additional burden on law enforcement, it will allow the courts a greater ability to assure that government attorneys are using such orders properly.

Some have called this change a "rollback" in the statute, as if the concept of allowing meaningful judicial review was an extreme position. To the contrary, this is a change that the Clinton administration supported in legislation transmitted to the Congress last year. This is a change that the House Judiciary Committee also supported last year. In the Electronic Communications Privacy Act, H.R. 5018, that Committee proposed that before a pen/trap device "could be ordered installed, the government must first demonstrate to an independent judge that 'specific and articulable facts reasonably indicate that a crime has been, is being, or will be committed, and information likely to be obtained by such installation and use . . . is relevant to an investigation of that crime.'" Report 106–932, 106th Cong. 2d Sess., Oct. 4, 2000, p. 13. Unfortunately, the Bush administration has taken a contrary position and has rejected this change in the judicial review process.

Computer Trespasser: Currently, an owner or operator of a computer that is accessed by a hacker as a means for the hacker to reach a third computer, cannot simply consent to law enforcement monitoring of the computer. Instead, because the owner or operator is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. I have long been interested in closing this loophole. Indeed, when I asked about this problem, the FBI explained to me in June, 2000, that:

> This anomaly in the law creates an untenable situation whereby providers are sometimes forced to sit idly by as they witness hackers enter and, in some situations, destroy or damage their systems and networks while law enforcement begins the detailed process of seeking court authorization to assist them. In the real world, the situation is akin to a homeowner being forced to helplessly watch a burglar or vandal while police seek a search warrant to enter the dwelling.

I therefore introduced as part of the Internet Security Act, S. 2430, in 2000, an exception to the wiretap statute that would explicitly permit such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send "harmful interference to a lawfully operating computer system."

The administration initially proposed a different formulation of the exception that would have allowed an owner/operator of any computer connected to the Internet to consent to FBI wiretapping of any user who violated a workplace computer use policy or online service term of service and was thereby an "unauthorized" user. The administration's proposal was not limited to computer hacking offenses under 18 U.S.C. 1030 or to conduct that caused harm to a computer or computer system. The administration rejected these refinements to their proposed wiretap exception, but did agree, in section 217 of the USA Act, to limit the authority for wiretapping with the consent of the owner/operator to communications of unauthorized users without an existing subscriber or other contractual relationship with the owner/operator.

Sharing Criminal Justice Information: The USA Act will make significant changes in the sharing of confidential criminal justice information with various Federal agencies. For those of us who have been concerned about the leaks from the FBI that can irreparably damage reputations of innocent people and frustrate investigations by alerting suspects to flee or destroy material evidence, the administration's insistence on the broadest authority to disseminate such information, without any judicial check, is disturbing. Nonetheless, I believe we have improved the administration's initial proposal in responsible ways. Only time will tell whether the improvements we were able to reach agreement on are sufficient.

At the outset, we should be clear that current law allows the sharing of confidential criminal justice information, but with close court supervision. Federal Rule of Criminal Procedure 6(e) provides that matters occurring before a grand jury may be disclosed only to an attorney for the government, such other government personnel as are necessary to assist the attorney and another grand jury. Further disclosure is also allowed as specifically authorized by a court.

Similarly, section 2517 of title 18, United States Code provides that wiretap evidence may be disclosed in testimony during official proceedings and to investigative or law enforcement officers to the extent appropriate to the proper performance of their official duties. In addition, the wiretap law allows disclosure of wiretap evidence "relating to offenses other than specified in the order" when authorized or approved by a judge. Indeed, just last year, the Justice Department assured us that "law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security." Letter from Robert Raben, Assistant Attorney General, September 28, 2000.

For this reason, and others, the Justice Department at the time opposed an amendment proposed by Senators KYL and FEINSTEIN to S. 2507, the "Intelligence Authorization Act for fiscal year 2001 that would have allowed the sharing of foreign intelligence and counterintelligence information collected from wiretaps with the intelligence community." I deferred to the Justice Department on this issue and sought changes in the proposed amendment to address the Department's concern that this provision was not only unnecessary but also "could" have significant implications for prosecutions and the discovery process" in litigation," "raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons" and jeopardized "the need to protect equities relating to ongoing criminal investigations." In the end, the amendment was revised to address the Justice Department's concerns and passed the Senate as a freestanding bill, S. S. 3205, the Counterterrorism Act of 2000. The House took no action on this legislation.

Disclosure of Wiretap Information: The administration initially proposed adding a sweeping provision to the wiretap statute that broadened the definition of an "investigative or law enforcement officer" who may receive disclosures of information obtained through wiretaps to include Federal law enforcement, intelligence, national security, national defense, protective and immigration personnel and the President and Vice President. This proposal troubled me because information intercepted by a wiretap has enormous potential to infringe upon the privacy rights of innocent people, including people who are not even suspected of a crime, and merely happen to speak on the telephone with the targets of an investigation. For this reason, the authority to disclose information obtained through a wiretap has always been carefully circumscribed in law.

While I recognize that appropriate officials in the executive branch of government should have access to wiretap information that is important to combating terrorism or protecting the national security, I proposed allowing such disclosures where specifically authorized by a court order. Further, with respect to information relating to terrorism, I proposed allowing the disclosure without a court order as long as the judge who authorized the wiretap was notified as soon as practicable after the fact. This would have provided a check against abuses of the disclosure authority by providing for review by a neutral judicial official. At the same time, there was a little likelihood that a judge would deny any requests for disclosure in cases where it was warranted.

On Sunday, September 30, the administration agreed to my proposal, but within two days, it backed away from its agreement. I remain concerned that the resulting provision will allow the unprecedented, widespread disclosure of this highly sensitive information without any notification to or review by the court that authorizes and supervises the wiretap. This is clearly an area where our committee will have to exercise close oversight to make sure that the newly-minted disclosure authority is not being abused.

The administration offered three reasons for reneging on the original deal. First, they claimed that the involvement of the court would inhibit Federal investigators and attorneys from disclosing information needed by intelligence and national security officials. Second, they said the courts might not have adequate security and therefore should not be told that information was disclosed for intelligence or national security purposes. And third, they said the President's constitutional powers under Article II give him authority to get whatever foreign intelligence he needs to exercise his national security responsibilities.

I believe these concerns are unfounded. Federal investigators and attorneys will recognize the need to disclose information relevant to terrorism investigations. Courts can be trusted to keep secrets and recognize the needs of the President.

Current law requires that such information be used only for law enforcement purpose. This provides an assurance that highly intrusive invasions of privacy are confined to the purpose for which they have been approved by a court, based on probable cause, as required by the Fourth Amendment. Current law calls for minimization procedures to ensure that the surveillance does not gather information about private and personal conduct and conversations that are not relevant to the criminal investigation.

When the administration reneged on the agreement regarding court supervision, we turned to other safeguards and were more successful in changing other questionable features of the administration's bill. The administration accepted my proposal to strike the term "national security" from the description of wiretap information that may be shared throughout the executive branch and replace it with "foreign intelligence" information. This change is important in clarifying what information may be disclosed because the term "foreign intelligence" is specifically defined by statute whereas "national security" is not.

Moreover, the rubric of "national security" has been used to justify some particularly unsavory activities by the government in the past. We must have at least some assurance that we are not embarked on a course that will lead to a repetition of these abuses because the statute will now more clearly define what type of information is subject to disclosure. In addition, Federal officials who receive the information may use it only as necessary to the conduct of their official duties. Therefore, any disclosure or use outside the conduct of their official duties remains subject to all limitations applicable to their retention and dissemination of information of the type of information received. This includes the Privacy Act, the criminal penalties for unauthorized disclosure of electronic surveillance information under chapter 119 of title 18, and the contempt penalties for unauthorized disclosure of grand jury information. In addition, the Attorney General must establish procedures for the handling of information that identifies a United States person, such as the restrictions on retention and dissemination of foreign intelligence and counterintelligence information pertaining to United States persons currently in effect under Executive Order 12333.

While these safeguards do not fully substitute for court supervision, they can provide some assurance against misuse of the private, personal, and business information about Americans that is acquired in the course of criminal investigations and that may flow more widely in the intelligence, defense, and national security worlds.

Disclosure of Grand Jury Information: The wiretap statute was not the only provision in which the administration sought broader authority to disclose highly sensitive investigative information. It also proposed broadening Rule 6(e) of the Federal Rules of Criminal Procedure to allow the disclosure of information relating to terrorism and national security obtained from grand jury proceedings to a broad range of officials in the executive branch of government. As with wiretaps, few would disagree that information learned in a criminal investigation that is necessary to combating terrorism or protecting the national security ought to be shared with the appropriate intelligence and national security officials. The question is how best to regulate and limit such disclosures so as not to compromise the important policies of secrecy and confidentiality that have long applied to grand jury proceedings.

I proposed that we require judicial review of requests to disclose terrorism and foreign intelligence information to officials in the executive branch beyond those already authorized to receive such disclosures. Once again, the administration agreed to my proposal on Sunday, September 30, but reneged within two days. As a result, the bill does not provide for any judicial supervision of the new authorization for dissemination of grand jury information throughout the executive branch. The bill does contain the safeguards that I have discussed with respect to law enforcement wiretap information. However, as with the new wiretap disclosure authority, I am troubled by this issue and plan to exercise the close oversight of the Judiciary Committee to make sure it is not being abused.

Foreign Intelligence Information Sharing: The administration also sought a provision that would allow the sharing of foreign intelligence information throughout the executive branch of the government notwithstanding any current legal prohibition that may prevent or limit its disclosure. I have resisted this proposal more strongly than anything else that still remains in the bill. What concerns me is that it is not clear what existing prohibitions this provision would affect beyond the grand jury secrecy rule and the wiretap statute, which are already covered by other provisions in the bill. Even the administration, which wrote this provision, has not been able to provide a fully satisfactory explanation of its scope.

If there are specific laws that the administration believes impede the necessary sharing of information on terrorism and foreign intelligence within the executive branch, we should address those problems through legislation that is narrowly targeted to those statutes. Tacking on a blunderbuss provision whose scope we do not fully understand can only lead to consequences that we cannot foresee. Further, I am concerned that such legislation, broadly authorizing the secret sharing of intelligence information throughout the executive branch, will fuel the unwarranted fears and dark conspiracy theories of Americans who do not trust their government. This was another provision on which the administration reneged on its agreement with me; it agreed to drop it on September 30, but resurrected it within two days, insisting that it remain in the bill. I have been able to mitigate its potential for abuse somewhat by adding the same safeguards that apply to disclosure of law enforcement wiretap and grand jury information.

"Sneak and Peek" Search Warrants: Another issue that has caused me serious concern relates to the administration's proposal for so-called "sneak and peek" search warrants. The House Judiciary Committee dropped this proposal entirely from its version of the legislation. Normally, when law enforcement officers execute a search warrant, they must leave a copy of the warrant and a receipt for all property seized at the premises searched. Thus, even if the search occurs when the owner of the premises is not present, the owner will receive notice that the premises have been lawfully searched pursuant to a warrant rather than, for example, burglarized.

Two circuit courts of appeal, the Second and the Ninth Circuits, have recognized a limited exception to this requirement. When specifically authorized by the issuing judge or magistrate, the officers may delay providing notice of the search to avoid compromising an ongoing investigation or for some other good reason. However, this authority has been carefully circumscribed.

First, the Second and Ninth Circuit cases have dealt only with situations where the officers search a premises without seizing any tangible property. As the Second Circuit explained, such searches are "less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property." United States v. Villegas, 899 F.2d 1324, 1337 (2d Cir. 1990).

Second, the cases have required that the officers seeking the warrant must show good reason for the delay. Finally, while the courts have allowed notice of the search may be delayed, it must be provided within a reasonable period thereafter, which should generally be no more than seven days. The reasons for these careful limitations were spelled out succinctly by Judge Sneed of the Ninth Circuit: "The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed." See United States v. Freitas, 800 F.2d 1451, 1456 (9th Cir. 1986).

The administration's original proposal would have ignored some of the key limitations created by the caselaw for sneak and peek search warrants. First, it would have broadly authorized officers not only to conduct surreptitious searches, but also to secretly seize any type of property without any additional showing of necessity. This type of warrant, which has never been addressed by a published decision of a federal appellate court, has been referred to in a law review article written by an FBI agent as a "sneak and steal" warrant. See K. Corr, "Sneaky But Lawful: The Use of Sneak and Peek Search Warrants," 43 U. Kan. L. Rev. 1103, 1113 (1995). Second, the proposal would simply have adopted the procedural requirements of 18 U.S.C. section 2705 for providing delayed notice of a wiretap. Among other things, this would have extended the permissible period of delay to a maximum of 90 days, instead of the presumptive seven-day period provided by the caselaw on sneak and peek warrants.

I was able to make significant improvements in the administration's original proposal that will help to ensure that the government's authority to obtain sneak and peek warrants is not abused. First, the provision that is now in section 213 of the bill prohibits the government from seizing any tangible property or any wire or electronic communication or stored electronic information unless it makes a showing of reasonable necessity for the seizure. Thus, in contrast to the administration's original proposal, the presumption is that the warrant will authorize only a search unless the government can make a specific showing of additional need for a seizure. Second, the provision now requires that notice be given within a reasonable time of the execution of the warrant rather than giving a blanket authorization for up to a 90-day delay. What constitutes a reasonable time, of course, will depend upon the circumstances of the particular case. But I would expect courts to be guided by the teachings of the Second and the Ninth Circuits that, in the ordinary case, a reasonable time is no more than seven days.

Several changes in the Foreign Intelligence Surveillance Act, FISA, are designed to clarify technical aspects of the statutory framework and take account of experience in practical implementation. These changes are not controversial, and they will facilitate the collection of intelligence for counterterrorism and counterintelligence purposes. Other changes are more significant and required careful evaluation and revision of the administration's proposals.

The USA Act, in section 207, changes the duration of electronic surveillance under FISA in cases of an agent of a foreign power, other than a United States persons, who acts in the United States as an officer or employee of a foreign power or as a member of an international terrorist group. Current law limits court orders in these cases to 90 days, the same duration as for United States persons. Experience indicates, however, that after the initial period has confirmed probable cause that the foreign national meets the statutory standard, court orders are renewed repeatedly and the 90-day renewal becomes an unnecessary procedural for investigators taxed with far more pressing duties.

The administration proposed that the period of electronic surveillance be changed from 90 days to one year in these cases. This proposal did not ensure adequate review after the initial stage to ensure that the probable cause determination remained justified over time. Therefore, the bill changes the initial period of the surveillance 90 to 120 days and changes the period for extensions from 90 days to one year. The initial 120-day period provides for a review of the results of the surveillance or search directed at an individual before one-year extensions are requested. These changes do not affect surveillance of a United States person.

The bill also changes the period for execution of an order for physical search under FISA from 45 to 90 days. This change applies to United States persons as well as foreign nationals. Experience since physical search authority was added to FISA in 1994 indicates that 45 days is frequently not long enough to plan and carry out a covert physical search. There is no change in the restrictions which provide that United States persons may not be the targets of search or surveillance under FISA unless a judge finds probable cause to believe that they are agents of foreign powers who engage in specified international terrorist, sabotage, or clandestine intelligence activities that may involve a violation of the criminal statutes of the United States.

The bill, in section 208, seeks to ensure that the special court established under FISA has sufficient judges to handle the workload. While changing the duration of orders and extensions will reduce the number of cases in some categories, the bill retains the court's role in pen register and trap and trace cases and expands the court's responsibility for issuing orders for records and other tangible items needed for counterintelligence and counter terrorism investigations. Upon reviewing the court's requirements, the administration requested an increase in the number of Federal district judges designated for the court from seven to 11 of whom no less than 3 shall reside within 20 miles of the District of Columbia. The latter provision ensures that more than one judge is available to handle cases on short notice and reduces the need to invoke the alternative of Attorney General approval under the emergency authorities in FISA.

Other changes in FISA and related national security laws are more controversial. In several areas, the bill reflects a serious effort to accommodate the requests for expanded surveillance authority with the need for safeguards against misuse, especially the gathering of intelligence about the lawful political or commercial activities of Americans. One of the most difficult issues was whether to eliminate the existing statutory "agent of a foreign power" standards for surveillance and investigative techniques that raise important privacy concerns, but not at the level that the Supreme Court has held to require a court order and a probable cause finding under the fourth amendment. These include pen register and trap and trace devices, access to business records and other tangible items held by third parties, and access to records that have statutory privacy protection. The latter include telephone, bank, and credit records.

The "agent of a foreign power" standard in existing law was designed to ensure that the FBI and other intelligence agencies do not use these surveillance and investigative methods to investigate the lawful activities of Americans in the name of an undefined authority to collect foreign intelligence or counterintelligence information. The law has required a showing of reasonable suspicion, less than probable cause, to believe that a United States person is an "agent of a foreign power" engaged in international terrorism or clandestine intelligence activities.

However, the "agent of a foreign power" standard is more stringent than the standard under comparable criminal law enforcement procedures which require only a showing of relevance to a criminal investigation. The FBI's experience under existing laws since they were enacted at various time over the past 15 years has been that, in practice, the requirement to show reasonable suspicion that a person is an "agent of a foreign power" has been almost as burdensome as the requirement to show probable cause required by the fourth amendment for more intrusive techniques. The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations, as well as for criminal investigations.

The challenge, then, was to define those investigations. The alternative proposed by the administration was to cover any investigation to obtain foreign intelligence information. This was extremely broad, because the definition includes any information with respect to a foreign power that relates to, and if concerning a United States person is necessary to, the national defense or the security of the United States or the conduct of the foreign affairs of the United States. This goes far beyond FBI counterintelligence and counterterrorism requirements. Instead, the bill requires that use of the surveillance technique or access to the records be relevant to an investigation to protect against international terrorism or clandestine intelligence activities.

In addition, an investigation of a United States person may not be based solely on activities protected by the first amendment. This framework applies to pen registers and trap and trace under section 215, access to records and other items under section 215, and the national security authorities for access to telephone, bank, and credit records under section 506. Lawful political dissent and protest by American citizens against the government may not be the basis for FBI counterintelligence and counterterrorism investigations under these provisions.

A separate issue for pen registers and trap and trace under FISA is whether the court should have the discretion to make the decision on relevance. The administration has insisted on a certification process. I discussed this issue as it comes up in the criminal procedures for pen registers and trap and trace under title 18, and my concerns apply to the FISA procedures as well.

The most controversial change in FISA requested by the administration was the proposal to allow surveillance and search when "a purpose" is to obtain foreign intelligence information. Current law requires that the secret procedures and different probable cause standards under FISA be used only if a high-level executive official certifies that "the purpose" is to obtain foreign intelligence formation. The administration's aim was to allow FISA surveillance and search for law enforcement purposes, so long as there was at least some element of a foreign intelligence purpose. This proposal raised constitutional concerns, which were addressed in a legal opinion provided by the Justice Department, which I insert in the record at the end of my statement.

The Justice Department opinion did not defend the constitutionality of the original proposal. Instead, it addressed a suggestion made by Senator FEINSTEIN to the Attorney General at the Judiciary Committee hearing to change "the purpose" to "a significant purpose." No matter what statutory change is made even the Department concedes that the court's may impose a constitutional requirement of "primary purpose" based on the appellate court decisions upholding FISA against constitutional challenges over the past 20 years.

Section 218 of the bill adopts "significant purpose," and it will be up to the courts to determine how far law enforcement agencies may use FISA for criminal investigation and prosecution beyond the scope of the statutory definition of "foreign intelligence information."

In addition, I proposed and the administration agreed to an additional provision in Section 505 that clarifies the boundaries for consultation and coordination between officials who conduct FISA search and surveillance and Federal law enforcement officials including prosecutors. Such consultation and coordination is authorized for the enforcement of laws that protect against international terrorism, clandestine intelligence activities of foreign agents, and other grave foreign threats to the nation. Protection against these foreign-based threats by any lawful means is within the scope of the definition of "foreign intelligence information," and the use of FISA to gather evidence for the enforcement of these laws was contemplated in the enactment of FISA. The Justice Department's opinion cites relevant legislative history from the Senate Intelligence Committee's report in 1978, and there is comparable language in the House report.

The administration initially proposed that the Attorney General be authorized to detain any alien indefinitely upon certification of suspicion to links to terrorist activities or organizations. Under close questioning by both Senator KENNEDY and Senator SPECTER at the Committee hearing on September 25, the Attorney General said that his proposal was intended only to allow the Government to hold an alien suspected of terrorist activity while deportation proceedings were ongoing. In response to a question by Sen. SPECTER, the Attorney General said: "Our intention is to be able to detain individuals who are the subject of deportation proceedings on other grounds, to detain them as if they were the subject of deportation proceedings on terrorism." The Justice Department however continued to insist on broader authority, including the power to detain even if the alien was found not to be deportable.

I remain concerned about the provision, in section 412, but I believe that it is has been improved from the original proposal offered by the administration. Specifically, the Justice Department must now charge an alien with an immigration or criminal violation within seven days of taking custody, and the merits of the Attorney General's certification of an alien under this section is subject to judicial review. Moreover, the Attorney General can only delegate this power to the Commissioner of the INS, ensuring greater accountability and preventing the certification decision from being made by low-level officials. Nonetheless, I would have preferred that this provision not be included, and I would urge the Attorney General and his successors to employ great discretion in using this new power.

In addition, the administration initially proposed a sweeping definition of terrorist activity and new powers for the Secretary of State to certify an organization as a terrorist organization for purposes of immigration law. We were able to work with the administration to refine this definition to limit its application to individuals with innocent contacts to non-certified organizations. We also limited the retroactive effect of these new definitions. If an alien solicited funds or membership, or provided material support for an organization that was not certified at that time by the Secretary of State, the alien will have the opportunity to show that he did not know and should have known that his action would further the organizations terrorist activity. This is a substantially more protective than the administration's proposal, which by its terms, would have empowered INS to deport someone who raised money for the African National Congress. Throughout our negotiations on these issues, Senator KENNEDY provided steadfast help. Although neither of us are pleased with the final product, it is far better than it would have been without his leadership.

I was disappointed that the administration's initial proposal authorizing the President to impose unilateral food and medical sanctions would have undermined a law we passed last year with overwhelming bipartisan support.

Under that law, the President already has full authority to impose unilateral food and medicine sanctions during this crisis because of two exceptions built into the law that apply to our current situation. Nevertheless, the administration sought to undo this law and obtain virtually unlimited authority in the future to impose food and medicine embargoes, without making any effort for a multi-lateral approach in cooperation with other nations. Absent such a multi-lateral approach, other nations would be free to step in immediately and take over business from American firms and farmers that they are unilaterally barred from pursuing.

Over 30 farm and export groups, including the American Farm Bureau Federation, the Grocery Manufacturers of America, the National Farmers Union, and the U.S. Dairy Export Council, wrote to me and explained that the administration proposal would "not achieve its intended policy goal."

I worked with Senator ENZI, and other Senators, on substitute language to give the administration the tools it needs in this crisis. This substitute has been carefully crafted to avoid needlessly hurting American farmers in the future, yet it will assure that the United States can engage in effective multilateral sanctions.

This bipartisan agreement limits the authority in the bill to existing laws and executive orders, which give the President full authority regarding this conflict, and grants authority for the President to restrict exports of agricultural products, medicine or medical devices. I continue to agree with then-Senator Ashcroft, who argued in 1999 that unilateral U.S. food and medicine sanctions simply do not work when he introduced the "Food and Medicine for the World Act." As recently as October 2000, then-Senator Ashcroft pointed out how broad, unilateral embargoes of food or medicine are often counterproductive. Many Republican and Democratic Senators made it clear just last year that the U.S. should work with other countries on food and medical sanctions so that the sanctions will be effective in hurting our enemies, instead of just hurting the U.S. I am glad that with Senator ENZI's help, we were able to make changes in the trade sanctions provision to both protect our farmers and help the President during this crisis.

I have done my best under the circumstances to confine the amendment demands to those matters that are consensus legal improvements. I concede that my efforts have not been completely successful and there are a number of provisions on which the administration has insisted with which I disagree. Frankly, the agreement that was made September 30, 2001 would have led to a better balanced bill. I could not stop the administration from reneging on the agreement any more than I could have sped the process to reconstitute this bill in the aftermath of those breaches.

In these times we need to work together to face the challenges of international terrorism. I have sought to do so in good faith.

## THE WHEELING, WEST VIRGINIA RENAISSANCE

Mr. BYRD. Madam President, there is a renaissance occurring in West Virginia's Northern Panhandle. In the city of Wheeling, through the Wheeling National Heritage Area initiative, local leaders are revitalizing areas of cultural and historic significance in order to create a brighter future for their community.

On August 15, I had the opportunity to attend the dedication of the latest milestone in these revitalization efforts—the Wheeling Heritage Port, which is nestled on a bank of the magnificent Ohio River. Wheeling, the Mountain State's first capital, is not only rich in natural resources, but also in history.

In its beginnings, Wheeling was a small outpost that represented the westernmost point of eastern settlement in a young country. Because of its location, Wheeling became the window of the West and a gateway to the unknown. Travelers flocked to this new epicenter of commerce and transportation in pursuit of fortune and adventure. After the Civil War, Wheeling, and much of the Northern Panhandle, experienced a postwar industrial expansion that brought to the area great prosperity that would last well into the 20th century. A booming economy, combined with a natural beauty and a genteel society, ushered in an era of Victorian splendor.

However, as market demands changed, Wheeling—along with most industrial regions throughout this nation and across West Virginia—repositioned itself, transitioning from an industrial base to a more diverse, high-tech economy. While it has focused on economic development, the city also has kept an eye on preserving its rich cultural and historic areas.

I have supported Wheeling's efforts to redevelop its historic downtown by winning congressional approval for legislation that established the Wheeling National Heritage Area. The mission of a heritage area is to preserve the lessons of history for future generations so that they can better lead tomorrow. The Wheeling Port is just one of the many components of the heritage area, which includes the Wheeling Visitors Center and the Artisan Center. I am very fortunate to have had the opportunity to assist the city of Wheeling in these initiatives, but the man who first exhibited the vision for renewal of this city was my friend, the late Harry Hamm.

It was Harry, more than anyone, who recognized that Wheeling, like other industrial regions in America, would need to transform its economy. In his own words, Harry said that Wheeling would have to "take the old, idle, and abandoned factories . . . and create in them . . . a public place where people can feel at home. . . ." In an effort to accomplish this task, Harry laid out a plan that would promote the city's heritage and, once again, establish it as a national center of commerce and trade. Harry envisioned Wheeling as a hub of high-technology and as a new port of entry to the heartland of our country.

For those of us who knew Harry, we know that he was not an unrealistic dreamer, but that he was a man who worked hard and tirelessly to propel Wheeling toward a brighter future. It was his foresight and leadership that brought about the establishment of the Wheeling National Heritage Area. Although Harry passed away several years ago, if you ever have the opportunity to travel to Wheeling, you will undoubtably see the imprint that he left on this wonderful city.

Among Harry's ideas for revitalizing the downtown area of Wheeling was the resurrection of the vibrant heart of the city—the waterfront. The port once served as a main destination point for steamboats traveling down the Ohio River. Now, with its restoration complete, the port will recreate the bustle of the steamboat port that it once was. It will serve as a civic "open space"—a community meeting place enlivened by festivals and concerts.

The port's restoration is another step to ensure that Wheeling's legacy to America is preserved for generations to come. The community's efforts to embrace its cultural and historic heritage, while also investing in its future, provide us with a glimpse into the ongoing restoration and redevelopment of our nation's industrial regions. The activities undertaken in Wheeling could serve as a blueprint for post-industrial America and the communities in pursuit of a revitalized economy. As the Wheeling of old served as a guidepost in America's westward expansion, the new Wheeling can serve as a model for a 21st century economy and a 21st century community that has not forgotten its past.

At the dedication of the port, Rabbi Ronald H. Bernstein-Goff of Temple Shalom and Dr. D.W. Cummings of Bethlehem Apostolic Temple, both of Wheeling, offered the invocation and the benediction, respectively. Madam President, I ask unanimous consent to have these prayers printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### PRAYER BY RABBI RONALD H. BERNSTEIN-GOFF, D.D.

Master of the universe—Creator of Earth and sky, fire and water, and author of time, flowing like a great river, carrying us down the days and years of our lives.

We gather here today with gratitude for the rich history, the vitality, and prosperity, which those who came before us worked and labored to create, we were proud in the past, because we were prosperous; we had dignity, because we were successful; we had hope, because we seemed to be in control of our destinies.

It seems to us like yesterday, although the river has carried us very far from that past. We acknowledge that it has taken us too long to deal with the realities of decline and decay; too long to deal with our feelings of guilt and shame, as buildings were boarded up and the joyful noise of life faded into uneasy silence; too long to face our fear of change—our fear of the unknown. And just because we have had faith in you, does not mean we had faith in ourselves or in each other.

Yet, you have taught us that out of suffering and struggle, distress and despair, comes the capacity for renewal and self-transformation.

"Out of the depths have I called you, O God".—Psalm 130:1.

"Revive my spirit, lest I sleep the sleep of death."—Psalms: 13:4:16.

How can we thank You then, for giving us the wisdom and the courage to stand before You this day, as we dedicate ourselves to a new hopefulness and a new reality? How can we thank You for bringing us beyond nostalgia to a waking vision of the future; to a renewed sense of solidarity and purpose in our community—our hopeful city; how can we thank You for the awareness that only by facing reality can we change it; for reminding us that You fashioned us beyond dust and ashes; that we can be little lower than the angels after all.

We thank You for the vision of our local leadership; of the Wheeling National Heritage Corporation, and Mayor Nick Sparachane.

We are grateful for the presence of Congressman Alan B. Mollohan who is with us this morning to help us dedicate heritage port.

We thank You for Senator Robert Byrd—his dedication, his devotion, and his love for the people of West Virginia. Because of his vision, drive and commitment, the people of Wheeling have a new place of beauty to imagine a brighter future.

Bless us all, and the work of our hands. With pride in our past, with hope for our future, with faith in You and faith in each other do we gather this day to dedicate this heritage port.

Amen.

### THE BENEDICTION PRAYER, BY DR. D.W. CUMMINGS

Dear Father, O Father, Father of us all. Red, Yellow, Black and White, we are precious in your sight. Thank you for the dedication of Wheeling Heritage Port. Thank you for our local leadership. The may of Wheeling, the councilmen of Wheeling, the Wheeling Heritage Port Board, Representative Mollohan, Senator Robert C. Byrd and all who made this dream come true.

Thank you for the memory of Harry Ham. Thank you for the knowledge that one of the main reasons why Wheeling is not the Capital of the state of West Virginia is because of a clown.

Lord, we know that is not the end of a Hopeful City, and neither is it the beginning. But Lord, let it be the end of the beginning. Help us to move to the next level of making Wheeling and the Ohio Valley a more hopeful area, and a more hopeful city for all its residents.

Gracious Lord, help us to always remember that "Righteousness exalteth a nation, but sin is a reproach to any people." In Jesus name Amen.

## FIREFIGHTERS MEMORIAL DAY

Mr. CAMPBELL. Madam President, today I would like to take a moment and recognize all those brave firefighters who died in the line of duty last year.

This past Sunday—October 7—was National Fallen Firefighters Memorial Day. The President and Mrs. Bush joined with thousands of family members and friends at the National Fallen Firefighters Memorial, located in Emmitsburg, MD, to honor those who have given the ultimate sacrifice. In 2000, 99 brave men and women in 38 States and Puerto Rico lost their lives trying to save the lives of others. I am saddened to say Mr. Robert W. Crump from the Denver Fire Department was one of the many honored this past weekend.

In 1999, over 1.8 million fires were attended to by a public fire department. That means fire departments across the country responded to a fire once every 17 seconds. In that same year, fire resulted in over $10 billion of property damage, almost 22,000 civilian injuries, and almost 3,000 civilian deaths.

We currently have over a million firefighters in the United States. While there are thousands of career firefighters that serve us each day in cities across the country, there are over 785,000 volunteer firefighters. In fact, most communities with less than 25,000 people are served by these volunteer units.

As we saw on September 11th, firefighters are among the first on the scene. It is without a doubt that there would have been hundreds if not thousands of more victims without the help of those brave public servants. It is our job to make sure that these our firefighters have the right tools and training so that they may continue to work saving thousands of people each year.

We must also remember that these acts of bravery not only occur in our cities but also in our national forests. As a citizen of the American West, I have seen the devastating effect forest fires have on our country. An average of over 100,000 fires burn nearly 4 million acres each year. Federal forest firefighters based throughout the country work with local departments to protect the national forest system.

Since 1981 the names of 2,181 firefighters have been added to the plaques that surround the National Fallen Firefighters Memorial. As a Co-Chairman of the Congressional Fire Services Caucus, I will continue to work to insure that these firefighters will not be forgotten.

## RECOGNITION OF TOM MORFORD

Mr. HARKIN. Madam President, I rise today to say thank you and farewell to a trusted friend and a dedicated public servant, Tom Morford. For the past 5 years, Tom has served as the deputy administrator of the Health Resources and Services Administration, helping to bring health care to millions of underserved Americans. Without much fanfare or public recognition, he has quietly and dutifully served the American people in this post and in many others over the past three decades.

I do not know if Tom had planned for such a long career in public service when he came to Washington in 1971. Since he first began as a management intern at the then Department of Health, Education and Welfare, Tom has held numerous positions, authored 12 papers, and received more awards than time will allow me to recite.

For the past five years as deputy administrator at HRSA, Tom spent his days making hundreds of phone calls, reviewing budgets, and signing contracts. It isn't the kind of work that will make you famous, but it does make a tremendous difference.

Tom was responsible for some of America's most vital public health programs; the construction of health care facilities, the operation of health clinics in underserved areas, and the training of healthcare professionals. His leadership helped strengthen the nation's community health centers, bringing primary health care services to nearly 12 million people this past year alone. Tom also helped pioneer the comprehensive telehealth network which provides first-class health care to the hardest to reach communities.

Yet Tom's accomplishments go much further than the systems he oversaw or the facilities he helped build. Tom's greatest skill has always been his desire to put aside egos and politics so he could concentrate on serving the American people. From the secretaries and grants officers at HRSA to Members of Congress, Tom listens, builds relationships and trust, then gets the job done. By his example alone, Tom reminds us why we entered public service—to make a difference.

Now, thirty years later, Tom has decided to move on. He leaves behind a tremendous legacy and our nation's health care system is better for his efforts. While he will be sorely missed, we thank him for what he has already anonymously done for millions of people.

It is said that "a hand never opens in vain." Tom Morford has spent the last

30 years opening his hands to a succession of presidents and secretaries, to legislators, and to health care providers and advocates. Most importantly, Tom Morford opened his hands to the millions of forgotten who are often left in the shadows of our society.

On behalf of my colleagues in the Congress and the millions of Americans who don't know Tom, but who benefit from his work, I say a simply thank you. Thank you, Tom, for opening your hands to lift those most in need. You will be missed.

Mr. SPECTER. Today I want to salute and thank Mr. Thomas G. Morford, as he retires from the Department of Health and Human Services (HHS), after almost 30 years of dedicated service to the American people. As the Ranking Member of the Labor, HHS, and Education Subcommittee on Appropriations, I want to express my gratitude to Tom for the assistance he has provided to our subcommittee over the years. His knowledge of appropriations law and the federal budgetary process, and his willingness to assist my staff has been an invaluable service to the subcommittee. Tom spent many long hours, working under tight deadlines, putting together the President's budget and, in turn, helping our subcommittee complete our appropriations bills. Vital programs like Healthy Start, the National Health Service Corps, Ryan White AIDS programs, and Health Professions—to name a few—have benefited from Tom's tireless efforts.

Tom has been a valued member of the staff at HHS, first in the Office of the Secretary, then with the Health Care Financing Administration, and finally with the Health Resources and Services Administration. My staff and I will miss his presence, guidance, patience, and good humor during the fiscal year 2002 appropriations season and beyond. But, more importantly, the American people are losing a valued and dedicated public servant. Tom is one of those unsung heroes throughout our government who has made it his life's work to help those in need. But today, as Tom leaves us, I want to sing his praises and let all who hear this know what a great loss his departure means to so many of us. I recognize, though, that Tom is embarking on another new and exciting chapter in his life, both personally and professionally. I know that one of Tom's goals is to spend more time with his wife, Gail, and their two daughters, which his retirement will allow him to do. I also know that Tom plans to continue to use his talents and gifts to help others in his new position with Johns Hopkins University. He deserves the very best in these future endeavors and, therefore, today I extend my heartfelt praise, thanks, and best wishes.

## CAPTAIN ROBERT E. DOLAN, U.S. NAVY

Mr. WARNER. Madam President, I rise today to honor and pay tribute to the life of one of our servicemen who perished at the Pentagon during the horrific events of 11 September, Navy Captain Robert E. Dolan. During one of my many recent visits to the site where so many tragically lost their lives, I met Captain Dolan's widow, Mrs. Lisa Dolan. As we stood together on the southwest lawn of the Pentagon, we spoke of her husband and of his devotion to his family and the Navy in which he was so proud to serve. Mrs. Dolan then handed me a copy of a letter of tribute to her husband which she had written. While this letter was written to specifically honor Mrs. Dolan's husband, it could easily apply to many of those who paid the ultimate price on that terrible morning.

Captain Bob Dolan, a 1981 graduate of the U.S. Naval Academy, was first and foremost, a loving husband and devoted father to his two children. He was also a model Naval officer, having spent nearly half of his 20 year career on sea duty. Captain Dolan served on a variety of surface ships, ranging from the amphibious helicopter carrier, U.S.S. *Inchon*, LPH–12, to the state-of-the art Aegis cruiser, U.S.S. *Thomas S. Gates*, CG–51, and culminating in his superb command of the destroyer, U.S.S. *John Hancock*, DD–981, with its very appropriate motto, "First for Freedom". His shore tours included time on the staff of the Chairman of the Joints Chiefs of Staff and his exceptional service was recognized with multiple awards, including the Defense Meritorious Service Medal.

I ask unanimous consent that the letter of tribute which Mrs. Dolan wrote to the friends and family of her late husband be printed in the Record. I hope it will serve as a reminder to us all of the terrible losses inflicted on this Nation by an unseen and cowardly enemy.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> My husband, Captain Robert E. Dolan, and the people who perished along with him at the Pentagon, died as he lived: a hero.
>
> He saw himself as an American with a simple life.
>
> He was a man who saw his duty clearly, and did it unselfishly.
>
> He was a man who knew honor as a badge, and wore it proudly.
>
> He was a man who viewed service as a privilege, and performed it to the best of his ability.
>
> To him, that was a simple life. But Captain Robert E. Dolan was anything but simple. He was a leader of men. He influenced thousands of members of the military family as Commander of the USS *John Hancock*, which has a motto of "First for Freedom." He influenced many more as a fellow citizen, because Bob Dolan was every American. A quiet patriot. A good neighbor. A friend and fellow citizen. You see him every week coaching at Little League games and chaperoning at school dances. You sit next to him in churches and synagogues. You stand in line with him to vote.
>
> And he was so much more than just a military leader to those who knew him best. He was:
>
> A loving father to his daughter, Rebecca, and son, Beau.
>
> A faithful and devoted husband.
>
> A dutiful and respectful son.
>
> A wonderful brother.
>
> A good and true friend.
>
> Bob Dolan was the best and the brightest this country had to offer to the altar of freedom. That very freedom is an ideal that the rest of the world can only wonder at, and strive to comprehend the magnitude and glory of.
>
> The Americans—both civilian and military—killed and wounded in the past few days under this unwarranted attack, join the ranks of patriots fallen in other conflicts. They are Americans all, and our duty is to remember them as heroes. Let us record that as their tribute. Let history record that as their legacy.
>
> Abraham Lincoln once said: "there is a divinity that shapes our ends." That divinity has now shaped Bob's destiny. Like Lincoln, "he belongs to the ages."
>
> We pray that his rest is peaceful. Although ours cannot be, we rest easy in the memories of an American hero, and many more like him, so very much touched by the hand of God.
>
> Sincerely,
>
> Lisa Dolan

## THE AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT

Mr. ROCKEFELLER. Madam President, I am proud to have joined last week with the Chairman and Ranking Republican Member of the Senate Small Business and Entrepreneurship Committee, as well as a bipartisan group of my colleagues to cosponsor S. 1499, the American Small Business Emergency Relief and Recovery Act of 2001.

It is no exaggeration to say that small businesses have always solidified the economic foundation of our country. While the Fortune 500 companies make the news, small businesses create most of the jobs and are responsible for much of the economy's growth. When terrorists attacked our country on September 11, there were many unforeseen and unfortunate side-effects. Our economy, which was going through a tough period anyway, suffered a significant blow that day and in the days that followed, and we can only hope that the recovery is rapid and steady. Unfortunately, the adverse effects of the September 11 attacks on many our Nation's 25 million small businesses may turn out to be even more profound than those sustained by the economy as a whole.

The bipartisan proposal that my colleagues and I have introduced will provide a measure of the critical financial relief necessary to help small businesses recover from the financial losses and other damages incurred in the days and weeks following the attacks.

Specifically, this emergency legislation will ensure greater stability in the industry by strengthening and expanding access to the Small Business Administration's loans and management counseling. By aiding small businesses in their efforts to meet payments on existing debts, to finance their businesses, and to maintain and create new jobs, this legislation helps entrepreneurs and their employees to remain productive and self-sufficient. This bill attempts to save valuable jobs and resources placed in jeopardy by addressing the decreasing availability of credit and venture capital afforded small businesses by traditional lenders and investors. In an effort to encourage new investment, this measure includes changes to two of SBA's main non-disaster lending programs put in place to facilitate borrowing and lending.

By providing incentives for loans and investment, this bill protects those small businesses directly affected because they are physically located in or near the buildings and areas attacked. Our hearts go out to the businesses and workers in this category, because on top of severe financial hardships, many in this category may have also suffered the loss of loved ones and co-workers.

The bill also targets small businesses directly or indirectly affected because they are suppliers, service providers, or complementary industries to any affected industry. This is the type of assistance that might help small businesses like the Galley Restaurant in the Benedum Airport in Bridgeport, WV. When the FAA shut down commercial aviation for several days in the wake of the attacks, business at the Galley just stopped. Likewise, the bill could help the Mountain State Travel Agency in Clarksburg, WV. In the days after the attacks, Mountain State has seen its business dry up to virtually nothing. It is my hope and belief that this legislation may help the Galley's owner, Beverly Bland, and Mountain State's owner, Maria Elena Oliverio, and the owners of thousands of small businesses in West Virginia and throughout the country, from having to close the doors of their small businesses.

Finally, the bill will provide assistance to small businesses in need of capital and investment financing, procurement assistance or management counseling. The incentives include physical and economic injury disaster loans, reductions in interest rates, and easier approval standards on Guaranteed Business Loans.

Small businesses across our Nation are in great need of economic assistance. The vitality of this sector is of crucial importance to our economy. This bill will allow thousands of working families the opportunity to maintain a reasonable standard of living, and give small business owners the boost they need to maintain and hopefully grow their businesses.

## EXPRESSING GRATITUDE TO THE MEXICAN SENATE FOR ITS SUPPORT IN THE FIGHT AGAINST TERRORISM

Mr. DODD. Madam President, last week representatives of the Mexican Senate came to the U.S. Senate to meet with legislators and express their support for the U.S.-led effort against terrorism. Mexico has always been a close neighbor and friend to the United States, and the Senators traveled here to ensure us that, in this time of need, our friend and ally Mexico stands by us.

The delegation of Mexican Senators presented the Majority Leader, Mr. DASCHLE, with a letter from Diego Fernandez De Cevallos, the President of the Mexican Senate, which expresses the Mexican Senate's condolences in the aftermath of the tragic events of September 11th. That letter also contained a statement from the entire membership of the Mexican Senate commenting on the attacks and the unique relationship between Mexico and the United States. I think that my colleagues would benefit from seeing these comments in the RECORD.

At times like these every expression of support from our allies is important. However, given the special relationship between the United States and Mexico, it is even more important to see evidence that out allegiance is strong. These letters prove exactly that. I thank the Mexican Senate for their support.

I ask unanimous consent that the letter and statement from the Mexican Senators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEXICO D.F.,
*October 2, 2001.*

Hon. TOM DASCHLE,
*Majority Leader, U.S. Senate, Capitol Building, Washington DC.*

DEAR SENATOR DASCHLE: On the occasion of the visit of a delegation of Mexican Senators to the United States, and in the name of the Senate of the Republic of Mexico, allow me to express to the people and to the Government of the United States, our profound shock and most sincere condolences with respect to the acts of terrorism perpetrated on September 11, 2001 against humanity itself.

It is truly hard to find words adequate to convey the sadness and anguish that all Mexicans feel at the loss of so many innocent lives.

As legislators there are many things we can do together with the U.S. and other Congresses to confront the barbaric threat of terrorism of any kind, as well as the harm that is caused by various forms of fanaticism.

We declare ourselves once again unequivocally in favor of peace, justice, and international solidarity.

I have asked the delegation of Mexican Senators who are visiting your Congress this week to provide you with a copy of the statement which was made by the Mexican Senate on September 11 in response to that tragic act, which we also provided to his Excellency Ambassador Jeffrey Davidow so that it might be known to the American people and the Government of the United States.

Sincerely,
DIEGO FERNANDEZ DE CEVALLOS,
*President of the Mexican Senate.*

STATEMENT OF THE MEXICAN SENATE

*September 11, 2001.*

"The Mexican Senate wishes to express to the Government of the United States of America as well as to all Nations, its most profound sympathy and deep indignation relative to the barbarous acts which today have offended the entire world.

"The Mexican Senate calls upon all men and women of good faith to prevent this tragedy from escalating into an interminable blood bath.

"Let us bring together the governments and peoples of the world to work together to guard against further harm; to scrupulously respect human rights throughout the world; and to build together a peaceful, dignified, and just world for all mankind."

## THE U.S. ROLE IN OCEAN EXPLORATION

Mr. AKAKA. Madam President, as we contend with the threats of global terrorism and our national sorrow in the aftermath of September 11th, we must focus on the accomplishments, ideals, and spirit that make America great and look to the future with a renewed sense of resolve and hope. As we engaged in exploring the American continent in the 19th century, and the far reaches of space in the 20th century, we must welcome, in this new century, the challenge of exploring our oceans, the last uncharted frontier. Oceans make up 70 percent of the earth's surface, yet we have characterized less than ten percent of the United States' Exclusive Economic Zone. Within our EEZ, the United States has jurisdiction over more submerged lands than terrestrial lands. Newly charted research voyages and state-of-the-art underwater technology give us the tools we need to make new discoveries to aid us in better understanding this underwater world.

My focus on ocean exploration is timely because the National Oceanic and Atmospheric Administration celebrated the culmination of two voyages of discovery in Charleston, South Carolina, on October 1, 2001. The "Deep East Expedition" and "Islands in the Stream" projects represent two important steps in revitalizing our exploration of the oceans. Through these journeys, NOAA scientists and their partners are uncovering the ocean's secrets.

The "Deep East Expedition" sailed from Maine to Georgia to investigate the diversity of deep-sea coral beds and gas hydrate communities that may contain new energy resources. On a simultaneous timetable, "Islands in the

Stream" followed the Gulf Stream both from Belize to North Carolina. Scientists investigated ocean currents in the Gulf of Mexico, dove in submersibles examining coral reef and hard-bottom communities, and conducted acoustic surveys to characterize the ocean floor. NOAA partnered on these two projects with Woods Hole and Harbor Branch Oceanographic Institutes, the National Geographic Society, numerous universities and other federal agencies, such as NASA and the U.S. Geological Survey.

This summer, NOAA's flagship research vessel, the *Ronald H. Brown*, returned from an unparalleled journey of discovery in the undersea Astoria Canyon, beyond the mouth of the Columbia River in Oregon. This voyage was titled the "Lewis and Clark Legacy Expedition" and was intended to be an extension of that historic journey which ended at the mouth of the Columbia River almost two hundred years ago. The scientists discovered two new species of invertebrates and viewed deep-water communities never before seen, at depths of over one half mile. Using advanced sonar technology, scientists created three-dimensional views of the canyon's sea floor texture and discovered an ancient shoreline from the last ice age, over 17,000 years ago. These discoveries will help answer questions about how glaciers, earthquakes, and plate movement affect the earth's geological history and its future.

Just as Thomas Jefferson commissioned Lewis and Clark in 1803 to gather scientific facts of the uncharted Western lands, so too must we be visionary in commissioning our best scientists to map and discover unknown reaches of the oceans. We must duplicate Jefferson's "Corps of Discovery" for our ocean depths. This undiscovered domain is believed to contain many times the biomass of all the rainforests and terrestrial life forms combined.

Today's pioneers in ocean exploration have already embarked upon this journey. Just as explorers of the past mapped the mountain ranges and the riverways of our nation, these modern explorers have begun mapping the ranges and riverways beneath the surface of the ocean. Two weeks ago Congress heard many of these explorers, researchers and managers speak about the important role of the oceans in global climate change, weather patterns and carbon cycling, as we celebrated the first annual Congressional Oceans Day. Presenters highlighted the successes of ocean exploration and the challenges that lie ahead.

Recent developments in sonar and submersible vehicles promise to accelerate discoveries in ocean depths. Multibeam sonar, emitting a wide swath, gives the exact contour of the ocean bottom, rather than extrapolating from a single beam directed below a vessel. Advanced sonar can detect temperature fluctuations to fractions of a degree. The upper few hundred feet of the oceans hold 1000 times more heat than the atmosphere, but scientists do not yet know how this may affect changes in global climate. The private sector is improving the capabilities of remotely operated vehicles and autonomous underwater vehicles. These vehicles, armed with the newest in sonar equipment, will gain better knowledge of bathymetry, resources and navigation.

Two years ago, President Clinton convened an internationally renowned panel of oceanographers and charged them to develop a United States strategy for ocean exploration. In October of 2000, the Ocean Exploration Panel presented its recommendations. The panel challenged the federal government to embrace the discovery of the unknown, to dedicate a vessel for ocean exploration, and to establish an Ocean Exploration Program.

The National Oceanic and Atmospheric Administration provided leadership on this directive by establishing the Office of Ocean Exploration. The Bush Administration proposed $14 million for NOAA to accomplish this significant endeavor for Fiscal Year 2002. The Senate Appropriations bill for the Departments of Commerce, Justice and State provided for this amount, and it is my hope that it will be retained in conference.

The panel further recommended designating a lead federal agency for ocean exploration. The National Oceanic and Atmospheric Administration in the U.S. Department of Commerce has the authority, the mission, the track record, the desire, and the capabilities to provide a leadership role. For these reasons, NOAA should be recognized as the federal leader for ocean exploration.

In the State of Hawaii, our cultural history is entwined in the history of the ocean. From fishermen to tourists, researchers to snorkelers, we integrate the oceans into our daily lives. Marine life embodies those very elements which define Hawaii. The Hawaiian Islands Humpback Whale National Marine Sanctuary, the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve, and many other federal and state marine protected areas illustrate the importance we as a community place on our marine resources. The commitment to nurture, protect, and educate people about the ocean represents the essence of malama kai, care for the sea, which is so important to the Hawaiian culture. Given the importance of the sea to our sustenance and livelihoods, it is essential that we learn about and share the responsibility to protect our ocean and coastal resources.

The steep terrain of Hawaii's coastal underwater lands and its location in the Pacific Ocean make Hawaii a prime candidate from which to launch deep-sea exploration. The Hawaii Undersea Research Laboratory (HURL), established by NOAA under the National Undersea Research Program and the University of Hawaii, works through private, state and federal grants to study the processes of the deep ocean. HURL's Ocean Bottom Observatory has been studying the volcanic activity of the undersea volcano, Loihi, and its effects on the global carbon cycle and tsunamis. Studying this dramatic phenomenon is critical to understanding the creation of Pacific Islands and submerged land masses that provide essential habitat for marine life.

I applaud the efforts of those who continue down the unmarked path toward ocean exploration, constructing the framework for future discoveries. At this time of national resolve and sorrow, I call attention to the global challenges that we face to understand the inner space of our earth—the oceans. A true ocean odyssey under the leadership of NOAA should be developed in cooperation with the Navy, National Science Foundation, NASA, the USGS, universities and private not-for-profit organizations. Our oceans are crucial to our existence and national security; we must understand them.

## AMERICA MUST OPPOSE HATE CRIME

Mr. VOINOVICH. Madam President, one of the guiding principles upon which the United States of America was founded is that of religious freedom. Indeed, it is guaranteed in the Constitution, and it is a right that we as Americans hold dear.

Our forefathers came to these shores from nations all over the world searching for the ability to worship as they pleased, and even now, men, women and children still come to the United States to do so. Today, virtually every branch of religion known to man is represented here in the United States. That fact should not only be expected in a Nation of immigrants, but our diversity of cultures and religions should be celebrated.

However, in the wake of the September 11 terrorist attacks, events have occurred across this Nation that fly in the face of our Constitutional guarantees. Acts of hatred have been perpetrated against Arab-Americans and Muslim-Americans as if they had carried out or even condoned the killing of thousands of innocents.

I am disturbed by the stories I have heard in the last few weeks; a Sikh gas station owner in Mesa, AZ, who was shot and killed in the weekend following the attack simply because he was wearing a turban; a Pakistani Muslim grocer in Texas, as well as an Egyptian Christian in California, both killed in crimes of hate as a result of the attacks; two girls in Palos Hills, IL, beaten because they were Muslim; a mosque in Evansville, IN, damaged by a man who rammed his car through a wall. We have had incidences of intolerance in my own home state of Ohio, I'm sad to say, where large ball bearings have been tossed through the windows of Arab-American owned businesses in Hamilton, and an Islamic Center in Cincinnati continues to receive harassing and threatening phone calls.

These stories, which have resonated across the country, do not constitute the views of the majority of Americans. Indeed, most Americans are peaceful and tolerant. The individuals perpetrating these crimes may think these acts represent patriotism, but they are far from it. Instead, they are perpetuating a hatred similar to that which drove 19 terrorists to take so many lives on that fateful Tuesday, and it must stop.

There are 6.5 million Muslims living in the United States today. By September 27, the FBI was investigating over 90 hate crimes committed against Muslims, individuals of Middle Eastern descent, or in some cases, individuals who appear Muslim or Middle Eastern. While these cases are under investigation, the Council on American-Islamic Relations has received reports of more than 625 attacks against Arab-Americans. This type of bigotry cannot go on.

On September 11, the terrorists did not single out their victims based on what they looked like or how they worshiped. They killed American citizens and foreign nationals of dozens of other nations indiscriminately. They murdered men, women and children of different ethnic backgrounds and religions, many of whom were themselves Muslims.

Some of our citizens have lost loved ones and friends, yet the vast majority of us have lost only our innocence. Our Nation is hurting right now, and we will all grieve in our own fashion, but we must not redirect our anger and frustration against one another.

Even in the face of such hatred in our own Nation, the rays of hope and compassion still shine. The same Islamic Center in Cincinnati that has been the target of hate has raised $6,000 for the American Red Cross, and will hold a blood drive soon to help in rescue efforts. Muslims from the tri-state area, Ohio, Kentucky and Indiana, have also helped in the relief efforts, calling on their community to donate blood, give money, and pray for the victims and their families.

As President George W. Bush stated in his September 20 speech to the Nation, "[Islam's] teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah." We must not only remember these words in the weeks to come, but we need to assure men and women of all backgrounds that the American people understand that the terrorists who attacked the United States do not represent all Muslims, just like those who commit hate crimes against Americans of Muslim or Middle Eastern origin do not represent all Americans. The more that we understand one another, the greater the chance for peace.

## THE FEDERAL WORKFORCE AS A CRITICAL INFRASTRUCTURE

Mr. AKAKA. Madam President, I rise today to call attention to the dedicated men and women in our Federal workforce and the invaluable contributions they make to our Nation.

The tragic events three weeks ago appropriately has focused our attention on new ways to protect our Nation's critical infrastructure. A number of activities have been identified including communication, emergency services, and transportation. All are essential to the running of our country. However, on September 11 we were all quickly reminded of another critical infrastructure—our Federal Government and its workforce. For every essential service these attacks disrupted, we expected our government to respond quickly and effectively—and those in government did. Our Nation's recovery will be aided because of the talents and professionalism of our Federal workforce.

Like us all, I was struck by the heroism of rescue workers in the moments following the events of September 11. Law enforcement officers, firefighters, and others raced into buildings to save lives. Teachers calmed children in schools and kept them safe from the surrounding horrors. Local officials executed response plans and coordinated resources. These are among the many examples we will long remember.

Representatives from the Federal Government worked side by side with those brave and selfless local and State heroes. Various federal agencies responded to immediate social and community needs by providing temporary food and shelter, emergency child care, and other support services. At ground-zero, the Federal Emergency Management Agency, the Army Corps of Engineers, and other Federal agencies worked with State and local rescue workers. They set up emergency and coordinated disaster responses, opened communications, and provided needed medical assistance. Federal transportation agencies worked with industry to put our air, rail, and road networks back into operation. Our Federal Law Enforcement Officers and intelligence specialists spent long hours in intense investigations to track down the terrorists and their networks. More than 2,100 federal employees were deployed in disaster response teams alone, not counting the thousands of others who responded to this national crisis as a part of their normal duties.

Despite the attacks, Americans were able to rely on their government. We received our mail. The Federal Government ensured the stability of our financial markets and Americans were able to count on the reliability of their banks.

Our Federal workforce responded in other ways not as immediately obvious, but just as important to our country's needs. Federal employees ensured the availability of a clean blood supply and monitored the quality of our air and water. Aid was provided through the timely processing of claims for survivors of victims and financial assistance for those not covered by unemployment insurance. Special loans were made available to small businesses and residents displaced by the disaster.

Despite the events of September 11, our Nation is functioning and recovering. This is due in part to the efforts of our Federal workforce whose response was immediate and thorough. The Federal workforce is this nation's backbone. Our ability to be resolute in confronting a faceless enemy is partially attributable to the strength of our backbone. We can take comfort and pride in the resilience and fortitude of our government workers.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 25, 2001 in Honolulu, HI. Two teens were charged with attempted murder after allegedly dousing the tents of gay campers, while people were inside, with flammable liquid and setting one on fire in Polihale State Park. Police believe the crime is a hate crime based on "insinuations and remarks" made by the suspects at the time. Victims in the attack said the perpetrators threw rocks and shouted homosexual slurs at about 20 men prior to setting the tent on fire.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## ADDITIONAL STATEMENTS

## IN HONOR OF ALDERMAN JAMES BALCER

• Mr. DURBIN. Madam President, I rise today to honor a man who has served not only the City of Chicago with tireless dedication but who has served his county with selfless valor. Alderman James Balcer is a hero by any definition, and the Bronze Star recently pinned to his chest is only a token symbol of a life marked by bravery and service.

The people of Chicago know Jim Balcer as Alderman Balcer, representing the 11th ward on the City Council. They know him as a strong advocate for the city's veterans and as an effective voice for his community. Few know more about military history or are more dedicated to understanding the challenges facing those who have fought for our country. During his four years on the city council, Alderman Balcer has worked tirelessly for his constituents and sung their praises without so much as a note from his own horn.

But long before he was Alderman Balcer, Jim was Pfc. Balcer in the U.S. Marine Corps. As an 18-year-old soldier more familiar with the streets of his home area of Bridgeport than the jungles of southeast Asia, Balcer was a member of the 9th Marine Regiment during the Vietnam War. In late February of 1969, Pfc. Balcer and his company were holding their position on a hilltop in the A Shau Valley in Laos. As a group of the soldiers descended into the valley below on a reconnaissance mission, enemy fire erupted from the dense foliage, trapping the group in a hail of bullets and shrapnel.

With dozens of young Marines killed and wounded at the bottom of the hill, it was Pfc. Jim Balcer who volunteered to lead the mission to rescue them. Through that long Laotian night, in the pouring rain and deep, treacherous mud, Balcer made trip after trip into the valley to reach his fallen comrades. Half-hour descents through the jungle were followed by nearly four hours of backbreaking climbs up steep and slippery embankments, under enemy fire and carrying makeshift stretchers made from ponchos.

Thanks to Pfc. Balcer and his fellow Marines, every member of the 9th Regiment who went into the valley that night in 1969 came out. The Bronze Star is given to soldiers who distinguish themselves "by heroic or meritorious achievement or service . . . while engaged in an action against an enemy of the United States or while engaged in military operations involving conflict with an opposing foreign force." Ordinary language to describe extraordinary courage, but hardly enough to describe the actions of someone who to this day still tells his own story without a hint of bravado.

The City of Chicago is fortunate to have someone so tenacious and selfless on its side. Alderman Jim Balcer is as dedicated to Chicago and its people now as he was to his fellow soldiers then. A man of integrity and honor, he is to be commended on receiving the Bronze Star. Wear it proudly, Jim, for we are proud of you.●

## TRIBUTE TO S. LANE FAISON, JR.

● Mr. JEFFORDS. Madam President, today I rise to recognize the contributions of S. Lane Faison, Jr., to American art education and museums, and to acknowledge with gratitude, his 20-year service as a trustee of the Bennington Museum in Bennington, Vermont.

Professor Faison's seventy year career as an art history teacher, curator, scholar, and administrator reflects his significant efforts in the advancement of art, and its importance to our cultural identity. His scholarly influence has been extensive, and he has created an extraordinary legacy that he has generously shared with his community.

Since 1981, Professor Faison has given his time and expertise as a highly valued and appreciated trustee of the Bennington Museum. It is very fitting that the Bennington Museum Board of Trustees has chosen to honor him through the establishment of a fund designated exclusively for enhancing exhibitions. It is my pleasure to acknowledge the "S. Lane Faison, Jr., Exhibition Endowment Fund" and to congratulate Professor Faison on the establishment of this fund in his honor.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 5, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 42. A joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

H.J. Res. 51. A joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolutions were signed by the President pro tempore (Mr. BYRD) on October 5, 2001.

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

H.R. 2883. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. ISTOOK, Mr. WOLF, Mrs. NORTHUP, Mr. SUNUNU, Mr. PETERSON of Pennsylvania, Mr. TIAHRT, Mr. SWEENEY, Mr. SHERWOOD, Mr. YOUNG of Florida, Mr. HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. VISCLOSKY, and Mr. OBEY.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar.

S. 1499. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2883. An act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4325. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Reno, NV" (Doc. No. 00–137) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4326. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Corinth, Scotia and Hudson Falls, NY" (Doc. No. 01–94) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4327. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Spokane, WA" (Doc. No. 99–262) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4328. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Pittsburg, KS" (Doc. No. 01–127) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4329. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Albemarle and Indian Trail, NC" (Doc. No. 99–240) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4330. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States , Fishery Management Plan for Tilefish" (RIN0648–AF87) received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4331. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4332. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4333. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Office of the Secretary, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4334. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Research and Special Programs Administration, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4335. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Aviation and International Affairs, received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4336. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Queets River, VA, to Cape Falcon, OR" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4337. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Conditional Closures in the Gulf of Maine" received on October 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4338. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Transportation Policy, received on October 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4339. A communication from the Chief of the Division of Management Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Import of Polar Bear Trophies from Canada: Change in the Finding for the M'Clintock Channel Population" (RIN1018–AH72) received on October 1, 2001; to the Committee on Environment and Public Works.

EC–4340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Tennessee Authorization Application"; to the Committee on Environment and Public Works.

EC–4341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring"; to the Committee on Environment and Public Works.

EC–4342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permit Program; Virginia" (FRL7073–6) received on October 2, 2001; to the Committee on Environment and Public Works.

EC–4343. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL7074–2) received on October 2, 2001; to the Committee on Environment and Public Works.

EC–4344. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District" (FRL7058–9) received on October 2, 2001; to the Committee on Environment and Public Works.

EC–4345. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Alaska" (FRL7059–3) received on October 2, 2001; to the Committee on Environment and Public Works.

EC–4346. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the monthly status report on the licensing activities and regulatory duties, July 2001; to the Committee on Environment and Public Works.

EC–4347. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Plans; Wisconsin; Post-1996 Rate of Progress Plan for the Milwaukee-Racine Ozone Nonattainment Area" (FRL7076–6) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4348. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Tehama County Air Pollution Control District" (FRL7066–9) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4349. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conditional Approval Implementation Plans; Ohio" (FRL7062–5) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4350. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL7075–7) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4351. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, El Dorado County Air Pollution Control District and Imperial County Air Pollution Control District" (FRL7075–8) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4352. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL7067) received on October 3, 2001; to the Committee on Environment and Public Works.

EC–4353. A communication from the President of the United States (received and referred on October 9, 2001), transmitting, consistent with the War Powers Act, a report relative to Afghanistan; to the Committee on Foreign Relations.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–187. A resolution adopted by the House of the Legislature of the state of Michigan relative to China; to the committee on Foreign Relations.

### HOUSE RESOLUTION NO. 105

Whereas, Falun Gong, which is also known as Falun Dafa, is a discipline of personal beliefs that incorporates exercise, meditation, and principles based on truthfulness, compassion, and forbearance. Its millions of practitioners work to attain inner peace, good health, and better skills to deal with stress and conflict in life; and

Whereas, Over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. The aggressive actions taken by the state reflect a systematic commitment to eliminate Falun Gong and those who pursue it; and

Whereas, The persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, Citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; Now, therefore, be it

*Resolved by the House of Representatives,* That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution against practitioners of Falun Gong; and be it further

*Resolved,* That copies of this resolution be transmitted to the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 19, 2001.

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POM–188. A resolution adopted by the House of the Legislature of the State of Michigan relative to Latvia; to the Committee on Foreign Relations.

### HOUSE RESOLUTION NO. 136

Whereas, Since its founding in the wake of World War II, NATO has been an important force in bringing peace, stability, and partnership to the member nations. In addition to its role to work for the security of an area of the world wracked by the horrors of wars, NATO has promoted the growth of democracy and accountability that are vital to the well-being not only of the individual countries, but also the future of Europe and much of the world; and

Whereas, Since the restoration of its independence in 1991, Latvia has been a leader among former Iron Curtain countries in developing democratic institutions and fostering a free-market economy. Latvia has already proven its commitment to the ideals of NATO through its work in a host of world and trade organizations; and

Whereas, Latvia has a long and distinguished record of leadership among the Baltic nations. Hundreds of years ago, it was a key member of the Hanseatic League, and Latvia has remained a strategic trading partner with its European neighbors throughout history. From the ruins of World War I, it developed a vibrant economy with democratic principles; and

Whereas, Latvia is strongly committed to NATO's defense priorities. Further, it has set in place prudent monetary and social policies well in keeping with those of other eastern European nations that have recently become part of NATO. Opening the doors of welcome to Latvia will expand the breadth of this vitally important organization; Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the President and the Congress of the United States to work for the admission of Latvia into NATO; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 19, 2001.

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POM–189. A joint resolution adopted by the Legislature of the State of Alaska relative to long-term care insurance; to the Committee on Finance.

### LEGISLATIVE RESOLVE NO. 36

Whereas members of the baby boom generation are beginning to retire, which will put a strain on the financial resources of younger Americans if their taxes are increased to cover the resulting rise in total Social Security and Medicare payments to retirees; and

Whereas Medicaid was designed as a program for the poor but, in many states, Medicaid is being used to fund long-term care expenses for middle-income elderly people; and

Whereas, in the coming decade, people over 65 years of age will represent 20 percent or more of the population, and the proportion of the population composed of individuals who are over 85 years of age and are most likely to be in need of long-term care may double or triple; and

Whereas the costs of nursing home care can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for Medicaid; and

Whereas many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted; and

Whereas widespread use of private, long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on Medicaid as the baby boom generation ages; and

Whereas the federal government has endorsed the concept of private, long-term care insurance by establishing some federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996; be it

*Resolved,* That the Alaska State Legislature respectfully requests the President, the Congress, and the Governor to direct the appropriate governmental agencies to inform the public

(1) about the high cost of long-term care services and the need for families to plan for their long-term care needs;

(2) that Medicare will not cover most long-term care costs and the Medicaid will cover long-term care services only when the beneficiary has exhausted assets;

(3) that Americans should explore the availability of long-term care insurance through their employers, service organizations, professional groups, other entities, and private insurance companies; and be it further

*Resolved,* That the Alaska State Legislature respectfully requests the Congress to determine to what extent tax rules may discriminate against the buyers of long-term care insurance policies and to look for ways to remove such barriers and implement new incentives for the purchase of long-term care insurance by individual Americans.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Tommy Thompson, United States Secretary of Health and Human Services; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; the Honorable Tony Knowles, Governor of Alaska; Bob Lohr, Director of the Division of Insurance, Department of Community and Economic Development; and to Jane P. Demmert, Executive Director of the Alaska Commission on Aging, Division of Senior Services, Department of Administration.

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POM–190. A joint resolution adopted by the Legislature of the State of Alaska relative to the Federal Temporary Assistance to Needy Families Program; to the Committee on Finance.

### LEGISLATIVE RESOLVE NO. 35

Whereas the Temporary Assistance to Needy Families (TANF) block grant program established in the 1996 federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), included modest supplemental grants for 17 relatively poor or rapidly growing states; and

Whereas the State of Alaska was awarded a supplemental grant because the state's population increased by more than 10 percent between April 1, 1990, and July 1, 1994; and

Whereas the supplemental grants included in PRWORA were authorized only through federal fiscal year 2001, while the remainder of the law was authorized through federal fiscal year 2002; and

Whereas, because the supplemental grants will expire, Alaska will face a reduction in its TANF funding in the amount of $6,887,800, or 13 percent of its block grant, starting at the beginning of federal fiscal year 2002 on October 1, 2001; and

Whereas the elimination of the supplemental TANF grant could force Alaska to scale back its welfare reform efforts, which have been very successful in moving people off welfare, into work, and out of poverty; and

Whereas the TANF block grant provides a broad range of services to Alaskans through the Alaska temporary assistance program, including cash benefits, child care, case management, job development, job training and placement, program administration, transportation, and other supportive services; and

Whereas the TANF block grant provides other essential services to needy Alaskans not receiving welfare, including child care, child protection, victims of domestic violence, the Healthy Family program, pregnancy prevention, and teen parent services; and

Whereas the elimination of the supplemental TANF grant will also result in the loss of federal funding to some or all of these programs and services; be it

*Resolved*, That the Alaska State Legislature calls upon the United States Congress to continue the TANF supplemental block grants through federal fiscal year 2002, the end of the full TANF authorization period.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Tommy Thompson, United States Secretary of Health and Human Services; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all the other members of the 107th United States Congress.

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POM–191. A joint resolution adopted by the Legislature of the State of Alaska relative to the United States Coast Guard; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 19

Whereas the United States Coast Guard is a military multi-mission maritime service that has answered the call of the United States public continuously for more than 210 years; and

Whereas the United States Coast guard has provided critical services to the citizens of Alaska; and

Whereas, throughout its history, the United States Coast Guard's roles as lifesaver and guardian of the sea have remained constant, while its missions have evolved and expanded with the growth of the nation; and

Whereas the mission of the United States Coast Guard is to protect the nation's safety, security, environment, and economy; and

Whereas the United States Coast Guard's operating goals of safety, natural resource protection, mobility, maritime security, and national defense enable it to touch everyone in the nation; and

Whereas the United States Coast Guard pursues its goal of safety primarily through its search and rescue and marine safety operations; and

Whereas the United States Coast Guard is the only organization or government agency that has the extensive inventory of assets and expertise necessary to conduct search and rescue operations for both recreational boaters and commercial mariners on lakes, on rivers, in shore areas, and on the high seas; and

Whereas the United States Coast Guard provides the first line of defense in protecting the maritime environment through its marine safety program, which ensures the safe commercial transport of passengers and cargo, including oil, through the nation's waters, and which guards the nation's maritime borders from incursions by foreign fishing vessels; and

Whereas the United States Coast Guard serves as a global model of efficient military multi-mission maritime service for the emerging coast guard organizations of the world and helps friendly countries to become positive forces of peace and stability, which promotes democracy and the rule of law; and

Whereas United States Coast Guard personnel are a highly motivated group of people who are committed to providing essential and valuable services to the American public; and

Whereas the United States Coast Guard military structure, law enforcement authority, and humanitarian functions make it a unique arm of national security and enable it to support broad national goals; and

Whereas the United States Coast Guard is well known for being the first to reach the scene when maritime disaster strikes, and it continues to be given the task of protecting the nation's waters from pollution, the nation's borders from drug smuggling, and the nation's fisheries from being over harvested, and to be assigned additional duties that stretch thin its personnel and resources; be it

*Resolved*, That the Alaska State Legislature urges the United States Congress to fully fund the United States Coast Guard's supplemental budget for its operational readiness and recapitalization requirements to ensure that this humanitarian arm of the nation's national security system remains "semper paratus" throughout the Twenty-First Century.

Copies of this resolution shall be sent to the Honorable Dick Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro-Tempore of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Norman Y. Mineta, Secretary of Transportation; Admiral James M. Loy, Commandant of the United States Coast Guard; Admiral Dennis C. Blair, Commander in Chief, U.S. Pacific Command; Vice Admiral Ernest R. Riutta, Commander, U.S. Coast Guard Pacific Area; Rear Admiral Thomas J. Barrett, Commander, Seventeenth Coast Guard District; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

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POM–192. A resolution adopted by the House of the Legislature of the State of Utah relative to the Red Mesa Health Center; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearances have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once it is designed and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical services, diagnosis and laboratory services, short stay nursing beds, dental, physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness of the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters be constructed at the same time as the health center in order for the clinic to open with adequate staffing: Now, therefore, be it

*Resolved*, That the House of Representatives of the state of Utah urges the United States Congress to appropriate $48 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona; be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

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POM–193. A concurrent resolution adopted by the Legislature of the State of Utah relative to cricket and grasshopper infestation; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, $22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional $5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter to the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahns of the devastating economic impact of the state's cricket and grasshopper infestation; be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

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POM-194. A concurrent resolution adopted by the Legislature of the State of Utah relative to Glen Canyon Dam, Flaming Gorge Dam, and Lake Powell; to the Committee on Energy and Natural Resources.

### House Concurrent Resolution No. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell or Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam; be it further

*Resolved*, that the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam and Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir; be it further

*Resolved*, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir; be it further

*Resolved*, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

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POM-195. A concurrent resolution adopted by the Legislature of the State of Utah relative to Cold War nuclear testing; to the Committee on the Judiciary.

### House Concurrent Resolution No. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahans and many other citizens of the United States of America living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated; be it further

*Resolved*, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy; be it further

*Resolved*, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

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POM-196. A joint resolution adopted the Legislature of the State of Utah relative to the tax relief plan; ordered to lie on the table.

### House Joint Resolution No. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime;

Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40–50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expanding the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush; be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

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POM-197 A joint resolution adopted by the Legislature of the State of Utah relative to rescinding the call for constitutional convention; to the Committee on the Judiciary.

### House Joint Resolution No. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: Now, therefore, be it

*Resolved by the Legislature of the state of Utah*, That any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of the Constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and canceled and rendered null and void to the same effect as if the applications had never been made; be it further

*Resolved*, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; be it further

*Resolved*, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

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POM-198. A joint resolution adopted by the Legislature of the State of Utah relative to the regulation of poll closing; to the Committee on Rules and Administration.

### House Joint Resolution No. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida has closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory: Now, therefore be it

*Resolved*, That the Legislature of the state of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

*Resolved*, That the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; be it further

*Resolved*, That a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

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POM–199. A joint resolution adopted by the Legislature of the State of Utah relative to Social Security; to the Committee on Finance.

House Joint Resolution No. 2

Whereas, Social Security is a federal program that requires almost unanimous participation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first $3,000 of a worker's income, up to a maximum of $30 per year, to the present rate of 12.4% of the first $80,400 of employee wages or self-employment income up to a maximum of $830.80 per month or $9,969.60 per year;

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of $30,000 would yield an estimated monthly Social Security retirement tax cost of $300 per month;

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately $1,400 per month, and the average monthly retirement benefit currently at about $845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach $21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of paying into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit ("widow(er)" benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private, individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned account grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned account can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term intergenerational wealth accumulation;

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain municipalities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option; be it further

*Resolved*, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients; be it further

*Resolved*, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account; be it further

*Resolved*, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Utah's congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1511: An original bill to combat international money laundering, thwart the financing of terrorism, and protect the United States financial system, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 1511. An original bill to combat international money laundering, thwart the financing of terrorism, and protect the United States financial system, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. INHOFE:

S. 1512. A bill to report on any air space restrictions put in place as a result of September 11, 2001, terrorist attacks that remain in place; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. Brownback, Mr. Miller, Mr. Smith of New Hampshire, Mr. Hutchinson, Mr. Fitzgerald, and Mr. Allen):

S. 1513. A bill to amend the Internal Revenue Code of 1986 to make marriage penalty relief effective immediately in the 15-percent bracket and the standard deduction; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. Leahy):

S. 1514. A bill to extend the temporary suspension of duty with respect to certain snowboard boots; to the Committee on Finance.

By Mr. KOHL:

S. 1515. A bill to provide for enhanced security with respect to aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. SANTORUM:

S. 1516. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1517. A bill to amend titles 10 and 38, United States Code, to enhance the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOND (for himself, Mr. Conrad, and Ms. Snowe):

S. 1518. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. Lugar, Mr. Kerry, Mr. Crapo, Mr. McConnell, Mr. Helms, Mr. Dayton, Mr. Leahy, Mr. Hutchinson, Mr. Miller, Mrs. Lincoln, Mr. Baucus, Mr. Roberts, Mr. Conrad, and Mr. Nelson of Nebraska):

S. 1519. A bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself, Mr. Voinovich, Mr. Miller, Mrs. Carnahan, Mr. Carper, Mr. Nelson of Nebraska, Mr. Rockefeller, Mrs. Lincoln, Ms. Mikulski,. and Mr. Bennett):

S. 1520. A bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 1521. A bill to amend the FREEDOM Support Act to authorize the President to waive the restriction of assistance for Azerbaijan if the President determines that it is in the national security interest of the United States to do so; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. Lott; Mr. Baucus, Mr. Burns, Mr. Byrd, Mr. Stevens, Mr. Inouye, Mr. Thurmond, Mr. Kennedy, Mr. Hollings, Mr. Leahy , Mr. Reid, Mr. Akaka, Mr. Allard, Mr. Allen, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman , Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran , Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr . Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr . Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Mr . Kyl, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Thomas, Mr. Thompson, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden):

S. Res. 169. A resolution relative to the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana; considered and agreed to.

By Mr. WELLSTONE (for himself, Mr. Dodd, and Mr. Reid):

S. Res. 170. A resolution honoring the United States Capitol Police for their commitment to security at the United States Capitol, particularly on and since September 11, 2001; considered and agreed to.

By Mr. McCONNELL:

S. Con. Res. 77. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners; to the Committee on Governmental Affairs.

## ADDITIONAL COSPONSORS

### S. 488

At the request of Mr. Allen, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

### S. 686

At the request of Mrs. Lincoln, the name of the Senator from Iowa (Mr. Harkin) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

### S. 690

At the request of Mr. Wellstone, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

### S. 721

At the request of Mr. Hutchinson, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

### S. 745

At the request of Mr. Leahy, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 745, a bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

### S. 829

At the request of Mr. Brownback, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

### S. 1111

At the request of Mr. Craig, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

### S. 1224

At the request of Mr. Allard, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1224, a bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1257

At the request of Mr. REID, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1284

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1284, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1286

At the request of Mrs. CARNAHAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH of Oregon) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1409, supra.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Colorado (Mr. ALLARD), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1447

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Oregon (Mr. SMITH of Oregon) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1474

At the request of Mr. HARKIN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1474, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes.

S. 1479

At the request of Mrs. CARNAHAN, her name was added as a cosponsor of S. 1479, a bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, and for other purposes.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1486

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1492

At the request of Mr. GRAMM, the names of the Senator from Arizona (Mr. KYL) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1492, a bill to amend the Internal Revenue Code of 1986 to repeal the tax relief sunset and to reduce the maximum capital gains rates for individual taxpayers, and for other purposes.

S. 1493

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1503

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. 1504

At the request of Mr. DORGAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1504, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through June 30, 2002.

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

S. CON. RES. 73

At the request of Mr. NICKLES, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. MILLER, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, Mr. FITZGERALD, and Mr. ALLEN):

S. 1513. A bill to amend the Internal Revenue Code of 1986 to make marriage penalty relief effective immediately in the 15-percent bracket and the standard deduction; to the Committee on Finance.

Mrs. HUTCHISON. Madam President, I rise today to introduce legislation that will build upon the historic Economic Growth and Tax Relief Reconciliation Act of 2001 by accelerating the marriage penalty tax relief in that bill and make it effective beginning next year. I am joined in my effort by Senators BROWNBACK, MILLER, SMITH of New Hampshire, HUTCHINSON, FITZGERALD, and ALLEN.

Earlier this year we delivered to the American people long overdue tax relief. Unfortunately, we did not have the ability to give married couples the relief from the marriage penalty as soon as we would have liked. My bill will complete this unfinished business by treating married couples fairly in the tax code beginning next year. Particularly now, as the President and Congress consider additional tax relief to bolster the economy in these difficult times, this legislation would be a smart option. At times like this, what better way to help our Nation than by strengthening the building blocks of society, our families, by adding to their budgets through marriage penalty relief.

Every year for the past four years I introduced a bill to eliminate the marriage penalty tax as I simply could not understand why two single people should be thrown into a higher tax bracket and pay more in taxes simply because they got married. Not because of a promotion, not because of a raise, but because they got married! This year, we finally told all Americans that they do not have to choose between love and money, that they should not be penalized for exchanging wedding vows. I am proud to say that in this year's tax relief plan we corrected this quirk in the tax code. We returned to the commonsense principles that made this country great, and away from the concept that "no good deed goes unpunished."

The marriage penalty relief that was passed earlier this year will offer critical relief to our married couples, but unfortunately it will not take place immediately. I want to improve this timing because when the situation is as ridiculous as the marriage penalty, that is wrong. There are more than 20 million married couples in America today that pay a penalty just because they got married, a penalty that averages around $1,400. That is a lot of money! Especially when you are just starting out, $1,400 to a young couple could be part of the down payment on the new house or the new car for the expenses associated with having children. However, they choose to spend that money, or for whatever expenses they need it for, we want them to be able to make their own choices with the money they earn.

And we want them to have the ability to do so now, not several years from now. What the bill does that I am introducing today is that it takes the relief we finally offered in the tax plan and makes it effective immediately for the 15 percent bracket and the standard deduction.

Today, if you take the standard deduction when you do your taxes as an individual, you do not get the same amount of deduction if you get married. That is, the standard deduction does not simply double for couples. Whereas today the standard deduction for a single person is $4,550, and for a married couple is $7,600, our tax relief bill insisted that married couples receive a standard deduction that is exactly double that of the single person, or $9,100. Under my bill today, this doubling of the standard deduction will occur immediately.

In addition, we addressed the fact that when most couples marry, the second income bumps them up to a higher tax bracket. Therefore, we decided to widen every tax bracket so that a married couple will not have to pay more in income taxes simply because they go into a higher bracket when they combined incomes.

In this way, a combined income will be taxed at the same rate as if it was a single person making two incomes. For example, if each individual in a relationship is in the 15-percent income tax bracket but they get married and their combined incomes now bump them into the 30-percent bracket, our tax relief means that they will effectively remain in the 15 percent bracket.

This is critically important, especially to those who are at the lower income rates and for whom jumping from the 15 percent bracket to the next one could make all the difference in their budget. Our earlier legislation widens the 15-percent bracket by $9,000 for married couples. My bill today will accelerate this relief by making this change now, thereby eliminating the marriage penalty for those couples who are in the 15 percent bracket.

Earlier this year a bipartisan majority agreed that it is very important that we relieve the pressure on the more than 20 million American couples who pay the marriage penalty tax. We all agreed then that this is wrong, and must be changed. Today, we have the chance to put our money where our mouth is and offer help to struggling couples now. I call upon my colleagues to join in this effort to provide this immediate assistance to the working families of America.

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By Mr. KOHL:

S. 1515. A bill to provide for enhanced security with respect to aircraft; to the Committee on Commerce, Science, and Transportation.

Mr. KOHL. Madam President, I rise this afternoon to introduce the "Safe Ground through Safe Skies Act of 2001." This legislation strengthens security measures for those aircraft that are currently not required to comply with an FAA approved security program. The events of September 11 have shown us a new reality, that our aircraft can be used as lethal weapons against innocent civilians on the ground.

I applaud the FAA, the Administration, and Congress for quickly moving to address this threat as it applies to commercial aircraft. With the new security measures put in place by S. 1447, I am certain we will not again see a commercial common carrier be hijacked and turned into a bomb. However, the proposals under consideration today do nothing to stop other aircraft, such as chartered planes, leased planes, and cargo planes, from being hijacked and crashed into buildings or landmarks.

I believe many of my colleagues would be surprised to learn that, for purposes of security, these aircraft are virtually unregulated. The protection of these aircraft, some as big or bigger than those used in the September 11 attack, is left to the private sector owners and operators, an approach we now reject for commercial common carriers.

As the Senate continues to work on legislation to enhance security measures for commercial common carriers, it is vital that we address the gaping hole in our security as it relates to currently unregulated aircraft. It would be criminally negligent to pass an Aviation Security Act that leaves thousands of aircraft still unprotected from those terrorists who would turn our own planes into weapons of mass destruction.

The Safe Ground through Safe Skies Act is an attempt to address this difficult problem. It is based on three goals:

First, the legislation seeks to maintain the FAA's flexibility to design different screening systems for all sorts of aircraft, used for all sorts of purposes and boarding and deplaning at airports with a wide variety of experience in security.

Second, the legislation recognizes the time consuming and difficult task of putting together a security program for smaller aircraft, many of which operate out of very small airports without any security in place currently.

And third, and perhaps most importantly, the legislation addresses the immediate threat of a near term repeat terrorist attack.

To achieve these goals, this legislation requires the FAA Administrator to issue a security screening program for all aircraft operations with an aircraft that weighs more than 12,500 pounds. That means every operator of an aircraft that takes-off in this country with more than approximately 15 seats will be subject to new security measures. To address the varying types of aircraft and aircraft operations, the Administrator will have the authority to waive this new requirement in cases reviewed and approved by the Administrator and Congress.

For those aircraft weighing less than 12,500 pounds, this legislation requires the Secretary of Transportation to report to Congress, within 6 months of enactment, recommendations on how to improve security for general aviation. Within one year of enactment, the Administrator must turn that report into an actual program.

Finally, effective immediately upon enactment, this legislation requires aliens and persons identified by the Secretary of Transportation to undergo a background check before buying, leasing, or chartering any aircraft. This provision would expire as the Administrator issues security rules for each class of aircraft.

Though this final step may seem extreme, it is a quick and simple way to immediately protect our entire aircraft fleet from capture and use as a weapon. The section is designed to mirror the requirements for background checks for aliens and others seeking flight school training already agreed to in S. 1447. If we need to protect ourselves from terrorists seeking flight school training in the future, we have an equal, if not greater need to protect our aircraft from terrorists who may have already received their flight training.

Current policy falls short of the level of protection that the American people require and deserve. Any comprehensive airline safety legislation must include all types of aircraft conducting operations in our sky. While not placing a heavy burden on the FAA or the general aviation industry, the Safe Ground through Safe Skies Act protects our airline passengers and those of us on the ground by reducing the likelihood of another attack from the skies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1515

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENHANCED SECURITY FOR AIRCRAFT.**

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under paragraph (1) with respect to any aircraft or class of aircraft otherwise described by that paragraph if the Administrator determines that aircraft described in that paragraph can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (3), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of paragraph (2).

(2) BACKGROUND INVESTIGATION.—A background investigation or an alien or individual under this subsection shall consist of the following:

(A) A determination whether or not there is a record of a criminal history for the alien or individual, as the case may be, and, if so, a review of the record.

(B) In the case of an alien, a determination of the status of the alien under the immigration laws of the United States.

(C) A determination whether the alien or individual, as the case may be, presents a risk to the national security of the United States.

(3) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(4) ALIEN DEFINED.—In this subsection, the term "alien" has the meaning given that term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

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By Mr. SANTORUM:

S. 1516. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Madam President, I rise today to introduce the Good Samaritan Volunteer Firefighter Assistance Act of 2001. On September 11, the Nation witnessed the tragic loss of hundreds of heroic firefighters. Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments. The basic purpose of the bill is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from "negligence" to "gross negligence."

The legislation is modeled after legislation passed into law in Texas in 1997 which has resulted in an additional $6 million of equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Representative CASTLE has introduced the Good Samaritan Volunteer Firefighter Assistance Act, H.R. 1919, which has 63 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen's Association of the State of New York, and a former director of the Federal Emergency Management Agency, FEMA, James Lee Witt.

The Good Samaritan Volunteer Firefighter Assistance Act of 2001 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. The Texas program has already received more then $6 million worth of equipment for volunteer fire departments. Arizona, Missouri, Indiana, and South Carolina have passed similar legislation at the State level. The legislation saves taxpayer dollars by encouraging donations thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

This bill does not cost taxpayer dollars nor does it create additional bureaucracies to inspect equipment. The bill gets rid of unnecessary inspection bureaucracies, whether they are State run or a manufacturer's technician. This is for three reasons. First, bureaucracies are not necessary for inspections because the fire chiefs make the inspections themselves. Second, some of the State bureaucracies control who gets the equipment. These donations are private property transactions, not a good that is donated to the State, allowing the State to pick who will get the equipment. Third, there is no desire to create the temptation for waste, fraud, and abuse in a State bureaucracy in charge of picking the winners and losers.

The bill reflects the purpose of the Texas state law. Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act, Public Law 104-210, named for the last Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997, Public Law 105-101, also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives as part of H.R. 7, the Community Solutions Act, in July of 2001.

Volunteers comprise 74 percent of firefighters in the United States. Of the total estimated 1,082,500 volunteer and paid firefighters across the country, 804,200 are volunteer. Of the total 31,114 fire departments in the country, 22,636 are all volunteer; 4,848 are mostly volunteer; 1,602 are mostly career; and 2,028 are all career. In 1998, 54 of the 91 firefighters who died in the line of duty were volunteers.

This legislation provides a commonsense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in the other States. At this time when all of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City and in the Washington, D.C. area, I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great Nation.

By Mr. SPECTER:

S. 1517. A bill to amend titles 10 and 38, United States Code, to enhance the Montgomery GI bill, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Madam President, I have sought recognition to comment on legislation I am introducing today to put into effect several recommendations made by the United States Commission on National Security/21st century relative to Montgomery GI bill, MGIB, educational assistance benefits administered by the Department of Veterans Affairs, VA. The Commission, co-chaired by former Senators Gary Hart and Warren Rudman, was tasked with reexamining U.S. national security policies and processes, and making recommendations on how the United States could best ensure the safety of its citizenry against emerging national security threats. Sadly, one of the emerging threats anticipated by the Commission, the threat of state or group-sponsored terrorism, was realized on September 11, 2001.

Our Armed Forces, the best in the world, have now engaged the enemy, and we rely on these dedicated men and women in service to sacrifice their lives, if necessary, to defend liberty and secure justice. The Nation must reciprocate by assuring that the benefits provided to service members during, and after, their service measure up to the grave responsibilities entrusted to them. The Hart-Rudman Commission understood that, and, consistent with that understanding, the Commission recommended specific improvements in veterans' educational assistance benefits to assure that the armed forces are able to attract, and retain, highly qualified, dedicated service members.

The Commission made, in total, seven recommendations on how MGIB benefits could be enhanced. It recommended that the MGIB monthly benefit be increased and indexed to the average education costs at four-year public colleges. It recommended, further, that the payment of benefits be accelerated to the beginning of a student's school term. The Commission recommended, in addition, that MGIB benefits be made available to students taking technical training courses. Further, it recommended the repeal of the requirement that service members make contributions totaling $1200 in order to "buy" eligibility for MGIB benefits. It recommended, in addition, that potential beneficiaries be given 20 years after discharge from the service, not just 10 years, as is currently specified by law, to make use of their MGIB benefits. It also recommended that service members with 15 years of service or more be entitled to transfer their entitlement to MGIB benefits to their spouse or dependent children. Finally, the Commission recommended that MGIB benefits made available to Reserves called to serve in overseas contingency operations be increased on a sliding scale basis.

The Senate Committee on Veterans' Affairs, a Committee on which I serve as ranking minority member, has considered, and moved favorably on, the first three Commission recommendations listed above; legislation which would, in whole or in part, accomplish these recommendations will soon be before the Senate. The committee has not, however, acted on the final four recommendations of the Commission, mainly because those proposals were not before the committee. It is my hope that by introducing this legislation, I will assure that the committee continues its consideration of MGIB improvements in the months ahead.

To summarize the bill briefly, section 2 of my bill would eliminate the $1,200 pay reduction currently required of service members during their first 12 months of active duty as a precondition to eligibility for MGIB benefits. The Hart-Rudman Commission is not alone in recommending the repeal of this requirement. In 1999, the Commission on Service Members and Veterans Transition Assistance, a commission headed by the current Secretary of Veterans Affairs, the Honorable Anthony J. Principi, made the same recommendation. It surely can be argued with considerable force that service members, who are asked to risk life and limb in service to the Nation, should not be asked, in addition, to contribute a portion of their pay, while in service, to "earn" eligibility for veterans' educational assistance benefits.

Section 3 of this legislation would allow service members with at least 15 years of active duty to transfer their entitlement to MGIB benefits to their spouses or dependent children. This past January, I met with some of our troops stationed in Bosnia who expressed considerable interest in this idea. Many of them mentioned that they have families back home and that, rather than paying for their own education, they needed funds to pay for their children's education. At the very least, the idea needs to be further considered. I am aware that Senator CLELAND has been working on a concept which is similar, but not identical to, this provision. I would like to work with Senator CLELAND on this important issue.

Section 4 of my bill would allow former service members 20 years after discharge, rather than 10 years, as is specified in current law, to utilize their MGIB benefits. I understand that, historically, MGIB benefits are intended to assist in the transition to civilian status, so that economic opportunities lost due to temporary military service can be ameliorated upon transition back to civilian life. This concept may have been useful when most departing service members were single persons with no family or financial obligations preventing the use of education benefits very quickly after discharge. Many former service members, however, are married and have children and, with these obligations, often find it difficult to return to school immediately after separation from service. In addition, today's rapidly-changing economy demonstrates that the skills which employers demand today may change tomorrow. Extending the MGIB "delimiting date" would encourage "lifetime learning" and enable veterans to keep their skills current.

Finally, section 5 of my bill would enable members of the Selected Reserve who are called to active duty as part of a "contingency operation," such as the operations to which Reserves are now being called, to be eligible for increased MGIB benefits if they serve in such an operation for more than one year. Currently, those who enlist for a six year reserve commitment are eligible for $251 per month in education benefits, whether or not they are called to active duty. It would seem to me that Reserves who are activated, especially during times of conflict or war, bear close resemblance to individuals who are serving an active duty enlistment, and so too should the educational benefits made available to such persons. Therefore, my legislation would provide that, in cases where a member of the Selected Reserves serves one year in a contingency operation, his or her education benefit would be adjusted to the half-way point between the benefit afforded to a Reserve Member under current law, now, $251 per month, and that provided to service members who have served two years active duty, currently, $528 per month. In cases involving members of the Selected Reserves who serve two years of active service in a contingency operation, the amount of educational assistance afforded to them would be the same as that which is provided to veterans who had served two years of active duty, currently, $528 per month. And for those who have served three years active duty in a contingency operation, their benefit amount would be the same, currently, $650 per month, as that afforded to service members who have served a three year enlistment. In this national emergency, it is time to recognize the sacrifices made by reservists called to active duty by increasing their benefits commensurate with time served on active duty.

One of the Hart-Rudman Commission's recommendations, that an Office of Homeland Security be created to coordinate the Federal government's counterterrorism efforts, has already been embraced the President. Governor Tom Ridge of Pennsylvania, who was just sworn in yesterday, will, I am sure, serve with great distinction as head of that office. We need to address more of the Commission's recommendations, including those that would enhance national security by making the military a more competitive employer so it can attract and retain quality people. Beyond that, we need to let our fighting men and women know that we value their service by providing them with the tools to succeed upon completion of their military careers. This legislation would accomplish those purposes. I urge my colleagues to support this effort.

By Mr. BOND (for himself, Mr. CONRAD, and Ms. SNOWE):

S. 1518. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

Mr. BOND. Madam President, among the many things that makes our country great is the freedom we possess to move about the country and exit and return to our country as we desire. Being a great Nation that believes strongly in that freedom and that has paid a tremendous price in defending that freedom, we like it to be on display to the rest of the world and we continually and generously open our doors to others. We as a Nation benefit from foreign visitors coming to the United States and other countries benefit when their citizens visit this country, whether it be to study at our schools and universities, learn at our institutions, use our medical facilities, do business with our dynamic private sector or visit our great cities and parks.

However, on September 11, this great Nation endured a terrible tragedy, perpetrated by individuals who entered this country legally, as guests, on a visa. Nineteen people who were in this country on travel, work and student visas carried out the most deadly attack ever on our soil. Three of those people had stayed beyond the expiration of their visa. As the investigation of the Attorney General proceeds, many others have been detained. Initial reports indicated that a large number of these people were in this country on expired visas and I suspect we will find that a large number of those involved in the planning of the attack were in the United States on expired visas.

At this time, the only system in place to track the entry and exit of visa holders is antiquated and completely inadequate. The government has little ability to track those who have entered the United States and to be notified if they violate the terms of their visa. As there are approximately 300 million immigrants and visitors that enter this country every year, getting a handle on this problem will not be simple. However, we must know if those who enter the United States to study arrive and attend school, if those who come her to work are at their jobs, if those who come here to do business do their business and return home and if those who we admit into the United States to vacation return home at the end of their time in the United States. We should strive to keep our borders open, to keep commerce flowing freely and not let the terrorist attack disrupt our relations with our good neighbors and other friends. But at the same time, we must have a better idea of who is entering this country, catch and screen out those who may pose a threat and know who has violated the terms of their visa and remained in the United States beyond the expiration date.

I would like to acknowledge and thank my colleagues KENT CONRAD and OLYMPIA SNOWE for their assistance and valuable input on this legislation.

Specifically, this bill calls for the improvement of the information received by the Department of State for checking the backgrounds of visa applicants. It calls on law enforcement and intelligence agencies to share regularly information that will be useful to the

State Department in identifying those who pose any type of threat to the security or people of this country.

This bill calls for the improvement and implementation of the system to track foreign students. Including a requirement that universities notify the INS when foreign students do not show up for school, as Hani Hanjour failed to do before participating in the attack on the World Trade Center.

It is time to begin the roll of the Integrated Entry and Exit Tracking system called for in legislation passed five years ago to record the entry of visa holders, record their exit and notify the INS and law enforcement agencies of the identity of anyone overstaying their visa. This system should also utilize the latest technology, including biometrics, to ensure that visas cannot be tampered with or stolen. Finally, it is time for the members of the task force to be appointed, including the Director of Homeland Security, so that the issues surrounding this system can be settled.

The bill also calls for the tightening of the Visa Waiver Pilot program to ensure that passports for participating countries are not stolen or defaced by those trying to sneak into the country. It also calls for those employing work visa holders to report to the INS if that person leaves or is terminated from their job.

These are all reasonable proposals that will not impact commerce, travel and relationships with friendly countries. It will also begin the process of having an accurate picture of who has entered the country and who has departed. It is one of many steps that needs to be taken to avoid further terrorist attacks. I look forward to working with my colleagues to implement this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1518

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Integrity and Security Act of 2001".

### SEC. 2. SENSE OF THE CONGRESS REGARDING THE NEED TO EXPEDITE IMPLEMENTATION OF INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) SENSE OF CONGRESS.—In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that—

(1) the Attorney General should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215), with all deliberate speed and as expeditiously as practicable; and

(2) the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should immediately begin establishing the Integrated Entry and Exit Data System Task Force, as described in section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215).

### SEC. 3. ENTRY-EXIT TRACKING SYSTEM.

(a) DEVELOPMENT OF THE SYSTEM.—In the development of the entry-exit tracking system, as described in the preceeding section, the Attorney General shall particularly focus—

(1) on the utilization of biometric technology, including, but not limited to, electronic fingerprinting, face recognition, and retinal scan technology; and

(2) on developing a tamper-proof identification, readable at ports of entry as a part of any nonimmigrant visa issued by the Secretary of State.

(b) INTEGRATION WITH LAW ENFORCEMENT DATABASES.—The entry and exit data system described in this section shall be able to be integrated with law enforcement databases for use by State and Federal law enforcement to identify and detain individuals in the United States after the expiration of their visa.

### SEC. 4. ACCESS BY THE DEPARTMENT OF STATE TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting "; DATA EXCHANGE" after "SECURITY OFFICERS";

(2) by inserting "(a)" after "SEC. 105.";

(3) in subsection (a), by inserting "and border" after "internal" the second place it appears; and

(4) by adding at the end the following:

"(b) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the Department of State, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file. The Department of State shall merge the information obtained under this subsection with the information in the system currently accessed by consular officers to determine the criminal history records of aliens applying for visas.".

(c) REGULAR REPORTING.—The Director of Central Intelligence, the Secretary of Defense, the Commissioner of Immigration and Naturalization, and the Director of the Federal Bureau of Investigation shall provide information to the Secretary of State on a regular basis as agreed by the Secretary and the head of each of these agencies that will assist the Secretary in determining if an applicant for a visa has a criminal background or poses a threat to the national security of the United States or is affiliated with a group that poses such a threat.

(d) REPORT ON SCREENING INFORMATION.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit a report to Congress on the information that is needed from any United States agency to best screen visa applicants to identify those affiliated with terrorist organizations or those that pose any threat to the safety or security of the United States, including the type of information currently received by United States agencies and the regularity with which such information is transmitted to the Secretary.

### SEC. 5. STUDENT TRACKING SYSTEM.

(a) INTEGRATION WITH PORT OF ENTRY INFORMATION.—For each alien with respect to whom information is collected under this section, the Attorney General shall include information on the date of entry, port of entry, and nonimmigrant classification.

(b) EXPANSION OF SYSTEM TO INCLUDE OTHER APPROVED EDUCATIONAL INSTITUTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372) is amended—

(1) in subsection (a)(1), subsection (c)(4)(A), and subsection (d)(1) (in the text above subparagraph (A)), by inserting ", other approved educational institutions," after "higher education" each place it appears;

(2) in subsections (c)(1)(C), (c)(1)(D), and (d)(1)(A), by inserting ", or other approved educational institution," after "higher education" each place it appears;

(3) in subsections (d)(2), (e)(1), and (e)(2), by inserting ", other approved educational institution," after "higher education" each place it appears; and

(4) in subsection (h), by adding at the end the following new paragraph:

"(3) OTHER APPROVED EDUCATIONAL INSTITUTION.—The term 'other approved educational institution' includes any air flight school, language training school, vocational school, or other school, approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.".

(c) EXPANSION OF SYSTEM TO INCLUDE ADDITIONAL INFORMATION.—Section 641(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372(b)), as amended by subsection (a), is further amended—

(1) by redesignating subparagraphs (B), (C), and (D) of paragraph (1) as subparagraphs (C), (D), and (E), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) the name of any dependent spouse, child, or other family member accompanying the alien student to the United States;"; and

(3) in paragraph (1)(D) (as so redesignated), by inserting after "maintaining status as a full-time student" the following: "and, if the alien is not maintaining such status, the date on which the alien has concluded the alien's course of study and the reason therefor"; and

(4) by adding at the end the following new paragraph:

"(5) INFORMATION ON FAILURE TO COMMENCE STUDIES.—Each approved institution of higher education, other approved educational institution, or designated exchange visitor program shall inform the Attorney General within 30 days if an alien described in subsection (a)(1) who is scheduled to attend the institution or program fails to do so. The Attorney General shall ensure that information received under this paragraph is included in the National Crime Information Center's Interstate Identification Index.".

**SEC. 6. STRENGTHENING VISA WAIVER PILOT PROGRAM.**

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended by adding at the end the following:

"(D) TAMPER PROOF PASSPORT.—The country employs a tamper-proof passport, has established a program to reduce the theft of passports, and has experienced during the preceding two-year period a low rate of theft of passports, as determined by the Secretary of State.".

**SEC. 7. REPORTING REQUIREMENT REGARDING H-1B NONIMMIGRANT ALIENS.**

(a) REQUIREMENT.—Not later than 14 days after the employment of a nonimmigrant alien described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act is terminated by an employer, the employer shall so report to the Attorney General, together with the reasons for the termination.

(b) PENALTY.—Any employer who fails to make a report required under subsection (a) shall be ineligible to employ any nonimmigrant alien described in that subsection for a period of one year.

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By Mr. HARKIN (for himself, Mr. LUGAR, Mr. KERRY, Mr. CRAPO, Mr. MCCONNELL, Mr. HELMS, Mr. DAYTON, Mr. LEAHY, Mr. HUTCHINSON, Mr. MILLER, Mrs. LINCOLN, Mr. BAUCUS, Mr. ROBERTS, Mr. CONRAD, and Mr. NELSON of Nebraska):

S. 1519. A bill to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Madam President, I am proud to be joined by Senators LUGAR, KERRY, CRAPO, MCCONNELL, HELMS, DAYTON, LEAHY, HUTCHINSON, MILLER, LINCOLN, BAUCUS, ROBERTS, CONRAD, and NELSON today as we introduce legislation in support of those men and women who voluntarily leave their communities, leave their jobs, and leave their families to serve our country. In the past few weeks, thousands of men and women have been called to duty as reservists and members of the National Guard. Many of these people have volunteered to leave their farms to respond to the call. Some of these people borrow money from the USDA to sustain their farms. Because these reservists and members of the National Guard have been called up, they may find it difficult to continue to meet the terms of these loans. The bill offered today would alleviate some of the financial stress caused by the activation.

The bill directs the USDA to use its lending authority to minimize the financial impact of a reservist being activated. The Secretary of Agriculture is directed to take actions to help keep the farm of an activated reservist in operation, including deferring scheduled payments, reducing interest rates, reamortizing or consolidating loans, or taking other restructuring actions. The bill also provides the USDA new authority to provide emergency loan assistance to farms financially injured because of the activation of a reservist.

I thank Senator KERRY for this idea. He introduced legislation in 1999, of which I was a cosponsor, that provided similar relief to borrowers from the Small Business Administration who are called up. Just as small businesses can be greatly affected by the absence of one person, farms many times rely entirely on the labor and ingenuity of just one or two key people.

At this time, when these men and women are sacrificing so much, the least we can do is alleviate the financial strain at home caused by their willingness to serve. By enacting this modest measure, we can help lift worries about the farm at home from the minds of the individuals and families directly affected by activation.

Madam President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.**

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

**"SEC. 376. FARM CREDIT ASSISTANCE FOR ACTIVATED RESERVISTS.**

"(a) DEFINITIONS.—In this section:

"(1) ACTIVATED RESERVIST.—The term 'activated reservist' means—

"(A) a member of a reserve component of any of the Armed Forces of the United States who is serving on active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) pursuant to a call or order issued on or after September 11, 2001, under a provision of law referred to in subparagraph (B) of that section; and

"(B) a member of the National Guard of a State not in Federal service who is ordered to duty under the laws of the State in support of any operation to protect persons or property from an act of terrorism or a threat of attack by a hostile force during the period of a national emergency declared by the President or Congress on or after September 11, 2001.

"(2) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an activated reservist who owns or operates a farm or ranch;

"(B) an owner or operator of the farm or ranch who is a member of the family of the activated reservist; and

"(C) an owner or operator of a farm or ranch on which an activated reservist is employed.

"(b) PROGRAM.—The Secretary shall establish a program to provide assistance to any borrower of a farmer program loan who is an eligible person.

"(c) MODIFICATION OF LOAN TERMS.—The Secretary shall modify the terms and conditions of a farmer program loan (including a loan in which any participant in the loan is an eligible person) made to an eligible person for a farm or ranch under this title, or purchased under section 309B, to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

"(d) DEBT RESTRUCTURING.—The Secretary may modify farmer program loans, including delinquent loans, by deferring principal or interest scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled principal or interest payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary, to alleviate conditions of distress related to the activation of the activated reservist and to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

"(e) EMERGENCY LOANS.—

"(1) IN GENERAL.—The Secretary shall make an emergency loan under subtitle C to an eligible person for a farm or ranch that has suffered, or that is likely to suffer, substantial economic injury as the result of the activation of an activated reservist, as determined by the Secretary.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an emergency loan made under this subsection shall be made under the terms and conditions of subtitle C.

"(B) EXCEPTIONS.—An emergency loan made under this subsection shall not be subject to—

"(i) the requirements of section 321(a) for a finding by the Secretary that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President;

"(ii) section 321(b); or

"(iii) any other requirement of subtitle C that the Secretary waives to carry out this subsection.

"(3) PERIOD OF ELIGIBILITY.—To obtain an emergency loan under this subsection, an eligible person shall apply for the emergency loan during the period—

"(A) beginning on the date on which the activated reservist is activated; and

"(B) ending 180 days after the date on which the activated reservist is discharged or released from active duty.

"(f) NOTICE.—The Secretary shall develop a program to notify eligible persons of assistance that is available under this section.

"(g) SPOUSES OR RELATIVES.—

"(1) IN GENERAL.—The Secretary may provide for procedures under which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under this title.

"(2) REPRESENTATION.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under the procedures described in paragraph (1) if the Secretary—

"(A) determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

"(B) has no reason to believe that the representation of the spouse or close relative is not in accordance with the intent and interests of the activated reservist.".

**SEC. 2. REGULATIONS.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendment made by section 1.

(b) PROCEDURE.—The promulgation of the regulations and administration of the amendment made by section 1 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

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By Mr. BROWNBACK:

S. 1521. A bill to amend the FREEDOM Support Act to authorize the President to waive the restriction of assistance for Azerbaijan if the President determines that it is in the national security interest of the United States to do so; to the Committee on Foreign Relations.

Mr. BROWNBACK. Madam President, in the coming weeks, we are going to be debating several very contentious bills. However, more than at any other point in my career we are considering these issues in an extremely congenial, collegial, thoughtful and deliberative way. Certainly, many of us disagree about the details of one issue or another, however, we have consistently put the interest of the nation ahead of the our own interests as political actors.

This is very encouraging to me. This should be very encouraging to the American people. This should be very encouraging to freedom loving people of the world. The tenor of the debates on this floor should signify to everyone that the United States Government is operating not simply as well as it did before September 11th, but better that it did on September 11th. In the face of this attack, the American Government is operating just as it was always intended to operate.

Today, Madam President I rise to offer a bill that will ensure that our government continues to operate just as intended.

The administration is going about the business of fighting a war. That process relies greatly on our government's ability to strengthen ties with countries that agree to help us wage this war on terrorism. These countries, in many cases, will be taking on factions within their own borders in order to do what is right. For these efforts to prevail, we must use all our assets. One of the most important and appealing being trade and foreign assistance—particularly with regard to the nations of Central and South Asia.

In this spirit, I am introducing a bill which will grant the President the authority to waive the restriction on assistance to the country of Azerbaijan, if the President determines that our national security and interests will benefit from greater assistance and trade with this country—he should have the right to pursue that policy.

Section 907 of the Freedom Support Act places sanctions on Azerbaijan that prevent any support from the United States government for the young nation. This language ties the administration's hands as they attempt to work with this strategically important ally in the war against terrorism.

Unlike past efforts to repeal or waive section 907 sanctions on Azebaijan, today our debate is about more than regional stability in Central Asia—our debate now centers on United States national security interests.

Section 907 stands in the way of training and assistance for Azerbaijani military hospitals that may have to deal with casualties in this campaign.

Section 907 stands in the way of airport and air traffic control upgrades that may need to happen to assist our airforce.

There are over 71 million people in the Central Asian region which includes Azerbaijan. Many of these emerging democracies are battling fundamentalist factions. If we do not assist those who want to move westward, we empower the factions coming in from countries which support terrorist activities.

With the horrific attack on our country, we have been painfully awakened to the global and complex network that terrorists have created and aimed at our country and its interests. Our foreign policy must help fight against the creation of new terrorist breeding grounds as we fight the existing terrorist plague.

Azerbaijan itself is a bulwark against Islamic fundamentalism in the region. Since its independence, Azebaijan has endured Iranian pressure to adopt its style of government. Iran secretly funds hundreds of religious schools and colleges in Azerbaijan. Iranian diplomats and secret service representatives have been expelled from Azerbaijan on grounds that they are fomenting disturbances.

Iran criticizes Azerbaijan for its pro-U.S. stance and is concerned about the Azeris increasing ties to the West—particularly with U.S. companies. Iran seeks to ensure that Azerbaijan fails with its free market and democratic reforms, because secular independence and democratic Azerbaijan is perceived as a threat for the fundamentalist regime in Iran.

Right now, we need the help and cooperation of the entire Central Asian region—we can not afford to tie the President's hands over a conflict between two countries. This is particularly important now since these restrictions are used as anti-American fodder by fundamentalist factions hoping to shape the development of the region.

To reiterate, this provides national waiver authority to the President to lift sanctions on Azerbaijan. Briefly, the United States has had for a series of years, now, sanctions against Azerbaijan. For people not familiar, Azerbaijan sits in the Caspian Sea region right above Iran.

It is part of the former Soviet Union. It is an oil- and gas-rich area. It is a small country. But it is a small Islamic country that is strongly supportive of the United States.

Their President, President Aliyev, has issued statements about the strong support for the United States in the face of our attack on terrorism and dealing with terrorism. They have provided the United States fly-over rights, landing rights, refueling rights, and intelligence information as well. This is in that key strategic part of the world, the south Caucasus, just leading into central Asia. It has the gateway city, Baku, going into Asia. Baku is an old, really European-style city—a gorgeous place. But more important, they are supportive of the United States, and yet as they support us, we are sanctioning them.

We are likely to use military bases in Azerbaijan as a staging area or as a refueling area or, potentially if we have casualties in the region, as a hospital area as well. Yet we are sanctioning them.

If we continue with these sanctions, the Azeris are not going to be able to effectively help us and use their territories. Because of the sanctions we have against Azerbaijan, we cannot train their personnel to help us in guarding the perimeter of military bases where our aircraft may be. Because of the sanctions we have against Azerbaijan, we cannot train their hospital personnel to be able to help treat any potential difficulties that we may have in that region. Because of the sanctions we have against Azerbaijan, we cannot train their personnel in counterintelligence to help us in the gathering of information as to what is taking place, what is moving in the region, so we can be more effective in our fight against terrorism. This is against a country that has been strongly supportive of the United States.

There has been a long, ongoing battle between the Azeris and the Armenians in this region of the world, and this has gone on for a long period of time. The sanctions are somewhat associated with that. But the point being, we have a fight now against terrorism. The President needs to have national security waiver authority so, in those specific areas that would be beneficial to us, he can lift those sanctions against Azerbaijan. This will be a tough issue, but that authority is something we should provide the President if we are going to prosecute this effort successfully. I think it is very important that we put this forward, that we pass it.

This is not taking the sanctions off completely. It is providing the President with waiver authority, national security waiver authority. There has to be a national security interest. If it is not needed, if the reason to have it is not there, the President doesn't have the authority to exercise it. So we should provide him that authority.

I am introducing this bill tonight. I urge my colleagues to look very closely at this issue, and I hope they will sign onto the bill so we can move this forward and allow the President the tools he needs to prosecute this war on terrorism effectively.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 169—RELATIVE TO THE DEATH OF THE HONORABLE MIKE MANSFIELD, FORMERLY A SENATOR FROM THE STATE OF MONTANA

Mr. DASCHLE (for himself, Mr. Lott, Mr. Baucus, Mr. Burns, Mr. Byrd, Mr. Stevens, Mr. Inouye, Mr. Thurmond, Mr. Kennedy, Mr. Hollings, Mr. Leahy, Mr. Reid, Mr. Akaka, Mr. Allard, Mr. Allen, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Nickles, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Thomas, Mr. Thompson, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 169

Whereas Mike Mansfield, the son of Irish immigrants, was born in 1903 in New York City and raised in Great Falls, Montana;

Whereas Mike Mansfield was the youngest Montanan to serve in World War One, having enlisted in the United States Navy at the age of fourteen;

Whereas Mike Mansfield spent eight years working in the copper mines of Montana;

Whereas Mike Mansfield, at the urging of his wife Maureen, concentrated his efforts on education, obtaining both his high school diploma and B.A. degree in 1933, an M.A. in 1934, and became a professor of history at the University of Montana at Missoula, where he taught until 1952;

Whereas Mike Mansfield was elected to the House of Representatives in 1943 and served the State of Montana with distinction until his election to the United States Senate in 1952;

Whereas Mike Mansfield further served the State of Montana and his country in the Senate from 1952 to 1976, where he held the position of Majority Leader from 1961 to 1976, longer than any Leader before or since;

Whereas Mike Mansfield continued to serve his country under both Democratic and Republican administrations in the post of Ambassador Extraordinary and Plenipotentiary to Japan from 1977 to 1989; and

Whereas Mike Mansfield was a man of integrity, decency and honor who was loved and admired by this Nation: Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

### SENATE RESOLUTION 170—HONORING THE UNITED STATES CAPITOL POLICE FOR THEIR COMMITMENT TO SECURITY AT THE UNITED STATES CAPITOL, PARTICULARLY ON AND SINCE SEPTEMBER 11, 2001

Mr. WELLSTONE (for himself, Mr. Dodd, and Mr. Reid) submitted the following resolution; which was considered and agreed to:

S. Res. 170

Whereas the Capitol is an important symbol of freedom and democracy across the United States and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy;

Whereas millions of people visit the Capitol each year to observe and learn the workings of the democratic process;

Whereas the United States Capitol Police force was created by Congress in 1828 to provide security for the United States Capitol building;

Whereas, today the United States Capitol Police provide protection and support services throughout an array of congressional buildings, parks, and thoroughfares;

Whereas the United States Capitol police provide security for Members of Congress, their staffs, other government employees, and many others who live near, work on, and visit Capitol Hill;

Whereas the United States Capitol Police have successfully managed and coordinated major demonstrations, joint sessions of Congress, State of the Union Addresses, State funerals, and inaugurations;

Whereas the United States Capitol Police have bravely faced numerous emergencies, including three bombings and two shootings (the most recent of which in 1998 tragically took the lives of Private First Class Jacob 'J.J.' Chestnut and Detective John Michael Gibson);

Whereas the horrific events of September 11, 2001 have created a uniquely difficult environment, requiring heightened security, and prompting extra alertness and some strain among staff and visitors;

Whereas the U.S. Capitol Police force has responded to this challenge quickly and courageously, including by facilitating the evacuation of all of the buildings under their purview, as well as the perimeter thereof;

Whereas the United States Capitol Police Department has since instituted 12-hour, 6-day shifts, requiring that officers work 30 hours of overtime each week to ensure our continued protection;

Now, therefore, be it

*Resolved by the Senate*, That—

(1) the Senate hereby honors and thanks the United States Capitol Police for their outstanding work and dedication, during a period of heightened security needs on the day of September 11, 2001 and thereafter;

(2) when the Senate adjourns on this date they shall do so knowing that they are protected and secure, thanks to the commitment of the United States Capitol Police.

### SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF THE CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED TO HONOR COAL MINERS

Mr. McCONNELL submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. Con. Res. 77

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they have performed to provide the fuel needed to operate the Nation's industries and to provide energy to homes and businesses;

Whereas millions of workers have toiled in the Nation's coal mines over the last century, risking both life and limb to fuel the Nation's economic expansion;

Whereas during the last century over 100,000 coal miners have been killed in mining accidents in the Nation's coal mines, and 3,500,000 coal miners have suffered non-fatal injuries;

Whereas 100,000 coal miners have contracted Black Lung disease as a direct result of their toil in the Nation's coal mines;

Whereas coal provides 50 percent of the Nation's electricity and is an essential fuel for industries such as steel, cement, chemicals, food, and paper;

Whereas the United States has a demonstrated coal reserve of more than 500,000,000,000 tons, with an estimated 275,000,000,000 tons of recoverable reserves which, at current production rates, represents about 275 years of recoverable coal reserves;

Whereas these coal reserves represent about 95 percent of all fossil fuel reserves in the United States, and about ¼ of the world's known coal reserves;

Whereas the recoverable coal reserves in the United States have the energy equivalent of about 1,000,000,000,000 barrels of oil, which is comparable to all of the world's known oil reserves;

Whereas since the energy crises of the 1970s, United States' dependence on foreign oil has grown substantially, with imported oil accounting for 39 percent of all oil consumed in 1973 and about 60 percent today;

Whereas energy security is an integral component of the Nation's economy and national security;

Whereas coal mining continues to be the economic engine for many communities, providing jobs to areas with little economic diversity;

Whereas coal mining provides economic benefit far beyond its direct revenue, including billions of dollars in economic output and household earnings and hundreds of thousands of jobs in other industries; and

Whereas issuing a postage stamp to honor the Nation's coal miners is fitting and proper: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States Postal Service should issue a stamp honoring the Nation's coal miners; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1847. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

SA 1848. Mr. BAYH (for himself, Mr. VOINOVICH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1850. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; which was ordered to lie on the table.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table.

SA 1852. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1853. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1847.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

Strike the section heading for section 14 and insert the following:

**SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.**

(a) REPORT.—On the date of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 15. DEFINITIONS.**

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**SA 1848.** Mr. BAYH (for himself, Mr. VOINOVICH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 19, strike the section heading and insert the following:

**SEC. 19. MUTUAL PASSENGER ASSURANCE.**

(a) REQUIREMENT.—Chapter 417 of title 49, United States Code, is amended by adding at the end of subchapter I the following new section:

**"§ 41722. Mutual passenger assurance**

"(a) REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.—Each air carrier referred to in subsection (b) that provides scheduled air passenger service on an air passenger route shall, to the extent practicable, provide air transportation to passengers ticketed for air transportation on that route by an air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism, or insolvency or bankruptcy of the carrier.

"(b) APPLICABILITY.—This section applies to an air carrier that receives assistance under section 101 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 41721 the following new item:

"41722. Mutual passenger assurance.".

**SEC. 20. DEFINITIONS.**

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**SA 1849.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the section relating to air marshals, insert the following subsection:

(   ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

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**SA 1850.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1510, to deter and punish terrorists acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

**SEC.   . ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.**

(a) SHORT TITLE.—This section may be cited as the "Justice for Victims of Terrorism Act".

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking the period and inserting "; and";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking "(b)" through "entity—" and inserting the following:

"(b) An 'agency or instrumentality of a foreign state' means—

"(1) any entity—"; and

(D) by adding at the end the following:

"(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply."..

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking "1603(b)" and inserting "1603(b)(1)".

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "(including any agency or instrumentality or such state)" and inserting "(including any agency or instrumentality of such state), except to the extent of any punitive damages awarded"; and

(B) by adding at the end the following:

"(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution with respect to that judgment, in like manner and to the same extent as if the United States were a private person, except to the extent of any punitive damages awarded."; and

(2) by striking paragraph (3) and adding the following:

"(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

"(B) A waiver under this paragraph shall not apply to—

"(i) if property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

"(ii) if any asset subject to the Vienna Convention on Diplomatic Relations or the

Vienna Convention on Consular Relations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

"(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

"(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.".

(d) Effective Date.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of the enactment of this Act.

(e) Paygo Adjustment.—The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this section, or any amendment made by this section.

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**SA 1851.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 17(b), strike "(from amounts made available for obligation under subsection (a))" and insert "(from amounts made available for obligation under subsection (a) or from amounts made available pursuant to an Act making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for antiterrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes (Public Law 107-38)".

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**SA. 1852.** Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . AMENDMENTS TO AIRCRAFT AND AIRMAN REGISTRY AUTHORITY.**

(a) Registration and Recordation System.—Section 44111 of title 49, United States Code, is amended—

(1) by striking subsection (a) and redesignating subsections (b), (c), and (d), as subsections (a), (b), and (c), respectively;

(2) in subsection (a)(2), as redesignated, by inserting before the semicolon "and related to combating acts of terrorism";

(3) by inserting the following flush sentence at the end of subsection (a):

"For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping."; and

(4) in the heading, by striking "NOT PROVIDING AIR TRANSPORTATION".

(b) Airman Certificates.—Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraph:

"(3) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

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**SA. 1853.** Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.**

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "pilots" and inserting "airmen"; and

(B) by striking the period and inserting "and related to combating acts of terrorism."; and

(2) by adding at the end, the following new paragraphs:

"(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

"(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 9, 2001, at 2:30 p.m. on John Marburger to be Director of the Office of Science and Technology Policy, and Phillip Bond to be Under Secretary of Commerce for Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 9 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 1480, a bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and other proposals related to energy infrastructure security.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 9, 2001 at 2:15 p.m. to hold a nomination hearing.

Nominees: Mr. Edward Fox, of Ohio, to be an Assistant Administrator (Legislative and Public Affairs) of the United States Agency for International Development;

Mr. Kent Hill, of Massachusetts, to be an Assistant Administrator (for Europe and Eurasia) of the United States Agency for International Development;

Mrs. Anne Peterson, of Virginia, to be an Assistant Administrator (Global Health) of the United States Agency for International Development; and

Mr. John Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Effective Responses to the Threat of Bioterrorism during the session of the Senate on Tuesday, October 9, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Ray Ivie of my staff be granted the privilege of the floor today and throughout consideration of S. 1447.

The PRESIDING OFFICER. Without objection it is so ordered.

## HONORING MIKE MANSFIELD

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 169 submitted earlier today by the two leaders, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 169) relative to the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Madam President, it is a great honor for me to join Senator DASCHLE in sponsoring a resolution memorializing our friend and the great Senator from Montana, our former majority leader in the Senate and Ambassador to Japan, Mike Mansfield.

I didn't get to know Senator Mansfield as well as many Senators who actually served with him. I was in the House during many of the years he was serving as the majority leader through 1976. I remember watching and liking the fact he would go on some of the talk shows and be interviewed. They would ask this convoluted, complicated, long question; he would answer with a one-syllable word. I loved that. Quite often that is all that is necessary: Yes; no. It makes it very difficult to drag out a long program.

As I watched him closer over the years, there was something about his demeanor that was very attractive. When I became majority leader, I read books on previous majority leaders. There had only been 15 before I had the opportunity to be majority leader. There were some in particular, and I went over the style of their leadership: Lyndon Johnson, Mike Mansfield, Howard Baker, and all of our majority leaders.

I particularly was attracted to Senator Mansfield's style. It was one of letting the Senate work its will. It was not threatening. By the way, the style was so different from Lyndon Johnson's. Lyndon Johnson was very effective but worked Senators late hours and weekends. Behind Lyndon Johnson came Mike Mansfield who took a completely different tack. Yet he got as much done. If you look at the substance of what was produced during the leadership period of Lyndon Johnson compared to the critical period that Mike Mansfield served, he got as much done.

While some will disagree that I did this, I decided in my own mind I would try to adopt more of the style of Mike Mansfield, and not necessarily keep the staff here when it was not necessary, and see if I couldn't get more done by not being in session late at night or threatening weekends. I think it had an effect. I found quite often if you don't try to punish Senators, you get more done than you do if you press them to the wall. He was a great leader from Montana. He served longer than any other majority leader in history. Of the now 17 majority leaders, only he served 15 years in that position.

He also had the exact personality that we needed to have for Ambassador to Japan. In a way, he was maybe even Japanese in his demeanor: Soft spoken, courteous, honorable, man of high integrity, man of few words. When he spoke, it was worth listening.

So we have lost a great leader in the Senate, a friend. He came back and spoke to our Leader's Lecture Series. I was totally enthralled with what he had to say. He gave us the speech he was going to give on the Friday that John F. Kennedy was assassinated. He had not given that speech. It was a speech defending his style of leadership. It was quite interesting to get the juxtaposition of what we go through today and what he was going through, the historical nature of that speech. In fact, he delivered it to the Senate some 35 years later.

So we will miss Mike Mansfield. He stayed active until the very end. But somehow I felt when Mrs. Mansfield passed away not too long ago that he wouldn't be long because they were inseparable. He loved her so dearly. And, once again, I think they exhibited the type of couple we want in government but also in life.

As a Republican, but more importantly as a Senator of America, I came to admire Mike Mansfield. We owe him a great debt of gratitude. He has been a legend. He has made this institution a better place for his service. We shall miss him.

I yield the floor.

Mr. BROWNBACK. Madam President, I add my statement of support to what Senator LOTT has said about Mike Mansfield. I had the opportunity to meet him at the Senate prayer breakfast. He was a regular attendee, a gentleman from appearance, demeanor, and actions, deep spiritually as an individual. He spoke often by not speaking, just by the way he was. He spoke volumes, really, of the beauty of a person who leads a good life. He led a life that was really lived and a model for many of us to follow. He will be dearly missed.

Mr. REID. Madam President, I ask unanimous consent that I be added as a cosponsor of this resolution, and I further ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table en bloc with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 169), was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

## IN HONOR OF THE UNITED STATES CAPITOL POLICE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 170 submitted earlier today by Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 170) honoring the United States Capitol Police for their commitment to security at the United States Capitol, particularly on and since September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I express my appreciation to Senator WELLSTONE for moving forward on this resolution to recognize the commitment the Capitol Police have made to each one of us, and every staff member, and every person who visits the United States Capitol. They did that before September 11, and following September 11 that has been magnified. They do tremendous work. They are as well trained as any police officers in the world. And every day they honor the Government for whom they work.

Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions."

## HONORING LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, EMERGENCY RESCUE PERSONNEL AND HEALTH CARE PROFESSIONALS

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Con. Res. 76, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) honoring law enforcement officers, firefighters, emergency personnel and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FEINGOLD. Madam President, I rise today in support of this resolution honoring the efforts and sacrifices of law enforcement officers, firefighters, emergency rescue personnel, and health care professionals in responding to the horrific attacks on the United States on September 11, 2001.

In New York and Washington, D.C., emergency calls went out on the morning of September 11 just after those attacks occurred. Those alarms were heard by first-responders throughout the country. Law enforcement, firefighters, emergency rescue personnel, and health care professionals answered the call with the same selfless courage and determination that has long distinguished our emergency response community. While the world looked on in stunned disbelief, these workers, always prepared and ever vigilant, instinctively donned their uniforms and raced to the scene.

At ground zero, as many as 400 of these brave men and women sacrificed their very lives in service to their communities that morning. Since that time hundreds more have labored tirelessly in efforts to save and recover their fellow rescuers and other victims. Although we react with awe and commend them for working above and beyond the call of duty, these courageous souls expect no less from themselves and carry on despite the heavy emotional and physical burdens of their mission.

This instinct to respond has shown in the efforts of emergency response personnel nationwide. On seeing the events of September 11 unfold, volunteers from all parts of the country, including firefighters and other workers from the State of Wisconsin, travelled across the country to the impact zones to assist in whatever means necessary. From home, firefighters and other rescue workers have organized fund-raising and supply drives to support rescue and recovery efforts and the families of their fallen brethren. In Madison, WI, local firefighters have raised over $200,000 for families of their New York counterparts who died at the World Trade Center. Other community fire departments throughout Wisconsin have responded in kind.

I am proud to recognize the contribution of our Wisconsin emergency response community. More than three-quarters of our fire and rescue workers in Wisconsin are volunteers, individuals who balance this substantial public service commitment while working full-time jobs throughout our communities. These workers know, like no other, the sacrifices that were made at the World Trade Center on September 11, and our prayers go out to them as they grieve for their comrades-in-arms.

As we prepare to respond to this vicious attack on our Nation, we must not forget the integral part that emergency response workers will play in this campaign. The threat of terrorism knows no boundaries, as we were so painfully reminded, and these first-responders will be on the front lines of our defense. These workers have been quietly preparing for years for this mission, but they will need our continued support to remain at-the-ready. It will be these workers who will ensure that America "gets back to work," because their efforts give us security in our streets, our public facilities, and our homes. I would like to say to all of our emergency response workers thank you for your service to our communities. Your work has never been so needed, never so appreciated.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City and a third plane into the Pentagon in northern Virginia, and resulting in the crash of a fourth plane in Somerset County, Pennsylvania;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon;

Whereas thousands of innocent Americans and foreign nationals were killed or injured as a result of these attacks;

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events, acting heroically, and trying to help and to save as many of the lives of others as possible in the impact zones, in spite of the clear danger to their own lives;

Whereas some of these rescue workers, police officers, and firefighters have died or are missing at the site of the World Trade Center;

Whereas firefighters, rescue personnel, and police officers have been working above and beyond the call of duty, putting their lives at risk, working overtime, going without proper sleep, and spending time away from their families and loved ones;

Whereas the United States Capitol Police, United States Secret Service, the Police Department of Metropolitan Washington, D.C., the Arlington County Police Department, and other law enforcement agencies have put in extra hours to ensure the safety of all Americans, particularly the President, members of Congress, and other United States Government officials; and

Whereas since the morning of September 11, 2001, police officers and public safety officers throughout the United States have been called upon to put in extra time to ensure the safe and security of Americans: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress commends—

(1) the firefighters, police officers, rescue personnel, and health care professionals who have selflessly dedicated themselves to the search, rescue, and recovery efforts in New York City, northern Virginia, and Pennsylvania; and

(2) the efforts of law enforcement and public safety personnel throughout the nation for their service at a time when their call to serve and protect their nation is even more essential than ever before.

## NATIONAL MAMMOGRAPHY DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. Res. 164.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) designating October 19, 2001 as "National Mammography Day".

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 164

Whereas according to the American Cancer Society, in 2001, 192,200 women will be diagnosed with breast cancer and 40,600 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by up to 63 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 97 percent: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 19, 2001, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

## RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE YOUTH FOR LIFE: REMEMBERING WALTER PAYTON

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Con. Res. 63 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 63) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 63

Whereas more than 76,000 men, women, and children currently await life-saving transplants;

Whereas every 14 minutes another name is added to the national transplant waiting list;

Whereas people of all ages and medical histories are potential organ, tissue, and blood donors;

Whereas more than 2,300 of those awaiting transplants are under the age of 18;

Whereas approximately 14,000 children and young adults under the age of 18 have donated organs or tissue since 1988;

Whereas science shows that acceptance rates increase when donors are matched to recipients by age;

Whereas organ donation is often a family decision, and sharing a decision to become a donor with family members can help to ensure a donation when an occasion arises;

Whereas nationwide there are up to 15,000 potential donors annually, but consent from family members to donation is received for less than 6,000;

Whereas educating young people about organ and tissue donation promotes family discussions over the desire of family members to become organ donors;

Whereas Youth For Life: Remembering Walter Payton is committed to educating young adults about organ donation and encouraging students to discuss this decision with their family and register to be organ donors;

Whereas the Youth For Life: Remembering Walter Payton program is dedicated to football legend Walter Payton, who broke the NFL career rushing record on October 7, 1984; and

Whereas Youth For Life: Remembering Walter Payton Day will be held on October 9, 2001: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) supports the purposes and objectives of Youth For Life: Remembering Walter Payton; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

## ORDERS FOR WEDNESDAY, OCTOBER 10, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, October 10; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1447, the aviation security bill; and further, that all time during the adjournment be counted under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment in accordance with S. Res. 169, as a further mark of respect to the late majority leader, Senator Mike Mansfield.

There being no objection, the Senate, at 7:08 p.m., adjourned until Wednesday, October 10, 2001, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 9, 2001:

### FEDERAL HOUSING FINANCE BOARD

JOHN THOMAS KORSMO, OF NORTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2009. (REAPPOINTMENT)

JOHN THOMAS KORSMO, OF NORTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2002, VICE LAWRENCE U. COSTIGLIO, TERM EXPIRED.

### DEPARTMENT OF STATE

CHARLES S. SHAPIRO, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

ERNEST L. JOHNSON, OF LOUISIANA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM J. HYBL, OF COLORADO, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NANCY CAIN MARCUS, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

### NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003, VICE JOHN C. TRUESDALE, RESIGNED.

### THE JUDICIARY

JULIA SMITH GIBBONS, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE GILBERT S. MERRITT, RETIRED.

WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EMMETT RIPLEY COX, RETIRED.

PHILIP R. MARTINEZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

C. ASHLEY ROYAL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE DUROSS FITZPATRICK, RETIRED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral (lower half)*

CAPT. DALE G. GABEL, 5350
CAPT. JEFFREY M. GARRETT, 5563
CAPT. DAVID W. KUNKEL, 1601
CAPT. DAVID B. PETERMAN, 1735

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) MARY P. O'DONNELL, 3535

*To be rear admiral (lower half)*

CAPT. DUNCAN C. SMITH III, 8281

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. STEPHEN W. ROCHON, 4866

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

*To be lieutenant general*

MAJ. GEN. GEORGE W. CASEY JR., 1204

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. CHARLES W. MOORE JR., 5696

### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

STEPHEN C. BURRITT, 5069

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

MICHAEL S. SPEICHER, 9897

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

GARY W. LATSON, 6462

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ROBERT S. SULLIVAN, 8093

# HOUSE OF REPRESENTATIVES—*Tuesday, October 9, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 9, 2001.*

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

## RECESS

The SPEAKER pro tempore. There being no requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.) the House stood in recess until 2 p.m.

☐ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

## PRAYER

The Reverend Dr. W. Wilson Goode, Sr., First Baptist Church of Paschall, Philadelphia, Pennsylvania, offered the following prayer:

God, we honor You today as both omnipotent and omnipresent. We now beseech You to bless these our halls in which the affairs of state are conducted.

We pray especially for every Member of this Congress. We seek for them wisdom that will help them at all times discern right from wrong. We seek for them passion for this Nation and for all of its people. We seek for them, oh, Lord, judgment in the passage of the laws which will establish justice, freedom, and equality throughout the land.

We seek for Members of Congress special concern for our children, especially those who are hungry and homeless and living in poverty, and whose parents are incarcerated.

God we acknowledge Your mighty handiwork in the evolution of this Nation and pray now for Your continued protection. We pray today especially for the men and women of our Armed Forces. We pray for Your divine protection of them, and for the safety and comfort of their families.

Now, Lord, grant to this Congress at this extraordinary time in our history an extra measure of Your blessing, that they may guide this Nation with righteousness and justice. May Divine Providence always guide them as Your will be done on Earth as in heaven. In the name of the Lord and Savior Jesus Christ we pray, and for His sake. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. BRADY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING THE REVEREND DR. W. WILSON GOODE, SR., AS GUEST CHAPLAIN

(Mr. BRADY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Pennsylvania. Mr. Speaker, I am proud to be here to welcome our guest chaplain, my good friend and former employer, the right Reverend W. Wilson Goode. Reverend Goode has always served God and the public at the same time. He rose from deacon to associate pastor at the First Baptist Church of Paschall.

He rose from a Philadelphia neighborhood block captain to Philadelphia's Mayor, who, in his infinite wisdom, appointed me as his deputy.

He went from organizing his block to leading faith-based initiatives at the nonprofit Public/Private Ventures. He is Associate Professor of Political Science and Urban Policy at Eastern College, where he puts his experience as Chairman of the Pennsylvania Public Utility Commission, Deputy Assistant Secretary for the U.S. Department of Education, Philadelphia's Managing Director and Mayor of Philadelphia, to work for his students.

Dr. Goode has been awarded 14 honorary doctorates and has published an autobiography, In Good Faith. He is a family man, who has seen his son elected to the city council.

More than anything else, Wilson Goode is a person who can bring people together. He did that as a mayor, he did that in his candidacy, and now does that as a reverend.

Mr. Speaker, in these troubled times it is important that we hear from people like W. Wilson Goode, so I welcome him with pride, and I thank him for being here.

Again, there are a whole lot of titles that he holds, a whole lot of positions that he held, but the one most endearing with me, the position and title that he holds with me, is dear friend. I thank him, and may God continue to bless him, and God bless our troops.

## CALLING TERRORISTS "TERRORISTS"

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since September 11, journalists have been working overtime to report on the war on terrorism. They have done a good job. Terrorism, the Taliban, Afghanistan, are not well understood by the American people, and our newspapers and electronic media have been working hard to educate us.

I have one serious concern, though. Some of our news organizations have decided not to use the word "terrorist" to describe the suicidal maniacs who took so many lives 4 weeks ago.

Now, I understand that reporters want to be objective. I understand that if they are going to be trusted and

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

taken seriously, the media does not want to take sides.

But reporters also have a duty to report the truth. There comes a point when this kind of even-handedness stands in the way of the truth. The truth here is that the killers were madmen and terrorists, willing to take the law into their own hands and kill thousands of innocent men, women, and children.

The lie is that they were victims of Western imperialism who died valiantly for their cause. This is not a debate even the media should be removed from, it is a debate between good and evil. If we refuse to tell the truth or call a spade a spade, we are making the killers just a little bit stronger.

We should call bin Laden's killers terrorists, because that is what they are.

## INTRODUCTION OF THE OFFICE OF HOMELAND SECURITY ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday President Bush formally opened the Office of Homeland Security and appointed Governor Tom Ridge as its Director. I applaud the President's efforts, and I am pleased with his vision for the office.

Yet, concerns have arisen regarding how much control Governor Ridge will actually have. As Ash Carter of the Boston Globe noted, "White House czars have historically been toothless, unable to control activities of cabinet bureaucracies. To be effective as homeland security czar, Ridge will need influence over the budgets."

That is why I joined with the gentlewoman from California (Ms. HARMAN) in introducing the Office of Homeland Security Act. Our bill will make the office permanent under color of law and provide Governor Ridge the budget authority he will need to coordinate the Federal agencies and resources necessary to protect America from terrorism.

Mr. Speaker, passage of this legislation is critical to our efforts to combat terrorism here at home. I encourage all of my colleagues to support it.

## SWIFT AND DELIBERATE ACTION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in strong support of the swift and deliberate manner with which the President of the United States launched a counterstrike this weekend against the al Qaeda and their government patrons.

By initiating military action in a timely and overwhelming manner, we are sending a clear message about the price to be paid for attacking the people of the United States of America.

The heroes of this conflict will now be fashioned, Mr. Speaker, from among the brave young men and women in uniform who have been called upon to defend our freedom. We in this Congress have given those brave young men and women everything they need to succeed. Their duty now is to serve. Our duty is to pray.

Let us pray for victory, but let us also pray for the safe restoration of our soldiers, sailors, and airmen to their families and friends and communities. The Bible tells us that God has not given us the spirit of fear, but a spirit of power and love, and of a sound mind.

Those who think America trembles from the East to the West, from the North to the South, will be proven wrong, not just at the sound of our guns, but at the fortitude that will be demonstrated by the American people in the days and months and years ahead as we move toward victory in this worthy cause.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules, but not before 6 p.m. today.

## AUTHORIZING PRINTING OF REVISED EDITION OF PUBLICATION ENTITLED "OUR FLAG"

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 244) authorizing the printing of a revised edition of the publication entitled "Our Flag."

The Clerk read as follows:

H. CON. RES. 244

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. PRINTING OF REVISED EDITION OF "OUR FLAG".**

A revised edition of the publication entitled "Our Flag", revised under the direction of the Joint Committee on Printing, shall be printed as a House document.

**SEC. 2. NUMBER OF COPIES.**

(a) IN GENERAL.—Except as provided in subsection (b), there shall be printed a number of copies of the publication described in section 1 as follows:

(1) 250,000 for the use of the House of Representatives, distributed in equal numbers to each Member of the House and each Delegate and Resident Commissioner to the Congress.

(2) 51,500 for the use of the Senate, distributed in equal numbers to each Senator.

(3) 2,000 for the use of the Joint Committee on Printing.

(4) 1,400 for distribution to the depository libraries.

(b) ALTERNATIVE NUMBER.—If the total printing and production costs of the number of copies provided under subsection (a) exceed $150,000, there shall be printed the maximum number of copies of the publication described in section 1 for which such total costs do not exceed $150,000, with distribution allocated in the same proportion as in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 244 is to authorize the printing of a revised and updated version of the House document entitled "Our Flag."

Mr. Speaker, it is with great pride that I stand here today and speak on behalf of this resolution authorizing the reprinting of the publication "Our Flag." Probably at no other time in recent history has our flag had such significance in many Americans' hearts, due to the tragic situation that occurred on September 11, and also the fact that our men and women are, as we speak, answering the call of our country. So it is very close to our hearts.

But it always has been, Mr. Speaker. Traditionally, the American flag has been a symbol of liberty, and it has been carried as a message of freedom to all parts of the world.

This book documents the history of our flag as a symbol of liberty from the colonial period to Pearl Harbor to present day. It documents in detail our patriotic customs. It describes the position and manner of displaying the flag, as well as how to fold and care for it. These days, our flag and its proper care have acquired a special significance.

Mr. Speaker, this has been a regular publication, I would note. It has been printed over time here in the House. It just so happens that, also due to a great amount of requests of flags, we also need to again reprint "Our Flag" so people will have the document available.

In light of the special circumstances, though, I want to thank the gentleman from Maryland (Mr. HOYER) and his staff, the ranking minority member, and also my colleague, the gentleman from New York (Mr. SERRANO), who is here on the floor today.

I want to thank the gentleman from Maryland (Mr. HOYER) and his staff who have worked hard to bring this bill to the floor, working with us in a bipartisan manner.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to voice my strong support of this measure to reprint the congressional publication entitled "Our Flag."

Supplies of this document, last printed in the 105th Congress, have been exhausted. In the wake of the sinister attacks on our country and our way of life 4 weeks ago, millions of Americans have chosen to demonstrate their solidarity with the victims, their love for this great country, and their resolve to triumph over the forces of terror by proudly displaying our Nation's flag.

Increased desire by Americans to show our flag has naturally raised many questions about the guidelines for its proper display. The publication "Our Flag" answers all such questions. It also contains much historical information about our national flag and about the flags of several States.

It is fitting and proper that we reprint this document so Members may have it all available for constituents who need it at this crucial time in our Nation's history.

Mr. Speaker, I urge all Members to support the resolution, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 244.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

## AUTHORIZING PRINTING OF REVISED VERSION OF "HISPANIC AMERICANS IN CONGRESS"

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 90) authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress," as amended.

The Clerk read as follows:

H. CON. RES. 90

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. PRINTING OF REVISED VERSION OF "HISPANIC AMERICANS IN CONGRESS".**

(a) IN GENERAL.—An updated version of House Document 103–299, entitled "Hispanic Americans in Congress" (as revised by the Library of Congress), shall be printed as a House document by the Public Printer, with illustrations and suitable binding, under the direction of the Committee on House Administration of the House of Representatives.

(b) NUMBER OF COPIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in addition to the usual number, there shall be printed 30,700 copies of the document referred to in subsection (a), of which—

(A) 25,000 shall be for the use of the Committee on House Administration of the House of Representatives; and

(B) 5,700 shall be for the use of the Committee on Rules and Administration of the Senate.

(2) ALTERNATIVE NUMBER.—If the total printing and production costs of the number of copies provided under paragraph (1) exceed $220,000, there shall be printed the maximum number of copies of the document referred to in subsection (a) for which such total costs do not exceed $220,000, with distribution allocated in the same proportion as in paragraph (1).

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is House Concurrent Resolution 90 authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress," and it is an honor to be here today with my colleague from New York to present this resolution authorizing the printing of the impressive history of Hispanic Americans in Congress.

It is also a good time as we now have a number of Hispanic Americans serving in the 107th Congress. Seventy Hispanic Members have served in the United States Congress from 1822 to the present. Currently, 21 serve as Members in the House of Representatives.

There has been a long and rich history of Hispanic Americans in Congress. The first Hispanic Member, Joseph Hernandez, elected by the territory of Florida, served in 1822–1823. Between the 1850s and the end of the 19th century the Hispanic Members who served hailed from the territory of Louisiana. By the 1960s, more Hispanics were elected to office than in the previous 140 years.

These numbers reflected the increase in the Hispanic population throughout the United States with the newly elected Members representing such States as Texas, California, New York, Colorado, and others. To date, Hispanics have served in Congress from 10 States in addition to Puerto Rico, Guam, and the Virgin Islands.

The Hispanic membership in Congress promises to grow even more rapidly as the United States enters the 21st century. Since Joseph Hernandez was first elected, the membership has always reflected the diversity in the Hispanic community, which gives reason for us to be proud of the contributions Hispanic Americans have made to our country, to its history.

This underscores the importance of documenting, in detail and with illustrations, the invaluable contributions that Hispanic Americans have made for many years as Members of Congress. Each has made and continues to make a tremendous contribution to their country and to the constituents whom they serve. Each has made an important difference to Congress as an institution in itself and to the many issues which they have advocated before this body and also before the Nation.

Mr. Speaker, I want to thank the sponsor of this resolution, the gentleman from New York (Mr. SERRANO), with whom I proudly serve. Additionally, I want to thank all who supported this resolution and have worked hard to bring it to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I proudly rise today in support of H. Con. Res. 90, a resolution authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress." I have a copy here, and this was something that was done a few years ago. It needs to be updated now, and that is the reason we have the resolution on the floor today.

From September 15 to October 15 of every year since 1988, millions of Americans have celebrated the contributions of Hispanic Americans. This is a time for us to learn of and celebrate the many ways that Hispanic cultures have enriched American society. Beyond the most commonly recognized contributions such as cuisine, music, and language, Hispanics have left undeniable marks in the worlds of science, literature, sports, the Armed Forces, and politics.

Mr. Speaker, in 1994 I asked the House to support legislation to produce a publication that commemorated Hispanic men and women who have served in the United States Congress. These House Members understood that Hispanic Americans in Congress would enrich the lives of those seeking knowledge of Hispanic American history and agreed to pass the bill.

This book serves as a record of history that documents political contributions and accomplishments of individuals from various Hispanic cultures. With such a publication available from the Library of Congress and on the Internet, a student writing a paper on Hispanics in American politics has access to a comprehensive reference book. Not enough publications exist that provide information about specific cultures, and that is just one reason why this publication is so necessary.

Mr. Speaker, that was 7 years ago, and history made each day since has not been documented. In order to maintain the integrity of such a publication, it must be updated. I introduced H. Con. Res. 90 to correct some typographical errors in the premier issue and to add new entries to commemorate new Hispanic American Members of Congress.

Because typical public school curriculum largely focuses on European and European American history, our children are too often denied valuable knowledge of their own or their classmates' cultures and histories. Hispanic Heritage Month and publications like Hispanic Americans in Congress present opportunities to impart knowledge to Americans of all ages who may not be aware of the impact and richness of such cultures.

Mr. Speaker, I must thank my colleagues for their continued support of this project. It is because of them that Hispanic Americans in Congress became a reality.

I want to thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), for their support and for the opportunity for me to update my picture in the book.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, we were also pleased to help the gentleman from New York (Mr. SERRANO) update that picture, although we felt it was fine as it was.

Mr. Speaker, I yield back the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield as much time as he might consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I am pleased to rise in support of H. Con. Res. 90 which will authorize the reprinting and updating of a publication entitled, "Hispanic Americans in Congress."

Hispanics and Hispanic Americans have played a fundamental role in U.S. history. From the early Spanish explorers, to the founding of the oldest city in the U.S. in St. Augustine, Florida. Hispanics have been a part of our history from its earliest beginnings.

The first Hispanic Members of Congress were elected from Florida, New Mexico, and California in the early 19th century. My home State of Texas elected its first Hispanic Representative in 1961, when it sent our friend, Henry B. Gonzalez, to Washington. Today, there are 21 Hispanic Members of Congress representing seven States, two territories, and coming from all walks of life. Hispanics still remain under-represented in Congress.

The 2000 Census figures show that Hispanics are now the largest minority group comprising 12.5 percent of the population, yet they make up only 4.8 percent of Congress. If Hispanic representation is to grow, we need young Hispanics to run for public office.

This publication will teach Hispanic students that no matter their background, they, too, can serve this country by becoming Members of Congress. I believe the most important gift we can give our children is to inspire them to reach beyond themselves and dream as big as they can dream.

I urge my colleagues to support this resolution that will help give rise to the next generation of Hispanic leaders.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

This has the support of our chairman of the Hispanic Caucus, the gentleman from Texas (Mr. REYES), and the gentleman from Texas (Mr. HINOJOSA), all Members, and certain Members on both sides.

Mr. HOYER. Mr. Speaker, I am delighted to support this concurrent resolution, introduced by my distinguished friend from New York (Mr. SERRANO).

During his more than 11 years in the House, the gentleman from New York has consistently led on issues of interest to Hispanic-Americans. I have admired his leadership and appreciated his counsel during the time we have served together.

It was through the work of the gentleman from New York and others that this handsome volume was orginially compiled. It was also my friend from New York who, as chairman of the Congressional Hispanic Caucus during the 103rd Congress, introduced the resolution that provided for the book's publication.

My friend from New York recognized, as should we all, that Hispanics and Hispanic-Americans have played a fundamental role in the history of the United States. Hispanics have every reason to be proud of their role. Christopher Columbus may have been born an Italian, but he was in the service of the King and Queen of Spain when he discovered the New World.

A Spaniard led the first European exploration of lands now part of the continental United States, in what is now Florida. Other Spanish explorers pushed still further into American territory.

Indeed, as Americans fought for independence from Great Britain on the east coast of this continent, The Spanish were exploring and settling the west coast. Barely 2 months after the signing of the Declaration of Independence in 1776, the Spanish founded a little settlement that we know today as San Francisco, CA.

Hispanics have also played a tremendous role in the history of this institution, And they continue to do so today.

Mr. Speaker, the first Hispanic-American to serve in Congress, Delegate Joseph Martin Hernandez, represented the newly acquired Florida territory in the House during the 17th Congress.

The first Hispanic-American Senator, Octaviano Larrazolo, represented New Mexico in the 70th Congress after a public career that included service as Governor of his State.

From 1822 to 1995, a total of 63 distinguished Hispanic-Americans served in the two Houses. Since then, 9 more distinguished Hispanic-Americans have served, all of whom continue serving today. Biographies of the newest Hispanic-American Members, and updated biographies of others, will be included in the new edition as appropriate.

Mr. Speaker, of the more than 11,600 individuals who have served in the two Houses since 1789, fewer than three-fifths of 1 percent have been Hispanic-Americans. In the Congresses of the 21st century and beyond, there is no doubt that many more Hispanic-Americans will have the honor of taking seats in the House and Senate.

There is every reason to be proud of the contributions of the Hispanic-Americans who have served to date, which is why it is so important to chronicle those contributions.

Mr. Speaker, as we enter the 21st century, we must continue to mark the service and record the substantial contributions that Hispanic-Americans are making to the deliberations of the most democratic legislative body on Earth.

A new edition of Hispanic-Americans in Congress will gather, in one updated volume, useful historical information for teachers, students, and others, describing the careers of the Hispanic-American men and women who have served in Congress.

I am certain the new volume, like the first edition, will quickly become a tremendous resource, inspiring young Hispanic-Americans, and indeed all young Americans, to pursue careers that could eventually bring them to Washington to represent their neighbors in Congress.

I urge the House to support the concurrent resolution. I thank the distinguished chairman for bringing it to the floor.

Mr. REYES. Mr. Speaker, I would like to commend the House leadership for bringing House Concurrent Resolution 90 onto the floor today. This bill, offered by my colleague and former chair of the Congressional Hispanic Caucus JOSÉ SERRANO, would authorize the printing of an updated version of the book Hispanic Americans in Congress, 1822 to 1995. This book, by Carmen Enciso, Tracy North, and the Hispanic Division at the Library of Congress, was originally published in 1995 by the Government Printing Office under the direction of the Joint Committee on Printing.

This book, Hispanic Americans in Congress, has been the most comprehensive publication documenting the service of every Hispanic American who has served in the U.S. Congress. Through its compilation of brief biographies of every Hispanic Member, from Joseph Marion Hernandez, elected to represent Florida in 1822, to our colleagues elected in the 1990s, this book will impress any reader with the diversity of Hispanic lawmakers and the contributions we have made to the country as a whole.

In reading this book, you will learn about the key leadership role played by Hispanic Members of Congress, from all parties, in advancing civil rights, assisting farmers and migrant farmworkers, feeding and housing the indigent, enhancing bilingual education, providing a voice for immigrant communities, serving our veterans, advocating democracy and development in Latin America, supporting small businesses, revitalizing our urban economies, and protecting our environment.

It is fitting that during Hispanic Heritage Month, the Congress act to direct the publication of an updated version of Hispanic Americans in Congress. Since it was published in 1995, nine additional Hispanic Americans have been elected to Congress. Anyone who reads this book today will find no mention of half of the current membership of the Congressional Hispanic Caucus. I therefore urge all my colleagues to join me in supporting House Concurrent Resolution 90 so that we can have an up to date and appropriate record of the service of Hispanic Americans in the Congress of this great Nation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of this noncontroversial resolution and urge its immediate passage. It is most appropriate that we are considering this measure during the waning days of Hispanic Heritage Month.

My home state of New Mexico has sent 17 Hispanic-Americans to Congress—that is a record. New Mexico is also the only state that has ever elected two Hispanic-Americans to the United States Senate.

The presence of Hispanics predates the founding of our Nation, and, as among the first to settle on this continent, Hispanics and their descendants have had a profound and lasting influence on American history, values and culture. Since the arrival of the earliest Spanish settlers more than 400 years ago, these Americans have contributed immensely to our peace, freedom and legacy.

I am honored to represent a state that has one of the largest percentages of Hispanic-Americans. This month, as we remember with special gratitude the gifts that Hispanics bring to every aspect of our country, I urge Hispanic-Americans, and, indeed, all New Mexicans, to take great pride in their heritage. Mr. Speaker, for these and countless other reasons, I ask that we pass this measure at once to celebrate the contributions that Hispanic-Americans have made in the United States Congress.

Mr. BACA. Mr. Speaker, I support House Concurrent Resolution 90, which authorizes the revision and reprinting of the book, "Hispanic Americans in Congress."

Within the pages of "Hispanic Americans in Congress" you will find inspirational stories of bravery, commitment, dedication, and selflessness. Such examples include Congressman "Ed" Roybal. Since Romualdo Pacheco in 1876, the state of California had not had a Latino Representative to Congress. Congressman Edward Roybal became part of history in 1962 by becoming the second ever Latino Member of Congress from California. "Ed" Roybal has been an inspiration to countless numbers of Latino citizens, community activists and elected leaders. Congressman Roybal is one of the many examples of Latino leadership that will inspire our leaders of tomorrow.

Since 1960, more Hispanics have been elected to Congress than in the previous 140 years. We have reason to be proud of the contributions Latinos have made to our country. The future grows brighter everyday for Latinos. Latinos buying power is over one-third of a trillion dollars and every day a hard working American of Latino origin is setting up a business or buying a house. Little by little, Latinos have worked their way to recognition. This book will help inspire that joy of recognition, will serve history, and will motivate our youth with positive role models.

Mr. Speaker, I please ask that we pass H. Con. Res. 90, so we may recognize Latino achievement and inspire new generations of Latino Members of Congress. Let us commemorate Congressman Roybal and the many others that have helped our community prosper.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 90, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 90, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## AUTHORIZING PRINTING OF "ASIAN AND PACIFIC ISLANDER AMERICANS IN CONGRESS"

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 130) authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress."

The Clerk read as follows:

H. Con. Res. 130

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. ASIAN AND PACIFIC ISLANDER AMERICANS IN CONGRESS.**

(a) In General.—The book entitled "Asian and Pacific Islander Americans in Congress", prepared by the Library of Congress under the direction of the Joint Committee on Printing, shall be printed as a House document.

(b) Specifications.—The House document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) Number of Copies.—In addition to the usual number of copies, there shall be printed the lesser of—

(1) 30,700 copies of the document described in subsection (a), of which—

(A) 25,000 shall be for the use of the Committee on House Administration of the House of Representatives; and

(B) 5,700 shall be for the use of the Committee on Rules and Administration of the Senate; or

(2) such number of copies of the document described in subsection (a) as does not exceed a total production and printing cost of $220,000, which copies shall be for the use of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate in the same proportions as described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again it is my pleasure to be here today to speak on behalf of this resolution authorizing the printing of this rich history of the Asian and Pacific Islander Americans in Congress. It is also timely, as we now have eight Members of Asian and Pacific Islander descent serving in both the House and the Senate in the 107th Congress. Thirty-two Asian Pacific Americans have served in the United States Congress from 1903 to the present, including 13 Resident Commissioners from the Philippine Islands elected to the United States Congress from 1907 to 1946. Currently six serve as Members to the House of Representatives and two serve as U.S. Senators.

The first Asian American elected to Congress was Dalip Singh Saund, a Democrat from California. Saund was a Punjabi Sihk who immigrated to the United States from India and fought for Asian Americans to have the right to be naturalized. This led the way for his election to the United States House of Representatives in 1954 and opened the door to other Asian Americans. Members who followed in office reflected the vibrant diversity of the Asian and Pacific Islander population in California and Hawaii.

The first Senator from Hawaii, Hiram Fong, was elected in 1959. DANIEL INOUYE, who was also elected in 1959 was Hawaii's first Member of the House. He has the distinction of having the longest Congressional service from any Asian American, spanning until the present, as he now serves as a Senator. Two Asian Pacific Islander Members have been women, the gentlewoman from Hawaii (Mrs. MINK) and Representative Patricia Saiki, who is also from Hawaii.

Overall, a grand total of 32 Asian Pacific Islanders have served with distinction. We have reason to be proud of the many achievements they have brought to Congress and their service here.

This is why the printing of this history is necessary. This book, "Asian and Pacific Islander Americans in Congress," memorializes, by detailed account, the invaluable legacy that Asian Pacific Americans have left in their many years as Members of Congress.

There is no doubt, that as individual Members, these Asian Pacific Americans have in different and invaluable ways, made important contributions to their country. As a whole, they have made a difference to Congress as an institution, to the positive side, and to the many issues which they have advocated before our Nation.

I wanted to thank in particular the sponsor of this resolution, the gentleman from Guam (Mr. UNDERWOOD) with whom I proudly serve. I would like to thank the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration and his staff; and the gentleman from New York (Mr. SERRANO), who joins me here today. Additionally, I want to thank all who have supported this resolution and who have worked hard to bring it to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to support this concurrent resolution, introduced by the gentleman from Guam (Mr. UNDERWOOD). Let me just preface my comments by saying that I think it is proper today as a Hispanic Member of Congress from New York that we both honor our flag and honor the contribution of different Members because one thing September 11 and the aftermath has taught us in New York and throughout this country is that we are people that come from different communities from throughout the world, but we know how to come together as Americans.

Today no one should misunderstand out of a time of coming together that we single out different groups because it was their contributions that also helped us become the Nation we are today.

The new book authorized by this resolution will document the service of Asian and Pacific Islander Americans in Congress.

From 1903 to the present, no fewer than 33 distinguished Asian and Pacific Islander Americans have walked these halls. Nine are serving their States and district with distinction today. These Members have hailed from such diverse racial and ethnic backgrounds as Chamorro, Chinese, Filipino, Japanese, Korean, Native Hawaiian, and Samoan.

Of the 33 distinguished Members whose careers would be chronicled in this book, some are well known, such as the senior Senator from Hawaii, a bona fide war hero and Medal of Honor winner, and our Secretary of Transportation, Norman Mineta.

Others are less well known, such as Representative Dalip Saund of California. An Indian American, Mr. Saund came to California in 1920 to attend college. Within a year of acquiring American citizenship, he was elected to a local judgeship. Just 6 years later, he won the first of three elections to this House, and served from 1957 to 1963.

Mr. Speaker, these and other distinguished Asian and Pacific Islander Americans have played a critical role in the history of this institution. That role should be appropriately chronicled.

This resolution will bring that about, gathering in one volume useful historical information for teachers, students, and others, describing the careers of the Asian and Pacific Islander Americans who have served in Congress to date.

I am confident that this volume, like its predecessor volumes, "Black Americans in Congress," "Hispanic Americans in Congress," and "Women in Congress," will quickly become a tremendous resource, inspiring young people to seek careers in public service that may one day bring them to the halls of Congress.

I greatly appreciate the foresight of the gentleman from Guam (Mr. UNDERWOOD) for introducing the resolution and the work of the distinguished chairman to bring it to the floor.

Mr. Speaker, I urge a yes vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BACA. Mr. Speaker, it is with great pride that I support H. Con. Res. 130, to authorize the printing of a book entitled "Asian and Pacific Islander Americans in Congress" to recognize the contributions and achievements of Asian and Pacific American members of Congress.

Since 1903 thirty-three Asian and Pacific American men and women have served the American people in Congress as members of the House and Senate. Today, I am proud to serve alongside nine such Members who continued to break down ethnic barriers while representing America's ever growing diversity.

In honor of this well deserved recognition, Mr. Speaker, I would like to call your attention to one particular former Member, our current Secretary of Transportation, Norman Mineta. The Honorable Mineta's career has been one of historic firsts.

Norman Mineta's distinguished career has been marked by great achievements not only in his field of expertise, transportation, but as an Asian American in civil rights. Norman and his family were among the 120,000 Americans of Japanese ancestry forced from their homes and businesses into internment camps during World War II. Forty years later Mineta served as the driving force behind the passage of H.R. 442, the Civil Liberties Act of 1988, which officially apologized for and redressed the injustices endured by the Japanese Americans during World War II.

Norman, like so many Asian Pacific Americans, has dedicated his life to public service. After graduating from the University of California at Berkeley, Mineta joined the Army and served as an intelligence officer in Japan and Korea. Norman entered politics in 1967, serving on the San Jose City Council until 1971 when he was elected Mayor. Norman Mineta was the First Asian Pacific American mayor of a major U.S. city. In 1975, Mineta was elected to the U.S. House of Representatives, where he represented the heart of California's Silicon Valley until 1995. Norman Mineta was known in this chamber for his commitment to the people of his district, for bipartisan consensus building, and for his policy achievements in transportation, technology, trade and the environment.

After a brief turn in the private sector as a vice-president at Lockheed Martin Corporation, Mineta again answered the call of public service when he was appointed by President Clinton as Secretary of Commerce. Norman Mineta became the first Asian Pacific American to serve the cabinet. As a new administration came into office this year, Norman was again called into service by President Bush who appointed him as the Secretary of Transportation. Norman Mineta made another first as the first Secretary of Transportation to have previously served in a cabinet position.

Throughout his career, Norman Mineta has never forgotten his commitment to the Asian Pacific American community. In 1994 he founded the Congressional Asian Pacific American Caucus and served as its first chairman. The caucus is committed to advancing and promoting issues of concern to Asian Pacific Americans (APA) and ensuring that the concerns and needs of the APA community are met. The Caucus also works to educate other Members of Congress and the public about the history, contributions, and concerns of Asian Pacific Americans.

Mr. Speaker, I look forward to the publication of "Asian and Pacific Islander Americans in Congress" in honor of our colleagues who, like Norman Mineta, have made history serving our country with pride.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to speak in support of H. Con. Res. 130 which would authorize the printing of the book entitled, "Asian and Pacific Islander Americans in Congress."

This book will provide not only statistical information on Asians and Pacific Islanders who have served, and are serving our great Nation as Members of Congress. More importantly, this book expresses the deep conviction and belief that Asian and Pacific Islanders have in upholding and strengthening the freedom and democracy we all cherish and, indeed, need to protect.

Our diverse population is the texture of the American fabric. Our racial differences bring to it the quality and value of a society that is able to embrace ethnic equality. We are, assuredly, a Nation of opportunities for all.

The Asian and Pacific Islanders are proud of the 33 Members who have served in Congress from 1903 to present. Their contributions come from a broad range of cultures and experiences. Many served in our armed forces. Many have educated our children as teachers. It seems fitting to recognize these individuals in a book dedicated to their contributions.

Mr. UNDERWOOD. Mr. Speaker, I would like to express my gratitude to the House Administration Committee Chairman BOB NEY and Ranking Member STENY HOYER for their exemplary leadership in moving House Concurrent Resolution 130 to the floor today. I would also like to take the opportunity to extend my appreciation to fellow colleagues from the Congressional Asian Pacific American Caucus for their support and co-sponsorship of this resolution.

The passage of this resolution would authorize the Library of Congress to print a book entitled "Asian and Pacific Islander Americans in Congress" for the first time. This book would chronicle the histories of all Members of Congress of Asian and Pacific Islander descent from 1903 to the present and would complement the collection of historical references published by the Library of Congress which commemorate the histories of African Americans, Hispanic Americans, and Women Members of Congress.

In the history of Congress, there have been 33 Members who have served our nation, including 13 Members who were Resident Commissioners from the Philippines during the time it was a U.S. Territory. Benito Y Tuason Legarda and Pablo Ocampo were the first Filipinos elected as Resident Commissioners in the 60th Congress in 1907.

Among the pioneers was Delegate Jonah Kuhio Kalanianaole, the first Pacific Islander in Congress who represented the Territory of Hawaii from 1903 to 1923. He also had the distinction of being a Native Hawaiian prince and member of the Hawaiian royal family.

The first Asian American in Congress was Congressman Dalip Singh Saund from Imperial Valley, California. Congressman Saund was born in Amristar, India, and immigrated to the United States in 1920 to attend college. He later became a U.S. citizen and was elected to serve on the judicial branch in California before his election to the U.S. House of Representatives in 1957, where he served three consecutive terms.

The first Delegate from Guam and Chamorro in Congress was Antonio B. Won Pat, who served six consecutive terms in Congress after winning his seat in 1973. Nearly a decade later, Delegate Fofo Isoefe Fiti Sunia became the first American Samoan in Congress in 1981.

There have been many other pioneering Members of Congress, who broke through stereotypical barriers and stand with us today, including Senator DANIEL K. INOUYE who was elected in 1959 as Hawaii's first Representative to the U.S. House of Representatives and Congresswoman PATSY MINK who has the distinction of having been the first Asian American woman in Congress. Another important pioneer is former Congressman Norman Mineta, who helped to establish the annual commemoration of Asian Pacific American Heritage month in May and founded the Congressional Asian Pacific American Caucus. Today, Mr. Mineta continues to serve our nation as its Secretary of Transportation. His leadership in the Department of Transportation in the aftermath of the tragic attacks on our nation has been steadfast and strong. The security of our transportation systems have been reinforced and are now stronger than ever.

As our country continues to heal from the terrorists attacks on September 11, 2001, which took the lives of more than 6,000 men, women, and children in New York City, Pennsylvania, and in our backyard at the Pentagon, we also must consider the backlash that has ensued against South Asian Americans in our country. In the week following the tragic attack, 645 Americans of Asian and Arab descent experienced incidents of the hate crimes against them. It is my hope that the production of this book will help to educate all Americans and pay tribute to the contributions that Asian and Pacific Islander Americans have achieved as Members of Congress. These Members have been teachers, lawyers, and public officials before serving in Congress. Some have endured and overcome the backlash of internment and racial profiling experienced during World War II. Some have served with our Nation's military with distinction and have become highly decorated war heroes. However, one fact remains among all of these 33 individuals, each one has embraced the ideals of our Constitution and our flag, and has fortified the fabric of our great Nation.

The 107th Congress has 9 Members of Asian and Pacific Islander heritage, including three Members from Hawaii, two Members from California, one Member from Virginia, one Member from Oregon, and delegates from Guam and American Samoa. As members of the Congressional Asian Pacific American Caucus, one of our goals is to inform other Members about the history and contributions of Asian and Pacific Islander Americans. This concurrent resolution authorizing the printing of this book will not only enable us to meet the goal but also educate the general public on the diversity that exists in Congress. "Asian and Pacific Islander Americans in Congress" will follow in the same tradition as "Hispanic Americans in Congress", "Black Americans in Congress", and "Women in Congress," which is also distributed to school libraries across the Nation.

Indeed Asian and Pacific Islanders are a diverse constellation of people from 40 major subpopulations including indigenous populations of Chamorros, Native Hawaiians, and Samoans and immigrant populations from India, Pakistan, China, Japan, Korea, the Philippines, Cambodia, Vietnam, Laos and other countries in Asia. Like the histories of Native Americans and Alaskan Natives, the histories of indigenous Pacific Islanders predates the history of the founding of our country, which has been historically populated by immigrants from Europe, Asia, South American and all points abroad.

Asian and Pacific Islander Americans have united with all Americans in condemning the terrorist actions. Members of these communities have lost family and friends from these horrendous attacks and are still mourning their loss. Yet these Americans have been victimized by hate crimes, committed by other Americans. As we fight terrorism at home and abroad, we must also address the bigotry and discrimination that threatens to tear apart our Nation from within. As Americans, we must continue to teach tolerance to future generations and value our nation's diversity. The passage H. Con. Res. 130 is an important step toward reaching that noble goal.

Once again I would like to thank my colleagues, Mr. NEY and Mr. HOYER, for their leadership in moving this important resolution to the House floor and urge all Members to support the final passage of H. Con. Res. 130 in Congress.

□ 1430

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 130.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the concurrent resolution just agreed to, H. Con. Res. 130.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PROVIDING FOR APPOINTMENT OF ROGER W. SANT AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 20) providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 20

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Howard H. Baker, Jr., of Washington, D.C., is filled by the appointment of Roger W. Sant of Washington, D.C. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is again a pleasure to be here with my colleague, the gentleman from New York (Mr. SERRANO), and to lay before the House Senate Joint Resolution 20, which provides for the appointment of Roger W. Sant to serve as a citizen regent on the Smithsonian Institution's Board of Regents.

This governing board of the Smithsonian is comprised of 17 members, which includes the Chief Justice of the Supreme Court and Vice President of the United States, three Members each of the U.S. House and Senate, and nine citizens who are nominated by the board and approved jointly in a resolution of Congress. The nine citizen members serve for a term of 6 years each and are eligible for reappointment to one additional term.

Roger Sant currently serves as the chairman of the board for AES Corporation, which is a leading global power company and was cofounded by Mr. Sant in 1981. He graduated from Brigham Young University and received his MBA with distinction from the Harvard Graduate School of Business Administration.

Mr. Sant chairs the board of the Summit Foundation and several other prominent boards, including Marriott International Resources for the Future, the Energy Foundation, and the National Symphony.

He has previously been director of the Mellon Institute's Energy Productivity Center and has authored books on energy conservation. Mr. Sant has also served in the Ford administration and was a key player in forming early initiatives to create an energy policy in the United States.

Roger Sant's broad business background and his educational experience, particularly in the area of energy conservation, make him a strong candidate for nomination to the Smithsonian Institution's governing Board of Regents. I urge my colleagues to support H. Res. 20.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of Senate Joint Resolution 20 to appoint Roger W. Sant to be a citizen regent of the Smithsonian Institution. He is the choice of the Smithsonian Institution's nominating committee to fill an existing vacancy on the Board of Regents.

Mr. Sant is the chairman of the board of AES Corporation, a global energy company which does business in 27 countries. He has been a member of a number of boards of cultural institutions, including the National Symphony and the World Wildlife Fund International.

He is the author of "Creating Abundance—America's Least Cost Energy Strategy," which advocates energy conservation. Mr. Sant's background and record of service should make him a fine candidate to take on the challenges of running the world-class museums and cultural activities through which the Smithsonian Institution has served the American people so well.

Mr. Speaker, the joint resolution would appoint Mr. Sant for a 6-year term, and he would replace Howard H. Baker, Jr., the distinguished former Senate majority leader and White House Chief of Staff. The joint resolution passed the Senate on September 13 by unanimous consent, and I urge House passage here today.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 20.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Senate joint resolution just passed, S.J. Res. 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PROVIDING FOR REAPPOINTMENT OF ANNE d'HARNONCOURT AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 19) providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 19

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Anne d'Harnoncourt of Pennsylvania, is filled by reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on December 29, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Senate Joint Resolution 19 provides for the reappointment of Anne d'Harnoncourt to serve on the Smithsonian Institution's Board of Regents.

Anne d'Harnoncourt currently serves as the George D. Widener director and chief executive officer of the Philadelphia Museum of Art. She graduated magna cum laude from Radcliffe College in Cambridge and received her master's degree with distinction from the Courtauld Institute of Art in London.

Mrs. d'Harnoncourt started her museum career at the Tate Gallery in London. She has also worked at the Art Institute of Chicago and has worked in several different levels within the Philadelphia Museum of Art before being named the chief executive officer in 1997.

Anne d'Harnoncourt has an extensive background, as you can see, Mr. Speaker, in the arts, and is head of one of our Nation's premier museums. I believe her strong background makes her an excellent candidate for reappointment to the Smithsonian Institution's Board of Regents, and I urge my colleagues to support S.J. Res. 19.

I also want to thank the ranking member, the gentleman from Maryland (Mr. HOYER), and my colleague here today, the gentleman from New York (Mr. SERRANO), who have made this resolution possible.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of Senate Joint Resolution 19, reappointing Anne d'Harnoncourt as a citizen regent of the Smithsonian Institution for a second 6-year term. She is currently the director and CEO of the Philadelphia Museum of Art, and was originally elected to the Smithsonian Board of Regents in 1995. She has more than 30 years of experience as a museum curator and director. At the Philadelphia Museum of Art, she has been curator, director, and CEO in a distinguished career.

Mr. Speaker, S.J. Res. 19 was passed unanimously by the Senate on September 13, and I urge its adoption by the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 19.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Senate joint resolution just passed, S.J. Res. 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PERMITTING CHAIRMAN OF COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO DESIGNATE ANOTHER MEMBER OF COMMITTEE TO SERVE ON JOINT COMMITTEE ON PRINTING IN PLACE OF CHAIRMAN

Mr. NEY. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 67) permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

The Clerk read as follows:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),* That effective for the One Hundred Seventh Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from New York (Mr. SERRANO) each will control 20 minutes.

The Chair recognizes the gentleman Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 67 permits the chairman of the Senate's Committee on Rules and Administration to designate another member of the committee to serve on the Joint Committee on Printing in place of the chairman.

This is a very simple measure. I want to thank my colleague, however, today, the gentleman from New York (Mr. SERRANO), who has been so gracious and patient today in helping to bring proposals to the floor that are important to the operation of the House; and I want to also thank the gentleman from Maryland (Mr. HOYER), our ranking member of the Committee on House Administration.

I urge my colleagues to support this resolution and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I may consume simply to concur with the chairman and urge support for this resolution.

Mr. HOYER. Mr. Speaker, I join with the Chairman in urging adoption of Senate Concurrent Resolution 67.

This is a housekeeping measure allowing the Chairman of the Senate Rules and Administration Committee to designate another member of that panel to serve on the Joint Committee on Printing in his place during the 107th Congress.

By statute, the Senate membership of the Joint Committee on Printing consists of the Chairman and four members of the Committee on Rules and Administration. In order for the Senate to depart from that statutory scheme, the House must concur, hence this concurrent resolution.

Anticipating adoption of this measure, the Senate has adopted a simple resolution electing its members of the Joint Committee for the 107th Congress. If we clear this resolution, the Joint Committee on Printing can organize and proceed to its business. I urge an "aye" vote.

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 67.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 3016, ANTITERRORISM AND EFFECTIVE DEATH PENALTY AMENDMENTS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on the bill H.R. 3016.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## URGING SECRETARY OF ENERGY TO FILL STRATEGIC PETROLEUM RESERVE

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 250) urging the Secretary of Energy to fill the Strategic Petroleum Reserve, as amended.

The Clerk read as follows:

H. RES. 250

Whereas the United States is engaged in military activity as a result of the terrorist attacks of September 11, 2001;

Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, including the security of important energy supplies;

Whereas our Nation imports more than half of the crude oil it consumes from other nations;

Whereas Congress found in the Energy Policy and Conservation Act that the storage of substantial quantities of petroleum products will diminish the vulnerability of the United States to the effects of a severe energy supply interruption, and provide limited protection from the short-term consequences of interruptions in supplies of petroleum products;

Whereas a severe energy supply interruption would have an adverse impact upon American consumers and the economy;

Whereas the Strategic Petroleum Reserve has an authorized capacity of 1,000,000,000 barrels of crude oil, a current storage capacity of 700,000,000 barrels of crude oil, and approximately 545,000,000 barrels of crude oil currently in storage; and

Whereas marginal wells in the United States provide an important base of domestic crude oil production, make an important contribution to our workforce and economy, are particularly sensitive to price fluctuations, and are difficult and costly to reopen: Now, therefore, be it

*Resolved,* That the House of Representatives urges the Secretary of Energy to increase the capacity of the Strategic Petroleum Reserve to 1,000,000,000 barrels of crude oil, to fill the Strategic Petroleum Reserve to its capacity as soon as practicable, and to consider purchasing from marginal wells that would otherwise cease production, consistent with current law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Maine (Mr. BALDACCI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

### GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution, H. Res. 250, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is going to consider a very important resolution dealing with our energy security. This is a bipartisan effort; and I would like to publicly thank the ranking member of the subcommittee that I chair, the gentleman from Virginia (Mr. BOUCHER), the full committee ranking member, the gentleman from Michigan (Mr. DINGELL), and of course the full committee chairman, the gentleman from Louisiana (Mr. TAUZIN), for their excellent support on this resolution.

This is a nonbinding resolution, so it does not require the Secretary of Energy and the President of the United States to move to fill the Strategic Petroleum Reserve; but it is my intent and my hope, and in working with the administration officials the last several weeks, that we will begin to do that.

The Strategic Petroleum Reserve is an important national asset. It was created in the 1970s, after the last Arab oil embargo that was imposed on the United States and the Western democracies by OPEC, the Organization of Petroleum Exporting Countries. We made a decision as a Nation to begin to stockpile oil so that never again would our economy be held hostage to oil imports. Since that time, we have accumulated as much as 600 million barrels of oil in the reserve. Today, we have approximately 545 million barrels.

□ 1445

These reserves are in four sites on the Gulf Coast, two in Texas and two in Louisiana, and each of them has somewhere between 80 and 160 million barrels of oil.

The reserve is authorized to have a capacity of 1 billion barrels. It does not have that capacity in place. It has capacity to actually store about 700 million. As I said earlier, there are 545 million barrels currently in the reserve.

We import about 12 million barrels a day. Some of that oil comes from nations that are not friendly to the United States of America; Iraq is a nation that comes to mind. There is a distinct possibility in the next several months as the President pursues terrorists and those that harbor them, we may need to take military action against some of these nations that we are receiving oil imports from, so it would behoove us to have in place the ability to use this reserve and to begin filling the reserve to its full capacity.

We could put approximately 155 million barrels of oil in the capacity that we have. The negotiations and the work that we are doing right now with DOE officials and Bush administration officials would be to take oil in kind from the Federal OCS. We could receive approximately 170,000 barrels per day and put that oil into the reserve. There would be no out-of-pocket cost to the U.S. Treasury if we did that; and in doing that kind of swap, we should be able to get to 700 million barrels without any extraneous expense.

If we want to go to the 1 billion barrels, if the reserve is authorized, we will need to appropriate funds to build additional capacity, and we may need to appropriate funds to purchase oil.

Mr. Speaker, the resolution before us indicates if we need to purchase oil we give preference to marginal wells or stripper wells, as they are called in the Southwest. These are wells that produce less than 10 barrels a day.

The last time we had an oil price collapse several years ago, we lost between 500,000 and 1 million barrels of stripper well production that will never come back.

This resolution would encourage the Secretary of Energy to give preference to marginal well purchases. It is authorized by law that we purchase marginal well domestic oil. This would give preference to those purchases.

We think if we could purchase some of this oil, we could buy it at a very inexpensive price. The acquisition cost in the reserve today is about $27 a barrel. The world oil market price is around $20 a barrel. When stripper well prices fall below $15 or $16 a barrel, they begin to be shut down. If we subtract the royalty and the taxes that they are paying, the severance taxes, stripper well prices are already at that $15 a barrel price. It is not demanded by this resolution that we purchase oil for the reserve from marginal wells, but it is given a preference.

Mr. Speaker, I feel very strongly that it is in our national interest to have the Strategic Petroleum Reserve in a state of readiness. I can state to the Congress, I toured one of the sites at Big Hill down by Beaumont, Texas last week. Their security was excellent. Their operational capability was 100 percent. They told me that they could begin pumping within a day of the President giving the order to do it, perhaps within hours if given the order to do it.

Ironically, they said that they would not be able to start drawing down the oil that quickly because of the paperwork requirements. Because of senior officials in the DOE and the need to do a bidding process, it might take 14 to 15 days before they could actually draw down the oil. But operationally, they could draw it down immediately.

Mr. Speaker, this is a very, very good resolution. It has passed the Subcommittee on Energy and Air Quality with the full support of all members on both sides of the aisle. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) have agreed to bring it straight to the floor without going to the full committee because of the cooperative nature of the resolution. I hope that we can adopt this by unanimous consent.

Mr. Speaker, I reserve the balance of my time.

Mr. BALDACCI. Mr. Speaker, I yield myself such time as I may consume.

Mr. BALDACCI. Mr. Speaker, I want to point out earlier this year in September I sent a letter to the Secretary of Energy suggesting to him that he also be able to look at this, and I am pleased the gentleman from Texas (Mr. BARTON) has brought this forward and the committee has brought this forward, especially today considering the prices on the spot market.

I support H. Res. 250, which urges the Secretary to fill the Strategic Petroleum Reserve. We worked very hard to establish a heating oil reserve, which I am pleased to report is at capacity. But the Strategic Petroleum Reserve does have additional capacity.

In the War Powers Resolution that we passed just a few weeks ago, we found that acts of terrorism continue to pose an unusual and extraordinary threat to national security. Part of that threat is to the security of our energy supplies, particularly those that we procure from the Middle East and other areas of the world.

This is perhaps even more salient now that we are engaged in military action in Afghanistan. The bill the gentleman from Texas (Mr. BARTON), the subcommittee chairman, and the gentleman from Virginia (Mr. BOUCHER), the ranking member, authored and the Subcommittee on Energy and Air Quality reported acknowledges this concern and urges the Secretary of Energy to take some very prudent steps to help guard against a disruption of energy supplies by using his existing authority to fill the Strategic Petroleum Reserve to its current maximum capacity of about 700 million barrels of oil.

At this time the reserve contains only about 545 million barrels of oil, so we could increase our Nation's insurance against an oil supply shock by nearly 40 percent if we fill the reserve to capacity.

This is also a very opportune moment in fiscal terms for the Secretary to fill the reserve. Prices for crude oil and gasoline at the pump have fallen a great deal in the last month, so it will cost the taxpayer less now to fill the reserve than it would have a month ago. For instance, the day before the attack on our Nation spot prices for crude averaged slightly more than $25 a barrel. Today, the spot price for the same product has fallen below $20 per barrel, a 20 percent decrease in price. We should act now, because any supply disruption, even if it does not threaten our security, could end up increasing the cost to our constituents of filling the reserve.

The resolution also urges the Secretary of Energy to expand the reserve to its fully authorized capacity of 1 billion barrels. This is an important long-term position that is supported by Members on a bipartisan basis. By fully realizing the potential of the Strategic Petroleum Reserve, we could nearly double our protection against a severe supply disruption from what we have today.

Finally, the resolution urges the Secretary to consider purchasing oil for the reserve from marginal wells that would otherwise cease production in a manner consistent with current law. Marginal wells are an important resource, and there is strong bipartisan support for ensuring the continued operation of these wells.

Although this resolution does not carry the force of law, it does send an important message to the administration and others that there is strong support for filling the Strategic Petroleum Reserve to its maximum authorized capacity, and it does it in a way that is respectful and consistent with both current law and the War Powers Resolution we recently passed.

Mr. Speaker, I urge my colleagues to support the legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 28, 2001.*

SPENCER ABRAHAM,
*Secretary, Department of Energy, Independence Avenue, Washington, DC.*

DEAR SECRETARY ABRAHAM: I am writing to encourage the Department to take steps to fully stock the Strategic Petroleum Reserve. At this time of low oil prices, it makes sense to ensure that we have a full Reserve to protect us from potential instability in the future.

It is my understanding that the SPR currently holds about 544 million barrels of oil and that its capacity is 700 million barrels. I believe we should take advantage of the relatively low oil prices we are enjoying to fill the Reserve to capacity. As you know, these reserves can be used to protect our nation against interruptions in petroleum supply. In these uncertain times, I believe that we should have the maximum possible reserve supply to ensure that we are able to meet our nation's energy needs under a variety of contingencies.

While prices are low, I realize that purchasing the additional oil will require additional resources. I would be willing to support increased appropriations for the Department of Energy to be dedicated to this purpose.

Thank you for your consideration of this matter.

With best wishes,
Sincerely,

JOHN E. BALDACCI,
*Member of Congress.*

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no other speakers so I am going to wrap this up quickly. I thank the gentleman from Maine (Mr. BALDACCI) for his excellent work in the last Congress on the Refined Products Reserve. That reserve is in place. We have checked with DOE officials, and it is full. It is ready to be utilized if there is a shortage of fuel oil this winter in the Northeast. Hopefully there will not be. It is another example of the fine bipartisanship that we have on this subcommittee and the full committee. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Virginia (Mr. BOUCHER) worked with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. SWEENEY), and others on the Republican side to move that legislation in the last Congress.

Mr. Speaker, I do not want to belabor the point on the Strategic Petroleum Reserve. Suffice it to say it is another tool in our country's arsenal as we go after terrorists. We do not want to give any terrorist anywhere in the world the idea that they can blackmail us economically by shutting off our oil supply.

We have invested so far in the reserve approximately $15 billion in 1998 dollars. For a very small incremental cost, we can fill the reserve to its full 1 billion barrel capacity, and it will be available to be used by the President of the United States if he sees fit to utilize it to protect our economy.

Mr. Speaker, I hope we can pass this with all yeas and no nays, to send a very strong signal to our potential enemies around the world that we are not only ready to fight terrorism diplomatically and militarily, but we are also ready to use our economic might if we have to.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALDACCI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and agree to the resolution, H. Res. 250, as amended.

The question was taken.

The SPEAKER pro tempore (Mr. PETRI). In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## HERBERT H. BATEMAN POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1749) to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building".

The Clerk read as follows:

H.R. 1749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. HERBERT H. BATEMAN POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, shall be known and designated as the "Herbert H. Bateman Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1749.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1749. This legislation will name the local Post Office at 685 Turnberry Road in Newport News as the "Herbert H. Bateman Post Office Building," after former Representative Herb Bateman, who represented the First Congressional District of Virginia for 9 terms in the United States Congress.

Herb Bateman was a true Virginia gentleman and a great American patriot. His loyalty to our Nation and his unyielding efforts to ensure its protection have always been met with great admiration. Considering the current events of the day, his fervent support for our Nation's armed forces takes on an even more significant role.

Herb Bateman will always be remembered in the First Congressional District as a loyal public servant of the people, and an honorable and dedicated man. This postal renaming legislation demonstrates our deep respect and gratitude for Herb's tireless service to the betterment of our community, Virginia and our great Nation.

The First District will always remember his numerous contributions to the area. The Herbert H. Bateman Post Office is a fitting tribute to our friend. His service to the defense of our country, the betterment of our waterways and infrastructure, and his numerous other accomplishments will not soon be forgotten. I encourage all Members to support H.R. 1749.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in the consideration of a postal naming bill. H.R. 1749, which names a Post Office in Newport News, Virginia, after Herbert

H. Bateman, was introduced by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on May 8, 2001.

Mr. Speaker, Herbert H. Bateman was born in 1928 in Elizabeth City, North Carolina, and lived in Newport News since childhood. He attended the College of William and Mary and Georgetown University Law Center. He practiced law, served in the Air Force and the Virginia State Senate. He was elected to represent the First Congressional District of Virginia in 1982. While in Congress, Representative Bateman was a senior member of the House Committee on Armed Services and the Committee on Transportation and Infrastructure until his untimely death on September 11, 2000.

As a Member of this body, Representative Bateman is remembered as being a strong supporter of the military and protector of the large shipbuilding industry in Newport News, Virginia. Representative Bateman was recognized as a defender of our national security, a staunch advocate for the readiness of our armed forces, and worked tirelessly to ensure the Naval superiority of America.

□ 1500

In short, he was a great patriarch.

Mr. Speaker, I want to commend and thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for introducing this measure.

Mr. Speaker, I would just indicate, I know that the gentleman from Virginia (Mr. SCOTT) had intended to be here and wanted to speak on this bill. Unfortunately, he did not make it. I would simply again commend the gentlewoman from Virginia.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is an honor to be here today to pay tribute to Mr. Bateman's humble service. I am grateful for his service and am delighted that I could in this small way honor the life of Herb Bateman with this legislation. I urge all Members to support this measure.

Mr. SCOTT. Mr. Speaker, I join my colleagues in support of H.R. 1749 to designate a post office in Newport News, Virginia as the "Herbert H. Bateman Post Office Building."

The Virginia Delegation is pleased to support this bill. He was well thought of and highly respected by all of us. The delegation has always worked cooperatively and in a bipartisan fashion on issues affecting Virginia and Herb steadfastly contributed to that spirit.

It is fitting that we pay tribute to Herb's memory and service by naming a post office for him. Herb's hard work and dedication to the constituents of the 1st Congressional District of Virginia, which he always referred to as "America's 1st District", was well known.

Herb and I served neighboring districts in the House and during my service in the Virginia Legislature, he was either my state Senator or my Congressman, so we had many opportunities to work together to represent the interests of the residents of the Hampton Roads area. Having worked side by side, I can tell you that Herb Bateman was a hard working and effective legislator during his many years of public service.

He conscientiously promoted the needs of a district with a strong military and federal presence. As a member of the Armed Services committee, he made military readiness and the concerns of military families his highest priorities. Because of his total dedication, America enjoys a strong military and school districts with a large military presence receive additional federal funding through Impact Aid.

In Hampton Roads, we have been particularly grateful for Herb's leadership because we continue to build aircraft carriers and submarines, NASA budgets reflect a higher priority for the aeronautics research proudly done at NASA Langley Research Center and the Thomas Jefferson National Accelerator Facility (Jefferson Lab) continues to excel.

Indeed, Mr. Speaker, it is fitting that we honor Herb's memory and service to the 1st Congressional district and to this body by naming a post office for him.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H.R. 1749, which would designate the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia as the "Herbert H. Bateman Post Office Building." I would also like to thank my colleague, Representative JO ANN DAVIS, Herb's successor in America's First District, for her leadership in introducing this legislation.

My friend and former colleague Herb Bateman was a true gentleman and a great patriot. I will never forget his kind and valuable tutelage when I first came to Congress, nor will I forget how he demonstrated to all of us the importance of caring more about doing good than getting credit.

On a political and ideological level, there was much to learn from Herb: His fiscal conservation and commitment to restraining big government and protecting taxpayers' interest. His unwavering support of a strong military and of the men and women who dedicate their lives to protecting our nation. His dedication to cleaning up the Chesapeake Bay, and so much more.

Herb Bateman took great pride in serving the people of America's First District for 18 years. In doing so, he was an asset not only to the people of the Northern Neck and the Eastern Shore of Virginia, but to the nation as a whole. It is fitting, therefore, that we take steps to honor and memorialize Herb, so that his service to America will never be forgotten.

Mr. WOLF. Mr. Speaker, I join my fellow members of the Virginia congressional delegation and our colleagues today in support of H.R. 1749, the Herbert H. Bateman Post Office Designation Act, and thank Congresswoman JO ANN DAVIS of the First District for introducing this legislation to honor the member of Congress who preceded her.

Heb loved being a member of Congress. He was a decent, hard-working, likeable man who could reach across the aisle to work together for the best interests of America.

He loved representing the people of Virginia's First Congressional District, and beamed with pride in calling his district, "America's First District." He worked tirelessly for his district. He grew up and practiced law in Newport News, and was a graduate of the College of William and Mary, so he had a special affinity for the people he represented.

Aside from his love for the First district, his achievements as a legislator were impressive. As chairman of the House Armed Service subcommittee on military readiness, he was a diligent champion for the defense interests not only of the Tidewater area of Virginia which he represented, but most importantly for a strong defense for our nation.

He believed in a strong military and a strong navy. He always understood the need for adequate training before sending our forces into harm's way. He was relentless in the pursuit of military excellence, and he could work with anybody on any side of an issue. Most importantly, when meeting the challenges faced by this great country, party really made no difference.

It is especially fitting that we recognize Herb's legislative accomplishments in the area of defense as America's armed forces bravely undertake operations in Afghanistan as we speak. He was a protector of our national defense, and he initiated the practice of listening to the field commanders of our armed forces—the captains and colonels and majors—and not solely relying on the Pentagon brass to get the real picture about our nation's defense forces.

I have no doubts that Herb's past work will contribute to a successful conclusion to our on-going military efforts. Herb was a champion of increasing our military readiness, and if we can do anything to honor his memory, it will be to continue to invest in improving and maintaining our nation's defense readiness.

He also worked to protect the welfare of the men and women in uniform and their families, and those who have retired from the service of their country.

Herb also worked hard for commuters in the First District. Through his seat on the Transportation and Infrastructure Committee, he focused on improving the highways and bridges in the Tidewater area and protecting the Chesapeake Bay's oyster and crab production.

It is fitting that we honor the memory of Herb Bateman, a devoted public servant of the Commonwealth of Virginia and our nation, by designating the postal facility at 685 Turnberry Road in Newport News, Virginia, as the Herbert H. Bateman Post Office Building.

I urge my colleagues to unanimously support H.R. 1749 in tribute to the late Herb Bateman.

Mr. SHAW. Mr. Speaker, I rise in support the Herbert H. Bateman Post Office Building Designation Act introduced by my colleague, Representative JO ANN DAVIS to pay tribute to my dear friend Congressman Herb Bateman.

Many of my colleagues have spoken about Herb's distinguished service to Virginia as a State Senator and his legislative accomplishments as a Member of Congress. Herb exemplified leadership and honor in his service to Congress on the Armed Services Committee and the Transportation and Infrastructure Committee and to his country in his service in the U.S. Air Force during the Korean war. But Herb was more than a distinguished Member or colleague, he was a dear and personal friend.

I am honored and grateful to have had the opportunity to have known Herb Bateman. Herb and his wife Laura have been great personal friends to my wife Emilie and me and Laura continues to be a close friend. It is always sad to lose someone from the Congressional family, but Herb will be remembered for his accomplishments and leadership, but most of all for his friendship. We have lost a great friend and leader.

Herb was a highly respected Member of the House of Representatives. While I am saddened by his passing, his extensive contributions to Virginia, this Nation, and the fond memories that I have of our friendship will live on forever. That is why, I am pleased to speak today in support of this resolution.

Mr. SCHROCK. Mr. Speaker, it is my pleasure to rise today in support of H.R. 1749, which will honor our good friend, Congressman Herb Bateman. For eighteen years, Herb served Virginia's first district, which he faithfully referred to as 'America's First District.' Herb was a public servant in the truest sense, and was a devoted friend to America's armed forces.

For more than 30 years of public service in both the Senate of Virginia and in this body, Herb reminded us of the need to sustain America's military superiority. As Chairman of the House Armed Services' Subcommittee on Readiness, he was dedicated to the task of keeping America's forces reactive and able to respond with speed and force. We hope that the American military is never forced to prove its strength, but as we have seen over the past few days, America's military is strong, and it is able to respond, both quickly and powerfully when needed. We have Herb to thank, in part, for this sustained strength. He fought relentlessly to build America's Navy and to adequately train America's servicemen and women before sending them into harm's way in today's changing face of combat.

We all lost a good friend last year, when Herb passed away near the end of his final term in the House. His legacy lives on with his wife Laura, their children, and the facility we are naming today. The Herbert H. Bateman Post Office Building will remind us of Herb's service, his friendship and of the lessons he taught us during his time in Congress.

I thank the gentlelady from Virginia for sponsoring H.R. 1749, and I urge passage of this legislation.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1749.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 1 minute p.m.), the House stood in recess until approximately 6 p.m.

□ 1832

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 6 o'clock and 32 minutes p.m.

## REPORT ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–229) on the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Concurrent Resolution 244, by the yeas and nays;

House Resolution 250, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## AUTHORIZING PRINTING OF REVISED EDITION OF PUBLICATION ENTITLED "OUR FLAG"

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 244.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 244, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 18, as follows:

[Roll No. 372]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)

Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NOT VOTING—18

Bereuter
Bishop
Bono
Conyers
Issa
Jones (OH)
LaHood
Lee
McKinney
Menendez
Miller (FL)
Norwood
Radanovich
Sanchez
Smith (WA)
Velázquez
Walsh
Wilson

☐ 1855

Ms. HOOLEY of Oregon changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 372 on October 9, 2001 I was unavoidably detained. Had I been present, I would have voted "yea."

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## URGING SECRETARY OF ENERGY TO FILL STRATEGIC PETROLEUM RESERVE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 250, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and agree to the resolution, H. Res. 250, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 3, not voting 18, as follows:

[Roll No. 373]

### YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NAYS—3

Kaptur
Paul
Royce

### NOT VOTING—18

Allen
Bereuter
Bishop
Bono
Delahunt
Issa
Jones (OH)
LaHood
Lee
Menendez
Miller (FL)
Norwood
Radanovich
Sanchez
Smith (WA)
Velázquez
Walsh
Wilson

☐ 1903

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the voted was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

**Ms. SANCHEZ.** Mr. Speaker, during rollcall vote No. 373 on October 9, 2001 I was unavoidably detained. Had I been present, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules in which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

## SUPPORTING THE GOALS OF PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 254) supporting the goals of Pregnancy and Infant Loss Remembrance Day.

The Clerk read as follows:

### H. RES. 254

Whereas each year, approximately 1,000,000 pregnancies in the United States end in miscarriage, stillbirth, or the death of a newborn baby;

Whereas it is a great tragedy to lose the life of a child;

Whereas babies sometimes live within or outside their mothers' wombs for only a short period of time;

Whereas even the shortest lives are still valuable, and the grief of those who mourn the loss of these lives should not be trivialized;

Whereas more than 35 States have designated October 15, 2001, as Pregnancy and Infant Loss Remembrance Day;

Whereas the observance of Pregnancy and Infant Loss Remembrance Day can give validation to those who have lost a baby through miscarriage, stillbirth, or other complications;

Whereas Pregnancy and Infant Loss Remembrance Day will provide the people of the United States with an opportunity to increase their understanding of the great tragedy involved in the deaths of unborn and newborn babies; and

Whereas Pregnancy and Infant Loss Remembrance Day will enable the people of the United States to consider how, as individuals and communities, they can meet the needs of bereaved mothers, fathers, and family members and work to prevent the causes of these deaths: Now, therefore, be it

*Resolved*, That the House of Representatives supports the goals of Pregnancy and Infant Loss Remembrance Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

### GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 254.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. House Resolution 254 supports the compassionate goals of Pregnancy and Infant Loss Remembrance Day. I congratulate the distinguished majority leader for introducing this resolution, which is so important to millions of Americans who have suffered the anguish of a miscarriage, a stillbirth, or the death of a newborn baby.

Each year, around 1 million pregnancies in the United States end in miscarriage, stillbirth, or the death of a newborn baby. This is a great tragedy for the mothers and fathers involved and for those who care for them. As this resolution recognizes, Mr. Speaker, even the shortest lives are valuable; and we must not underestimate or trivialize the grief of those who mourn these lost lives.

Pregnancy and Infant Loss Remembrance Day will promote education, awareness, and support for grieving parents nationwide and throughout the world. The goal of Pregnancy and Infant Loss Remembrance Day is to help families live with their loss and to help others relate to their loss.

All too often, families grieve in silence and some are never able to come to terms with their loss. But it does not have to be that way, Mr. Speaker. Observing this day can give validation to those who have lost a baby through miscarriage, stillbirth, or other complications; and it will provide all of us with an opportunity to better understand how devastating the loss of an unborn or newborn baby is.

Through Pregnancy and Infant Loss Remembrance Day, we as individuals, and our communities, can also focus on how to meet the needs of the bereaved parents and their families. It is important for all of us to learn how to comfort those who must come to grips with such a terrible loss, and it would be an opportunity for us to reemphasize the importance of working to prevent these deaths.

Mr. Speaker, 43 States have designated October 15 as Pregnancy and Infant Loss Remembrance Day. The House should support the goals of these important efforts. I encourage all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me commend the gentleman from Texas (Mr. ARMEY) for introducing this resolution. I rise in strong support of it.

When a baby or child dies, there is deep grief for the hopes, dreams and wishes that will never be. What is left behind is a sense of loss and a need for understanding.

This resolution, H. Res. 254, Supporting the Goals of Pregnancy and Infant Loss Remembrance Day, and H. Con. Res. 415, Establishing a National Children's Memorial Day, which was passed last session, serve to help bereaved parents deal with their grief and to increase awareness of the services and programs that are available to them.

Many lives are touched when there is a loss of a pregnancy, infant, or child. It is estimated that miscarriages occur in 15 to 20 percent of all pregnancies. Each year in the United States, about 25,000 babies, or 68 babies every day, are born still. This is about one stillbirth in every 115 births. Approximately 80,000 infants, children, teenagers, and young adults die each year from various causes.

Pregnancy and Infant Loss Day, which would be held on October 15, and National Children's Memorial Day, which is observed on December 10, will assist in helping to heal and bringing a process of healing to families coping with and recovering from the loss of an infant or loved one.

People who come into contact with a grieving family have a role in helping to resolve their grief. The role of each person will be determined by his or her relationship with the family and the stage of grief that family is in. Families will always struggle to cope with the devastating crisis precipitated by a loss of a pregnancy, infant, or a child. As a community, we should remember, no one can take the pain away from a grieving family. Pain is a normal part of grieving. Parents often cry, feeling ill or depressed, or have other emotional responses months or years after a death. Parents often want to talk about their loss and are pleased when others take the time to listen.

There will always be need for compassionate support for grieving families, and I hope that all Americans will take the time to show their compassion for families that have experienced the loss of an infant or a child on October 15 and December 10.

Again, I commend the gentleman for such a thoughtful resolution which speaks to the needs of people not only all over our country, but all over the world. I support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the sponsor of the bill and our distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me first thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. Davis) for being willing to stay late today and consider this legislation.

Mr. Speaker, I think the legislation has been pretty well explained already in its substance and there may indeed be no reason for me to speak on it. But, Mr. Speaker, I think that every now and then in our life, we do these things that come under the heading of the things you do for love. Every now and then we do those things that come from the heart. We always pause and appreciate those Members, those colleagues, those friends, and that family that take a little time out of their lives to share with us those few moments that we might spend on these things.

Mr. Speaker, I believe we could probably find a pretty unanimous consensus in America that there is probably no grief that comes to a parent that is greater than the grief of losing a child. In fact, this Nation has on many, many occasions poured its heart out on behalf of parents at the time of a loss of a child; and yet, Mr. Speaker, there are some parents who have to suffer this grief and this heartbreak almost in silence because their loss is not so recognized nor appreciated by those around them. Why the loss is so great is because, Mr. Speaker, we who are blessed with the privilege of being mom and dad have as a gift from God that little vessel in which we pour all of our hopes and all of our dreams and all our prayer.

□ 1915

And we wonder, when does this begin? Some people believe that maybe the magic moment when one begins to recognize that one has a wonderful responsibility is when you come home, you have been to the doctor, and the doctor says, "Well, you are going to have a baby;" that wonderful moment of sharing.

Some people believe that maybe one does not feel the full realization until after the child has been born. Someone thinks maybe we have to have the little one around the house for a while.

I think for most parents, and I have had the privilege of enjoying parents with their children for a lot of years, and one of the great wonders of my life is I am now a Grandpa, most parents someplace along the line, very soon after they realize "We are going to have a baby," begin the process of building a very, very major part of their life's dreams into hopes and plans for that child.

Those parents oftentimes, all too many times, have the little one lost to them as a stillborn, or sometimes perhaps as just a barely new infant, with just a few minutes of life outside the womb. I am afraid that we do not always appreciate that that loss is as great and as heartfelt and as lifelong as if they had had the child for years, to see them go through all the many things they had planned.

So on October 15, we want to join with 43 States, including my own great State of Texas, and say to those parents who have had to all too many times suffer while feeling alone and not understood, "We are going to take a little time out and we are going to think of your loss, and we are going to think of your baby as you know your baby in your dreams. We are going to know, along with you, your loss is great, your heart is heavy, and it will be with you forever. And yes, we will hope for you to have other children, but we will take a moment to say that we do understand with you that no matter how many children more you might have in your life, those children do not, cannot, and will not replace that very, very special baby."

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, let me just once again commend the esteemed majority leader for such a well-thought-out and well-developed resolution.

Oftentimes when there is great tragedy or a tremendous need or a calamity, and we try and determine what it is we can do to help, I think in these instances there is one thing that we can all do. That is to show, display, and demonstrate a level of understanding and sensitivity to those who are indeed experiencing the loss. So a level of understanding is something that we can all give.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, once again, I commend the majority leader, the gentleman from Texas (Mr. ARMEY), for bringing this important resolution to the House. I also thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, the gentleman from Florida (Mr. WELDON), chairman of the Subcommittee on Civil Service and Agency Organization, as well as the ranking members of the full committee and subcommittee, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS), for expediting consideration of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in strong support of H. Res. 254. This bill supports the goals of Pregnancy and Infant Loss Remembrance Day, by promoting, supporting, educating, and increasing the awareness regarding grieving parents nationwide.

In 1995, 15.7 percent of pregnancies ended in fetal demise—miscarriage or stillbirth. In 1996, 983,000 babies died from miscarriage and stillbirth. These figures do not include neonatal loss, Sudden Death Syndrome, or other causes.

Many parents grieve alone or in silence, sometimes never coming to terms with their loss. Mothers especially suffer firsthand the emotional and physical pain and heartache associated with such a tragedy.

Remembering this Day is the right step in helping all Americans relate to and assist parents who suffer the loss of an unborn or stillborn child.

I urge my colleagues to support H. Res. 254 to remember the families who have experienced the tragedy of losing a child by miscarriage or stillbirth.

Mrs. JO ANN DAVIS. Mr. Speaker, I urge all Members to support House Resolution 254, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, House Resolution 254.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## THE UNITED STATES AND THE WORLD COMMUNITY MUST DO MORE FOR THE PEOPLE OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, Medecin Sans Frontieres, the 1999 winner of the Nobel Peace Prize, has today accused the United States of conducting nothing more than cynical military propaganda when we describe our operations in Afghanistan as "humanitarian."

The tragic truth is, they are right. The Bush administration's celebrations concerning the U.S. Air Force drops of food packages, totalling 75,000 food ration packages over the 2 days of Sunday and Monday, are not deserved. Medicin Sans Frontieres accuses us of little more than window dressing, seeking to divert public attention from a scandalous humanitarian disaster that could soon rival the Rwandan/Congolese catastrophe of 1994 and 1995.

Before the September 11 crisis, the U.N. World Food Program estimated that there were 2 million civilians in Afghanistan totally dependent on foreign food aid. The World Food Program was trucking in 500 tons a day, or enough to feed only 1 million people. So just 4 weeks ago, each day that went by, some 1 million Afghan men, women, and children were without food.

But now the situation is much worse. Our military operations have started, and the number dependent on food aid has grown rapidly while international food distribution has actually fallen to almost nothing. The BBC reports today that UNICEF believes that the number of Afghans in need has now grown to 5.5 million people, of which an estimated 70 percent are women and children.

Mr. Speaker, that staggering number of people, 5.5 million, easily exceeds if not even doubles the population of some of the largest cities in our own country. Can we imagine how horrified we would be, and how we would, as a nation, react if the entire population of cities such as Dallas or San Diego or San Francisco or Detroit were starving to death?

Mr. Speaker, that is the scale of the humanitarian catastrophe now confronting Afghanistan. These 5.5 million people desperately require about 2,750 tons of food aid each day, based on World Food Program estimates of 500 tons per million people per day. And this says nothing about the medical needs of these people.

Clearly, our two airdrops of 37,000 ration packages, though well-intentioned and bravely carried out by U.S. Air Force air crews, are not nearly enough to prevent a humanitarian disaster. Maybe, as alleged by Medecin Sans Frontieres, it does help soothe our collective conscience, but it does little more.

The Heritage Foundation has called Afghanistan the worst U.S. foreign policy failure of all time, and I have visited the Afghan refugees in their camp.

In addition, Mr. Speaker, the U.S. Government should be promoting democracy in Afghanistan. Bobby Kennedy had the following to say: "Can we ordain ourselves the awful majesty of God, to decide what cities and villages are to be destroyed; who will live and who will die; who will join refugees wandering in the desert of our own creation?"

Although Bobby Kennedy was referring to our involvement in Vietnam, his words apply to our involvement in Afghanistan. The United States and the world community must do more for the people of Afghanistan. Mr. Speaker, the clock is ticking for 5.5 million innocent people.

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## THE BRIDGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, today the gentleman from Washington (Mr. BAIRD) and I are introducing the BRIDGE Act of 2001. BRIDGE is short for Business-Retained Income During Growth and Expansion. This is bill number H.R. 3062.

I am introducing the bill on behalf of myself, the gentleman from Washington (Mr. BAIRD), the gentleman from Illinois (Mr. CRANE), the gentleman from California (Mr. MATSUI), the gentleman from Illinois (Mr. MANZULLO), the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Pennsylvania (Mr. TOOMEY), the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Kentucky (Mr. LEWIS) and the gentlewoman from Pennsylvania (Ms. HART). We are confident many other Members will join us in cosponsoring this very timely and bipartisan bill.

This bill is the result of extensive discussions with Members, staff, and business trade groups, hearings before the Committee on Small Business, as well as the vital input of Tatum CFO Partners, a national financial services firm.

I appreciate the work of the gentleman from Illinois (Chairman MANZULLO) and the gentleman from Pennsylvania (Chairman TOOMEY) in scheduling the hearings on access to capital for small and growing businesses, and their support of the bill, as well as the support of the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and other members of the Committee on Small Business, as well as members of the Committee on Ways and Means, who have joined us as original sponsors of this bill.

Based on extensive experience in providing chief financial officers for emerging growth companies, Tatum CFO has helped bring awareness to the problems small businesses and medium-sized businesses face during high-growth periods, and they have been instrumental in helping to design this legislative solution.

Currently, a number of business trade groups are supporting the BRIDGE Act, including the Council of Growing Companies, the National Association of Small Business Investment Companies, Small Business Survival Committee, and Small Business Legislative Council.

These groups represent thousands of small and emerging growth businesses.

The BRIDGE Act is designed to address two significant financial problems for fast-growing entrepreneurial businesses. First, fast-growing companies quickly outstrip capital financing based on the entrepreneur's personal credit, and they soon face what is called a capital funding gap, when their business financing needs grow between $250,000 and $1 million.

□ 1930

This bill bridges that gap until a company reaches 10 million in sales, a size that is significant enough to readily attract external financing at an affordable rate.

Second, fast-growing companies on accrual accounting may be profitable for tax purposes but face an increasing negative cash flow as the company expends its cash to keep up with growth. The faster the rate of sales growth, the more the company faces a negative cash flow under accrual accounting.

Most importantly, the Bridge Act would benefit the vital entrepreneurial segment of our economy which has provided most of the net new jobs in this country over the last decade as well as during the current economy as much larger firms downsize.

The Bridge Act would allow a firm growing by 10 percent or more and with sales of 10 million or less to defer, not deduct, up to $250,000 in Federal income tax liability for 2 years and to pay the deferred tax over the following 4-year period. Interest would be paid to the government at the Federal underpayment rate during the entire deferral period. The tax-deferred amount would be deposited in a trust account at a bank and/or other financial institution and could be used as collateral for business loans. The Bridge Act would sunset after 2005 to allow a review by Congress and a study by the General Accounting Office.

In summary, the Bridge Act would allow growing entrepreneurial businesses to retain a portion of their Federal income tax liability for a limited period, payable with interest during a critical time when outside financing is extremely difficult and costly to obtain. The bill would provide additional needed capital to be reinvested in the firm's continued growth. This added capital source would help to create a potential of up to 641,000 new jobs during the first 3 years thus helping to reinvigorate our economy.

I have attached to this statement a table showing how the new job projections are derived as well as the estimated revenue effect of the bill. The joint tax committee staff estimates that the bill with the 2005 sunset would result in a temporary revenue loss during the first 4 years, followed by a revenue pick-up during the next 6 years for a net revenue gain of over a billion dollars for the 10-year period.

Mr. Speaker, the Bridge Act is a bipartisan proposal that would have a significant economic job tax revenue multiplier effect which is needed in the current economic situation. The bill is very timely and needs to be passed this year in order to have the most impact on the down economy and the capital markets.

In my statement, I am including a summary explanation of the Bridge Act and the economic reasons for the bill as well as the table showing the projected new jobs and estimated revenue effect.

### SUMMARY AND REASONS FOR THE BRIDGE ACT

Bridge Act Summary: The Bridge Act would allow a deferral of up to $250,000 in Federal income tax for two years, with payment over a 4-year installment period, and with interest paid on the deferral at the Federal rate. Businesses that grow at least 10%

in gross receipts above the prior 2-year average would be eligible if they are on accrual accounting for tax purposes and have $10 million or less in gross receipts. The deferred amounts would be placed in a trust account at a bank or other qualified intermediary, for use as collateral for a business loan, the deferral would sunset after 2005, with a GAO study (in consultation with the Treasury and the IRS).

Capital Needs of Growing Entrepreneurial Businesses: The Bridge Act would provide an efficient source of critically needed capital funding for entrepreneurial businesses to keep investing and growing. Capital funding in the range of $250,000 to about $1,000,000 is very difficult and costly to obtain for growing businesses. Limited capital availability limits the ability of the business to keep expanding sales and employment. A rapidly growing company can grow itself out of cash, unless it can obtain outside financing. The temporary tax deferral would allow the entrepreneur to utilize the funds in the business until it can grow large enough to obtain financing from more traditional sources.

Employment and Economic Growth: By providing needed capital to keep expanding the business, the Bridge Act would assist the entrepreneurial sector (the "emerging growth companies") that has created most of the net new jobs in the U.S. economy in the past decade. A Cognetics, Inc. study, Who's Creating Jobs? 1999 (David Birch, Jan Gundersen, Anne Haggerty, William Parson), indicates that 85% of the new jobs for 1994–1998 were created by companies with 100 or fewer employees. There are indications that these rapidly growing companies are the only ones that are generating net new job growth in the current economic situation. The bill would help to reinvigorate the economy by offsetting employment cutbacks elsewhere in the economy. The Bridge Act would provide critically needed capital for these companies, which could help create over 600,000 new jobs during the first three years, based on sample data from financial statements of profitable firms with $10 million in sales or less (database sample provided by Dr. Michael Camp, Economist and Vice President of Research, the Kauffman Center for Entrepreneurial Leadership, Kansas City, MO) (see attached Table).

A recent study by the National Commission on Entrepreneurship (High-Growth Companies: Mapping America's Landscape, July 2001) reports that rapidly growing companies (15% or more growth per year in their Census survey for 1992–1997) are in all industry sectors and in all Labor Market Areas in every State in the United States. For State data, see web at: www.ncoe.org/lma

Timing of Income Tax Liability for Growing Small Businesses: Because of the microeconomics of rapid growth, an expanding business on accrual accounting that is experiencing increased revenues and book (accrued) profits can also be simultaneously experiencing negative cash flow due to reinvestment of the cash to fund the growth. When a growing business, with negative cash flow, has to come up with immediate cash to pay an accrued tax liability, this can have a severe adverse financial effect on the firm's ability to survive until it receives more cash inflow. The bill would allow the realignment of the timing of the tax payment until the entity can more readily obtain the necessary capital to pay the tax, which would be payable in installments over four years after a 2-year deferral (all with interest).

PROJECTED NEW JOBS UNDER THE BRIDGE ACT TAX DEFERRAL FOR GROWING ENTREPRENEURIAL BUSINESSES, FISCAL YEARS 2002–2004

[Data in thousands of dollars, except as noted]—[Based on $250,000 tax deferral limit and 10% business growth rate]

| | 2002 | 2003 | 2004[1] |
|---|---|---|---|
| (1) Tax revenue effect (Joint Tax estimate) | (2,400,000) | (6,300,000) | (8,200,000) |
| (2) Assumed average business revenue per $1 of capital[2] | $3.36 | $3.36 | $3.36 |
| (3) Projected increase in business revenue under Bridge | 8,064,000 | 21,168,000 | 27,552,000 |
| (4) Assumed business revenue per full-time employee[2] | 88.515 | 88.515 | 88.515 |
| (5) Projected new jobs from increase in business revenue (not 000s)[3] (rounded) | 91,000 | 239,000 | 311,000 |

[1] Joint Tax revenue estimates of proposal, with Dec. 31, 2005 sunset ($ billions): −6.0 (2005); +1.4 (2006); +6.9 (2007); +6.9 (2008); +5.2 (2009); +2.9 (2010); +0.8 (2011), for a net total of a positive (+) 1.1 for 2002–2011.

[2] Average based on a sample database of financial statements of 72,682 profitable firms with revenues of $10 million or less, as compiled by the Kauffman Center for Entrepreneurial Leadership (Kansas City, MO) (data compilation for the sample coordinated and confirmed by Dr. Michael Camp, Vice President of Research). Original data was collected by Dun & Bradstreet. Neither the Kauffman Center nor Dun & Bradstreet should be considered as endorsing any specific legislative proposal.

[3] Projected, potential new jobs as a result of the additional capital provided to the firms under the Bridge Act tax deferral, calculated as follows: (1) (2) = 3; (3)/(4) = 5.

## ECONOMIC EFFECTS OF THE SEPTEMBER 11 CATASTROPHE

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, let me begin with a commentary on the comments from the gentlewoman from Georgia, who quoted French sources as criticizing as inadequate our relief supplies to the people of Afghanistan.

I agree we should do as much as we can to feed the people of Afghanistan and to get that food to them. And I admire the courage of American pilots who are doing just that, but let us put this into context.

During World War I and World War II, the French did very little to deliver food to the Germans. In fact, it really was not part of our strategy during World War II to drop food onto German cities; and in fact, the French, aspiring for their own freedom, cheered as we bombed Dresden, not with food but with bombs.

America has reached a new level of humaneness in its decision that not only does it wage war against a government, the Taliban, but it also wages food aid to the civilians under the control of that government. And I think that we should first give America credit for reaching this new plateau in humaneness before we criticize the fact that we are not doing enough, and I am sure that we will do more.

I rise chiefly to deal with the economic effects of the September 11 catastrophe. I urge that what we do be temporary, be fast, and be consistent with our Nation's long-term budgetary and fiscal needs. Keep in mind, that on September 10, before this disaster, we faced a tough budgetary situation, that next decade the baby boomers will be retiring and Social Security will have to pay out benefits, and in order to do that, we cannot abandon our long-term efforts of fiscal responsibility to deal with the short-term economic downturn.

We need to adopt fixes to stimulate the economy that are fast, like providing $300 or $600 of tax relief to those Americans of the most modest means who did not get any tax relief out of the bill we passed earlier this year. Why? Because those Americans will spend that money. They will buy things.

In contrast, we should not provide a capital gains cut because that is a cut not for people who buy stock but for people who sell it. At this point, a capital gains tax cut could only be called the "Panic-Selling Facilitation Act" in that it provides tax relief not to those who can keep their investments in America but those who dump their stocks.

It is important that our relief be temporary so that we can demonstrate to investors around the world that we will return to fiscal responsibility and pay off the national debt at least by 2015 or 2016. Doing that is not only critical for being able to meet Social Security's commitments to the baby boomer generation, but also to bring long-term interest rates down because no one will lend money for 10- and 20- and 30-year terms.

Investors will not provide mortgages and long-term financing unless they are certain that long term the dollar will be valuable and will be stable because the Federal Government will return to the effort to pay down the national debt.

Our departure from fiscal responsibility must be temporary. If we institute permanent changes, we will be in trouble.

I might also add that, in building infrastructure, we should build the infrastructure that we need to provide for homeland security. We need to build security structures near our reservoirs and nuclear plants, and that is where we should focus our infrastructure building, as much as I would like to see us focus on the other needs of the country, the needs that existed before this event such as dealing with congestion on freeways in Los Angeles, the most congested city in our country.

We ought to be careful, Mr. Speaker, in adopting the fiscal policies that will guide this country through this difficult period. If we adopt major changes in our spending and taxation and get out of town by the end of October we will not have been careful. We will have simply rushed something through. We cannot get it done in October, and we cannot wait till February.

And so we in Congress ought to be willing to be here through the month of November to do what this country needs but to do it carefully.

## NATIONAL PARK SYSTEM DEMONSTRATION FEES

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

### CAPITAL GAINS

Mr. SOUDER. Mr. Speaker, first before I discuss what I intend to discuss here for a few minutes, a matter of importance, the National Park System, let me make a brief comment on capital gains.

Depending on when the effective date of the capital gains cut came in, it is unlikely that a whole lot of people in the stock market have capital gains. But we are also looking at real estate questions, at companies expanding. And the idea that somehow we will spend our way out of a recession, rather than grow our way out, is backwards. If we do not have real substantive incentives to get people back to work in all sectors of our economy, we are in deep trouble in this economy.

### DEMONSTRATION FEES

Mr. Speaker, I would like to talk about demonstration fees. This was supposedly a test to see whether it would relieve the financial pressures on our national parks. At some point, either this demonstration has worked or it has not. It is time to either make them permanent or remove them. In fact, we have had very few complaints, almost none at most parks. The fees range from $10 to $30 to enter the park, negligible compared to most entertainment in America. Fees for special services for those related costs, camping, back country expenses, are logical because the money goes directly to pay for those expenses.

These fee dollars have helped supplement the park's complete projects efforts. For example, 6 percent in 1999 of Yellowstone Park's revenue were from the demonstrations fee. The less attended park, Theodore Roosevelt National Park in North Dakota, netted about $300,000 a year for projects. In the year 2000 that included projects such as boundary fence repair, overlook trails, radio-collar elk monitoring, trailhead and interior trail signs throughout the park, new laser slide programs for a visitor center and an archeological exhibit at the Medora Visitor Center.

Fee uses are diverse, visitor service usage intensive with these fees and all, help fund unmet park needs. The long-range source problem is that Congress and/or the President keep adding additional units to the National Park Service. This has been especially true or has actually been true since the foundation of the Park System and will always be true. It is only a question of degree. So the park service gets more units and their budget does not increase at the rate of responsibilities.

So we have developed associations like the Rocky Mountain National Nature Association at the Rocky Mountain National Park or the Yosemite Fund at Yosemite National Park, plus concession fees to help meet these needs.

The demonstration fees have also helped supplement these budgets. This has, in fact, led to an unofficial "crown jewel" approach. Former Park Director James Ridenhour argued that Congressional "park-barreling" was diluting the national vision and uniqueness of the National Park System. In fact, the major natural parks plus the major cultural parks have the strongest financial support groups and the most demo fees. People are voting with their own dollars by giving it through the funds, associations, and their park fees.

These demonstration fees should be made permanent because they have become an essential part of preserving our most popular and beloved parks. But, ironically, the National Park pass is beginning to threaten the success story. This was further complicated by our so-called technical corrections to the National Parks' Omnibus Management Act.

Each park has historically kept most of the demonstration fee collected at the gate. Because most projects require planning of multiple years, they plan ahead. Parks also get to keep a significant percentage of the national parks pass fees sold at that park. But as more parks put in demo fees and as demo fees have risen, those who visit multiple parks or visit one park frequently obviously purchase a pass. The more passes sold disadvantage the more remote parks. Demonstration fees not collected or passes not sold at those parks dramatically reduce the revenue at those parks which was, after all, the original purpose.

Furthermore, the Technical Corrections Act set aside 15 percent of sales for administration and promotion of the National Parks Pass. Obviously we have administration costs, and that is a whole other subject. But why are we promoting the national parks pass? National sales and Internet take dollars from specific parks, draining the original intent. There is no data to suggest that promoting the pass in general increases usage of the parks. It just goes to the Washington office rather than the individual park. And even if it did increase usage, that is the wrong goal.

Parks with demonstration fees which need a pass are generally nearly overcrowded in peak seasons already. Why would we want to have more people go to them? Every person who purchases a day pass at a park is given the option of purchasing a national parks pass, so no one is getting shortchanged. Furthermore, the cost of the national parks pass has become too low. As some parks go up to $30, we need to reevaluate the system.

We need to look at making it $100 and there are two problems with that: Low-income families and local residents. A ZIP code criteria for a lower fee is a possibility. Although there is no philosophical defense for that, it may need to be a practical consideration. A refundable tax credit for low-income families would address the income problem. It would cost the government nothing because the people who laid out the $100 are just getting it back, likely would cost the parks little, but would eliminate the complaint that poor families could not afford the $100. If we do not address this problem, our park revenue is going to decline. It is something we must address for the sake of our national parks.

## ANTITERRORISM AND HOMELAND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the CIA has a budget of over $30 billion. The FBI has a budget of over $3 billion. In addition, $10 to $12 billion are specifically designated to fighting terrorism. Yet, with all this money and power, we were not warned of the events that befell us on September 11.

Since the tragic attacks, our officials have located and arrested hundreds of suspects, frozen millions of dollars of assets and gotten authority to launch a military attack against the ring leaders in Afghanistan. It seems the war against terrorists or guerillas, if one really believes we are in an actual war, has so far been carried out satisfactorily and under current law. But the question is do we really need a war against the civil liberties of the American people?

We should never casually sacrifice any of our freedoms for the sake of a perceived security. Most security, especially in a free society, is best carried out by individuals protecting their own property and their own lives. The founders certainly understood this and is the main reason we have the second amendment. We cannot have a policeman stationed in each of our homes to prevent burglaries, but owners with property with possession of a gun can easily do it. A new giant agency for homeland security cannot provide security, but it can severely undermine our liberties. This approach may well, in the long run, make many Americans feel less secure.

The principle of private property ownership did not work to prevent the tragedies of September 11, and there is a reason for that. The cries have gone out that due to the failure of the airlines to protect us, we must nationalize every aspect of aviation security. This reflects a serious error in judgment and will lead us further away from the principle of private property ownership and toward increasing government dependency and control with further sacrifice of our freedoms.

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More dollars and more Federal control over the airline industries are not likely to give us the security we all seek.

All industrial plants in the United States enjoy reasonably good security. They are protected not by the local police but by owners putting up barbed wire fences, hiring guards with guns, and requiring identification cards to enter. All this, without any violation of anyone's civil liberties. And in a free society private owners have a right, if not an obligation, to profile if it enhances security. This technique of providing security through private property ownership is about to be rejected in its entirety for the airline industry.

The problem was that the principle of private property was already undermined for the airlines by partial federalization of security by FAA regulations. Airports are owned by various government entities. The system that failed us prior to 9–11 not only was strictly controlled by government regulations, it specifically denied the right of owners to defend their property with a gun. At one time, guns were permitted on airlines to protect the U.S. mail. But for more than 40 years, airlines have not been allowed to protect human life with firearms.

Some argue that pilots have enough to worry about flying the airplane and have no time to be concerned about a gun. How come drivers of armored vehicles can handle both? Why do we permit more protection for money being hauled around the country in a truck than we do for passengers on an airline? If government management of airline security has already failed us, why should we expect expanding the role of government in this area to be successful? One thing for sure, we can expect it to get very expensive and the lines to get a lot longer. The Government's idea of security is asking "who packed your bag"; "has the bag been with you since you packed it"; and requiring plastic knives to be used on all flights while taking fingernail clippers away from pilots.

Pilots overwhelmingly support their right to be armed, some even threatening not to fly if they are not permitted to do so. This could be done quickly and cheaply by merely removing the prohibition against it, as my bill, H.R. 2896, would do. We must not forget four well-placed guns could have prevented the entire tragedy of 9–11.

This is a crucial time in our history. Our policy of foreign interventionism has contributed to this international crisis. How we define our enemies will determine how long we fight and when the war is over. The expense will be worth it if we make the right decisions. Targeting the forces of bin Laden makes sense, but invading eight to 10 countries without a precise goal will prove to be a policy of folly, lasting indefinitely, growing in size and cost in terms of dollars and lives, and something for which most Americans will eventually grow weary.

Our prayers and hopes are with our President that he continues to use wise judgment in accomplishing this difficult task, something he has been doing remarkably well under the very difficult circumstances.

But here at home it is surely a prime responsibility of all Members to remain vigilant and not, out of fear and panic, sacrifice the rights of Americans in our effort to maximize security.

Since the President has already done a good job in locating, apprehending, and defunding those associated with the 9/11 attacks while using current existing laws we should not further sacrifice our liberties with a vague promise of providing more security. We do not need a giant new national agency in order to impose a concept of Homeland Security that challenges our civil liberties. This is an idea whose time has not yet come.

## FARMWORKER HOUSING CONDITIONS IN U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I would like to take this time today to discuss an issue that is very important to me and, hopefully, to the Nation, and that is the issue of housing conditions of farm workers in this country.

The Housing Assistance Council released their report on findings from a survey of farm worker housing conditions on September 20, 2001. Structural problems, broken appliances, overcrowded living conditions were common findings among farm workers' homes. Unfortunately, families with children are suffering the worst conditions.

This survey is the first nationwide of farm worker housing in 20 years and confirms what smaller studies and anecdotal descriptions have been saying all along: that is, farm workers work incredibly hard to put food on other people's tables, but all too often live in dismal conditions.

The survey revealed that half of the homes surveyed were overcrowded, and three-quarters of those crowded units were occupied by families with children. Twenty-two percent lacked at least one functioning major appliance, such as stove, refrigerator, bathtubs or toilets; twenty-two percent had serious structural problems; and more than half lacked access to a working laundry machine.

Children lived in two-thirds, or 65 percent, of the units classified as severely substandard; and 60 percent of the homes were adjacent to fields where pesticides were applied.

I recognize that there are several needs that this country faces today, security being among the first, education, health care, nutrition and poverty. This study dramatizes many of those needs, and the main need being that hardworking Americans and their children should not be living in squalid and unhealthy conditions. These are housing conditions that none of us could stand to be in, not even for a second. Nobody should be subjected to such adversity.

This major research project was conducted over a 3-year period, from 1997 through 2000. Data on 4,625 housing units in 22 States and Puerto Rico were collected in a non-random survey by more than 100 outreach workers and 16 organizations that work with farm workers around the country, and analyzed by the Housing Assistance Council. Major funding was provided by USDA and HUD.

I continue to be impressed by the quality and the content of this study and other studies conducted by HAC. After reading the study, I was appalled to learn that in America we still have such horrendous living conditions. We have made very little progress in this area. It is disheartening and disappointing that we live in such a rich country and do not make available decent housing to invited farm workers, where the law requires that we should, to those who are tilling our fields and picking the fruits and vegetables which help feed all our families.

It is particularly worrisome to note that such a large proportion of farm worker families with children live adjacent to fields where pesticides are sprayed. This means that they are affected with long-term effects in their families and in their bodies.

I would like to focus on the fact that we do need more money to fund these programs, both the USDA as well as HUD. It is imperative that we recognize that many of these Federal programs, such as HUD, can assist our farm workers. On this floor, during the HUD administration appropriation, we voted against this. We should put monies back into HUD to make sure we assist in this program. The report clearly shows the need for a full-scale national study for farm workers, especially pertaining to housing, education, and health.

I would like to reiterate my avid support for finding ways of funding the farm workers' housing needs, but also that there are many other programs that we need to commit ourselves to. I want to congratulate Housing Assistance Council, its executive director, for this document and the work it makes available for all of us who care about farm workers who work so hard.

## HISPANIC HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. REYES) is recognized for 60 minutes as the designee of the minority leader.

### GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REYES. Mr. Speaker, during this difficult period in our Nation's history, the Members of this Congress, like Americans all across this country and like many people around the world, have grieved the loss of many lives taken by the evil acts of enemies of our country and of freedom-loving people all across the world. In the past days and weeks, Americans have demonstrated a spirit of unity and solidarity not only to assist in every possible way the recovery efforts taking place in New York and Washington, but also to ease the pain of the thousands of people directly and indirectly affected by this tragedy, and also to show that we, as Americans, stand together as a Nation.

Together, Americans all over the country and across the world have cried, Americans have held vigils, and have searched for ways to make sense out of these senseless acts. Together, over the past few weeks, we have made an effort to resume our way of life, and slowly but surely we are getting back to work. As one Nation, and as partners with other countries around the world, we now seek those responsible for the terrible events of September 11; and we will stick together to bring those responsible to justice. Just as we have been united in our grief and efforts to help the victims of September 11, we now are united in supporting our troops as they take the necessary steps to defend our freedom and our security.

Mr. Speaker, one of many remarkable things that we have witnessed during these past weeks has been the striking and spontaneous display of unity among the people of this great Nation. Individuals from every race, ethnicity, and spiritual belief have joined as one to wear the red, white and blue and fly our flag and sing our national anthem. It has been noted in news reports and a number of interviews that it is remarkable how quickly our differences have been put aside to tackle this Nation's tragedy.

And as remarkable and moving as these displays have been, as a Nation we must remain steadfast in respecting and upholding the American principles that make our Nation unique in the world. Just as most of us have stood together to remember those who have fallen, to remember their families and their friends, we have sadly witnessed some terrible attempts from individuals resulting from misguided prejudice and anger. I am referring, of course, to the increased acts of violence that have been perpetrated against Arab Americans, Muslims, and Sikhs living in our own country.

Like all Members of Congress, and particularly the Members of the Congressional Hispanic Caucus, we condemn these actions and call on every American to celebrate, and not undermine, the principles that have made this country great. To celebrate the richness of our country, it is with honor that Members of the Congressional Hispanic Caucus take the floor of the people's House tonight to pay tribute to every single American and to highlight the contributions in particular of Hispanic Americans during this Hispanic Heritage Month.

During the next hour, my fellow members of the Congressional Hispanic Caucus will speak about Hispanic Americans and highlight their many contributions to our great country. We will do this not to create division among Americans, but to celebrate the very strength and richness which makes our country great.

Every year America celebrates Hispanic Heritage Month from September 15 through October 15. During this time, we highlight the growth and the spirit of the vibrant Latino community of the United States. As leaders of a community that today numbers 40 million-plus, the members of the Congressional Hispanic Caucus continue to work for America and for Americans so that everyone in this country has access to the best education, the best health care, and the best jobs that will result in an even stronger and vibrant country.

Mr. Speaker, tonight the members of the Congressional Hispanic Caucus will raise issues such as education, law enforcement, business, economic development, health care, and many other issues. But before I yield to my colleagues, I want to conclude my opening remarks by saying that by taking the floor of the House tonight and honoring the diversity of America, the members of the Congressional Hispanic Caucus send a loud, clear, strong signal to those in our country and abroad who wrongfully believe that freedom and diversity are a weakness.

From this building, which one month ago was a target of hatred and evil, tonight stands proud as a symbol of this great Nation and of her great people, we, the members of the Congressional Hispanic Caucus, want to say that as a Nation we have the will, we have the strength, and we have the resolve to continue to live by the guiding light and civil liberties set forth by our Founding Fathers.

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Mr. Speaker, tonight let me start by recognizing a good friend and critical member of the Congressional Hispanic Caucus, my colleague from the 15th District of Texas.

Mr. HINOJOSA. Mr. Speaker, I rise today to commemorate Hispanic Heritage Month. Indeed, our Hispanic language, culture and history is recognized and appreciated worldwide by millions of people. I am pleased that the President has again designated September 15 through October 15 as National Hispanic Heritage Month.

Today, Hispanics make up the largest and fastest growing minority group in the country. We have produced scholars, entrepreneurs, scientists, musicians, philosophers, and Nobel Prize laureates.

Approximately 500 years ago, our ancestors led the way in the great rediscovery of the Americas, including the ground we now know as the United States of America.

Today, however, my remarks will focus on the education of Hispanic Americans. Our education history parallels the development of the public schools and the treatment of other minority groups in our educational system.

Because time does not permit, I will only go back a few years to make my point regarding the treatment of Hispanics in our society. Twenty-four years before the renowned Brown v. Board of Education Supreme Court decision, the League of United Latin American Citizens filed class action suits on behalf of Hispanic children who were the victims of discrimination of public schools.

I, myself, would have been forced to walk to a segregated school far from my home if not for the resolve of my brother, a Korean war hero, who demanded that the nearby white elementary school accept me and my brothers. In the rest of the country, all through the 1930s, 1940s and 1950s, the education of Hispanic children was dependent on decisions made by our judicial system.

Finally, in 1965 Congress began to respond to decades of inaction with the creation of the Elementary and Secondary Education Act. The ESEA has helped to galvanize local and national civil rights and educational organizations to rally and support Hispanic students in public schools. Throughout the years we have enjoyed the support of the National Council of LaRaza, the Mexican-American Legal Defense and Education Fund, the National Association of Bilingual Education, as well as hundreds of other organizations who monitor the treatment of Hispanic children and young adults in our Nation's educational system.

In 1965, our low-income Hispanic children were finally targeted for special assistance in local schools. Hispanics were included in the title I population for economic reasons. However, it was not until the mid-1990s that limited English proficient children were identified as being in need of academic programs to improve their academic achievement. Today, title I, as it is commonly known, serves more Hispanic children than any other ethnic group in the country.

The fight is by no means won. Even today, we are concerned that because of funding, the pending Elementary and Secondary Education Act reauthorization will not allow the full participation of all children and limited-English proficient children.

In addition, critical programs that help limited English migrant children, such as the National Bilingual Education Act, have been slated for drastic policy and administrative changes by the administration and are severely underfunded. Yet, Hispanics continue to have the highest dropout rates in the Nation. Exacerbating this problem is the acute shortage of qualified teachers teaching in their major of study. The Department of Education has indicated that we need an additional 50,000 new qualified bilingual teachers now. This is important because by 2025, one in every four public school students is projected to be Hispanic.

Students who have post secondary aspirations face limited, but significant choices in selecting colleges and universities. Sixty percent of all Hispanics in higher education are enrolled in Hispanic-serving colleges and universities, better known as HSIs. These institutions produce most of the baccalaureate and graduate degrees from Hispanics nationwide.

Mr. Speaker, we in the Hispanic Congressional Caucus are committed for increasing educational opportunities for Hispanic students. The conferees on the education bill have received our suggestions for improving the ESEA so it responds directly to our concerns. We will continue to advocate for Pell Grants, for GEAR UP, for TRIO, more funding for Head Start, and Hispanic-serving institutions, and all of the exemplary programs that enhance equal educational opportunities for our children, youth and adults.

In closing, Mr. Speaker, I am asking my colleagues for their support in joining with the Congressional Hispanic Caucus to write a new and more positive history and heritage for Hispanics in our Nation using education as our cornerstone. Let our legacy be not only assisting Hispanic children, youth and adults to avail themselves of educational opportunities, but in helping to create the future leaders of this great country. Hispanics have contributed a large share of medals of honor winners in defending America.

Mr. Speaker, I invite all of my colleagues to join me in ensuring that those lives lost for our great country are honored through new educational opportunities for millions of our children.

Mr. REYES. Mr. Speaker, I thank the gentleman from Texas (Mr. HINOJOSA) for his leadership not only in education, but on many border issues for a region of the country that has been largely ignored.

Mr. Speaker, I recognize the gentleman from Texas (Mr. RODRIGUEZ), who has done great work for the Congressional Hispanic Caucus and as a member of our Border Caucus, in many areas, in particular health, health care, identifying the diseases that disproportionately affect Latino communities.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas (Mr. REYES) for providing this opportunity for us to be here today to speak on Hispanic Heritage Month and the contributions that Hispanics have played throughout the country.

I also want to congratulate the gentleman from Texas (Mr. HINOJOSA) on his efforts in education. There is no doubt that the issue of education has been one of the main issues from the beginning. Most Hispanics, no matter what, always recognize that that is one of the few issues that we see, one of the few ways of fulfilling the American dream, and the dream of being able to go forward, and education allows an opportunity to make that happen. Once again, I congratulate the gentleman from Texas (Mr. HINOJOSA) for playing a significant role in the area of education and LULAC.

Mr. Speaker, I would like to take a moment to express my deepest sympathy to the families of those lost in the attacks on the World Trade Center and the Pentagon. On September 11, agents of evil and hatred declared war against our country, seeking to use terror as a weapon in cowardly attacks.

By targeting symbols of American strength and success, the terrorists intended not only to destroy the bricks and mortar that hold our Nation together, but also to assault the core values and the civil liberties at the foundation of our democracy. We face new challenges for which we are not fully prepared, and we recognize that we have also failed in not being up to the challenge. Part of this challenge also is a recent rash of violence against other Americans and immigrants solely because of the fact that they might be Arab or Muslims.

This is an affront to all Americans and to American civil liberties, exactly what the terrorists would want us to do. This is the time for us to unite and to have better understanding. It is a time to embrace the very diversity that is the source of our national pride for so many Americans.

Mr. Speaker, I stand here also very proud because I see people reaching out and reading books on Islam, reading material, trying to educate themselves on Muslims and the different religions, and that is going to be important for us to be able to grasp what we are confronting, as well as having a better understanding of different people.

Mr. Speaker, September 15 through October 15 is Hispanic Heritage Month. I would like to take this opportunity to recognize the contribution and achievements of our Hispanic community. We are Puertorriquenos, Cubanos, Chicanos, Dominicanos, and Mexican Americans. We are from Central America, South America. We come from Florida, California, Texas, and the other 50 States. We come from New York and Washington, D.C. also. We are Americanos. We represent a broad spectrum of color, cultural values and political beliefs. We have strength in the numbers and our desire to better our communities. Our goals are one and the same with the rest of America.

I want to take this opportunity to talk about three special Americans that we feel very strongly about, three Mexican Americans. These three are Medal of Honor recipients, and I want to take this opportunity to talk about them and their history and their accomplishments.

In so doing, I also want to add that Mexican Americans and Hispanics in general have over 37 Medal of Honor recipients within our ranks. We take pride during these times of difficulty, our people have been there to stand for America.

It was beautiful this past weekend to go to a meeting in Pearsall, Texas, a little community where over 250 people were giving a collection of food for the needy. There was a veteran there over 80 years old. He came to me and in all sincerity said, I am 81 years old, but if you need me to go to Afghanistan, I am ready. Tears almost came to my eyes as he said that. He meant it, and I know that we have a lot of Hispanics out there willing to give of themselves.

In that same light, let me talk about a man, a hero of ours, Cleto Rodriguez, who we have named a school in San Antonio after, Cleto Rodriguez Elementary, as well as a highway. He was a rifleman. His unit was attacked, and he strongly defended the Paco Railroad Station in Manila in the Philippine Islands.

While making a frontal assault across the open field, his platoon was halted 100 yards from the station by intense enemy fire. On his own initiative, Cleto Rodriguez left the platoon. He went on his own accompanied by one of his friends and continued forward to a house that was 60 yards from the objective. Although under constant enemy observations, the two men remained in this position for over an hour targeting and firing at the people that were there.

It was estimated that they killed over 35 hostile soldiers and wounded many others in that specific scrimmage. As they moved closer to the station, discovering a group of Japanese replacements, they attempted to reach the pill box. They opened heavy fire, killing an additional 40 enemy soldiers and stopped subsequent attempts for the men to be able to get replacements again.

As the two went forward, the story is they kept on firing and were able to kill the machine gun people. The figures are shown and reflected in the numbers as the recipient of the Medal of Honor. The enemy fire became even more intense as they advanced within 20 yards of the station. Then covered by his companion, Private Rodriguez boldly moved to the building and threw five grenades one at a time through the doorway killing an additional seven Japanese, destroying a 20-millimeter gun as well as wrecking a heavy machine gun.

☐ 2015

With their ammunition running low, by that time they did not have any more bullets or very few, the two men started to return back to the American lines, providing cover for each other as they withdrew. During this movement, Private Rodriguez' companion was killed. In 2½ hours of fierce fighting, the team of two killed, it is estimated, over 82 Japanese, completely disorganized their defense and paved the way for the subsequent overwhelming defeat of the enemy at this particular point.

Two days later, Private Rodriguez again enabled his comrades to advance when he single-handedly killed six Japanese and destroyed a well-placed 20-millimeter gun by his outstanding skill with his weapons, gallant determination to destroy the enemy, and heroic courage in the face of tremendous odds. Private Rodriguez, on two occasions, materially aided the advance of our troops in Manila. That is the story of Cleto Rodriguez and the beautiful work that he did in behalf of all of us.

I also want to take this opportunity to talk about Roy Benavidez, another Mexican American from our area. Cleto was from San Marcos, Texas, and lived in San Antonio, where he joined the military and where the school is named after him.

Roy Benavidez, also a Texan who also lived in the San Antonio area, I want you to know that the late Roy Benavidez, who received the Medal of Honor in 1981 for valor in Vietnam, is the latest soldier whose name will be borne on a Navy ship. Navy Secretary Richard Danzig announced September 15 that the next in a series of resupply ships will be named the U.S. Naval Ship Benavidez. The retired Army master sergeant died at age 63 on November 29, 1998 in San Antonio. He was buried with full military honors at Fort Sam Houston there in San Antonio.

"Our Bob Hope class of ships are resolute assets that are always quietly there in the background providing our needs," Secretary Danzig said in his announcement. They are capable of coming forward in a vital way when America calls for reinforcement of its combat needs around the world. Roy Benavidez personified that same spirit throughout his life, and most powerfully during a single action that saved lives in combat."

The Benavidez is scheduled to be launched next summer. It is the seventh in a class of 950-foot-long roll-on/roll-off sealift ships. The diesel-powered ships are 106 feet abeam, displace about 62,000 long tons and can sail at a sustained 24 knots.

I want to mention to you a little briefly on Roy Benavidez and his background and his history. Mr. Benavidez was in the Army and was also a special forces soldier. He was of Mexican descent and also part Yaqui Indian ancestry. He also coauthored a book, "Medal of Honor, a Vietnam Warrior's Story."

"Roy was a soldier to be emulated by those wearing the uniform and an example of a self-made person, a real hero to our community and to all Americans. He was a role model to many young Hispanics and made a lot of public appearances at schools," said retired Army Master Sergeant Charlie Hoffman, who had commented about his friend. He enjoyed the fact that Roy Benavidez took his time to talk to our kids.

Benavidez' destiny took him to Vietnam where as a member of Detachment B56, 5th Special Forces Group Airborne, 1st Special Forces, he challenged death on May 2, 1968.

A staff sergeant at the time, Benavidez distinguished himself by gallantry. The citation credits him with helping to save the lives of eight of his special forces comrades during helicopter evacuations during a firefight with North Vietnamese regular forces there in Vietnam.

Benavidez suffered a broken jaw, 37 bullets as well as a bayonet. I will repeat that again. He suffered not only a broken jaw, 37 bullets in his body, but he was also bayonetted. He was also mauled so bad that his officers were going to give him the Distinguished Service Cross because that could come quicker because they assumed he was going to die. But he did not. He was later awarded the Medal of Honor. The story is he knew his troops were out there and there were eight of them that had been isolated and hurt, and he asked to go and be dropped. The story is that as they let him go, he said, "What do you need?" He says, "I'm a special forces guy. I don't need anything. Just drop me there." The story is that they dropped him there and he was able to get some guns from some of the ones who had already been killed and he was able to fight off a large number of the enemy there as he fought and helped the lives of those individuals.

Master Sergeant Roy Benavidez was a true American hero, rising from humble origins in south Texas to become an Army legend. The Navy's recognition of his selfless service is truly an appropriate tribute to Master Sergeant Benavidez' memory and to the ideals of our Nation that he epitomized. He is only one of 37 Hispanics that have received this honor.

I want to take this opportunity to also mention one additional Medal of Honor recipient. He is a close friend of mine, a good friend that continues to work in San Antonio, to work with young people to keep them off of drugs, to work on a variety of different projects with veterans, to making sure that he reaches out to those veterans that are homeless in helping in a lot of ways, and, that is, the Medal of Honor recipient Louis Ricardo Rocco from San Antonio. Louis Ricardo Rocco, a warrant officer, distinguished himself when he volunteered to accompany a medical evacuation team on an urgent mission to evacuate eight critically wounded Army of the Republic of Vietnam personnel. As the helicopter approached the landing zone, it became the target for intensive enemy automatic weapons fire. Disregarding his own safety, Warrant Officer Rocco identified and placed accurate suppressive fire on the enemy positions as the aircraft descended toward the landing zone. Sustaining major damage from the enemy fire, the aircraft was forced to crash land, causing Warrant Officer Rocco to sustain a fractured wrist and hip and severely bruised back.

Ignoring his injuries, he extracted the survivors from the burning wreckage. He sustained burns to his own body. Despite intensive enemy fire, Warrant Officer Rocco carried each unconscious man across approximately 20 meters of exposed terrain to the Army of the Republic of Vietnam perimeter. On each trip, he went for each one, not once but eight times. His severely burned hands and broken wrist caused excruciating pain, but the lives of the unconscious crash survivors were more important to him than his personal discomfort. He continued his rescue efforts. Once inside the friendly position, Warrant Officer Rocco helped administer first aid to his wounded comrades until his wounds and burns caused him to also collapse and finally lose consciousness. His bravery under fire and intense devotion to duty were directly responsible for saving these men and others. His unparalleled bravery in the face of enemy fire, his complete disregard for his own pain and injuries and his performance were far above and beyond the call of duty and were in keeping with the highest traditions of self-sacrifice and courage of the military service. And so I am real proud because I have the distinct pleasure of knowing Louis Ricardo Rocco, a man who not only during the time of war was there for those people that are in need but continues to be there now in the service as he reaches out to young people, young Hispanics in San Antonio and throughout south Texas and wherever he goes as he talks about the importance of staying in school and staying off of drugs. I take pride in just mentioning those three, but there are many more Hispanic Medal of Honor recipients that have taken the call of duty.

I also want to take this opportunity to talk a little bit about the issues that confront Hispanics. We are concerned as Hispanics about education, as the gentleman from Texas (Mr. HINOJOSA) talked about. We are concerned about our schools and our children and where they attend. We are concerned about vital resources for our seniors who face illness, poverty and challenges to their quality of life. We are also concerned about access to quality health care. It is unacceptable that Hispanics account for one-fourth, 25 percent, of the 44 million uninsured but make up only 12.5 percent of the population in the United States. So you see the disproportional issues that we still need to confront.

Our poor access to quality health care services and education results in our community being disproportionately affected by disease such as diabetes and HIV/AIDS. As we make gains in the area of HIV/AIDS, we also see the disproportionate numbers of those people that are impacted by AIDS. As we look at the issue of diabetes, we also see that Hispanics are disproportionately also hit on diabetes. For those at the forefront of health care and health care policy, this fact is not new and we recognize the troubling issues.

We have certainly come a long way since the time of Dr. Hector Perez Garcia, founder of the American GI Forum in 1948. He had a goal of providing good health care for veterans who needed it and for everyone. Dr. Garcia in his formation of the GI Forum pushed forward the issue of health care and the importance. His admittance into medical school 8 years earlier was incredible, to say the least. This was an era when the University of Texas Medical School in Galveston admitted only one Mexican American per year, and at that time that seemed to be the quota. I am proud to say that we have come a long way from that era.

Recently we had Dr. Francisco Cigarroa, who became the first Hispanic president of the medical school at the Health Science Center in San Antonio, the first of its kind in this country. Hopefully we will have a lot more Dr. Francisco Cigarroas as we move forward and as we allow for opportunities for young qualified doctors to be able to not only get their degrees but to be able to rise in their positions.

In the area of health care, as chairman of the Hispanic Caucus on Health, I have had the pleasure of working with Dr. Elena Rios, President of the National Hispanic Association, who has done tremendous work in the area of health care, and people at home like Charlene Doria Ortiz, Director of the Center for Health Policies, who continues to look at the issues of health and making sure that the needs of Hispanics and Latinos are met and who have dedicated their lives to improving the Latino community.

I would like to also take this opportunity to acknowledge and thank all the individuals who have worked so tirelessly to improve the lives and the health of Latinos and to promote the importance of nurses, doctors and health advocates. In the area of health care, we recognize that there is a big gap there. When it comes to nurses, we have a large, disproportionate number that are needed. We look forward to making sure that we make some advances in those areas.

I want to thank the gentleman from Texas (Mr. REYES) for allowing me the opportunity to say a few words. I want to thank him for the work he has provided.

Mr. REYES. I thank the gentleman from Texas (Mr. RODRIGUEZ) for his leadership and his dedication and also for chronicling the Medal of Honor winners, three of 37 Medal of Honor winners that come from the Hispanic community. We are blessed, Mr. Speaker, in our caucus, in the Congressional Hispanic Caucus, with having Members of our caucus that have diverse backgrounds, diverse interests, much like other Members of Congress that focus their attention on issues that they feel should be a priority for this Congress.

Next, the gentlewoman from California (Mrs. NAPOLITANO) has a small business and an economic empowerment background. With that, I yield to the gentlewoman from California.

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Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I come to this floor today to honor and pay tribute to all fellow Hispanic Americans and to highlight some of their excellent contributions made to us here in the United States. Hispanic Americans have helped shape all aspects of the American experience and have greatly influenced America's culture and our society.

Hispanic Americans have played an integral part in our country's exceptional story of success. We have served heroically in every American conflict. You just heard my colleague indicate there were 37 Hispanic Americans who earned the Nation's highest military decoration, the Medal of Honor. I believe there were 38. I will settle for 37, but I think it was 38.

The United States academic and scientific communities have benefited from the contributions of Hispanic Americans, like physicist Luis Walter Alvarez, who was awarded the Nobel Prize in Physics in 1986, while business leader Roberto Goizueta, chairman of Coca-Cola and a Cuban-American business leader is very well recognized and coined the phrase "Coke is it."

These are only two of the many examples of Latinos that have made invaluable contributions in the United States. I can name some of the sports figures, but that is not my bag. There are others. There is our Lieutenant Governor in California, Cruz Bustamante. In entertainment, we have Edward James Olmos, to name one of the many. In health in California, we have Diana Banta, who heads the State Health System.

Latinos are no longer a new immigrant population. Rather, they are now the legislators, the business people, the nurses, the teachers, the construction workers that keep our communities running.

They were among those who passed away in the horrific tragedy on Tuesday, September 11. They were also among the finest who participated in their rescue efforts this past month. My own Norwalk constituent Macolvio "Joe" Lopez, Jr., a dedicated construction worker, a Little League volunteer and a family man, was among those who tragically died on United Airlines Flight 175, the second plane to hit the second tower of the World Trade Center.

Hardworking Hispanic Americans have made tremendous invaluable contributions to economic development to the United States. Hispanic business generates nearly $200 billion annually and employs over 1.5 million Americans, which makes a tremendous significant impact on our national economy. Latino business has grown by 30 percent in the past 7 years, five times faster than the average United States business; and we are very proud that Latino-owned businesses are the second fastest-growing segment of small business, right behind women-owned business. These numbers, though they show how strong our influence is, still face challenges such as lack of access to capital, and this keeps them from developing and growing, expanding their business.

While America benefits from the fruits of Hispanic labor, we, too, should be able to gain access to the American dream and its credit system. Credit extended to women all over the world has been credited to have had a great effect on economic development at the local level.

Unique to this business community is the extremely high number of Hispanic female entrepreneurs, "Latina-Style," the magazine that was started by a young woman in California, Anna Maria Arias, who unfortunately died last week, was one of the new entrepreneurs who found a niche and created a much-needed vehicle to give information about Latino leaders and to be able to give information and show the business world that Latinas were very much in the business economy.

We have 382,400 Latina-owned business firms in the United States which generated $67.3 billion, a 534 percent increase since 1987, compared to only 120 percent increase for all business. So you can see the relationship. We are the new entrepreneurs. Revenue earned by Latinas will show direct results in the development of Hispanic communities in the United States. They employ women who need a hand. This increased revenue in the hands of Hispanic mothers can and will improve the quality of child care and education provided to our country's most vulnerable population.

The potential of Latina-owned businesses, by women, must be embraced and expanded to our international markets. I will tell you why. Women work harder and they work smarter, and we are inclusive, and we show our capability because we will continue to make it work. It is inherent in who we are and what we are about. To be able to include and be able to find a way to generate more business is part of what we as women are all about.

Success of Hispanic American businesses will also lead to an increase in home ownership rate. Many people do not realize that there is a nexus. The number of Latinos who own homes just in Southern California alone has surged 51.4 percent in the last decade. Much of this growth is due to the success of Latino business.

Hispanic Americans have a great love for the United States and a conviction to make the United States their home. Many times, two whole families will pool their resources to purchase a home, unlike most other non-Latino buyers. Yet while these hardworking Latinos, these ones who are pooling their money and struggling to get credit, are trying to find a way to get credit to buy their home, the difference between the home ownership rate of Latinos and other groups still remains 25 percent points different.

Considering all the contributions the Latinos have made and are continuing to make in this country, we have earned access to these loans. Our goals and dreams are the same as all Americans, to share in the American dream, a home of our own, educational opportunities for our children and our grandchildren, and a chance to prosper, and, of course, to gain respect.

Congratulations, America. You have opened the door for many. Those many who came, among them Hispanics, have contributed to your greatness, to your world leadership.

God bless America.

Mr. REYES. Mr. Speaker, I thank the gentlewoman. I want to thank her for her leadership.

As members of the Congressional Hispanic Caucus, I want you, Mr. Speaker, to know that we are not satisfied with having 18 Members. We are working aggressively to expand our caucus. I want to thank the gentlewoman from California (Mrs. NAPOLITANO) and our next speaker for their tireless efforts to identify great Latino candidates that can join our caucus, we hope, in the next election.

With that, Mr. Speaker, I yield to the gentleman from California (Mr. BACA), who, himself a veteran, tonight wants to discuss the contributions of Hispanics to the Armed Services. He is an individual that as a veteran knows, understands, and appreciates the challenge that our men and women in uniform are currently facing in Afghanistan and other parts of the world.

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, first of all, I would like to recognize the gentleman from Texas (Mr. REYES) for creating this opportunity to acknowledge the contributions of Hispanics to this great Nation in the area of education, the area of business, the area of media, the area of veterans, the area of civil rights, individuals like Cesar Chavez and Delores Huerta of the United Farm Workers, who fought for equality and justice for all. I want to thank our Chair for taking the lead in having this.

There are many individuals whose names will not even come out right now, but it is important for us to look at the contributions that Hispanics have made to this great Nation, from the time that we were here to the time that we will exist, and as we look at the growth in the population, we will continue to contribute to this great country, because we believe in this country, we live in this country, we are proud of this country.

Last month, the sanity of our Nation was violated on our own soil. Our Hispanic sons and daughters are amongst the victims of this monstrous act of terrorism. With their patriotic hearts, our Hispanic sons and daughters are now rising to our Nation's defense.

I state that our Hispanic sons and daughters are now rising to our national Hispanic defense. The Hispanic community understands freedom is not free, that freedom does not come without a price.

Historically, as a community, we have militarily invested our hearts and soul in securing the peace for our abuelas, for our hijas, for our families. If asked, more than 85,000 Hispanics currently in active military duty will once again step up to the plate for our country; and I state step up once again to the plate for our country along with many other men and women serving our country.

It is fitting, therefore, that we use this Hispanic Heritage Month to commemorate the military contributions of our courageous Hispanic community, for our culture is rich in its heritage, traditions and customs. We are proud people, willing to serve this great country.

From the American Revolution to today's voluntary service, over 1 million Hispanic veterans have served our country with honor and courage. Hispanic Americans answered the call of duty every time during the wars throughout the Nation's history.

As many as 500,000 Hispanics fought for the United States in World War II. Thirty-eight, and I state, 38 have received the Congressional Medal of Honor, the highest award of valor. One individual from my area, Joseph Rodriguez, a sergeant from San Bernardino, received such a valor and high award and prestige. We were the second largest American minority in Vietnam, with over 19 percent of our numbers killed and wounded.

As we move forward in our latest defense of freedom, freedom from terrorism, we will fight, and I state, we will fight to recapture the American peace. Mothers and fathers across the Nation will experience sleepless nights, worried about the possibility of a draft, worried about the possibility that their hijos will once again be called to duty. I know, because my mother was worried during the time that I served during the Vietnam era war. When I had to serve, every night she had a candle that she lit, she put up, and prayed every night that I would return home. And, yes, I did return home.

We must not be afraid to step forward, to let our hijos step forward to make that choice, for if we are, we will have allowed them to win. We must have the courage to pay the price for our precious freedom.

Through our military contributions we have seen and we will see notable reflections of the Hispanic commitment to the family, respect for others, and love of this country, all virtues transcending ethnicity, all virtues reflecting the American spirit.

The Hispanic military community will step forward again with selflessness and bravery in response to our national call. We must be willing to step forward with them. As the first chair of the Congressional Hispanic Caucus' Veterans Task Force, I am working to secure a voice for Hispanic veterans in

Congress, a voice for recognizing, a voice for understanding.

Let us today acknowledge and give thanks to the Hispanic military community that will preserve the peace, so that future generations of Hispanics will be able to freely contribute to our Nation's economic, artistic, legal, and political communities, as more than 30 million Hispanic Americans do every day.

This is in essence a Hispanic heritage. This is what it is to be an American. We are all proud Americans. We love to serve our country.

Mr. REYES. Mr. Speaker, I thank the gentleman from California (Mr. BACA) for his role, his very active role in our caucus.

Next, Mr. Speaker, we have got the newest member of our Caucus. But when people talk about a real dynamo, the gentlewoman from California (Ms. SOLIS) comes to my mind. Although she is the newest member of our Caucus, she has engaged herself in many areas that are important to our community, like education, labor, technology, the digital divide, all of those things that are important that we address in this People's House.

□ 2045

So with that, I yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I am pleased and honored to be here also to join with my colleagues, colleagues that are not here this evening with us, but the millions of people who are watching us, and understanding that today is a very significant time for us. We are commemorating Hispanic Heritage Month; but we also, as Members of Congress, just voted out of this House today to authorize the printing of a pamphlet to honor Hispanic Americans who serve in this Congress and who have served in this Congress. Let us not forget that all of us from across this country have made great, great contributions and strides to this government.

I am proud to be one of the newest Members and one of the few Latinos to serve in the House of Representatives. I am one of six, and I am proud to say that the district that I represent is made up largely of Hispanic Americans who vote, who participate in our government, and who serve us in our government through different segments, whether it be as public servants, whether it be in the military, or whether it be here before our colleagues as Members of Congress. I am proud to be a part of my community, most of which I want to talk about education, because education is really where it counts for many of us.

Without educational opportunities, I know I would not be here standing as a congressional member before my colleagues here today. Part of those important aspects of education came to me in the form of government programs, Federal-sponsored programs, the Pell grant program, financial aid programs, that helped to provide incentives for families like mine who could not afford to send their children to college. Without those kinds of support, I know that many Latinos, many like myself, would not be able to have the kind of professional careers that we now lead. So I want to underscore how important it is to continue funding of education; and especially because now, as we find ourselves in a situation where many people are now out of work or having to work two or three jobs trying to make ends meet, it becomes even more difficult for them to obtain assistance to continue their career, whether it be at a university or at a community college.

I want to mention that one of my first opportunities to serve in public office was as the first Latino elected to the Rio Hondo Community College Board, which is known by the Federal Government and recognized as a Hispanic-serving institution. What that means is that 25 percent of the student population there, the undergraduates enrolled, have to be of Hispanic dissent. Well, Rio Hondo Community College is far beyond that; it is about 50 to 60 percent. I am proud to say that that is one of the institutions that has just been recognized for sending and graduating more Latinos to go on, after receiving their 2-year degree there, to go on to a 4-year institution. So I am proud to have been a part of the successes that that college now realizes, and I am happy that this government now supports them through Federal funding through the Hispanic-serving institution accounts.

There are over 203 of these Hispanic-serving institutions nationwide, and in California we represent 28 percent of those 57 Hispanic-serving institutions, to be more exact. In my congressional district we have several, some of which I have mentioned: Rio Hondo Community College, East Los Angeles College, California State University Long Beach, and Los Angeles. Also, two districts in my congressional district, Los Angeles Unified School District and El Monte Union School District, have some of the highest concentrations of Latino students in the United States. Today, Latino children are the largest group of minority children in our country.

Despite our growing numbers, Latinos remain the most educationally disadvantaged amongst our public school students. The dropout rate is atrocious for Latinos. It is about 20 percent nationally, three times the rate of that of African American or Anglo students. Mr. Speaker, 1.3 million Latinos drop out of high school each year. This is atrocious, and only about 55 percent of Hispanics 25 years and older have completed a high school diploma, compared to 84 percent of Anglos and 76 percent of African Americans. Also, only 11 percent of Latinos have obtained a bachelor's degree or more, compared to other groups.

Yes, the challenges we face as Latinos are daunting; but they are not insurmountable. Believe me, we are making educational gains. Latinos currently represent about 14.5 percent of the total traditional college-age population; and we hope that in the year 2025 that we will represent well over 22 percent of that population. Between 1976 and 1996, the number of Latinos enrolled in undergraduate education actually increased by 202 percent. Although our enrollment numbers may be low, we are on the rise. More and more of us are working to obtain higher education. Increasingly, Latino students are more likely to be forced to work part-time, as I said earlier, having to make ends meet just to acquire that ability to go on to college.

Therefore, I will, as my colleagues here before us, support funding such as the 21st Century Higher Education Act, which would allow for more students of Hispanic backgrounds to have access to quality higher education. This would mean an allocation for more money and programs such as the GEAR UP program, which helps junior high students become college-ready; and it would increase funding for the TRIO programs like Upward Bound and Talent Search, which help Latinos prepare for college. I continue to support these programs myself and know that as the old saying goes: "La educacion es la clave para un futuro mejor." That is to say our future lies in education.

I support legislation that will help working men and women of our country also achieve the American dream. The Hispanic labor force is growing quickly. We comprise about 12.7 percent of the total labor force. This is an increase of 10.4 percent since 1998. Hispanic women are one of the fastest growing groups of women in the United States. Their total employment increased by 65 percent over the last 10 years. Hispanics are more likely than any other minority group to be heavily concentrated in the service occupations and almost twice as likely to be employed as operators and laborers.

The majority of Hispanic women in the workforce are employed in the technical, sales, and administrative support and service jobs. This means that an increase in the minimum wage is especially critical to Latinos overall, but particularly Latinas. Our Nation's workers deserve a fair day's pay for a fair day's work, and our national minimum wage simply does not represent a fair day's pay. In fact, the national minimum wage is not even enough to lift a family of three above the poverty level, which is $13,290 annually. A full-time year-round worker who supports a family of three would have to earn $6.39

an hour just to reach the poverty level, far above what we currently offer now at the Federal level, which is $5.15 per hour.

I have no doubt that as Latinos working together we can make an increase in the minimum wage a reality. I hope that we can see that before we end our session this year. Because we can work together as a community, I know there is no end to the kinds of achievement and goals that we can obtain.

Mr. Speaker, I salute my fellow Latinos during Hispanic Heritage Month, and I want to also recite to them this: "Recuerden que en la unidad esta la fuerza," or remember that the power rests in unity.

Mr. REYES. Mr. Speaker, I thank the gentlewoman for her comments and for her leadership in many different areas of our caucus.

Mr. Speaker, I appreciate the opportunity this evening to let this country know of the great contributions of Hispanics and Latinos across the country.

I want to close, Mr. Speaker, by relaying a story that actually happened to one of my daughters. They were talking about identifying a hero; and in her class one identified a great inventor as their special hero, another one identified a great athlete, another one a great leader, another one a great doctor. When it came to a classmate of hers, a Hispanic, the individual, the little boy said, it is my dad, because every day he gets up and he goes to work, whether he is feeling good or he is feeling ill. When the car breaks down, he fixes it. He gives us everything that we need.

Latinos are like that. Every day across this country people get up and go to work and do the things that are important for this great country of ours. They possess great patriotism, as we have heard this evening, great dedication, great concern for the things that are important to all of us as Americans.

So, Mr. Speaker, with that I want to express my appreciation for the opportunity to share the Hispanic contributions with this great country in this great people's House.

Mr. ORTIZ. Mr. Speaker, while the past weeks have broken our hearts an steeled our spines, it is still important to take the time to celebrate our unique heritage as Hispanics. At the same time, we all appreciate that now, more than ever, Americans are one people. Since the attack, we have all come together. Americans of all sorts died together, we cried together . . . and we will fight together.

Hispanic Heritage Month, and the war in which we are currently engaged, serves to remind us of the extraordinary role Hispanics have played in the history and the defense of our Nation. Today, it is appropriate to begin in the present day and grieve for the Americans who died in hijacked planes, at the Pentagon and in New York City—a great many of whom were Hispanics from around the Americas.

The rescue workers, a number of which are also Hispanic, have labored 24 hours a day since the attack to find victims. We have never lived through a tragedy of similar nature, but already Americans have shown the world we are one nation and one people, now stirred to great anger.

Today we want to honor our forefathers who played a large part in making—and then keeping—the United States free and democratic. For as long as there has been a United States, Hispanics have played major roles in building our country and defending it.

From the American Revolution that freed the United States from England—to the Persian Gulf war and today's operation against terrorism—Hispanics proudly and bravely served the United States. When the colonies on the east coast of what is now the United States rebelled against England, Hispanics played a pivotal role.

As Governor of the Louisiana Territory, General Benardo de Gálvez sent money, gunpowder, rifles, and other supplies to General George Washington to aid in the revolution. He later served gallantly in the War for Independence by capturing both Mobile and Pensacola—at a pivotal point in the war.

Captain Jorge Farragut came to the United States to seek his fortune by fighting the British—first in the Revolution, then in the War of 1812—as part of the U.S. Navy. Hispanics also raised special collections and taxes to aid the fight for independence. After the Revolution was won, Mexican pesos aided in the construction of St. Peter's Church in New York City to celebrate the end of the war.

As in the Revolution, Hispanics served proudly in each war and conflict in which the United States participated. In the course of that service, 38 Hispanics have been awarded the Congressional Medal of Honor, our country's highest award for military bravery and service.

In the Civil War, David Glasgow Farragut, son of Jorge Farragut, won fame as a Union hero by blockading Southern ports, destroying Rebel ships anchored in New Orleans, and by capturing Mobile for the Union. His contributions prompted Congress to create the title of rear admiral to reward him as the first man to ever hold that rank. Farragut was commissioned vice admiral in 1864, then admiral in 1866.

Federico Fermàndez Cavada, a Lieutenant Colonel for the Union Army, fought bravely at Gettysburg. Rafael Chacón also served with the Union Army, and attained the rank of major. Santos Benavides—originally from Laredo—fought for the Confederacy. His rank of colonel was the highest of any Mexican-American Army officer in the Civil War.

Major Manuel Antonio Chavez forced the Confederate Army to retreat down the Rio Grande, preventing the rebels from carrying out their plans to seize the gold mines of New Mexico and California. Lieutenant Colonel José Francisco Chaves of the Union Army assisted in recapturing Albuquerque and Santa Fe.

One of the most interesting soldiers in the Confederacy was Loretta Janet Velázquez, who fought disguised as a man. Upon discovery and discharge, she continued her service as a Confederate spy.

I wanted to concentrate mostly on those who served in the U.S. military prior to this century, because not near enough has been said about them throughout the course of history. Part of the purpose of having Hispanic Heritage Month is to commemorate those Hispanics who have gone before us—people who are not often included in the history books.

In 1973, Lieutenant Colonel Mercedes Cubria retired from the Army—she was the first Hispanic woman to achieve that rank. Hispanics served bravely for the cause of freedom and democracy in World War I, World War II, Korea, and Vietnam.

More than 400,000 Hispanics served the United States during World War II and about 25,000 Hispanics served in the Persian Gulf war.

In the years to come, when the military service of Hispanics is viewed through the prism of history, there are certainly a number of young Hispanics whose service to this Nation in this new war will distinguish themselves among great U.S. warriors in the 21st century.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in honor of National Hispanic Heritage Month to celebrate the contributions Latinos have made and continue to make to our richly diverse national culture.

From agriculture to commerce, from the arts to sports, from government to medicine, Latinos are a significant part of everyday life in the United States.

Latinos contribute to the vitality of our Nation's economy through traditional work in the field of agriculture, to jobs in the manufacturing arena, to service in Federal, State, and local governments. Latinos are leaders in our labor unions, and in government, and are among America's most successful entrepreneurs and business leaders.

One clear example of the economic contributions of Latinos to America is illustrated by the Census Bureau's most recent report, which found that Latinos own the largest share of minority-owned businesses in the country—1.2 million to be exact.

As some of our Nation's most ardent patriots, Latinos have served proudly and with distinction in every major U.S. military conflict and in all branches of our armed services. One of the greatest sources of pride among the Latino community is the 39 Medals of Honor awarded to Latinos in recognition of their valor. They are the largest single ethnic group, in proportion to the number of who served, to earn this prestigious award.

Latinos have a long history of leadership in support of the rights of the oppressed: supporting civil rights leaders, to helping influence policies that seek to ensure fair and equal treatment for all persons in our Nation. They have been leaders in extending the Voting Rights Act to areas where Latinos and others have historically been discouraged from voting as a result of discriminatory practices. During the latter half of the 20th century, Latinos joined other Americans in advocating for the desegregation of our nation's schools; today Latinos are fighting for our Nation's children to receive a quality education.

Over the years, Latinos have served their country in the halls of local State and Federal Government. For example, Florida sent the first Latino to Congress in 1822, by electing

Joseph Marion. In my home State of California, Romualdo Pacheco served as the first native-born Governor in 1875. Currently, Latinos hold over 5,000 elected positions nationwide.

In closing, it is important to note the tremendous contributions Latino women have made to our country. Contributions like that of Luisa Capetillo and Lucia Gonzalez Parson who fought with Susan B. Anthony, Elizabeth Cady Stanton, and other suffragettes to secure a woman's right to vote; and contributions like that of Delores Huerta who was instrumental in helping Cesar Chavez organize migrant farm workers in California in the 1960s; Dolores is still a leader in the United Farm Workers of America in California. Let's not forget the contributions of Ellen Ochoa who became the first Latina astronaut in 1990; and Antonia Novello our Nation's first female Latina Surgeon General. Also, let us not forget the countless other Latinas, who with women of all races, are the silent heroines working everyday to keep families centered and strong in their roles as, wife, caregiver, provider, mother, and grandmothers.

I am proud of the diversity of the 33rd District of California, and I am proud to represent one of the largest concentrations of Latinos in the entire country. Encompassing downtown Los Angeles and a number of municipalities in southeast Los Angeles County, my district is representative of the wealth of diversity within the Latino community. My constituents' roots stem from all over Latin America and the Caribbean, including Mexico, Guatemala, El Salvador, Nicaragua, and Cuba. Coupled with the other wonderful races and groups I represent, this wonderful kaleidoscope of cultures contributes to making California the most diverse State in the union an integral component of our great country.

During Hispanic Heritage Month, we proudly recognize Latinos for their contributions to this great country; not only for the contributions of today, but also for those accomplished throughout American history. Now and long ago, Latinos have taken their place among the leadership in family, business, politics, education, sports, science, and the arts. As a result, our Latino heritage is a thread interwoven into the fabric of a greater America.

## STRATEGIES FOR AMERICA'S RECOVERY

The SPEAKER pro tempore (Mr. SCHROCK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, Tuesday, September 11, is forever seared into our minds. We will never forget the images of planes flying into tall buildings and exploding, people choosing to jump off buildings rather than burn to death, buildings collapsing on rescuers, clouds of vaporized concrete, steel, glass, rolling down the streets like volcanic eruptions; the Stars and Stripes framed by the flaming crater that was the pyre of 125 soldiers and civilians at the Pentagon. Our hearts go out to the victims and their families.

Mr. Speaker, we watched those images and they did not at first seem real. The spectacle almost disguised the human toll. At first, the magnitude of the tragedy made it hard for most Americans to grasp. But every day, the newspapers now put faces on the victims and their families. The shock has warn off; and we are left with grief, the deepest grief. We read those obituaries and we find ourselves tearing up. I do not know about my colleagues, but I can only read a few of those obituaries each day before I must stop.

We have learned the stories of the brave passengers on United Flight 93 who bid their loved ones farewell, pledging that they would go down fighting. Their plane crashed, but those Americans saved many lives in Washington, perhaps even our own. We are humbled by their courage and sacrifice, ordinary Americans who in 45 minutes became heroes. We remember the final words, the final recorded cell phone calls of the men and women hopelessly trapped above the fiery inferno of the World Trade Center, messages of love to their families.

In Corinthians the Bible teaches: "So we do not lose heart, even though our outer nature is wasting away, our inner nature is renewing, for we know that if the earthly tent we live in is destroyed, we have a building from God, a house not made with hands, eternal in the Heavens."

Mr. Speaker, each of us will carry our own memories of 9–11. I personally will never forget the sense of unity as 170 bipartisan Members of Congress, not Republicans or Democrats, but Americans, stood on the front steps of this Capitol in the lengthening evening shadows of that Tuesday to say a prayer for our country and its victims.

□ 2100

Then we sang "America the Beautiful." Our message then and today and tomorrow is that this is one Republic, United We Stand. Terrorists can challenge this Nation's spirit, but they cannot break it. In righteousness we are hunting down, even as I speak, to the end of the Earth if necessary, the assassins of our brothers and sisters, mothers and fathers, and children.

We will do what is necessary to win this war that has been declared on us. The victims deserve justice and our people deserve security. We are meting out justice to those terrorists, and we do distinguish between terrorists and those who harbor them and the rest of the Muslim world.

But Christians, Jews, and Muslims must all understand that the Osama bin Ladens are leading to the destruction of all religion and society. If the Muslim fundamentalists do not realize that, the war will go on and on.

Take the radical Islamic fundamentalist Taliban regime. This is a government so oppressive that it executes little girls for the crime of attending school. Girls aged 8 and older caught attending underground schools are subject to being taken to the Kabul soccer stadium and are made to kneel in the penalty box, while an executioner puts a machine gun to the back of their head and pulls the trigger. Spectators scattered among the stands are then encouraged to cheer.

An Afghani woman was beaten to death recently by an angry mob incited by the Taliban after accidentally exposing her arm.

Osama bin Laden's treatment of women is so barbaric that he orders their fingernails and toenails pulled out if they are painted.

Women in Afghanistan have almost no health care because male doctors are forbidden by the Taliban to touch female patients, and there are very few female doctors.

The beating, raping, and kidnapping of women are commonplace under the Taliban. A reporter for CNN recently told of meeting a family of three little girls hidden under their scarves and garments while their father stared into space. The girls had apparently not moved in weeks. They had been made to watch as the Taliban militia shot their mother in front of them, and then stayed in their home for 2 days while their mother's body lay in the courtyard.

The reporter asked the girls what the Taliban men did to them during those 2 days. They just wept silently.

And the Taliban is rounding up men from the villages. Those that do not join willingly are shot. There are news reports of mass graves, some containing as many as 300 Aghanis, scattered throughout the country.

The Taliban is taking more than a few pages from the Nazis. They require all Hindus to carry a yellow sticker identifying them as members of a religious minority. Hindus are required to put yellow flags on top of their rooftops as well.

The Taliban also controls the heroin trade, and funds its domestic and international terrorism with drug money.

So what do we do? Well, to quote from British Prime Minister Tony Blair's magnificent speech:

"'Don't overreact,' some say. We aren't. 'Don't kill innocent people.' We are not the ones who waged war on the innocent. We seek the guilty. 'Look for the diplomatic solution.' There is no diplomacy with bin Laden or the Taliban regime. 'State an ultimatum and get their response.' We have stated the ultimatum. They have not responded. 'Understand the causes of terror.' Yes, we should try, but let there be no moral ambiguity about this. Nothing could ever justify the events of 11 September, and it is to turn justice on its head to pretend it could."

"There is no compromise possible with such people, no meetings of minds, no point of understanding with such terror; just the choice: Defeat it, or be defeated by it. And defeat it we must."

Words worthy of Churchill, Mr. Speaker.

Mr. Speaker, I personally will never forget the smell of the smoldering crater of the Pentagon, or the smoke unfurling into the air of Lower Manhattan while at ground zero the firemen poured water onto the ruins of the World Trade Center that is the grave of over 5,000 innocent people.

As I stood looking at the mass of twisted steel and concrete, my thoughts turned to the words of a little girl's handwriting I had just seen at a victims' family center. The words were "I miss you, daddy! Love you, Jenny." It is indescribably sad.

So what do we do? Well, just what we are doing in Afghanistan now: destroying the terrorists and their supporters. Our prayers are with the brave men and women, soldiers of our Armed Forces. It must be galling to the Taliban that some of our bravest soldiers are women.

What else do we need to do? If we did not realize how important airplane and airport security was before September 11, we sure do now. The safety and security of our aviation system is critical to our citizens' safety and to our national defense.

The tragedy of September 11 requires that we fundamentally improve airport and airline safety. That is why the gentleman from New Jersey (Mr. ANDREWS) and I introduced on September 25 the Aviation Security Act, H.R. 2951, which is the companion bill to that offered in the Senate by Senators HOLLINGS and MCCAIN.

Our bills have bipartisan support in both the House and Senate. Our bill would make airplanes' cockpits secure. It would place Federal marshals, air marshals, on more flights. It puts the FAA in charge of airport security operations, including increased training for airport security personnel, and anti-hijacking training for flight personnel.

The Aviation Security Act would improve the screening of flight training, so that a terrorist could not walk up to a counter, plunk down $20,000 in cash, and say, "Teach me to fly a jet, and oh, by the way, I am not interested in learning how to take off and land. Just teach me how to steer."

Our bill would pay for this with $1, a $1 surcharge on airline tickets. When I talked to my fellow Iowans, none of them say that is so much to pay for increased airport security. I do not want more families writing letters, like another one I saw at the victims' family center. It went, "Danny, I will love you always. You will always be in my heart. Love, Kris and your son Justin."

So what do we do about other terrorist threats, like the possible bioterrorist anthrax attack in Florida? First of all, we should not panic. I am speaking as a Congressman but also as a physician. Selecting and growing biologic agents, maintaining their virulence, inducing the agents into forms that are hardy enough to be disseminated, and finding an efficient means of distribution is not an easy job, even for a nation, much less terrorists.

However, when we look at the sophistication and the coordination and the profiles of the terrorists associated with September 11, I think it is clear we have to be prepared for attempts at bioterrorism. There are nations such as Iraq that might help these terrorists in their evil plans.

What can we do? Clearly, we must try to root out terrorist cells before they strike. Our intelligence services need to be bolstered and given the tools they need. Impoverished scientists from Russia that have worked on biologic weapons must be prevented from selling that knowledge to terrorists.

But it is important to understand that the first line of defense against a biologic attack will not be a fireman or a policeman, it will be doctors and nurses. It will be the public health system, because the ultimate manifestation of the release of a biologic agent is an epidemic.

Mr. Speaker, smallpox and anthrax are most frequently mentioned as agents of bioterror. Officially, there are only two stores of smallpox virus in existence, both for research purposes, both in secure locations in Russia and the United States. But there may be covert stashes of smallpox in Iraq, North Korea, maybe in other places in Russia.

People who were vaccinated before 1972 have probably lost their immunity. Routine inoculations were stopped around the world in 1972, so most people would be at risk. Smallpox is very catchy, and it is about 30 percent fatal. The first victims of smallpox would likely be the terrorists themselves, but remember, these are people who commit suicide to spread terror.

Inhaled anthrax is fatal about 90 percent of the time, and 20 percent of the time if infection is from contact with animals. But its spores are resistant to sunlight. However, manufacturing sufficient supplies and then distributing them widely by, say, a cropduster airplane are pretty difficult.

Time Magazine even talks about a terrorist attack aimed at crops and livestock. That would be easier, less directly harmful to humans, but economically very harmful to our country.

Foot and mouth disease can be spread with astonishing speed in sheep, cattle, swine. An outbreak in the United States could be devastating to American agriculture.

So what do we do? First, we need better coordination between the Defense Department, the State Department, the Agriculture Department, the Centers for Disease Control, State public health programs and directors, and city-based domestic preparedness programs. This is a job for the new Director of Homeland Security.

Second, we must make a systematic effort to incorporate hospitals into the planning process. As of today, I think it is accurate to say that there are few, if any, U.S. hospitals that are prepared to deal with community-wide disasters such as a bioterrorist attack for a whole host of financial, legal, and staffing reasons.

There will be significant costs for expanded staff and staff training to respond to the abrupt changes in demand for care, for outfitting decontamination facilities and rooms to isolate infectious patients. Think about the cost of respirators and emergency drugs.

The first serious efforts to implement a civilian program to counter bioterrorism emerged in the spring of 1998, when Congress appropriated $175 million in support of activities to combat bioterrorism through the Department of Health, but, Mr. Speaker, we must do much more to integrate Federal, State, and city agencies.

First, we must educate family doctors and public health staff about the clinical findings of agents;

Second, we need to further develop surveillance systems for early detection of cases;

Third, we need individual hospital and regional plans for caring for mass casualties;

Fourth, we need laboratory networks capable of rapid diagnosis, and we need to accelerate the stockpiling and dispersal of large quantities of vaccines and drugs.

And these are just a few of the things we need to do. The Public Health Threats and Emergency Act of 2000 provides for increased funding to combat threats to public health, and we should provide that increased funding this year.

□ 2115

I recently visited Broadlawns Hospital in Des Moines. Public hospitals like Broadlawns and public health agencies have not been adequately funded for years. They need to be bolstered in order to cope with a biologic attack. Even if a catastrophic biologic attack does not occur, and we pray that it does not, the investment will still pay dividends in many ways.

Finally, let me return to the question of understanding the causes of Muslim fundamentalists' hatred of the United States.

President Bush asked in his September 20 address to Congress right here on the floor, why do they hate us? Those of us here on the floor and those at home listening to the President, still stunned by the magnitude of that attack, wondered what degree of poverty or political resentment or religious convictions could lead anyone to revel in the deaths of so many innocent people.

Shortly after the attack, I was asked by the Des Moines Register editorial board why I thought there was so much hatred of us in the Middle East. In April I had visited Israel, Jordan, and Egypt. Our congressional delegation met with the leaders of these countries and the Palestinians, but we also met with people from these countries who were not in government.

I told those editorialists that there was much envy of our wealth and dislike of our Western culture, particularly the role of women as equals. I also said it was clear that our support of Israel was significant.

I think that is an incomplete answer, and I do think we need to reflect for a moment on what we hear when, for example, we hear the translation of Osama bin Laden's screed. In the end, coping with Islamic anti-Americanism has to be a component of our war on terrorism.

As someone who has traveled rather extensively in Third World countries on surgical trips, let me say that not everyone regards the United States as a greedy giant. Even critics in other countries of America's foreign policy still often praise United States values of freedom and democracy, but extremism thrives in poverty.

Cairo is now a city of 18 million people. In the center of the old city is a huge cemetery called the City of the Dead. Years ago, the authorities gave up evicting people from living in those crypts. Today, it is the home for over a million people.

Population explosion in these countries is unbelievable. The breakdown of services as simple as garbage collection is something that few Americans can comprehend.

Since the early 1970s, the populations of Egypt and Iraq have nearly tripled. As a result, per capita income in Arab states has grown at an annual rate of 0.3 percent. The labor force in these countries is growing even faster than any other region in the world, and that leads to large pools of restless young men with no jobs and nothing to do.

Globalization has accelerated the pace of economic and social change and that creates insecurity. Most Islamic states do not have democratic governments to mediate those conflicts. Generals, kings, leaders for life, parliaments with no power, all these lead to frustrated people. When people feel powerless and extremely deprived, either economically, politically or psychologically, the ground is fertile for terrorism.

This sense of deprivation is part of the public backlash in those countries against globalization, modernization, and secularism. And the United States, regardless of its relationship with Israel, is the country most benefiting from globalization. It is the most modern Nation and it is the most secular Nation on Earth.

Two-thirds of Egyptians and four-fifths of Jordanians consider a "cultural invasion" by the West to be very dangerous, according to a survey from a couple of years ago. So what can we do?

First, let me say, as Tony Blair said, there is no compromise with people that celebrate killing 5,000 people and who would celebrate even more if they killed 50,000. We will hunt down and destroy those assassins of our brothers and sisters and mothers and fathers and our children.

We must also understand the region better. We do need to help those countries tackle their underlying economic woes. We had to fight a Second World War because of the failure of the treaty of Versailles after the First, but the Marshall Plan helped us secure a safe Europe after World War II. President Bush has already started in this direction with Pakistan. The Jordanian Free Trade Agreement is also an important step, especially symbolically.

Education in the region is a real problem. Secondary school education is low. Illiteracy is high and fundamentalist Islamic sects have filled the void. Those fundamentalists sects educate, feed and clothe the poor, and they win converts to their hatred of the West.

In Egypt and Jordan, the State forbids the teaching of Jihad in those schools. As a condition of U.S. foreign aid to Pakistan, I think the Pakistan government should do the same. Many of the members of the Taliban are products of those schools that teach hatred of us.

The United States could do more to promote democracy in the Middle East. This means promoting free and fair elections, judicial and legislative reform and rule of law. An investment in these countries will be well worth the cost. Consider that the Wall Street Journal today estimated that the World Trade Center attack will cost the American economy over $100 billion.

This war that we are in is a fight for freedom and justice. Whether it is our military, our intelligence agencies, our resolve to make airports more secure and our public health system better, I see around this country the will and resolve to win this war.

Our parents fought World War II. Each generation is called on to sacrifice, and I see today the valor of our fellow countrymen and its soldiers, its firefighters, its policemen, its nurses, and ordinary Americans, who, in 45 minutes, become heroes.

This is our generation's challenge. It is our turn to fight for freedom and justice. We will do our duty.

## IMMIGRATION: THE POROUS NATURE OF OUR BORDERS AND THE DEVASTATING EFFECT THAT HAS ON OUR ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I am here tonight to speak about a couple of topics, in particular, of course, the issue that is always of interest to me and I believe should be to our colleagues and to the American people, and that is, the issue of immigration, the porous nature of our borders and the very devastating effect that has had on the United States literally and figuratively.

I want to preface my remarks this evening Mr. Speaker with some observations that I had while I was waiting to address the House.

One of the previous hours was taken by the members of the Hispanic Caucus, and they spent their hour dutifully recounting the notable achievements of Hispanic Americans in the United States, both in the military and in other areas; and as I say, dutifully, and it is appropriate that those observations were made and those accomplishments were lauded.

As I listened to them, it struck me just how peculiar it is to have such a thing in this Congress. Certainly I think it is not unique here. There are probably State legislatures around the country that probably have a similar entity as a Hispanic caucus. That is a unique thing here, of course, and interesting from a variety of different standpoints. But it brings to mind the problem we are having in this country with trying to integrate into our society all peoples of various ethnic origins.

There is to some extent a desire on the part of many people to integrate into our society and do so as quickly as possible as they get here, newly arrived individuals, new immigrants to the American scene, and that is as it has been since the inception of the country. Most people coming into the United States are coming here for reasons that help them adjust to the American scene by disassociating themselves with their past and integrating themselves into the American mosaic.

I think to a large extent, although it is understandable, as I say, for individuals to form themselves up into organizations to reflect relatively narrow points of view and attitudes, it is peculiar, I think, to have organizations like that in this body and in other legislative groups around the country, and this all came home to me recently in Denver, when I was asked to speak to a group called the Hispanic Human Resources Association.

These are individuals who work in companies throughout the State of Colorado in the capacity as human resource development people. It was kind of intriguing to me when I first got their offer that there was such an organization, first of all, Hispanic human resource administrators. I mean, I think to myself, well, why Hispanic human resource administrators? Why not Greek human resource, whatever, and of course, I wanted to go and speak to them.

They wanted to talk to me about my position on immigration, a position, of course, which is very, very unpopular among a number of Hispanic organizations, not so unpopular among many Hispanic individuals who live here in the United States, who themselves see the problems that are created as a result of massive immigration, legal and illegal, but many organizations, of course LARASA and others, who attack my position quite vehemently.

They and this group to a large extent reflected that point of view, but I wanted to go and I wanted to debate that point in front of them, and I was there with a representative of another Member of this body, the gentlewoman from Colorado (Ms. DEGETTE). And although she could not be there that night, she sent a representative, and he and I were the focal point of the evening discussion.

At the conclusion of our discussions, a gentleman in the back of the room stood up and he was Hispanic. He said to me that he was concerned about the fact that, as he pointed up to the dais where we were sitting, that he and the other Hispanics in the audience were not represented by the people at the dais.

□ 2130

In other words, not by me or by the representative from the office of the gentlewoman from Colorado (Ms. DEGETTE). And he was very annoyed by that. And he indicated that that was really his problem; that that was a major problem that he has generally with American society, with his particular situation in living in Denver, as I assume he did.

And I was extremely interested in that observation because it goes to what I am talking about here tonight in terms of this Hispanic Caucus that exists in the body. I said to him, I am really intrigued by what you say, because what you have suggested is that because I am not Hispanic nor is my colleague, the gentlewoman from Colorado (Ms. DEGETTE), I cannot represent you and neither can she for only that reason; not because we may not see eye to eye on the issue of taxation or Social Security reform or the degree of support for the military or any of the wide variety of issues that confront us all on this floor day after day after day. No, not for any of those reasons did he feel that he is not represented and could not be represented by either my colleague or myself. He felt that he could not be represented because neither of us, neither my colleague, the gentlewoman from Colorado, nor I, is Hispanic.

That was really a fascinating thing in a way, because this is really a problem in our society, Mr. Speaker, I believe, this balkanization of America, this assumption that in order for us to be truly "represented" in any body, any legislative body, it can only be someone of our ethnic background. So I said to him, do you know what that means, sir? That means if you are telling me I cannot represent your interests, and I may very well not represent your point of view on a wide variety of issues, because I assume you are a very liberal, sort of maybe a Democrat-leaning individual and I am a conservative Republican, so you are probably right that I do not represent your political point of view, I will give you that. But it is not because I am Italian; it is because I simply do not agree with your issues. But you are also suggesting that my colleague, the gentlewoman from Colorado (Ms. DEGETTE), does not represent your point of view, even though I will bet you anything that on every single one of your issues, everything that you can talk about, everything that you can possibly come up with as a public policy issue, I will bet you that she agrees with you. But you do not think that is good enough; that she agrees with you on every single public policy issue. You say she has to be Hispanic to represent you. Well, of course, what that means is that you cannot represent me. You could never represent me; not because you do not believe what I believe, but because you are Hispanic and I am Italian.

I mean does that make sense to anybody here? Do we really believe that that is the way we ought to determine who gets elected to office, based solely on their ethnic background? And yet that is what this is all about. We draw lines. We are in the process now around the country of redrawing district lines for the Congress of the United States. And, interestingly, we continue to think about and courts continue to adjudicate lines drawn to protect specific minority groups so that minority groups, black and Hispanic, can have their representation here. But, of course, that begs the question, does the color of our skin make us incapable of responding to the needs and desires and wishes and attitudes of our constituency, if it is not the same color as the majority of the people who live there in that particular district?

This is a very dangerous thing, Mr. Speaker. And I do not blame my colleagues for getting up here tonight and extolling the virtues of Hispanic Americans. They are wonderful people, and I certainly join them in their praise of the accomplishments of many people. But in a way it almost makes you wonder why we have to say it in that way. Why do we have to say these are the accomplishments of Hispanic Americans? Is it not just the fact these people did marvelous things and they are Americans? Is that not what we should really be giving them credit for, in order to not create and continue this divide that simply, I think, personally, makes it very difficult for America to succeed in its goal of a united States of America, of a united people of America?

I see banners and signs all over. I am sure my colleagues have seen them, too, Mr. Speaker. I saw them on U.S. 66 coming from the airport, great big hand-painted banners people had hung over the overpass and they said "United We Stand." Let us be united. That was kind of the underlying theme of all of these banners I saw; that we were united as a people against the threat of international terrorism. That is exactly what we have to be. There is no two ways about it. We must be united in order to confront this threat and to be successful in that confrontation.

It does not help us, I think, in our quest to be united to constantly be reminded of our differences, again be they ethnic or religious or anything else. It is problematic from that standpoint; it is detrimental to American interests. And I worry about the degree to which this affects our culture, and I worry about the fact that it has an impact certainly on this body and it has an impact throughout the country. Again, what an odd thing, in a way.

I wonder what the founders would say, Mr. Speaker. I would be fascinated to know what the founders of the Nation would have said if during their deliberations on the Constitution of the United States and the Declaration of Independence someone were to have suggested to them that it would be important to add a provision in the Constitution that assured that every ethnic group that one could possibly identify in the United States should have a special area in the country where they are highly populated, have that special area cut out and have a representative of that ethnic group especially for them. I wonder what they would have said about that. I wonder if they would have suggested that that was "a good idea" for American democracy. I do not think so.

As I say, I mentioned to that gentleman that night that it was wrong, I believe. And by the way he responded and he said, are you telling me you really think we should not have separate groups to represent our points? I said, you are right, if what you are telling me is that your point of view needs to be represented by someone of a particular ethnic background. Then I am telling you I am opposed to that. I am totally opposed to that. I am Italian American, 100 percent Italian American; but I will tell you this, I would no more cast my vote for another Italian American simply because he or she was Italian than I would cast a vote blindly. Because it depends on what they think, what they believe, who they are politically. That is how I would vote.

I know people in the State of Colorado for whom I have voted, Lilly Nunez, who is a lady I have known for 25 years, and who I nominated for national committee woman from Colorado; Bob Martinez, who I supported for national committee man. I did so not because either one of those two people are Hispanic, but because they were Republicans and they were the kind of Republicans that I wanted to see in power, in place. They were conservatives. And that is the only thing that really matters to me. It is not their ethnic background.

But if I were to live by the dictates of the folks who come in here and form these caucuses and develop these groups and keep trying to divide America into these various balkanized States, then I would say, no, I could not possibly, evenly though I know Joe and Lilly Nunez very well, and I believe that they are solid Republicans, I could not vote for them because, gee whiz, they are Hispanic and they could not really represent my interests. That is idiotic. But that is the point of view that these organizations want us to proceed upon, and they go into court throughout the Nation and try to get courts to adjudicate this redistricting issue on their behalf so that they will cut up districts in order to have representation of a specific ethnic group. And I think that is abhorrent.

I was struck by that, as I say, as I was listening to the debate tonight. Once again, please do not misunderstand me or misconstrue what I am stating here tonight. I absolutely agree with and lend my voice to the adulation for all of the accomplishments of the Hispanic individuals they mentioned. The Americans they mentioned. The Americans. No hyphen. The Americans. They did extraordinary things, the 38 members they identified; winning the congressional medal of honor. I say God bless every single one of them. The Nobel prize, and the various other things they were talking about. God bless every single one of those people for what they did for America as Americans. And that is the way they should be remembered.

Now, let me tell you, Mr. Speaker, that we are confronted by an incredible dilemma this evening on the floor of this House and as a Congress of the United States, and that is how to construct the most powerful alliance that we can possibly think of in order to confront the terrorists who have perpetrated such heinous acts on the United States on September 11. The spawn of evil is the way I identify these people.

It seems to me that there are some interesting things that we confront in that particular endeavor; and one is, as I say, trying to build a coalition of countries who will help us in a variety of ways: Contributing armed forces, contributing financial support, agreeing to do something within their own financial systems to stop money from being transferred among and between these organizations, share with us intelligence information, help us maintain some sort of integrity on our borders. All of these things are the signs of what a friend would do.

It is interesting to me, and I think it elucidates the problem that we are having around the world when we talk about one particular "friend" of the United States and what they are doing for us, and that "friend," and I put that in quotes again, is Mexico. Mr. Speaker, after September 11, literally scores of nations immediately rushed to our support, promised various degrees of help and support. But one was conspicuous by its absence, one of our friends. One of our neighbors was conspicuous by its absence in support for our endeavors, and that, of course, was the country of Mexico.

□ 2145

Now, if my friends in the Hispanic Caucus here tonight really want to do something for the United States, then let me make a suggestion to them because they have chosen again to form themselves up into this specific sort of ethnic group. Let me suggest to them that this is a very positive role that group can play. Instead of trying to divide America, separate America, it seems to me that they could make a plea to the Mexican Government and to Vicente Fox.

On behalf of the Hispanic Caucus in the Congress of the United States, it would have been heartwarming to hear them say, President Fox, please give the United States the support we need in order to defend ourselves against these terrorists. Please do not hold back any more. Please try to overcome the objections within your own government, which have been noted in the paper here several times, and be forthcoming and bold in your willingness to help the United States.

This is an article which appeared in the Washington Post on September 26. Mexico City, September 26, President Vicente Fox fighting charges that he has been lukewarm in reacting to terrorist attacks in New York and Washington. He came to the United States and sort of wanted to do some damage control. Fox's comments in the speech Tuesday followed a period of uncharacteristic quiet from the usually loquacious Mexican leader who had made friendly relations with Washington a trademark of his 10-month old administration. After calling President Bush and offering public condolences after the attacks, Fox seemed to focus on domestic Mexican issues, at least in public. And despite months of globe trotting and talking about how Mexico wants a greater role in foreign affairs, the article goes on to say, there was no trip to the rubble of the World Trade Center, no photo op of the dos amigos at the White House.

In response, some Mexicans called Bush and Fox distant friends. An editorial in London's Economist magazine asked whether Fox was a "fair-weather friend."

Since the attacks, it says, Fox has been in an uncomfortable spot. Voices from the Mexican Congress, intellectuals and the public have long made it difficult for the Mexican Government to be seen as too supportive of the United States. Mexico has a tradition of avoiding getting swept in the U.S. policies and refusing to intervene in foreign conflicts. Nationalism often has been defined as anti-Americanism, anti-Americanism from our neighbor to the south. Refusal to provide the support that we should expect from our neighbors and friends. Refusal to provide the support that one would expect from a country for which the word trust was used over and over and over again during President Fox's visit here to the United States. He must have used that 10 times during his speech to this body. We need to trust one another he said, over and over again.

Well, President Fox, if the Hispanic Caucus will not bring this to your attention, then let me. If you want to develop that trust that you ask for, there are things we can do. You can help us first of all by securing our border, our mutual border, our common border. Help us in defending that border against incursions. Help us in stopping the traffic of illegal aliens across that border, whatever nationality, wherever they come from.

Mr. Fox, you recognize the problem, I would say to him, Mr. Speaker. You recognize the problem in your own country, where you have not too long ago ordered the military, the Mexican military, to go down and defend the border between Mexico and Guatemala from incursions of Guatemalan immigrants whom you identified as people that had to be kept out because of the problem they caused in Mexico.

Now, in doing that, President Fox, I would say, I do not challenge you. You make the decisions that are necessary for the well-being of your country. So then help us, I would ask him, help us in doing exactly the same thing on your northern border. Of course, he is constrained from doing that, Mr. Speaker, because the politics inside Mexico are such that he could probably never get away with such a statement.

The article in the Post goes on to say, Carlos Fuentes, Mexico's best known novelist, also weighed in noting his concern that the declared U.S. war against "an enemy without a face," could bring civilian casualties. Fuentes reminded Mexico of its independence from its powerful neighbor, saying in widely published comments, quote, "we are partners of the United States, not their hangers-on."

The newspaper Reforma drew a scorecard. This is fascinating, Mr. Speaker; and I really hope our colleagues pay close attention to this. This is a Mexican newspaper called Reforma. It drew a scorecard of how supportive 15 countries have been for Bush. Mexico came in second from last, tied with China, slightly above Iraq and Cuba. The rankings were based on 10 signs of solidarity such as holding a national moment of silence, visiting Bush, granting permission for the use of military bases or air space.

We have refused so far to make a public issue of this lack of response on the part of our southern neighbors because I think we do not want to embarrass them or ourselves. I think the President has not asked President Fox for overt shows of support, signs of support, because he knows he cannot get it from President Fox. He knows that the Mexican people do not support it.

Now, Mr. Speaker, I would very much have appreciated hearing tonight from the Hispanic Caucus on the floor of this Congress how they were going to deal with this issue, again, since they choose to form themselves up in that kind of an organization, it is fair for me to ask. Why will they not talk to the President of Mexico and your colleagues down in the Mexican Congress and ask them to provide the same sort of support to the United States that Canada, Brazil, Argentina, Uruguay have provided?

Can you imagine, Mr. Speaker, that the countries I have just noted were listed in the paper today. As I was flying in, there was a map of the world and they were listing the countries of the Americas that had helped the United States. Canada, of course, add to that list. And the ones I just mentioned, those were identified as being, to the best of my recollection, those were identified as being the countries in the Americas that had come forth and helped us in our time of need. One was, again, conspicuous by its absence, Mr. Speaker. Where was Mexico? Where is Mexico in this dispute?

Here are excerpts from Mexican newspapers. Many Mexican newspapers reacted to the first strikes by the United States and England against Afghanistan by criticizing U.S. President George Bush and questioning Mexico's governmental support. Daily La Jornada printed an editorial saying that the attack was "not about justice or international law. It was a unilateral and arbitrary act of revenge."

An editorial called the act "Bush's holy war" and said it is the start of a war in which Mexico has no moral, political, or military reason to participate. I want to repeat that, Mr. Speaker. This is the editorial in La Jornada, a daily in Mexico. It is the start of a war in which Mexico has no moral, political or military reason to participate.

The murder of 6,000 innocent people in the Trade Towers and the planes that were used as missiles does not create a moral dilemma for Mexico according to this. Well, what in the name of God would if that does not do it?

The newspaper Excelsior said, "Mexico should not distance itself from its political tradition of rejecting war to resolve even the most difficult international controversies." The Daily added that Vicente Fox's government "voiced its support of the actions of the U.S. and Great Britain." Hopefully, it said, "that was not an effort to appease the Bush Government." The Bush Government.

La Cronica de Hoy printed in its editorial page, quote, "They will start two wars. One of the U.S. against the Taliban and one based on threats. In the first missiles are launched at targets that fail to feel the power and courage of the most powerful Nation."

An editorial in that La Jornada was the strongest yet, saying it is not necessary to go back decades to see the moral similarity between the U.S. Government and its current enemy at the moment, covert acts of censorship and lies.

This paper in Mexico compares the United States with its current enemy. We, I guess according to this paper, are similar to the Taliban, similar to the bin Laden organization, al-Qaeda.

Mr. Speaker, I could go on and on here with these quotes from Mexican newspapers. Suffice it to say that our friend in the south is not showing us that degree of trust that was called for by its President when he was here. Nor, Mr. Speaker, should we extend any trust under these conditions.

Street vendors, I am told, in Mexico are selling T-shirts that say essentially in Spanish, "Go Taliban." I am told that the sales are brisk.

For night after night I have come on this floor, Mr. Speaker, and I have talked about my concerns with massive immigration; and I continue to raise those concerns tonight because I believe that this is a significant problem for the United States, that a country to our south that contributes the greatest bulk of the immigration to the number of immigrants to the United States with this kind of attitude, this is not really all that healthy for the United States. We find ourselves in a difficult position if these are the attitudes that these people bring with them. I do not know that they are.

My concern is that they may be. And I am also concerned about simply the numbers. It is the massive numbers coming from any country. In this case it is Mexico. But the massive numbers make it very difficult for integration to occur. It only exacerbates the problem of the divisive nature of these debates. Quite frankly, Mr. Speaker, let us go ahead and talk about the political reality of massive immigration.

One reason we have it, one reason we cannot stop it, one reason why it is so hard to get people to address it is because there are political ramifications to it. One party enjoys a great benefit as a result of massive immigration. People become citizens in the United States, or even if they do not, many of them still vote illegally.

We have cases of that popping up all over. Just recently one of the groups of terrorists or it is one in the group of terrorists had actually voted in United States elections twice and was not a citizen, needless to say. So it is not hard for voter fraud to occur. We do not know the extent to which it occurs, but I think it is significant.

At any rate, people come here and are attracted to one particular party who promises, more than anything else, government largess; and that is one reason why we cannot stop immigration, legal or illegal.

□ 2200

I hate to say it, Mr. Speaker, but I believe with all my heart that we have a serious problem as a result of porous borders and our unwillingness or inability or a lack of desire to actually create borders with integrity.

I have said this before, and I will say it again. If, God forbid, another event were to occur in this country of the nature of the September 11 events and if those events were perpetrated by people who came across our borders illegally, snuck into the United States, or were here on visas that were extended, overextended, or were here on visas that were violated because they were not doing what they were supposed to do or were here because we let them in because even though they have been associated with terrorist organizations, right now, Mr. Speaker, that by law, by a law we have, that is not enough to keep them out. If they put down on a piece of paper, yes, I am a member of al Qaeda, that does not mean we could keep them out right now. We asked for the ability to do that. The administration sent a bill to the Committee on the Judiciary to ask for the ability to do just that, and it was turned down, it was watered down in order to get bipartisan support.

So we have this problem. We have open borders, essentially. We have right now almost a quarter of a million people living in the United States who have gone through the system and been found guilty of violating their visa, or guilty of some law, the violation of an American law, and they were ordered to be deported, Mr. Speaker, but they are still here. A quarter of a million people have been ordered deported but are simply roaming the country because the INS chooses not to go after them. I will say this again, that if anything else happens and it is the same sort of situation, somebody else coming into this country and doing that and we choose to do nothing about securing our borders, not only are we irresponsible in this body but we are culpable.

We look to do everything we can. We go to country after country asking for support. We look to cut off their money supply. We look to destroy their infrastructure. We look to every single way there is to try and stop terrorists from perpetrating heinous acts, their acts of hatred on this country, but we are afraid to do one thing. We are afraid to actually begin to control our own borders, because there is a political problem here, a political issue. I think that is despicable. No one should care about how these people will eventually vote. No one should care about whose party would be more benefited by the massive numbers of people coming across our borders. What we should care about is the safety of the Americans here of every race, religion, creed, color. We should be concerned about every single Hispanic American here, citizen, every single black American, every Hindu, Muslim, whatever, I do not care what.

That is our main concern, Mr. Speaker. It is not some political need to keep these borders open that we should be concerned about. And if that concern overrides our major responsibility as a country, as a Federal Government, then I say shame on us, because our responsibility is here clear. The Federal Government has one responsibility, primary responsibility. It is more important than health and human services, it is more important than the Department of Education, the Department of Interior, the Department of Transportation. It is more important than all of that. It is to protect the lives and property of the people in this country. That is it. That is our main goal. Everything else pales in comparison. If we refuse to take that one step that would help in that direction, and I am not suggesting for a moment that even if we seal our borders, we would be absolutely able to be sure, positively, undeniably we will never have another attack of this nature, certainly I cannot say that, but I can say this, we will lessen the chance. And I will dare anyone, I challenge anyone to stand up and explain to me how we can possibly keep open borders under these circumstances. I just simply do not understand it. But we will do it, Mr. Speaker, unless the people of this Nation rise up in a loud voice and let their representatives know that they are concerned, more concerned even than the political problem of closing down the border, the political ramifications of such a thing.

Again I ask my friends in the Hispanic Caucus, please send a message to our friends, if they are friends, in Mexico. We need their help. It is not just our Nation we are trying to protect. It is civilization. It is not just our morality that we are trying to defend, it is the morality of civilized men and women all over the world. And we need their help. The sign of a friend would be to say, we put aside all these regional differences now, we know that there is something bigger, more dangerous that affects us all, and we will help you secure your border, America, and we will do something else: If the Arab nations that control OPEC, if they attempt to blackmail the United States again by raising the cost of oil, we will sell you oil from our state-owned oil company at lower prices, and we will look to see everything we can do in terms of intelligence gathering to help you in your efforts to quash al Qaeda and any of the other organizations that are designed for the purpose of bringing death and destruction to the United States and the Western hemisphere and civilization.

Uruguay, Argentina, Brazil. Can their efforts be any more in common with ours than Mexico? But they understood that there is a moral dimension to this that extends all the way through and across their borders. How could we not expect the same from our, quote, trusted neighbor in the South? It is not just our safety that I plead for their support on, it is their own. It is civilization itself that is threatened, make no bones about this. This is not just a war between the United States and Osama bin Laden, or al Qaeda or any of the other various individual terrorist groups. This is a war about whether civilization as we know it, where free thought and individual freedom reign, will be overtaken by the darkness of a barbaric time.

So it is in your interest, Mexico, not just ours, to help in this endeavor. Until that happens, I do not believe we can call you a trusted friend.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1992, INTERNET EQUITY AND EDUCATION ACT OF 2001

Mr. LINDER (during the Special Order of Mr. TANCREDO), from the Committee on Rules, submitted a privileged report (Rept. No. 107–232) on the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BEREUTER (at the request of Mr. ARMEY) for today on account of official business.

Mrs. WILSON (at the request of Mr. ARMEY) for today on account of attending a funeral.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.
Mr. SOUDER, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 9, 2001 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 42. Memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 51. Approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

## ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 10, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4162. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107–130); to the Committee on Appropriations and ordered to be printed.

4163. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7765] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4164. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Calculation of Average Weekly Trading Volume under Rule 144 and Termination of a Rule 10b5-1 Trading Plan [Release Nos. 33-8005; 34-44820; FR-58] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4165. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 01F-0142] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4166. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Premarket Notification Requirements; Class I Devices [Docket No. 01N-0073] received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4167. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107-40, to help ensure that the Congress is kept informed on military actions taken to respond to the threat of terrorism; (H. Doc. No. 107-131); to the Committee on International Relations and ordered to be printed.

4168. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Astragalus holmgreniorum (Holmgren milk-vetch) and Astragalus ampullarioides (Shivwits milk-vetch) (RIN: 1018-AG02) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4169. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List Silene spaldingii (Spalding's Catchfly) as Threatened (RIN: 1018-AF79) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4170. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon (RIN: 1018-AH06) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4171. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Definition of Length Overall of a Vessel [Docket No. 010510121-1210-02; I.D. 012601B] (RIN: 0648-AN23) received September 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4172. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 010719181-1181-01; I.D. 062501A] (RIN: 0648-AP35) received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Lafourche, LA [CGD08-01-032] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Pittsburgh, PA [Airspace Docket No. 01-AEA-08FR] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Highbridge Road Drawbridge, Atlantic Intracoastal Waterway, Volusia County, Florida [CGD07-01-094] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Mullica River [CGD05-01-018] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Lafourche, LA [CGD08-01-031] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Old River, California [CGD11-01-015] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Napa River, California [CGD11-01-014] (RIN: 2115-AE47) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Shaw Cove, CT [CGD01-01-147] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Annisquam River, MA [CGD01-01-137] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-01-146] received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-49] received September 20, 2001; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REGULA: Committee on Appropriations. H.R. 3061. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-229). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-230). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes; with an amendment (Rept. 107-231 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 256. Resolution providing for consideration of the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications (Rept. 107-232). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JONES of Ohio (for herself, Mr. VISCLOSKY, Mr. STUPAK, and Mr. TOOMEY):

H.R. 3059. A bill to provide for retiree health care by allowing steel companies a partial refund of net operating loss carryforwards; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. LAFALCE, Mr. BAKER, and Mr. KANJORSKI):

H.R. 3060. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. DEMINT (for himself, Mr. Baird, Mr. Crane, Mr. Matsui, Mr. Manzullo, Ms. Velázquez, Mr. Toomey, Mr. Pascrell, Mr. Lewis of Kentucky, and Ms. Hart):

H.R. 3062. A bill to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 3063. A bill to provide benefits to public safety officers who die or become disabled as a result of certain injuries; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 3064. A bill to direct the Administrator of the Federal Aviation Administration to provide for the implementation of certain aviation security measures; to the Committee on Transportation and Infrastructure.

By Mrs. DAVIS of California:

H.R. 3065. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements register with the Food and Drug Administration, to require the submission to such Administration of reports on adverse experiences regarding such supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 3066. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling and advertising requirements for dietary supplements containing ephedrine alkaloids, to prohibit sales of such supplements to individuals under the age of 18, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HARMAN:

H.R. 3067. A bill to direct the Secretary of Transportation give certain workers who have lost their jobs as a result of the terrorist attacks of September 11, 2001, priority in hiring for aviation-related security positions; to the Committee on Transportation and Infrastructure.

By Mr. NEY:

H.R. 3068. A bill to establish a Presidential commission to strengthen and improve financial privacy and national security; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 3069. A bill to secure American families effectively; to the Committee on the Judiciary.

By Mr. PETRI (for himself and Mr. Lantos):

H.R. 3070. A bill to amend the Fair Labor Standards Act of 1938 to ensure the protection of employees in travelling sales crews, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan:

H.R. 3071. A bill to amend the Internal Revenue Code of 1986 to index the basis of assets acquired after December 31, 2001, for purposes of determining gain; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself, Mr. Etheridge, Mr. Jones of North Carolina, Mr. Price of North Carolina, Mr. Burr of North Carolina, Mr. Coble, Mr. McIntyre, Mr. Hayes, Mrs. Myrick, and Mr. Ballenger):

H.R. 3072. A bill to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the "Vernon Tarlton Post Office Building"; to the Committee on Government Reform.

By Mr. NEY (for himself and Mr. Hoyer):

H. Con. Res. 244. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "Our Flag"; to the Committee on House Administration. considered and agreed to.

By Mrs. CAPITO (for herself, Mr. Kanjorski, Mr. Shimkus, Mr. Ney, Mr. Strickland, Mr. Hilliard, Mr. Doyle, Mr. Murtha, Mr. Mascara, Mr. Holden, Mr. Oberstar, and Mr. Weller):

H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself, Mr. Kerns, Mr. Cramer, Mr. Rohrabacher, Mr. Clement, Mr. Stearns, Mr. Ortiz, Mr. Platts, Mr. Reyes, Mr. Bartlett of Maryland, and Mr. Smith of Michigan):

H. Con. Res. 246. Concurrent resolution providing for negotiations to establish a United States Congress-Russian Federation Parliament joint taskforce on antiterrorism; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII. sponsors were added to public bills and resolutions as follows:

H.R. 168: Mr. Miller of Florida.

H.R. 218: Mr. Traficant, Mr. Watkins, and Mr. Peterson of Minnesota.

H.R. 510: Mr. Abercrombie and Mr. Borski.

H.R. 632: Ms. McKinney.

H.R. 747: Mr. Waxman.

H.R. 854: Mr. Combest, Ms. Pryce of Ohio, Mr. Rodriguez, Ms. Carson of Indiana, and Mr. Forbes.

H.R. 886: Mr. Rangel.

H.R. 936: Mr. Clay.

H.R. 969: Mr. Schaffer and Mr. Bilirakis.

H.R. 975: Mr. Forbes.

H.R. 1030: Ms. McCarthy of Missouri, Mr. Vitter, Mr. Forbes, and Mr. Sherman.

H.R. 1172: Mr. Kildee, Mr. Crowley, Mr. Bonior, Mr. Mica, Mr. Calvert, Mr. Lampson, Mr. Burton of Indiana, Mr. Ford, Ms. Baldwin, and Mr. Carson of Oklahoma.

H.R. 1198: Mr. Kennedy of Rhode Island, Mr. Skelton, and Mr. Deutsch.

H.R. 1254: Mr. Ehrlich and Mr. Bonior.

H.R. 1256: Mr. Davis of Florida, Mr. Capuano, Mr. LaFalce, Mrs. McCarthy of New York, and Mr. Luther.

H.R. 1262: Mr. Clay.

H.R. 1354: Ms. Rivers.

H.R. 1377: Mr. Cramer.

H.R. 1440: Ms. Lee.

H.R. 1552: Mr. Horn, Mr. McKeon, Mr. Calvert, Mr. Dreier, Mr. Ose, Mr. Gary G. Miller of California, Mr. Royce, Mr. Pombo, Mr. Issa, Mr. Rohrabacher, Mr. Herger, Mr. Cannon, Mr. Weldon of Florida, Ms. McKinney, and Mr. Schaffer.

H.R. 1556: Mr. Sununu and Mr. Forbes.

H.R. 1616: Mr. Frost.

H.R. 1624: Mr. Scott, Mrs. Napolitano, and Mr. Clay.

H.R. 1675: Mr. Horn, Mr. McKeon, Mr. Dreier, Mr. Gary G. Miller of California, Mr. Pombo, Mr. Rohrabacher, Mr. Herger, Mr. Cannon, Mr. Weldon of Forida, and Ms. McKinney.

H.R. 1701: Mr. English.

H.R. 1744: Mr. King.

H.R. 1786: Mr. Sweeney and Mr. Larsen of Washington.

H.R. 1815: Ms. Schakowsky.

H.R. 1819: Mr. Pascrell, Mr. Baca, and Mr. Hilliard.

H.R. 1839: Mr. Inslee.

H.R. 1887: Mr. DeFazio.

H.R. 2073: Mr. Bryant.

H.R. 2219: Mr. Hoeffel.

H.R. 2220: Mr. Shows, Ms. Carson of Indiana, Mr. Peterson of Minnesota, Ms. Schakowsky, and Mr. Towns.

H.R. 2235: Mr. Forbes.

H.R. 2253: Mr. Kildee.

H.R. 2333: Ms. Slaughter.

H.R. 2350: Mr. Cooksey.

H.R. 2357: Mr. King, Mr. Coble, and Mr. Boehner.

H.R. 2374: Ms. Dunn.

H.R. 2417: Mr. Terry.

H.R. 2457: Mr. Ballenger and Mr. Bilirakis.

H.R. 2459: Ms. Baldwin.

H.R. 2574: Mr. English.

H.R. 2576: Mr. Rangel, Mr. Ross, Mr. Schaffer, Mr. Wolf, Mr. Neal of Massachusetts, and Mr. Pence.

H.R. 2638: Mr. Baker and Mr. Kucinich.

H.R. 2716: Mr. Filner.

H.R. 2722: Mr. Frank, Mr. Peterson of Minnesota, Mr. Pallone, and Mr. Larsen of Washington.

H.R. 2725: Mr. Platts.

H.R. 2792: Mr. Filner.

H.R. 2794: Mr. Knollenberg, Ms. Woolsey, Mrs. Tauscher, and Mr. Waxman.

H.R. 2837: Ms. Eshoo.

H.R. 2847: Mr. Dicks.

H.R. 2863: Mr. Frank and Ms. Kilpatrick.

H.R. 2866: Mr. Rangel and Mr. Lantos.

H.R. 2899: Mr. Simmons.

H.R. 2910: Mr. Rangel, Ms. Carson of Indiana, and Mr. Skelton.

H.R. 2940: Mr. Pascrell.

H.R. 2946: Mr. McNulty, Ms. Watson, Mr. Gillmor, Mr. Bentsen, and Mr. Conyers.

H.R. 2951: Mr. Owens.

H.R. 2955: Mr. Meeks of New York.

H.R. 2965: Mr. Tiahrt, Mr. Shows, Mr. Crowley, Ms. Hooley of Oregon, Mr. Hyde, and Ms. Berkley.

H.R. 2975: Mr. Frank.

H.R. 2989: Mr. Baca and Mr. Costello.

H.R. 2998: Mr. Sherman and Mr. Berry.

H.R. 3004: Mr. Ross, Mr. Shays, and Mr. Sherman.

H.R. 3006: Mr. Wolf.

H.R. 3007: Mr. Filner, Mr. Boucher, Mr. McGovern, and Mr. Abercrombie.

H.R. 3014: Mr. Mascara, Mr. Inslee, and Mr. Bonior.

H.R. 3019: Ms. Hooley of Oregon.

H.R. 3026: Mr. Boehlert, Ms. Roybal-Allard, and Mr. Crowley.

H.R. 3029: Mr. Nadler and Ms. Dunn.

H.R. 3040: Mr. Kildee, Mr. Abercrombie, Mr. Brady of Pennsylvania, Mr. Ackerman, and Mr. Oberstar.

H.R. 3043: Mr. Duncan, Mr. Upton, and Mr. Sununu.

H.R. 3046: Mr. Sununu, Mr. Boucher, Mrs. Cubin, and Mr. Engel.

H.J. Res. 23: Mr. Thune.

H. Con. Res. 26: Mr. Clement.

H. Con. Res. 37: Mr. Upton.

H. Con. Res. 104: Ms. McCollum, Mr. Owens, and Mr. Stearns.

H. Con. Res. 211: Mr. Lantos.

H. Con. Res. 234: Mr. Mascara, Mrs. McCarthy of New York, and Mr. Filner.

## AMENDMENTS

Under clause 8 of rule XVIII. proposed amendments were submitted as follows:

H.R. 3061

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC.   . None of the funds made available in this Act may be used to implement (1) the final regulations of the Secretary of Education relating to the revision of the definition of the term "employment outcome" as such term applies to the vocational rehabilitation services program under title I of the Rehabilitation Act of 1973 (66 Fed. Reg. 7250–7258) or (2) any related or successor regulations.

H.R. 3061

OFFERRED BY: MS. DEGETTE

AMENDMENT NO. 2: In lieu of the matter proposed to be inserted by the Amendment, insert the following:

SEC.   . No funds made available through the Department of Education or the Department of Health and Human Services shall be used for the distribution or provision of postcoital emergency contraception, or the distribution or provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school unless the state or local entity with governing authority over the health center determines, as a matter of policy, that the distribution or provision of emergency contraception (or a prescription for such contraception) through the center will prevent pregnancies and reduce the need for abortion, and the health center encourages parental participation in the minor's decision to seek a prescription for emergency contraception.

H.R. 3061

OFFERED BY: MR. QUINN

AMENDMENT NO. 3: In title II, in the matter relating to "Administration for Children and Families; Low Income Home Energy Assistance", insert at the end the following:

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 for fiscal year 2003, $2,000,000,000.

H.R. 3061

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ——. None of the funds made available in this Act may be used to implement or enforce section 401(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(3)).

H.R. 3061

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 5: In title II of the bill, insert the following after section 215 (and make such technical and conforming changes as may be appropriate):

**SEC. 216. REPORT ON HEAD START AND EARLY HEAD START PROGRAMS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress specifying—

(1) the number of eligible children not yet served by the Head Start and Early Head Start programs as of October 1, 2001,

(2) the number of children who were on waiting lists for Head Start and Early Head Start programs during the 6-month period ending on October 1, 2001, and

(3) the number of unfilled spaces in Head Start and Early Head Start programs as of October 1, 2001.

H.R. 3061

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6: Page   , after line   , insert the following new section:

SEC.   . No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

# EXTENSIONS OF REMARKS

## CONGRATULATING SAINT PETER THE APOSTLE SERBIAN ORTHODOX CHURCH

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Saint Peter the Apostle Serbian Orthodox Church on the occasion of their 50 year anniversary. The church will be celebrating its golden anniversary at a celebration on October 13 of this year.

Saint Peter the Apostle Serbian Orthodox Church has been a significant source of guidance in the Fresno community over the past fifty years. Many members of the Orthodox Faith in the Central San Joaquin Valley have made Saint Peter the Apostle Serbian Orthodox Church their home.

On March 18 of 1951, Saint Peter the Apostle Serbian Orthodox Church-School Congregation of Fresno was officially incorporated in the State of California. The Church by-laws were approved and accepted by the Serbian Orthodox Diocese of America and Canada on June 1, of 1951.

Since then, Saint Peter's has engaged in various improvement projects including starting an annual Parish Golf Tournament in 1968, that has raised thousands of dollars for the Social Hall and Education Building Funds and capital improvements on the church property and facilities. In 1989, St. Peter's Men's Club was organized. Through their monthly dinners they have raised funds for special church projects and have given thousands of dollars to local Fresno and Madera charitable organizations.

During the 1990's, Saint Peter's has been active in providing humanitarian assistance to refugees from the civil war in the former Yugoslavia as well as the Kosovo Conflict. This assistance has included housing and sponsoring 7 refugees who were receiving medical treatment and prosthetic limbs in Fresno for over a two-year period. Saint Peter's has also been active in providing food to needy families in the Fresno/Clovis area through their Humanitarian Outreach Team.

Mr. Speaker, I rise today to congratulate Saint Peter the Apostle Serbian Orthodox Church on its 50 year anniversary. I urge my colleagues to join me in congratulating the Church and wishing them many years of continued success.

## TRIBUTE TO DR. MARLENE R. BANE

### HON. HOWARD L. BERMAN

OF CALIFORNIA

### HON. HENRY A. WAXMAN

OF CALIFORNIA

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Dr. Marlene R. Bane, who is being honored by the Action Democrats of the San Fernando Valley for her extraordinary dedication to democratic principles. Marlene is also a good friend with whom we have enjoyed working for many years.

Marlene is President and owner of Marlene Bane Associates. Under her leadership the firm has flourished into a full service Government Relations and Consulting Firm. She has also held important positions in the California State Assembly including Senior Consultant and Administrative Assistant. In addition, Marlene has served as a member of the California Narcotic Addict Evaluation Authority; as assistant to the President, Council of S & L Financial Corp; as an interior designer and as a teacher.

Marlene is an active member of the community who has contributed in a wide variety of ways. As Chair of the CA Lupus Appropriations Commission she was a warrior in the fight against Lupus. She serves on the CSUN Presidential Advisory Board and Board of Trustees which has greatly helped the development of the University. Also, she is well known throughout the Jewish community for her participation in groups such as the National Association of Jewish State Legislators; American Israel Public Affairs Committee; Anti Defamation League; Women's Alliance for Israel; and the Valley Jewish Business Leaders Association which she founded and helps run as a current board member. These groups are just a small sample of the many organizations in which Marlene actively participates.

The hard work that Marlene puts into service is evidenced by the many honors she has accumulated. She has received honors from the council of State legislatures, the National Institute of Health, the State of California and the Mid-Valley College of Law. Marlene is also a published author whose work can be found in the Library of Congress.

Marlene is an exemplary individual whose dedication to her community is legion. Marlene is not only a great leader, but also a loving mother and grandmother. Her late husband, Assemblyman Tom Bane, was a great man who shared Marlene's passion for democracy and good works.

Mr. Speaker, distinguished colleagues, please join us in paying tribute to Marlene R. Bane.

## VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

ON BEHALF OF STACEY CARON AND DALAINA BUFFUM—REGARDING FREEING FAMILIES FROM THE HIGH COST OF A COLLEGE EDUCATION, MAY 7, 2001

Congressman Sanders. Stacey, just bring the mike real close so everybody can hear you. This is a very important issue.

Stacey Caron. Every day at school, students hear their peers here talking about where they're going to college and who is going to what college. When the students go home at night for dinner, they usually sit down to have dinner with their parents. This is a time to talk about what's going on in everybody's life. I know, when I go home, I always get asked how my day was at school, and my parents are always on my back about college. Did I fill out the applications yet or the scholarship forms? So many students go through twelve years of school and work very hard to get good grades so they can get into a good college, yet many of these honor-roll students' families don't have enough money to send their children through college. It's a complete waste of talent. There are scholarships that are offered to students who excel, but how many students are going to get these scholarships and how much money are they going to get? These questions are not questions students should be asking themselves. After all the hard work students go through in school, they should be able to go to college free of charge as long as they get accepted. Its like hard work isn't enough, you now have to pay to go to college, to get a good job, and be a success in life. To me, that doesn't seem right.

Dalaina Buffum. The financial burden of college can sometimes scare students away, only because they are afraid. They aren't ready to make the commitment of leaving home, especially the financial commitment. Most students don't get out of debt until they are in their thirties. How is someone supposed to start a family and their life while they're still paying off debts? We have done research on this topic and discovered a very different system which is used over in Europe. There is a very hard test that each student that wants to go to university has to take. If you pass the exam with a certain grade, you can go to university free of charge. However, if you don't pass the exam, you can't go to college. This is very different, but at the same time proves how

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

much a student is ready and how much they want to go to college and further their education. We believe that there should be a similar system here. This would enable more students who are qualified to go to college, and may boost a student's motivation to succeed in high school so they are ready for the test. We feel that this is an important issue that is worth looking into.

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### ON BEHALF OF ANGELA DEBLASIO AND LYNNE CLOUGH—REGARDING "RICH MAN'S RETURN" ON BUSH'S TAX CUT, MAY 7, 2001

Angela DeBlasio. President Bush has proposed a very large federal tax cut as the centerpiece of his campaign. The $1.9 trillion ten-year cost of the plan would use up more than all the projected surpluses over the next ten years. Most of the proposed tax cuts will go to the upper-income taxpayers, with 43 percent of the tax cut targeted to the top 1 percent.

Lynne Clough. The cost of President George W. Bush's plan is enormous. Based on the official projections from the Congressional Budget Office and the Joint Committee on Taxation, the Bush tax cut would use up slightly more than all of the projected surpluses over the first ten years. Over the fiscal period 2002 to 2011, the Bush tax cut would cost $1.9 trillion, while the projected surpluses are $1.8 trillion. In fact, the Bush tax cuts' effects on the surpluses are even greater than that. Besides, the official surplus projections are substantially overstated because of other factors, such as the adjustment for federal appropriations and inflation, and without adjustment for population growth or real wage growth. Thus, in far likelihood, the Bush tax cuts would use up far more than the likely surpluses over the next decade. That would require dipping more heavily into social security and the Medicare trust funds to cover the cost of the tax cuts.

Angela DeBlasio. The proposed tax cut by President Bush is not only grossly unfair, fiscally irresponsible, and economically ineffective, it would also do substantial harm to long-term financial needs of Vermont. Under the Bush proposal, a millionaire family would receive $40,000 in tax break, while the average Vermont citizen making $40,000 will received only $600. Despite a $5 trillion national debt and the possibility of a recession around the corner, Republicans are proposing radical and permanent changes in our tax code, which will go into effect regardless of the future condition of the economy and whether projected federal surpluses ever materialize. While the Bush plan is bad for the nation, it is also bad for Vermont. That is because our income tax code is piggybacked on the federal tax code. It is projected that Vermont would lose about $300 million over a ten-year period if Bush's plans were enacted. That would translate into higher property taxes, substantial cuts in education and police protection, not to mention other needs.

Lynne Clough. The President argues that his plan would act as a stimulus in the event of an economic downturn. Congressman Sanders, this is not so. The Bush plan provides most of the tax breaks in later years, which means they have only a minor impact, if any, on the health of today's economy. Furthermore, most economists believe a tax break for the middle class are more likely to spend the money immediately. This would have a greater impact on economy than a tax break for the rich.

Angela DeBlasio. Congressman Sanders, we must not enact a tax cut, especially one that is so incredibly large, jeopardizes the funding of other important policies, and that would return us to the days of deficit spending.

Lynne Clough. We also must not provide tax cuts that are little more than welfare for the rich, as President Bush would have us do. Therefore, we should not allow any form of such a tax cut. Congressman Sanders, how can we even think about a tax cut when President Bush is foolishly planing to build a missile defense system, when we already have a failing social security system, as well as a deteriorating education system, which needs American tax dollars? Please agree with us that there shouldn't be any form of a tax cut.

Angela DeBlasio. Democratic National Committee Chairman Terry McGoffrey said a tax cut should be one that's fair to all Americans, and must be part of a responsible, honest budget that balances all of our priorities important to American families. While Bush is predicting a recession to sell his giant tax cut, he is simultaneously proposing to slash the very initiatives that American families will need if the economy does slow down. Bush's backward talk on the economy and retrograde budget is a recipe for disaster.

Lynn Clough. Thank you, Congressman Sanders.

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## H.R.—A BILL TO ENSURE A UNIFORM STANDARD FOR THE SECURITY, USE AND PROTECTION OF CONSUMER FINANCIAL INFORMATION

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. NEY. Mr. Speaker, today I rise to introduce a bill to ensure a single uniform standard for the security, use and protection of consumer financial information. This bill will temporarily establish the standard set forth in the Gramm-Leach-Bliley Act as the uniform standard for financial privacy. This provides the Congress and the Administration the necessary time to evaluate the potentially negative impacts of multiple, uncoordinated state regulatory schemes on consumers, intelligence gathering, law enforcement, and our economy.

The Gramm-Leach-Bliley Act's provisions on the use of consumer financial information, which went into effect on July 1 of this year, establish a national standard on the use and security of such financial information. Private financial institutions have undertaken great efforts to retool and restructure their information management systems to comply with this important national standard. Across the nation, however, some state legislatures are poised to consider state legislation that would establish different standards for the use and security of consumer financial information. While the consideration is permitted under Gramm-Leach-Bliley, I am urging my colleagues to join me in imposing a temporary moratorium on state laws that would undermine the uniform national standard under Gramm-Leach-Bliley.

As my colleagues know, I am a very strong advocate for the protection of private personal information. I have aggressively pursued the enactment of federal legislation, such as Title V of Gramm-Leach-Bliley, to protect consumer financial information. As we all know, the Internet, information technology systems, and the development of electronic commerce, have reshaped our society and have presented special risks for the protection of privacy of personal financial information.

At the time Gramm-Leach-Bliley was orginally enacted, it was thought that the states could, over time, provide enhancements to the federal protections set forth in the Act. However, at this time, as the Congress and the Administration are investigating how to streamline intelligence gathering procedures that do not undermine the underlying protections in the law for the privacy of law-abiding citizens, the prospect of the creation of a fragmented "patchwork quilt" of potentially fifty different state laws represents a great threat to the security of customer financial information and to our need to establish a coordinated intelligence gathering and law enforcement effort.

The Attorney General has testified that: "We need speed in identifying and tracking down terrorists. Time is of the essence. The ability of law enforcement to trace communications into different jurisdictions without obtaining an additional court order can be the difference between life and death for American citizens." This is particularly true of financial information. A recent GAO Report that analyzed current risks to the Nation's infrastructure arising from cyber terrorism states that "Information sharing and coordination among private-sector and government organizations are essential to thoroughly understanding cyber threats and quickly identifying and mitigating attacks."

Varying laws from state to state would require financial institutions to fragment their financial records into several databases, requiring literally thousands of information technology specialists to create very complex computer and network systems to comply with each different standard of each different state. This process, by itself, would expose private financial information to increased risks of security breaches. Reduced privacy protection due to more human access through IT professionals, and more complex fragmented data management systems, risk leaving more "backdoors" that may be exploited by those who would seek to abuse the systems and hide illegal transactions.

This "patchworking" process threatens to be at odds with efforts of law enforcement. Placing the burden of complying with varying state-imposed regimes at this time would severely hinder the ability of financial institutions to respond to law enforcement subpoenas to search and retrieve financial information. The resulting delay could spell failure of time-sensitive investigations involving the tracking of assets passing through criminal and terrorist networks and could require the duplication of law enforcement efforts across 50 jurisdictions with differing standards and statutes. Finally, a lack of uniformity would impair market efficiencies that rely on the free flow of information and would harm consumers.

Specifically, this bill would impose a three-year moratorium on additional state laws that would affect the security, use and protection of consumer financial information, giving time for Congress, the Executive Branch, and the Judicial Branch to develop and implement appropriate measures to streamline and improve intelligence gathering procedures. During this time, the previously agreed to national standard set forth in the Gramm-Leach-Bliley Act, which already has been implemented throughout our economy, would govern the protection of consumer financial information.

The bill would also establish a Commission to study the issues raised by laws relating to use and security of consumer information and their impact on the economy, consumers and intelligence gathering procedures. Congress and the states will then be able to adequately study the benefits of a uniform financial information protection law and balance the needs of national security and the benefits of the free flow of information against the appropriate level of protection for consumers.

I ask my colleagues to support this bill to ensure a national standard to preserve the uniform treatment and protection of consumer financial information during this critical time.

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## HONORING EVONNE STEPHENSON

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Mrs. Evonne Stephenson for her public service in California's Madera County. After many years of dedicated service in various clerical positions, Mrs. Stephenson is retiring as Madera City Clerk.

Mrs. Stephenson graduated from California State University, Fresno, with a degree in Secretarial Science. Her career began with the Madera County District Attorney's Office, where she served two years as a secretary. From there she went into private industry at such businesses as IADCO, Anderson Clayton and FMC Corporation. She returned to public service in 1990 as an Administrative Secretary for the City of Madera. In 1992, she became Deputy City Clerk for Madera before being appointed to City Clerk in 1993.

As an Administrative Secretary, Stephenson arranged and attended all Planning Commission meetings, prepared minutes, did follow-up work in connection with the meetings, as well as maintained department files and provided information to the public. As Deputy City Clerk, she performed such duties as administering oaths of office and elections, preparation and distribution of public notices, declarations, ordinances, and resolutions, as well as maintaining files of official city documents. After being appointed to City Clerk, she received her Certified Municipal Clerk title in 1996.

Mrs. Stephenson will officially retire on November 9, 2001. A retirement dinner is scheduled for the same date to be held at Madera's Municipal Golf Course.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Evonne Stephenson for her years of public service to Madera County. I wish Mrs. Stephenson continued success in the years to come.

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## A BIRTHDAY SALUTE TO MADALE WATSON

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. BERMAN. Mr. Speaker, I am privileged today to ask my colleagues to join me in paying tribute to my friend, Madale Watson, who celebrated her 90th birthday last week.

Madale has been a fixture in Democratic politics in the state of California since her service in James Harvey Brown's Assembly campaigns in 1948 and 1950. Born into a political family, her father was the District Coordinator for Congressman Jerry Vorhees.

A pioneer and strong advocate for the participation of women in politics and governance, she twice was a candidate herself for the California Assembly. Building on her own political experience, she served as the treasurer of numerous campaigns for Democratic candidates.

She was appointed to the Democratic State Central Committee in the 1950s and served as its Vice Chair. She was the treasurer of the California Democratic Party's Southern Division from 1971 to 1977. Coordinator of far too many political dinners to count, she won special notice for her work for President John F. Kennedy in 1962.

She attended five national party conventions.

This remarkable woman didn't confine herself to politics. She was also Chair of the California State Board of Registered Nursing and a Member of the Board of the California Public Employees Retirement System.

Friend to innumerable political figures, none of them dared be self-important around Madale Watson. She knew exactly how to cut a person down to size. Her irrepressible personality, her endless energy and her quick wit made here much beloved by all privileged to know her.

Mr. Speaker, I ask my colleagues to join me in birthday greetings to a California legend—Madale Watson.

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## HONORING CAL RIPKEN, JR.

SPEECH OF

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is an honor for me to pay tribute to one of America's great role models, both on and off the field. For those of us in the Metropolitan Washington area still yearning for a team of our own, the Baltimore Orioles are our home team, and Cal Ripken the long time leader of the pack.

On June 18, at age 41, Cal Ripken announced he was leaving the game he loved after 21 seasons to spend more time with his family and devote more energy to his youth baseball endeavors in his home town of Aberdeen, Maryland.

"It's inevitable that you can't play forever," he said. "I've maximized my window of opportunity as well as anyone. Baseball has given me a lot of joy and happiness and satisfaction. I'm proud of what I've been able to do."

Cal's place in baseball history would have been secure even without The Streak of 2,632 straight games. He came to the Baltimore Orioles as a rookie on August 10, 1981, 14 days shy of his 21st birthday. He won the American League's Rookie of the Year award in 1982 and its Most Valuable Player award in 1983 and again in 1991; set the American League record for assists by a short stop for single season in 1984; became only the second player in major league history to be named the league's Most Valuable Player, Major League Player of the Year, All-Star Game MVP, and winner of a Gold Glove in the same season in 1991; led AL Shortstops in assists for 7 straight seasons, setting the new league record in 1993; became the Orioles all-time leader with 819 extra base hits in 1996; hit his 400th home run in 1999, and recorded his 3,000th hit in 2000.

Cal's history of community involvement mirrors the type of dedication and commitment he's famous for on the field. Cal actively supports his community in a variety of ways, including the establishment of The Kelly and Cal Ripken, Jr. Foundation, which supports community adult and family literacy in the greater Baltimore area. Additionally, the Cal Ripken, Jr./Lou Gehrig ALS Research Fund at Johns Hopkins was established in September 1995 in commemoration of Cal's record-breaking feat.

Cal Ripken came to be identified strongly with the city in which he played, his work ethic reflecting Baltimore's working class pride. He grew up outside Baltimore and played his entire professional career in the Orioles' organization. That, unfortunately, is all-too-rare an occurrence today.

In closing Mr. Speaker, three words sum up Cal Ripken Jr. as both player and citizen—excellence, dependability and consistency.

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## HONORING THE MONROE BUSINESS AND PROFESSIONAL WOMEN ON THE OCCASION OF ITS 75th ANNIVERSARY

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Monroe Business and Professional Women (BPW) on the occasion of its 75th Anniversary. The Monroe County Chapter of the BPW was founded in 1926 with Lydia Schmeising presiding as the first president.

It would be hard to understate the success of the Monroe BPW in advocating on behalf of all women. The formal and informal networking, mentoring and resources the BPW provides its members has helped promote and advance the careers of hundreds of women throughout its 75 year history. The leadership the BPW has provided on issues such as gender and pay equity are but two examples of its effectiveness as a forum for advocating women's issues.

One of the more subtle accomplishments of the BPW is the manner in which it has quietly persisted throughout its history. No one needs to be reminded of the difficult times in which we live or through which we have come during the past 75 years. And yet the Monroe BPW has continued on as both an anchor in times of turbulence and as a guiding light during times of prosperity for the women of the Monroe community.

It gives me great pleasure to acknowledge and commend to your attention the enduring contributions the BPW has made to the greater Monroe community on the occasion of their 75th Anniversary, celebrated October 10, 2001. I ask all of my colleagues to join me in saluting the accomplishments and the 75th anniversary of the Monroe Business and Professional Women.

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## THE PASSING OF FORMER CONGRESSMAN DAVID S. DENNISON

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of former Congressman David S. Dennison.

David Dennison was born on July 29, 1918, to David Sr. and Cordella Ford Whitman Dennison. Besides his wife, Dorothy K. Houlette Dennison, a son, David W.; two stepsons, Joseph Houlette and Thomas Houlette; and six grandchildren survive him.

David was a special counsel to the city of Warren, and also served as a special assistant in Trumbull County to the Ohio Attorney General. He was also a U. S. Congressman to the 11th District of Ohio from 1957–1959. Not only was he a contributing member of the Youngstown community, but also a loyal servant to his country. A veteran of World War II, he served in the British Eighth Army in Africa and fought for our Nation's freedom.

David was also a member of St. John Episcopal Church in Youngstown, OH, and was also a member of the Carmel Foundation in Carmel, CA, the York School, the Monterey College of Law, and Monterey Visiting Nurse Association and the Hospice before his retirement in 2000.

The lives of many were enriched by Mr. Dennison's life. He always took the time to make people feel extra special with a kind word or a warm smile. He was a wonderful friend and all who knew him looked up to him. The Youngstown community will sorely miss David S. Dennison. I extend my deepest sympathy to his family.

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## HONORING CAL RIPKEN, JR.

SPEECH OF

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. CUMMINGS. Mr. Speaker, I come to the floor to support this resolution offered by two of my Maryland colleagues, Representatives CARDIN and EHRLICH, honoring Cal Ripken, Jr., the current 3rd baseman for the Baltimore Orioles and baseball's "Iron Man," for his contributions to baseball and the community.

Cal Ripken is involved in numerous philanthropic activities, including the Kelly & Cal Ripken, Jr. Foundation, started in 1992, which primarily support community adult and family literacy, youth recreation, and health-related programs in the greater Baltimore area. He and his wife, Kelly, also support adult literacy through Baltimore Reads, Inc.

We are here to acknowledge a person that gives back so much to his community and we thank him. However, we are here today to primarily honor Cal Ripken as a great baseball player.

Cal Ripken joined the Baltimore Orioles in 1982 and has stayed with the same team throughout his long and impressive career. The 1982 American League Rookie of the Year and a two-time American League MVP, Cal was elected to start in the 2001 All-Star Game. It was his 19th consecutive All-Star nomination and a record 17th as a starter. Ripken was presented the Commissioner's Historic Achievement Award during the 2001 All-Star Game, by Commissioner Bud Selig. It is only appropriate that Cal was also named the game's MVP during his last appearance at an All-Star game. On September 4, 2001, Cal Ripken, Jr., hit his 600th double, joining Hank Aaron, Stan Musial and Carl Yastremski as the only players with 600 doubles, 400 home runs, 5,000 total bases and 3,000 hits.

His performance this year is indicative of his entire career.

As a review,

Cal became the second player in 1991, in major league history to be named the leagues' MVP, Major League player of the year, All-Star Game MVP, and winner of a Gold Glove in the same season.

Cal broke Lou Gehrig's record of 2,130 consecutive games played.

Cal played every day for several years, finally sitting down in 1995, after having played in 2,632 games.

Cal holds the Major League record for consecutive games played. He is one of seven players in the history of the game to amass more than 3,000 hits and more than 400 home runs.

Cal led the Baltimore Orioles to World Series victory in 1983.

These remarkable accomplishments mark just the highlights of an outstanding baseball player.

In the field and off, he has built a strong reputation as a leader. Eleven teams have held special tributes to honor the "Iron Man" since he announced his retirement. Cal's last farewell game will be this Saturday during a rescheduled game played at home. Baltimore City, the Nation, and Major League Baseball will miss Cal. He brought character, dignity, and loyalty to the game of baseball and the Orioles franchise.

I urge all my colleagues to support this resolution and support a great sports hero.

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## HONORING THE FRESNO RESCUE MISSION

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Fresno Rescue Mission on the occasion of their annual Fall Festival Banquet. The Fresno Rescue Mission is a non-profit evangelical Christian organization that has served the social and spiritual needs of the Fresno community for the past 52 years.

The Fresno Rescue Mission works with homeless individuals, impoverished families, runaway, abused and neglected children, and single transient adults in the greater Fresno County area. The Fresno Rescue Mission provides emergency shelter, food, youth and family services, rehabilitation for the addicted, education, job training and spiritual assistance to all who seek help.

The Fall Festival Banquet will feature guest speaker Pastor G.L. Johnson of Fresno's Peoples Church. Johnson has been the People's Church Senior Pastor since 1963. He is one of Fresno's best-known and most respected pastors. The festival will also honor "heritage partners," those who have donated $10,000 or more to the Mission over their lifetime. They will also honor 28 men who have graduated from the Mission's alcohol and drug recovery program.

The Fresno Rescue Mission is the largest service organization in California's Central Valley. The Mission is responsible for the creation of 22 other Missions throughout the Western United States, all of which were started by graduates from their alcohol and drug recovery program.

Mr. Speaker, I want to honor the Fresno Rescue Mission on the occasion of their Fall Festival Banquet. I urge my colleagues to join me in wishing the Fresno Rescue Mission many more years of continued success.

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## IN HONOR OF THE LUBRIZOL CORPORATION

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. BENTSEN. Mr. Speaker, I rise to recognize the Lubrizol Corporation of Deer Park, Texas. On November 15, 2001 the Deer Park Chamber of Commerce will name the Lubrizol Corporation Industry of the Year for 2001.

The Lubrizol Corporation is a global leader in fluid technology. The corporate vision focuses on creating technologies that will make the world a better place. With more than 4,000 employees worldwide, the company has annual revenues close to $1.8 billion.

Founded in Cleveland, Ohio, in 1928, the Lubrizol Corporation was originally a manufacturer of graphite oil products. Today their fluid technologies increase operating efficiency and reduce harmful effects on the environment. In addition to specialty additives for lubricants and fuels, Lubrizol's products have applications in a variety of markets including coatings, metal workings, fluids for industry, advanced fluid systems and emissions control.

Lubrizol has emerged into a global, fluid technology company concentrating on high performance chemicals, systems and services for industry and transportation with worldwide manufacturing capabilities and plants in Deer Park and Bayport. The facility services approximately 500 customers in 50 countries and employs over 700 regular and contract workers.

Lubrizol's corporate philosophy emphasizes a dedication to maintaining the health and safety of its employees, customers, neighbors and the environment. With this philosophy in mind the Lubrizol Corporation has supported the American Chemical Council's Responsible Care Initiative, the Texas Chemical Council, Houston Regional Monitoring, and the Deer Park Local Emergency Planning Committee. Like all Lubrizol employees, the people at the Deer Park facility provide a significant amount of time and resources to a variety of community activities. Lubrizol supports many youth activities and school programs through the Deer Park Independent School District, and last year they provided 34 scholarships to students attending San Jacinto College. The corporation also assists such organizations as the United Way, the Red Cross, the Boys & Girls Harbor and the Armand Bayou Nature Center.

In closing, I want to again congratulate the employees of the Lubrizol Corporation for their exemplary model of community activism and wish them continued success in future endeavors.

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## HONORING THE EIGHTH AIR FORCE KNOWN AS THE MIGHTY 8TH

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the history and contributions of the Eighth Air Force which became known as the Mighty 8th.

The Eighth Air Force was formed and dispatched to England in 1942 to become the largest military unit in World War II, and the largest bomber force of all times. Over 350,000 airmen served in Europe. The Eighth Air Force has continued as an operational combat unit to this day with over one million serving the country in war and in peace.

No Mighty 8th mission was ever turned back due to enemy action during World War II. The cost was 26,000 killed in action, and over 28,000 prisoners of war. In the one week period of October 8–14, 1943, the Eighth Air Force lost 150 Heavy Bombers to enemy action in the skies of Europe, and despite heavy losses many feel that this was the turning point for daylight strategic bombing.

The Eighth Air Force Historical Society, the largest single military unit veteran group in history, continues to hold its annual reunions in the month of October.

Today I join with the Eighth Air Force Historical Society members to support their efforts to inform generations that followed them, of the contributions and sacrifice made by the "greatest generation" to perpetuate American's freedom and way of life.

Please join me in thanking the Mighty 8th for their service in the military and for their contributions to this great country.

God Bless America.

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## PERSONAL EXPLANATION

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. BURTON of Indiana. Mr. Speaker, on October 4 and October 5, 2001, due to a family commitment, I was unavailable for roll call votes Nos. 366, 367, 368, 369, 370, and 371. Had I been here, I would have voted "No", "No", "No", "Aye", "Aye", and "Aye".

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## WELCOMING REVEREND SOLOMON

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. HILLIARD. Mr. Speaker, I rise to welcome Reverend Solomon to these chambers and I am very appreciative of his leadership in Birmingham, Alabama and his work on the National level with the National Baptist Convention. Many opportunities have been offered to this young man and many things are expected from him! These are difficult times, and young men like Rev. Solomon will make the difference. May God bless him and his family and may God bless America."

Reverend Solomon is the second of three sons born to Rev. Donald and Clarice Solomon. He was educated in the Jefferson County School System and is a 1984 graduate of Minor High School. He furthered his secular education by attending the University of West Alabama (Livingston, Alabama), Miles College and the University of Alabama at Birmingham. Pastor Solomon responded to the call of God and began his preaching ministry on January 13, 1991. He prepared for ministry by attending Birmingham Essonian Baptist Bible College and Andersonville Baptist Seminary.

In June of 1995, he again responded to the call of God and accepted the invitation to become the first pastor of the Mt. Moriah Missionary Baptist Church of North Pratt. Pastor Solomon has equipped and organized the members of Mt. Moriah and led them into a sustained period of spiritual and financial growth. Pastor Solomon has had the opportunity to preach revivals and teach seminars in cities across the country to include: Louisville, Kentucky; Akron, Ohio; Canton, Ohio and Meridian, Mississippi.

Pastor Solomon is the vice president of the Pratt City Ministerial Alliance, a member of the board of directors of the Alabama Community Assistance Program, and a member of the board of directors of the Alabama Galleries of the Greats.

Pastor Solomon is married to the former Cheryl Lynn Fisher. They have one son (Walter, III) and one daughter (Christian). The University of Alabama-Birmingham employs Pastor Solomon as the Technical Supervisor for Inpatient Pharmacy.

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## IN SUPPORT OF H.R. 203, THE NATIONAL SMALL BUSINESS REGULATORY ACT OF 2001

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 203, the National Small Business Regulatory Assistance Act of 2001. H.R. 203 establishes a pilot program at the Small Business Administration (SBA) to allow Small Business Development Centers (SBDCs) to provide regulatory compliance counseling to small businesses. Currently, SBDCs provide invaluable free business advice to entrepreneurs thinking about starting a new small business or to those struggling in their current business. The Small Business Development Center program is the largest management and technical assistance program for small businesses in the United States.

H.R. 203 would expand the role of SBDCs to include: (a) training and education in regulatory compliance, which would assist small business owners who are often unaware of or overwhelmed by federal regulations; (b) confidential, free-of-charge regulatory compliance counseling; and (c) technical assistance and referral to experts for more complicated compliance issues.

In my district of El Paso, Texas, there is a SBDC located at the El Paso Community College. The Center promotes growth, expansion, innovation, increased productivity, and improvement of small businesses, as well as supporting entrepreneurs in the service area. The El Paso Community College SBDC is one of twelve service centers in the region serving El Paso and Hudspeth counties. They have been open for more than 17 years and have assisted more than 12,000 businesses over the years. Advisory services are provided at no cost to the client. As you can imagine, this is invaluable to those who are starting their first business and are looking for guidance. The economic impact of the services provided by the SBDC to the El Paso region is $210 million. This additional funding for the added services available to businesses will be very helpful to the many businesses that utilize the SBDC and for the many businesses that will need the services of the SBDC in the future.

I strongly support this legislation and urge all of my colleagues to vote for this bill.

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## THE DIETARY SUPPLEMENT INFORMATION ACT & THE EPHEDRINE ALKALOID CONSUMER PROTECTION ACT

### HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mrs. DAVIS of California. Mr. Speaker, today I am introducing two bills that address an important public health issue: the safety of dietary supplements. Over the past few years, we have heard about many tragedies linked to dietary supplements. This summer, America witnessed the deaths of some fine athletes.

One supplement in particular, Ephedrine, has received a lot of scrutiny. The Food and Drug Administration (FDA) has collected more than 800 reports of Ephedrine users suffering adverse reactions, ranging from dizziness and dementia to stroke, heart attack, and sudden death. While these reports indicate that Ephedrine may be dangerous, the FDA does not have enough information to prove or disprove it is unsafe.

Current law is preventing the FDA from collecting additional adverse event reports. It also prevents the agency from asking supplement companies for copies of their safety studies. Without this information, the FDA cannot adequately research the risks and benefits of dietary supplements. This is simply unacceptable.

Congress has the authority and the obligation to protect American consumers. It is time for Congress to stop standing on the sidelines. We must take action.

We need to stand up for Tammy Cole, a 35-year-old San Diego resident who suffered panic attacks, chest pain, and insomnia after taking an ephedra supplement for one month.

We need to stand up for Sarah Ingham, a 24-year-old Manassas resident who suffered a stroke in the spring of 2000. She had been taking an ephedra supplement to lose weight for her wedding.

We need to stand up for Rosanna Porras, a 15-year-old Californian who died on a high school soccer field from a massive heart attack. Her parents believe that ephedrine pills triggered an underlying heart condition, causing her death.

We need to stand up for the 11 high school, college and professional football players, including Rashidi Wheeler, whose supplement use may have contributed to or caused their deaths in the last year.

The problems we face today are in large part due to Congressional action in the early 1990s. In 1994, Congress passed the Dietary Supplement Health and Education Act into law (DSHEA). This bill virtually deregulated the supplement industry.

Prior to 1994, all food, drug and supplement manufacturers had to prove that their products were safe before they could be sold in the U.S. DSHEA created a substantial loophole for dietary supplements by shifting the burden of proof to the FDA. Now the FDA must prove that a dietary supplement is unsafe before it can be banned for sale.

Since 1994, supplement production and sales have exploded. Industry trade groups report that supplement sales reached $16.8 billion in 2000. Americans are spending billions on products that have not been proven to be safe or effective. The American public deserves better than this. They deserve clear information about the benefits and risks of supplements. My legislation, the Ephedrine Alkaloid Consumer Protection Act and the Dietary Supplement Information Act, will give consumers the information they deserve.

The Ephedrine Alkaloid Consumer Protection Act will give consumers information about the potentially lethal side effects and drug interactions of ephedrine alkaloid products. First, it will require a standardized warning to be printed on the label. The bill will also make sure that consumers know how to report any concerns or adverse reactions by requiring the FDA's MedWatch phone number and website to be printed on the product label. Finally, the bill will protect our kids by prohibiting the sale of ephedrine to minors. No person under the age of 18 years old will be able to buy ephedrine products.

To ensure that this provision is enforced, we will require the products to be kept "behind the counter" so that sales personnel are more aware of the age restriction. Putting the product behind the counter will also make adults more aware of the dangers of Ephedrine products. If they have to ask for assistance to get the product, they will be more likely to read the warning label and talk to the pharmacist or seller about Ephedrine.

My second bill, the Dietary Supplement Information Act, addresses many of the public health and safety concerns about the lack of information and regulation of products defined as dietary supplements. First, manufacturers, producers and distributors of dietary supplements will be required to register with the Food and Drug Administration. Manufacturers will also be required to register their specific products with the FDA. The supplement industry will be required to submit all serious adverse event reports to the FDA within 15 days. Supplement manufacturers and the FDA will work as partners to investigate and analyze these reports. To make sure that consumers know how to report an incident to the FDA directly, my legislation will require the FDA's MedWatch phone number and website to be printed on all dietary supplement product labels. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a postmarket surveillance study to ensure that the product is safe.

I want to make it very clear that my legislation will *not* ban dietary supplements. However, consumers have a right to know the benefits and risks of the supplements they are taking. We cannot continue to stand on the sidelines and watch consumers suffer serious medical consequences from these products. I urge my colleagues in Congress to join me into passing these two bills swiftly into law.

## IN MEMORIAM—CHARLES DAVID MANKINS, MARK VERNON RICH, RICHARD LEE TENENOFF

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. MICA. Mr. Speaker, on Saturday, October 6, 2001, the family and friends of Dave Mankins, Mark Rich and Rick Tenenoff, three New Tribes Missionaries, gathered in Central Florida to celebrate their lives, work and service to our Lord. On January 31, 1993 they were taken from their families in the Darien jungles of Panama by Colombian guerillas. These missionaries had come to Central America to minister with a message of peace and love of God. They were held captive in Colombia and died at the hands of their captors in 1996.

Their heroic wives, Nancy Mankins, Tania Rich and Patti Tenenoff and New Tribes Mission officials made every possible effort to secure the release or learn the fate of their husbands and colleagues. Only recent accounts by guerilla defectors have validated reports that the men were killed in 1996.

Over the past 8 years it has been my honor to work with the wives of these three missionaries. They were unrelenting in their quest to secure the return of their husbands to their families and freedom. They brought their message of hope for the release of their loved ones to presidents, ministers, heads of state, ambassadors and to international organizations. They mounted an unprecedented campaign to free their husbands based on determination and faith. Over the years and through most difficult times, Nancy, Tania and Patti demonstrated an unparalleled love for their husbands and trust in God. They are true heroes who are now left to raise their children and comfort their families. To each of these extraordinary wives, their children and their families, I extend my deepest sympathy.

While we mourn the loss of these three devoted missionaries, we also celebrate their lives. Today with hate, distrust and anger in the world, it is a consolation to know that three men have sacrificed their lives in order to spread a message of faith in God, hope and love. Today in the United States Congress we remember and pay tribute to Dave Mankins, survived by his wife Nancy and their children Chad and Sarah; to Mark Rich, survived by his wife Tania and their daughters Tamra and Jessica; and to Rick Tenenoff, survived by his wife Patti and their children Dora, Connie and Lee.

## APCD FORUM OFFERS RARE OPPORTUNITY TO CHINA

### HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. DELAY. Mr. Speaker, The Asia-Pacific Economic Cooperation Forum in Shanghai will tell us a great deal about the Communist Chinese leadership's true intentions for engagement with the world. Specifically, the question is whether or not China embraces the moment by allowing full participation from member states with a common interest in advancing trade, encouraging investment, and expanding economic growth around the Pacific Rim.

Although they haven't yet invited President Chen of Taiwan to attend the APEC Forum, the Communist leaders in Beijing can still demonstrate that they are serious about addressing and eventually resolving their differences with Taiwan in a thoughtful, productive, and enlightened way by offering President Chen a chance to join other leaders at the table of consultation and negotiation.

Beijing should take this opportunity to broaden their approach and lower tensions in the region by extending an invitation to President Chen Shui-bian of Taiwan to attend the

APEC Summit in China. The decision to invite President Chen would send a strong signal that China was committed to seeking peaceful resolutions to issues of mutual concern between the people of China and the people of Taiwan.

The key to resolving tension between China and Taiwan begins an open and wide ranging dialogue that encompasses all the issues important to both parties. China can take a critical step on the pathway of constructive engagement by inviting President Chen to attend the summit.

The United States seeks the fullest possible trading relationship with all APEC members. We want all nations to experience the benefits of globalization and sustained economic growth. We hope that China signals its support for this goal as well by reaching out to Taiwan and allowing President Chen to travel to Shanghai.

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## MEMORIALIZING FALLEN FIREFIGHTERS

SPEECH OF

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2001*

Mr. REYES. Mr. Speaker, I rise today in strong support of House Joint Resolution 42, which requires the American flags on all Federal office buildings to be lowered to half-staff each year in commemoration of the National Fallen Firefighters Memorial Service held in Emittsburg, Maryland, which honors our nation's firefighters who died in the line of duty.

During the recent terrorist attacks on New York and Washington, D.C., firefighters did their jobs at the Pentagon and the World Trade Center buildings and emerged as true heroes, dedicated to saving and protecting lives. These are individuals who deserve our highest praise for their brave commitment to duty. September 11, 2001 was a tragic day that proved to the world that the resolve of our nation's firefighters is strong, as it is every day.. The American firefighter goes to work every day and puts his or her life on the line for the protection of fellow citizens, whether the day is routine, or carries with it the face of national tragedy. There is no question that every fallen firefighter deserves this honor, and I ask my colleagues to support this bill.

I am proud to have close to thirty firefighters in my family. It is a deep rooted tradition and a strong dedication to service that has been in my family for years. As was evident to everyone across the world on September 11, firefighters are brothers and sisters bound together by duty. And on that tragic day, 343 New York Firefighters were lost, as well as one firefighter from New Jersey. Public service officers all over the world mourn the deaths of the firefighters who lost their lives in these attacks. Yet they know that tomorrow will bring a new day where people everywhere will count on firefighters to be ready to assist where they are needed most, ready to protect the lives of their fellow citizens.

This resolution is a great honor for our public service officers and a proud sentiment from a grateful Nation.

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## SAFE ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. PAUL. Mr. Speaker, I rise to introduce the Securing American Families Effectively (SAFE) Act. The SAFE Act makes commonsense changes to federal law that will enhance the government's ability to prevent terrorist incidents. Unlike other proposals, my legislation in no way threatens the constitutional liberties of the American people. In fact, the only people threatened under the SAFE Act are terrorists.

The SAFE Act repeals regulations preventing agencies who deal with terrorism from sharing information among themselves. Currently, there are limits on sharing data with policy makers and there is a nearly unanimous agreement on lifting these restrictions. Removing the restrictions on data sharing is a good step which provides more—not less—openness and governmnent transparency.

Hard as it may be to believe, there are actually existing directives in the law enforcement and intelligence communities which grant suspects "extra-legal" rights. These "special" rights could, and should, be clarified without changing existing law. This is why the SAFE Act adopts several of the administration's proposals to change the procedures regarding prosecutions of terrorism, such as eliminating the statute of limitations for terrorist offenses.

Perhaps the most significant change made to procedures is codifying that probable cause is the maximum standard for an investigation of terrorism. According to information received by my office some federal agencies actually have to meet a higher standard than the constitutional standard of probable cause in order to launch an investigation of suspected terrorists. It is absurd to make the FBI meet a higher standard to initiate an investigation of a terrorist than to initiate an investigation of an insider trader!

Finally, the SAFE Act drastically reduces immigration from countries on the State Department's terrorist list and countries which refuse to provide assistance in the battle against terrorists. Whatever one's feelings on other questions connected with immigration, I would hope we all could agree that the United States has an obligation to keep those who may be threats to the security of United States citizens outside the country. This is especially true considering that the programs I proposed limiting allow immigrants to take advance of taxpayer-funded educational programs and provide other special privileges for immigrants from terrorist countries. It is the height of absurdity to allow immigrants from countries involved in terrorist activities against American citizens special preferences denied to immigrants from America's closest allies.

I would also hope that we could all agree that this is far preferable to systems of nationwide "surveillance," which could threaten the liberty of all immigrants and eventually all citizens. This is an instance where the interests of liberty and security coincide entirely.

In conclusion, Mr. Speaker, I ask my colleagues to join me in taking these commonsense steps to protecting the liberty and the security of the American people from terrorists by cosponsoring the Securing American Families Effectively (SAFE) Act.

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## SUPPORT OF AMERICAN MILITARY AND THE AMERICAN PEOPLE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to support the American military and the American people. The terrorist acts of September 11, 2001 were inexcusably the acts of cowards," said Congresswoman JOHNSON. "The perpetrators of those acts have sought to pervert the Islamic faith and to use it as a justification, but in so doing, they have betrayed the very principles they purport to uphold. There is, and never will be, any religious justification for the killing of innocent people. Those who seek to convince the world that there is any sound reasoning behind the acts of terror committed is simply betraying their own insanity. America has every right, and should exercise every right, to protect its citizens.

I continue to encourage the use of diplomatic efforts to the greatest extent possible to win the war on terrorism. We should ensure that we communicate with our neighbors in the world community and develop alliances wherever those relationships will be positive. We should listen to people who think differently than we do. America does, however, have the right to defend itself and will not compromise the right to take whatever action is necessary to protect its people, militarily or otherwise. Clearly, there are people around the world who do not agree with all of America's international activities. In a civilized world, though, we deal with our differences through discussion. In a civilized world, we seek to change opinions. In a civilized world, we understand that the views of a small minority on the radical fringes of fundamentalism will never dictate the activities of the masses. America will never, ever bow to the wishes of terrorists. We will continue to dedicate ourselves to improving our democracy and making it more inclusive. We will continue to lead the world economy and find new ways to ensure that everyone participates in prosperity. Most importantly, our nation will continue to refine our model of freedom and hold that model up as a beacon for the rest of the world.

Like most of my colleagues, and most Americans, I support the actions of the President to take proactive steps to rid the world of the terrorist threat. We should continue to act against strategic targets and protect the lives of the innocent without fail. All of our constituents should understand that this will not be a quick process, and it will not be a perfect process, but it will ultimately result in a secure freedom for generations to come all over the world. While we should listen to the sentiments of other nations, we will never acquiesce to the demands of the sick forces of oppression.

Mr. Speaker, Osama bin Laden, and anyone else who thinks that they can divide the American people, or separate America from its international partners in peace, should know that their efforts are futile. We are a strong people, united in our belief in democracy. Most importantly, those who think that their cowardly acts will earn them a seat in Heaven should know that God despises cowards, despises hypocrites, and despises murderers. They will not succeed in their plan to pit Arabs against Americans, Muslims against Christians, and to prostitute the plight of the Palestinians for their own ruthless purpose. The forces of terror will, in short order, find themselves isolated, and find themselves punished for their sins against freedom.

## HONORING THE LIFE OF ANNA MARIA ARIAS

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. HINOJOSA. Mr. Speaker, I would like to take a moment to remember the life of Anna Maria Arias who passed away on Monday, October 1. Many will miss her and mourn her passing.

Anna Maria was the Founder, Publisher and Editor of Latina Style Magazine. Latina Style embodies the life and spirit of the Hispanic woman. Anna Maria will best be remembered for her relentless pursuit of access to education and capital for Hispanic women.

In this pursuit, Anna Maria initiated the prestigious "Latina Style 50." The "Latina Style 50" honors and showcases the top 50 American companies that promote a healthy working environment for Latina professionals. Each year, the magazine issues a special report listing the 50 best companies for Latinas to work for in the United States. Beyond the "Latina Style 50," the magazine is recognized for its Business Series, a one-day free seminar, conducted across the country. This Business Series was launched in 1998 with the full endorsement of the U.S. Small Business Administration, the Minority Business Development Agency, the Women Business Centers and the regional Hispanic Chambers of Commerce. The Series is the most extensive Latina business-owner development program in the nation and is a success because of Anna Maria's vision and dedication. During this difficult loss, the magazine is committed more than ever to carry out the hopes and dreams, and entrepreneurial spirit of this very talented young woman.

Mr. Speaker, Anna Maria Arias was a person who lived an accomplished life. She deeply cared for people and wanted only the best for them. I was proud to have called her my friend. Her memory will live on in the hearts and minds of the people whom she touched. I would like to extend my deepest sympathy and warmest regards to her husband, Robert E. Bard, and their families at this time of remembrance. My thoughts and prayers are with them.

## IN HONOR OF THE NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2001*

Mr. FALEOMAVAEGA. Mr. Speaker, on the auspicious occasion of the National Day of the Republic of China (ROC)—October 10th, 2001—I send my warmest greetings, congratulations and best wishes to President Chen Shuibian, the Honorable C.J. Chen, ROC Representative to the United States, and the good people of Taiwan.

I also wish to acknowledge and thank President Chen, Representative Chen and the leaders of Taiwan for their strong support of the United States in the aftermath of the September 11th terrorist attacks on America. As our Nation struggled to recover from the horrific tragedy, I would note Taiwan was one of the first governments to declare unequivocal support for and cooperation with the United States to combat terrorism worldwide.

President Chen has repeatedly affirmed Taiwan's strong belief that the United States is on the right course in going after terrorists and extremists worldwide, and Taiwan has offered assistance in this mission. Terrorism knows no national boundaries and terrorists seek to destroy freedom and our democratic way of life. Standing shoulder to shoulder as fellow democracies, Taiwan has mourned with America, shared the pain of our Nation, and joined in partnership to fight terrorism.

Mr. Speaker, the quick response of Taiwan is not surprising, as the Republic of China is a true democracy—a democracy that cherishes, protects and respects all of the rights of her citizens. The success of Taiwan's democracy is further reflected in her prosperity where, despite having only 23 million people, Taiwan has developed into one of the most important and robust economies in the world.

As the United States leads the global fight to eradicate terrorism, Mr. Speaker, let us be thankful for good friends and allies such as Taiwan. In this regard, Representative C.J. Chen has done an excellent and superb job on Capitol Hill and Washington in representing Taiwan and furthering relations between our governments.

Mr. Speaker, on October 10th, the National Day marking the birth of the Republic of China, I ask our colleagues and all Americans to join me in saluting and honoring the strong, vibrant and impressive democracy that is Taiwan today.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 10, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GIBBONS).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 10, 2001.*

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Ralph Hoyt Davis, Bethel United Baptist Church, Muncie, Indiana, offered the following prayer:

Our Heavenly Father, as we approach the throne of grace, I thank You today for the great privilege You have given me in standing here today before this 107th Congress. I thank You for Your mercy and grace, that You loved each one of us so much that You provided the plan of salvation for all who call upon You.

Our Father, You have been so good to this great Nation. You truly indeed have done for us what we cannot do for ourselves. In the mighty name of Jesus, I ask that You lead the Members of this House of Representatives as they do the Nation's business.

Father, I thank You in the name of Jesus for my Congressman, the gentleman from Indiana (Mr. PENCE). May he be protected by Your power. Bless his family, bless him and all of his staff, and not only him, but all of our Congressmen. May they feel Your leadership as they make decisions that may lead us in the paths of righteousness.

I thank You for saving my soul, that You loved me when I was unlovable. You truly indeed have been a friend that sticketh closer than a brother. In the difficult days ahead, we ask that You lead and guide us by Your precious Holy Spirit. May this great body of men and women seek Your face as they make the great decisions that fall to their lot.

In the precious name of Jesus Christ, I ask these blessings and these requests. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. RYUN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYUN of Kansas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## PASTOR RALPH HOYT DAVIS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I come to the well of the House to welcome Pastor Ralph Hoyt Davis of the Bethel United Baptist Church located in Muncie, Indiana.

Pastor Davis, at 73 years young, has tirelessly served his Lord since 1960. Throughout his career, the residents of Muncie and east central Indiana have come to know Pastor Davis as a man of compassion, conviction and action. In his ministry, Pastor Davis reaches out to the downtrodden with true interest and concern for their welfare. His service to the Lord is evident in the thousands of baptisms, weddings, funerals at which he has officiated, the hours of hospital visits, nursing home calls and counseling sections he has provided to his congregation.

Pastor Davis has served in churches in Indiana and Ohio, and has been involved in the South Concord Association of United Baptist Churches, acting as a moderator for 19 years.

I would also like to thank Pastor Davis' wife of 53 years, Christine, for her service alongside her husband as a worthy helpmate and companion. I am certain little of his success would have been possible without her constant support.

On behalf of my colleagues, I welcome Pastor Davis to the United States House of Representatives with great pride and great gratitude for the prayers that I am confident reached the throne of grace today.

## SUPPORTING OUR TROOPS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to extend my support to the men and women who bravely defend the United States and freedom.

As a former Air Force pilot myself, I understand the dedication, the commitment, the courage it takes to serve our Nation and complete one's military mission. These men and women do not do it for the glory, though. They are fighting for the freedom and liberties that we all hold so dear. They are fighting to protect our great Nation and all it stands for. And they are fighting for the children and grandchildren, to ensure that these future generations of Americans can grow up in a peaceful society free from the fear of atrocious terrorism.

Mr. Speaker, I commend the work of our military men and women currently serving abroad in Afghanistan and throughout the world, and I hope that they know that this Congress and this Nation supports them.

## STATEHOOD FOR PALESTINE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, bombs alone will not stop terrorists. America must pursue a comprehensive strategy, and part of that strategy should support statehood for Palestine. Palestinian children are God's children, too; and until the issue of Palestinian homeland is resolved, there will always be terrorists. Killing bin Laden will not stop terrorists. There will be more bin Ladens.

Mr. Speaker, Congress must pursue a strategy of recognizing statehood for Palestine and working it out in the Mideast region. I yield back the fact that we should be in support of President Bush's comprehensive strategy to allow statehood and recognize statehood for Palestine and recognize the differences with Israel in the Mideast region.

## CONGRATULATIONS TO Y-100

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to congratulate Footy and the rest of the team at one of south Florida's premier radio station, Y-100,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on their annual fund-raising event to benefit young people with drug addictions.

Proceeds from this year's event, Footy's All-American Wing-Ding, will also go to firefighter relief efforts for the September 11 tragedies. For the past 15 years, funds raised by the annual Wing-Ding go toward Here's Help, an organization headed by Steve Safron and John Kross, which provides drug abuse treatment programs.

Footy's Wing-Ding extravaganza has enabled Here's Help to offer hope to those who suffer from drug addiction, and has assisted in building a residential drug treatment facility in south Florida. Through his perseverance and charisma, Footy has made the annual Wing-Ding a popular and successful event.

Mr. Speaker, I am proud to be part of this worthwhile benefit, and I ask my colleagues to join me in congratulating Y-100 and the participants of Footy's All-American Wing-Ding for their assistance to our youth and our country's relief efforts.

## OPERATION ENDURING FREEDOM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, like many Americans, on Sunday, October 7, I left church to find that Operation Enduring Freedom was underway; that is, America's war on terrorism. The Taliban had their chance to cooperate. Instead, they chose to protect terrorists.

The United States had no choice but to serve justice for the nearly 7,000 lives lost on September 11. But this is not just about Osama bin Laden, this is about any regime that harbors terrorists, and they will suffer the same fate as the Taliban.

Mr. Speaker, as a veteran of two wars, no one knows better than I that on Sunday America started a different kind of war with a different kind of enemy. This war is going to take a long time, perhaps years. We must, we will, be patient.

This is not a war against Islam. That is why more than 40 countries in the Middle East, Africa and across Asia have offered to help the United States. They, too, are disgusted with the horrific images of September 11.

We are fortunate to call our great Nation the land of the free and the home of the brave, but freedom is not free. This is a war, a war against terrorism. That is why we will fight. That is why we will win. God bless our America.

## DRUGS AND TERRORISM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise to support President Bush's stellar leadership during these difficult times. His compassion, integrity, and sound judgment sound brightly as critical steps are taken to combat terrorism at home and abroad.

This is a different kind of a war and a different kind of enemy, but many of the problems have been with us for a long time. Drug-related income funds the Taliban regime by as much as $50 million per year. Clearly, drugs fund terrorism. I chair the Subcommittee on the Western Hemisphere, and am a member of the Speaker's Task Force for a Drug Free America. The relationship between drug traffic and terrorism is undeniable not only in the Middle East, but in South America. The war on terrorism must coincide with our efforts to end the illegal drug trade.

Mr. Speaker, drug use is not a victimless crime. It funds the murder of our own people.

## RESPECT OUR MEN AND WOMEN IN THE MILITARY

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, I was utterly speechless to read a news report from the San Diego Times dated September 29 that an unnamed Pentagon source had revealed that Secretary Rumsfeld was considering enacting an emergency provision to suspend the payment of $100 a day to U.S. servicemen and women who have been deployed for more than 400 days in 2 years, a pay provision mandated by this Congress and one which this Congress has already refused to revoke.

Once again we are sending our young men and women into combat. They fly, fuel, arm and operate ships worth billions of dollars, and they risk their lives and the lives of others daily. Yet despite all of that, our Secretary of Defense does not apparently deem it appropriate to pay them what they are worth. We can give billions of dollars to the airlines, but not to young men and women in our military.

Sadly, our Nation does not have a good record with respect to the treatment of its men and women in the military. Many have returned from Vietnam poisoned by Agent Orange, and many Vietnam veterans now live on our city streets as beggars. The thanks of a grateful Nation to our young men should also acknowledge the fact that they and their families will be taken care of by our government.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to wear communicative badges while engaging in debate on the floor of the House.

## NEW TRIBES MISSIONARIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to honor the memory of three courageous, humble men, three missionaries with New Tribes Missions of Central America, who served God and the people around them in a truly heroic way: Mr. Mark Rich, Mr. David Mankins, and Mr. Richard Tenenoff worked in a small village in Panama along the Colombian border.

In January of 1993, armed guerillas from the FARC kidnapped these three men in front of their wives, young families and friends and held them hostage. Reliable reports now suggest that the men were shot a few years after being taken into captivity.

The service of Mark, Dave and Rich and their families in moving to a region of the world fraught with violence and difficulty in daily living when they could have stayed in the United States and lived a comfortable life is a great example to their children and to this Nation what it means to give of ourselves and take seriously the words "To whom much is given, much will be required."

This past weekend, a memorial service was held mourning the loss and celebrating the lives of these faithful men, indeed, men for whom the world is not worthy.

□ 1015

## VOICING SUPPORT FOR AIR STRIKES AGAINST TERRORISTS

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to add my voice to the chorus of support for President Bush's air strikes against those who are harboring terrorists in Afghanistan. Over the past month, the President has shown amazing leadership and moral fortitude in directing our Nation through this time of crisis. He has also shown extreme patience by gathering the necessary information and carefully setting up the framework and the foundation before launching strikes.

We have planned carefully and acted decisively. I think of the famous adage, "Beware the fury of a patient man."

Like President Bush, we must also exercise patience. We are in a new kind of war, both in scope and timing. We must be prepared to make sacrifices for the long haul if we hope to win the greater war on terrorism. We must be confident that action is being taken, even if we do not see it on TV. Our patience for this effort is vital. I am absolutely confident that in the end we will succeed.

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## THIS GENERATION'S DESTINY

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, freedom is not free. We are born knowing that sooner or later one day we will be called upon to fulfill our part in America's destiny. On September 11, this generation received our challenge. Throughout our Nation's history, every generation has had to ante up. Our time is now. As William Jennings Bryan said, "Destiny is not a matter of chance, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved."

We must, and we will, achieve this victory for the people of the United States and for all civilized, peace-loving people around the world. The blood and treasure of our Nation will be invested. The leadership, resources and unwavering courage of the United States are critical in this struggle. We will rise to the challenge. And, in the end, we will leave to future generations a safer planet.

Let us remember those brave Americans in our Armed Forces. They take their places now in the long gray line that has never failed us. May God bless them and give them the courage to achieve a great victory and establish a lasting peace.

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## AMERICA WILL PREVAIL IN BATTLE AGAINST EVIL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, America will never get used to terrorism. America will never tolerate terrorism. And neither should the world. That is why the United States of America on this Sunday made a very critical decision and action in striking out against the Taliban for harboring terrorists. This war is not the West versus Islam as suggested by Osama bin Laden. Rather, it is one of good versus evil and the West versus Osama bin Laden and his small, fanatical band of followers. It is a battle of good against evil because only evil would attack innocent people in their workplace. Yet in this job in front of us that we did not ask for, we will, in the words of the President, prevail. We will not tire, we will not falter, and we will not fail.

America is going to make the world safe again, along with all of our very many international allies. I salute the Armed Services, the President of the United States and all those who are in authority. May God bless America.

## RECESS

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

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☐ 1055

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 10 o'clock and 55 minutes a.m.

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## INTERNET EQUITY AND EDUCATION ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 256

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Mink of Hawaii or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 256 is a modified, closed rule providing for 1 hour of debate on H.R. 1992, the Internet Equity and Education Act. The 1 hour of debate time will be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides that the amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted and all points of order against consideration of the bill are waived also.

House Resolution 256 provides for consideration of an amendment in the nature of a substitute printed in the Committee on Rules report accompanying the resolution, if offered by the gentlewoman from Hawaii (Mrs. MINK) or her designee, which shall be considered as read, and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent. House Resolution 256 waives all points of order against the amendment in the nature of a substitute and provides for one motion to recommit, with or without instructions.

Mr. Speaker, the underlying legislation, H.R. 1992, which has been sponsored by the gentleman from Georgia (Mr. ISAKSON) is designed to expand Internet-based learning opportunities and higher education across the United States by allowing greater and more effective use of the Internet as an educational tool. As both students and busy professionals turn to computers to assist them in advancing their educational goals, it is becoming critically important for the Federal Government to lend a helping hand.

☐ 1100

Passage of H.R. 1992 does just that. This bill is the first step in removing restrictions to furthering the educational endeavors of our citizens by the Internet.

I applaud the work of the gentleman from Georgia (Mr. ISAKSON), the gentleman from Ohio (Chairman BOEHNER), and the entire Committee on Education and the Workforce for bringing this legislation to the floor. I encourage my colleagues to let the House move on to consideration of this important bill by adopting the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Internet Equity and Education Act may very well be a step in the right direction. It was introduced and passed out of the House Committee on Education and the Workforce on a bipartisan basis.

I salute the original sponsor of this bill, my good friend, the gentleman from Georgia (Mr. ISAKSON), who previously served with distinction as chairman of the Georgia Board of Education and obviously has a great deal of experience in educational matters.

Mr. Speaker, it is difficult to calculate how large an impact the Internet will have on every facet of our lives. In particular, the ability of one to educate herself or himself without ever stepping foot on a college campus is undoubtedly one of the most profound, positive changes to be wrought by the proliferation of computers and web-based university instruction.

Congress, as can be our custom sometimes, is a little bit behind the curve when it comes to technological advances and their impact on our society. I am thrilled that we are slowly beginning to understand these impacts and contemplating laws which help to harness the great potential of the Internet.

Members will hear in great detail in the coming hours about the 12-hour rule, we heard it a great deal last night, and Members will hear about the 50 percent rule and other technical changes that this bill makes in order.

I will not go into the details of these changes in this particular presentation. What I would like to point out, Mr. Speaker, is that I am informed today that the House is expecting its last vote around 2 o'clock this afternoon. I say this to point out the fact that there is just no reason why, in my judgment, the Committee on Rules made in order a closed rule for this bill today.

Yesterday evening there were only four Members of the House who came before the Committee on Rules to ask that their amendments be made in order. Of those, the House will be able to contemplate only one amendment under this rule.

I think this in some respects is a bit unfair and in some respects an affront to the Members of the House, who only wish that the House be able to work its will on an issue of such salience.

We heard last night that there was some hesitation in July from the Department of Education as to whether we should be going forward. But let me give the Members just some examples from some of our national education organizations as to how they feel with reference to the 12 and 50 percent rules.

The National Education Association in one paragraph in a letter dated October 9 said, "The NEA acknowledges and shares the concern of many Members that the 12-hour and 50 percent rules may not allow adequate expansion of distance learning. We do not, however, believe that elimination of these rules is the best way to ensure students a high-quality education and maintain the integrity of the financial aid program. Passage of H.R. 1992 will negatively impact the Federal Government's role in opening college and university doors to economically disadvantaged students who wish to attend college full-time."

In another paragraph, "Passing H.R. 1992 in its current form would send a message to college faculty that there is little inherent value in face-to-face instruction, classroom debate, and the social processes involved in learning." That was from their Director of Government Relations.

From the Department of Legislation of the American Federation of Teachers, in their third paragraph, I quote in part, "The 5-year demonstration project is currently in its second year with 25 participants. The information gathered from this demonstration program will be available to inform Congress for the next NEA authorization," the education authorization, "on the most appropriate action on distance education;" that is, the Higher Education Act.

The American Association of University Professors says, "I urge you to delay implementation of the initiatives contained within this bill until they can be considered as a part of the overall reauthorization of the Higher Education Act. We need more information on how best to incorporate the promise of new technology into a varied and rigorous educational program."

Basically what I am saying, Mr. Speaker, what the education associations are saying, is, slow down. This is a difficult process, and we need time for all of us to have input.

Over the past few weeks, this Congress has been working with an unusual degree of bipartisanship. The consideration of this bill could very well have been another example of this. I am, at least as one Member, disappointed that the leadership chose instead to have this closed rule this morning and not allow Members to offer legitimate, substantive, and meaningful amendments.

Mr. Speaker, I am pleased to yield 6 minutes to my good friend, the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from Florida for yielding time to me, and express my support and gratitude for the words that he has just finished to the House regarding the reservations that many of us have about the passage of H.R. 1992.

Earlier this week this bill was scheduled for the suspension of the rules, where there would not have been any possibility whatsoever of offering any amendments, or to have a floor debate, other than the 20 minutes on each side.

So I am grateful for the subcommittee chair, the gentleman from California (Mr. MCKEON), and others who agreed to pull the bill off of the suspension calendar and to take the matter to the Committee on Rules. So I am pleased that that action was taken last night and the Committee on Rules had an opportunity to hear the opposition to the passage of H.R. 1992.

Regrettably, they issued a modified closed rule, which does not give us the full opportunity to bring out the very important issues which I feel this bill needs to have aired and for all Members to understand.

There are so many things that are crushing through our offices, concerns about the war in Afghanistan and the threats on our liberties in this country, and the other threats of terrorism that are yet to happen in this country, so it is very, very difficult for Members to take this rather small piece of legislation and focus on the importance of it.

Therefore, I am pleased that at least I will have that opportunity to do so during general debate and during the offering of my substitute. Mr. Speaker, I regret that the other Members who had amendments are not going to have that special opportunity.

The reason H.R. 1992 raises all sorts of flags of warning, as has been expressed earlier, in letters written to all Members by the National Education Association and by the American Federation of Teachers and the American Association of University Professors, is that we do not want to eliminate, repeal, those very protections that were enacted into law in 1992 and strengthened in 1998 to safeguard the student financial aid program.

This is not a debate about distance learning, it is not a debate about how important laptop education is in terms of allowing people to participate in the higher education field at home, safe in their own homes, or in their offices.

What this debate is about is whether the Congress is going to live up to its responsibilities to protect the financial integrity of the student loan program. That is all this is about.

Members will recall in the late 1980s and in the 1990s there were these tremendous reports from the education institutions about huge, crescendoing default rates. My own institutions were up at the 23 percent default rates. Many institutions were far higher.

Congress said, this cannot be. We must do something to protect the taxpayers from having to pay out all of these loans that the students were defaulting. So the Congress wisely put into effect three very important rules: One, that the institutions first had to be accredited, and that they could offer only 50 percent of their programs off campus. There should be 50 percent on campus and 50 percent was permitted off campus.

The other rule was that there had to be 12 hours of instructional offerings in order to be considered a full-time student.

The third was to prevent all those hoaxes that were going on where people were being paid commissions to recruit students to sign up for higher education courses, and this exacerbated the default situation, so the Congress wisely put in rules to protect the integrity of the student financial aid program; not to prevent distance learning or learning through correspondence schools or whatever, but to make sure that if a student signed up for higher education credits, not only that they were full-time students, but also that they had the capacity of being enrolled in an institution whose educational offerings could yield a better job, could yield quality higher education, and thus enable them to pay back the loans.

So we are here today with legislation which will, in essence, repeal those three very important pieces of protective legislation that were added in 1992 and strengthened in 1998.

Mr. Speaker, I ask the House not to vote for this bill in haste, because we are going to take up the higher education reauthorization bill in the next several months. That would be the appropriate time to review this entire matter.

The Inspector General from the U.S. Department of Education testified before our subcommittee against waiving the requirements against the incentive fees that were being paid. She supports the ban, which I do, also, and which my substitute will put back into law.

So also, in 1998, Congress wisely said, well, let us have a demonstration program to see how these things are working. We are only in the 2-year point since that 5-year program was instituted. We only have one single report yet having been issued to the Congress, so this is premature. Let us not act in haste.

Remember our responsibility is to the fiscal integrity of the student financial aid program. This is not a vote against distance learning, we want to encourage it, but let us not do it where we could risk high default rates and cripple our financial aid program.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. McKEON), chairman of the Subcommittee on 21st Century Competitiveness.

Mr. McKEON. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time to speak on this rule.

Mr. Speaker, I rise in strong support of the rule on H.R. 1992, the Internet Equity and Education Act of 2001. This structured rule is needed to maintain the compromise that was reached with this legislation, and as the gentlewoman has just spoken or remarked, it was made to accommodate concerns that were expressed from the other side.

An open rule would allow for amendments for an intricate, detailed, sometimes complicated statute that we will address in the next Congress. Before favorably reporting this bill, the Committee on Education and the Workforce carefully reviewed the provisions within H.R. 1992 and gave thoughtful consideration to the issues surrounding the legislation.

H.R. 1992 has as its mission to open the doors of higher education to those people for which it has been and continues to be closed, and we should thank the gentleman from Georgia (Mr. ISAKSON) for the work that he did on the Web-based Commission in bringing this bill to the floor at this time.

The bill is quite simple in nature, has enjoyed bipartisan support, and was passed out of committee on a vote of 31 to 10, as well as having the support of many in the higher education community, including the American Council on Education. Stan Ikenberry spoke on this issue and encouraged us to move rapidly on this legislation. He represents 1,800 of our higher education schools across the country.

Also, we have support from many others in the higher education community. The National Association of Student Financial Aid Administrators, representing 3,100 schools, has strongly supported this bill. The goals of these and other supporters of H.R. 1992 remains constant, to provide additional access to higher education, as the ACE stated; adapt to the needs and demand of today's diverse student population.

☐ 1115

Providing for a structured rule allows Members to consider a bill that had undergone careful analysis by the committee without side-stepping the process that provided for thoughtful negotiation and cooperation.

I urge my colleagues to vote yes on this rule and allow us to move forward in bringing H.R. 1992 to the floor for a vote.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida for yielding me the time, and I rise today in support of the rule which allows a substitute amendment.

In particular, this amendment offered by my colleague, the gentlewoman from Hawaii (Mrs. MINK), I think makes the bill into what we want it to be, which would be an encouragement for flexibility in this Internet Age and education.

I would like to speak for just a minute on what the bill is about. Congress established new rules to safeguard Federal financial aid loan programs, and these rules were put into effect because more than one student in five was defaulting on loans within 2 years of leaving school. This was an embarrassment to the Congress, an embarrassment to the country, and a waste of money.

These loan-default rates were much higher at some schools than others. There were cases of an auto repair shop operating out of a fruit stand and so forth and so on.

In particular, the substitute offered by the gentlewoman from Hawaii (Mrs. MINK) would correct two glaring problems with this bill that I think would only perpetuate or take us back to the time of serious misuse of the student loan program.

Simply put, H.R. 1992 eliminates the requirement in law that students enroll for at least 12 hours of time in a course and replaces that with a 1-day rule that would allow students to log on sometime during the week and as a result be declared full-time students; and the schools then would be eligible to collect student aid for those students' tuition. It also changes the regulations that would allow some schools to offer bounties on recruitment of students, some of whom never really intend to be students.

So I think this rule, by allowing a substitute, will allow us to correct the legislation and make it what we really want, something that will ensure flexibility in education today.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent to submit for the RECORD a letter from the Secretary of Education dated July 31, 2001, and a letter from the National Association of Student Financial Aid Administrators dated September 28, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The letters referred to are as follows:

THE SECRETARY OF EDUCATION,
*Washington, DC, July 31, 2001.*

Hon. HOWARD "BUCK" MCKEON,
*Committee on Education and the Workforce,*
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN MCKEON: I am writing to express the views of the Department of Education on H.R. 1992, the Internet Equity and Education Act of 2001, which the Education of the Workforce Committee intends to mark up on August 1. I am sending identical letters to Representatives Boehner, Mink, Miller, and Isakson.

The Administration supports the Isakson substitute to H.R. 1992, which would allow needy students who require federal student aid to have access to the many new educational opportunities now available to other students. H.R. 1992, as modified by the Isakson substitute, would update three provisions of the Higher Education Act of 1965, as amended, (HEA) to accommodate newer educational delivery methods and opportunities and standard business practices. The issues addressed in the bill were raised by the higher education community during the previous administration and, despite repeated urging for the Department to take action, were left unaddressed.

In response to this inaction, the bipartisan Web-based Education Commission, authorized by the Higher Education Amendments of 1998 (P.L. 105-244) and chaired by former Senator Bob Kerrey and Representative Isakson, recommended "a full review and, if necessary, a revision of the 12-hour rule, 50 percent rule, and incentive compensation requirements that are creating barriers to students enrolling in online and distance education courses." It also called upon Congress and the Department to "remove barriers that block full learner access to online learning resources, courses, and programs while ensuring accountability of taxpayer dollars."

As we began putting our new team at the Department in place, I was pleased to see Representative Isakson propose legislation to begin this process and to see you move forward on eliminating these barriers. The Administration has worked with the committee in refining the provisions in the Isakson substitute and joins the higher education community and Members on both sides of the aisle in supporting this legislation.

There may be some who will try to argue that this bill would increase fraud and abuse. Let me assure you that I am not about to open the door for fraud and abuse. Statutory relief from the 50 percent rule would only be extended to low-risk institutions that are currently participating in the Federal student aid programs and have default rates below 10 percent for the last three years.

Moreover, under the Isakson substitute, an institution would be required to notify the Department that it qualifies for the exemption, and the Department would be given the authority to deny the exemption to any institution that poses an unacceptable risk to Federal funds and program integrity. H.R. 1992 would also replace the problematic 12-hour rule, which has been shown to be unworkable for many nontraditional formats, with the same safeguards we have been using for the majority of institutions offering courses in a standard term-based format. However, other safeguards against course length manipulation, such as the 30-week academic year minimum and the clock-hour/credit-hour conversion requirements, would be left in place. As we noted in our recent report on the 12-hour rule, nearly all of the members of the higher education community who participated in the Department's discussions on the subject favored using this uniform standard.

Similarly, the amendments in H.R. 1992 regarding incentive payments contain a new definition of "salary" and a new statutory limitation against salary adjustments that are more frequent than every 6 months, which guards against using frequent salary adjustments as de facto commissions. The Isakson substitute would also revise the current provisions to reflect current business practices, including referrals from World Wide Web sites, which did not exist when the provisions were enacted in 1992. However, other safeguards against fraud and abuse would remain in place, such as student eligibility requirements and new requirements for returning Federal aid funds when students drop out. The Administration is aware that there are concerns that the changes H.R. 1992 would make to current law on incentive payments could lead to increased risk of recruiting abuses. We will continue to work with Congress to ensure that this bill includes adequate safeguards to protect students and taxpayers.

Since the day I took office, I have focused on tackling the substantial mismanagement and fraud that cast a cloud over the Department. Working closely with the Inspector General and the U.S. General Accounting Office, we have already made considerable progress in turning that around. Consistent with this new approach, we will closely monitor institutions, enforce the many safeguards that are in place, and aggressively pursue any instances of fraud and abuse in the Federal student aid programs.

The Office of Management and Budget advises that there is no objection to the submission of this report to Congress.

Sincerely,

ROD PAIGE.

NATIONAL ASSOCIATION OF STUDENT
FINANCIAL AND ADMINISTRATORS,
*Washington, DC, September 28, 2001.*

Hon. JOHN BOEHNER,
*Chairman, Committee on Education and the Workforce, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the National Association of Student Financial Aid Administrators (NASFAA), representing student financial aid administrators at nearly 3,1000 postsecondary institutions, I am writing to express our organization's strong support for H.R. 1992, the Internet Equity and Education Act of 2001.

We believe this legislation is a reasonable first step in encouraging the delivery of alternative and distance education services to our nation's students. The bill makes necessary changes to encourage the use of federal student aid for those individuals who seek to better their individual or family circumstances by seeking a postsecondary education.

Some who have challenged the need for H.R. 1992 are concerned that the bill may encourage fraud and abuse of the student aid system by postsecondary institutions. NASFAA emphatically rejects that contention. We note that when the restrictions on distance education were placed on postsecondary institutions by the Higher Education Amendments of 1992, they were necessary because the Department of Education did not have adequate internal controls on schools. However, other statutory provisions provided in the Higher Education Amendments of 1992 have allowed the Department of Education to use these monitoring and gatekeeping tools effectively.

The concerns expressed by opponents to H.R. 1992 are not founded on current realities. Since the 1992 Amendments, ED has rooted out problem schools and eliminated over 1,300 from eligibility for Federal grants, loans, and work-study funding. Next, the postsecondary community has substantially increased its self-goverance, accreditation, and internal consumer protection activities and schools have increased their consumer information disclosure efforts. In fact, the legislation contains safeguards that should put to rest any concerns about misuse. For example, the legislation has strict eligibility limits on a school's participation, it gives the Secretary discretionary power to deny a school's participation in the program, and it mandates the Department of Education monitor and issue a report to the Congress on the program. Finally, should any problems arise from the testing of these provisions in the bill, they can be quickly addressed when the Congress reauthorizes the Higher Education Act that expires on September 30, 2003.

The combination of increased oversight and gatekeeping activities by the Department since 1992, of increased internal higher education community self-governance and consumer protection activities, as well as, H.R. 1992's school participation limits and ED oversight and monitoring activities are more than adequate safeguards to allay any concerns over abuse of the changes permitted by the legislation.

Again, NASFAA strongly supports and urges quick House passage of H.R. 1992.

Sincerely,

DALLAS MARTIN,
*President.*

Mr. ISAKSON. Mr. Speaker, comments have been made by my dear friend, the gentleman from Florida (Mr. HASTINGS), and my dear friend, the gentlewoman from Hawaii (Mrs. MINK), with regard to this legislation that I would like to just clarify for the record.

The letter mentioned before, dated July 31, 2001, is the letter from Secretary Paige to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, which endorses House Bill 1992 and all of its provisions as they were written then and substantially remain the same today.

Secondly, there have been some comments that we are moving too fast. First of all, I suspect that Thomas Jefferson was told that when Lewis and Clark were authorized to see if there was anything west of the Mississippi River. I am sure President Kennedy was told that and advised against moving too fast in sending men to the Moon, and I am sure President Bush has been given a lot of information or advice recently about not moving too fast.

History has proven that all those greater leaders, by moving expeditiously in times of opportunity, have moved our country forward. The truth of the matter is we are not moving too fast. We are way behind.

The Web-based Education Committee, funded by this Congress to the tune of $625,000, did a 1-year comprehensive study which I was pleased to be the vice-chairman of while Senator Bob Kerrey was the chairman. We produced a bipartisan report which precisely recommended changes in the 50 percent rule, the 12-hour rule, and the incentive-compensation rule. That was done over a year ago.

The committee, at the request of the gentlewoman from Hawaii (Mrs. MINK), has held hearings. We held a full and open debate in the committee, considered many amendments, and the bill was passed with a bipartisan vote in the committee.

I would submit the time is now, and the most pressing evidence of all that the time is now is the fact that the United States Army, after the completion of our report, created a worldwide digital school system for the post-secondary and advanced education of our men and women in the military and all of their dependents, totally delivered over the Web.

Mr. Speaker, I would submit that this rule is fair. I respect the consideration of this substitute from the gentlewoman from Hawaii (Mrs. MINK), but I urge my fellow Members of Congress to support this rule and in turn to support the bill in its final passage.

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to include in the RECORD at the appropriate place the letters earlier mentioned from the National Education Association, the American Federation of Teachers and the American Association of University Professors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The letters referred to are as follows:

AAUP,
*October 5, 2001.*

HOUSE OF REPRESENTATIVES.

DEAR REPRESENTATIVE: On behalf of the American Association of University Professors, I am writing to urge you to vote against H.R. 1992, "The Internet Equity and Education Act of 2001." This bill would dismantle some of the minimal quality assurance provisions that maintain the integrity of the instructional programs being offered to students receiving financial aid. It is at the very least premature to make these changes at this time.

Specifically the bill would eliminate the "50% rule" and the "12 hour rule." The "50% rule" was adopted by Congress in 1992, when the Higher Education Act amendments excluded schools that offer more than half of their courses by correspondence (which includes distance education) and schools in which more than half of the students are enrolled in correspondence courses from eligibility for student financial assistance. During the last reauthorization of the HEA in 1998, the AAUP encouraged the continuation of the "50% rule" with respect to distance education courses, to ensure that, as these courses develop, they would continue to be associated with traditional colleges and universities offering campus-based programs. Congress continued the "50% rule", but gave the Secretary of Education broad authority to waive the rule for any of the institutions participating in a demonstration program.

The "12 hour rule" was the result of a difficult compromise process to carry out the minimum amount of instructional time mandate of the 1992 reauthorization. There is general agreement among educators that twelve hours per week of "seat time" is not the only, and not even the best, way to quantify full-time pursuit of higher education. Even aside from new delivery modes offered by new technologies, there are many ways of engaging fully in education that do not involve sitting in a classroom. But as yet, no one has come up with an acceptable way to measure equivalency of effort and accomplishments, across a variety of institutions, disciplines, regions, and educational methodologies.

Proponents of the legislation complain that, under current rules, many non-traditional students who take courses via the World Wide Web receive less aid than those who travel to a campus. If, however, the student is not required to pay full tuition and fees, is not paying for room and board away from a family home, and/or is not travelling to and from a campus, the student's expenses may be lower than those of a full time student. The way the legislation is written, rent and food subsidies should be available to any person who signs up for even a single on-line course, with instruction occurring at least once a week. We need an answer to keep up with the times, but a complete waiver of the "12 hour rule" does not provide that answer.

AAUP Recommendations:

1. Accrediting agencies need to do a better, more specific job defining the elements of higher education. What do we mean by a "college degree?" How much learning goes into that? How universal are educators' expectations, for level and breadth of course work, across institutional and regional boundaries? Transfers among institutions and transfers among modes of education make these questions inescapable.

2. Faculty need to define measures of course work. What is a "course"? How much learning is going on when a student is engaged in full time education? What's half of that? What's a quarter of that? Since faculty have not articulated this definition so far, others are filling in with their attempts. The Department of Education's 12-hour rule was one such attempt. Congress is now considering doing away with all measures, except those offered by the lowest common denominator of education providers.

3. The Institution for Higher Education Policy is engaged in a major study of the student credit hour, its uses and effects. By the time the Higher Education Act is due to be re-authorized, this study should yield some thoughtful results. Instead of creating chaos now by simply lifting all limitations, it seems reasonable to allow the study to proceed and to build legislation on its conclusions.

I urge you to delay implementation of the initiatives contained within this bill until they can be considered as a part of the overall reauthorization of the Higher Education Act. To eliminate these rules would remove Congress's only protection against a return to the situation during the late 1980s where a few disreputable institutions abused the federal student aid programs. We need more information on how best to incorporate the promise of new technology into a varied and rigorous educational program.

Sincerely yours,

MARY BURGAN,
*General Secretary.*

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NEA,
*October 9, 2001.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.6 million members, we urge you to oppose the Internet Equity and Education Act of 2001 (H.R. 1992). This legislation would eliminate or modify important policies that were carefully crafted during the 1998 reauthorization of the Higher Education Act, including the requirement that students enroll in 12 hours of coursework in order to receive financial aid and the so-called "50 percent rule."

NEA acknowledges and shares the concern of many Members that the 12-hour and 50 percent rules may not allow adequate expansion of distance learning. We do not, however, believe that elimination of these rules is the best way to ensure students a high quality education and maintain the integrity of the financial aid program. Passage of H.R. 1992 will negatively impact the federal government's role both in opening college and university doors to economically disadvantaged students who wish to attend college full-time, and in supporting life-long learning and non-traditional students.

Elimination or modification of the 12-hour and 50 percent rule would be premature at this time. Congress enacted the Learning Anywhere Anytime Partnerships (LAAP) demonstration program in 1998 to study the effects of distance learning on student aid program integrity. The program is in the second of its five-year authorization and has awarded grants to 25 participants. To date, Congress has had no opportunity for full evaluation of these partnerships, while the Department of Education has not compiled any meaningful information or data about the LAAP program.

Passing H.R. 1992 in its current form would send a message to college faculty that there is little inherent value to face-to-face instruction, classroom debate, and the social processes involved in learning. While we recognize that some educators and institutions have placed strong quality controls on their distance learning courses, not all distance courses include such protections.

We urge you to oppose H.R. 1992 until appropriate data about the LAAP program are available and a suitable alternative to the 12-hour and 50 percent rules can be developed. We look forward to working with Congress in this regard.

Sincerely,

MARY ELIZABETH TEASLEY,
*Director of Government Relations*

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AMERICAN FEDERATION
OF TEACHERS,
*October 9, 2001.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the more than one million members of the American Federation of Teachers (AFT), including over 120,000 in higher education, I urge you to oppose H.R. 1992, The Internet Equity and Education Act of 2001. It is our understanding this legislation will be considered by the House today. H.R. 1992 eliminates the requirement that students enroll in at least 12 hours of coursework to receive full student aid and modifies the so-called "50 percent rule" under which institutions must offer no more than half their coursework by distance education in order for their students to be able to receive federal student aid. These changes to existing provisions of law and regulation fail to take into consideration issues of quality and standards in distance education programs and preempt demonstration programs and studies that are currently underway to gauge the effects of distance learning on student aid program integrity.

Both the 12-hour and 50 percent rules, while not perfect, have been tools to ensure integrity in federal student financial aid programs within our institutions of higher education and promote some "same-time same-place" interaction as part of a student's academic program. Moving forward with H.R. 1992 at this time, without consideration to quality control safeguards and higher standards, would be premature and irresponsible, particularly when other approaches are available.

The AFT believes that we need more data and information on the effects of lifting the 12-hour and 50 percent rule. We, along with other organizations, anxiously await the information from the U.S. Department of Education on the Distance Education Demonstration program authorized by the Higher Education Act (HEA). The 5-year demonstration program is currently in its second year with 25 participants. The information gathered from this demonstration program will be available to inform Congress for the next HEA reauthorization on the most appropriate action on distance education policy.

The AFT is eager to work to develop possible alternatives that would both facilitate the intentions of the supporters of H.R. 1992 as well as respond to the concerns we have discussed. Technology has paved the way for significant developments in education. Ensuring that these developments enhance the quality of education in our colleges and universities is our primary goal and concern.

We urge you to vote against H.R. 1992 and wait until the appropriate data and information on the Demonstration project are available to assure quality safeguards for distance education.

Sincerely,

CHARLOTTE J. FRAAS,
*Director, Depatment of Legislation.*

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank my colleague for yielding me the time.

I really rise in support of the rule and also to praise the author of this bipartisan legislation, the gentleman from Georgia (Mr. ISAKSON). He is right, this legislation is a modest step forward to provide needed flexibility with proper controls to enable our education system to take greater advantage of new technology.

This is not going to be the final answer. This is going to be subject to reauthorization in a couple of years. But why we should wait and why we should not, with controls, allow the education institutions of America to adapt to incorporated distance learning to other greater extent is beyond me.

The fact of the matter is that no institution would be enabled to go forward under this legislation if it were enacted unless it had a student default rate of less than 10 percent for the 3 most recent years. So really that door is closed. Furthermore, they could not automatically go ahead and get rid of some of the automated rules about inclass hours. They would have to submit their plan, and the Secretary could disapprove it if he felt it was inappropriate.

This legislation will help people who are working parents who cannot otherwise upgrade their knowledge easily because they are working and they have got to take care of their family. They can do that through distance learning at home on their computers. It will help people in rural areas, economically disadvantaged people. It will help people who have disabilities who cannot get around as easily. They can use the computer instead of the 12-hour rule, under appropriate circumstances.

I think the gentleman from Georgia (Mr. ISAKSON) hit it exactly right. This is not radical. We are already behind the curve. New technology is enabling things to move forward in many, many areas; and this bipartisan legislation will simply enable the education institutions of the United States to adapt to the changing technology faster than they would otherwise.

Mr. HASTINGS of Florida. Mr. Speaker, on July 24, 2001, the Secretary of Education passed on a letter to the gentlewoman from Hawaii (Mrs. MINK), and I ask unanimous consent to include it in the RECORD.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Florida?

There was no objection.

The letter referred to is as follows:

SECRETARY OF EDUCATION,
*Washington, DC., July 24, 2001.*

Hon. PATSY T. MINK,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE MINK: Thank you for your letter regarding the Department of Education's report on the 12-hour rule and future policy guidance clarifying the Incentive Compensation provision. You also requested that we answer two questions raised at the 21st Century Competitiveness Subcommittee's hearing on June 20, 2001. The Administration is completing its review of H.R. 1992 and is currently developing a position on the bill.

In summary, I am pleased to inform you that we: have completed the report on the 12-hour rule; are finalizing the Administration's policy on incentive compensation; and with this letter, are responding to the questions raised in the hearing.

I agree with the statement that Dr. Stan Ikenberry of the American Council on Education made at your hearing that "distance education will only continue to expand and we would be foolish to not look for ways to let learners, especially those for whom a traditional classroom setting is impracticable or unavailable, benefit from this powerful tool. If we fail to address this issue, we will be creating an access issue for students who must rely in part on federal aid to achieve their education goals." I am committed to moving forward to expand new educational opportunities and address the recommendations of the Web-based Education Commission while protecting students, taxpayers, and the integrity of the student financial aid programs. We would like to continue working with you during this process to ensure that we find a cost-neutral solution.

REPORT ON THE 12-HOUR RULE

We have completed our report to Congress on the Department's discussions with the higher education community. This report was requested in the conference report on the Department of Education Appropriations Act, 2001 (P.L. 106–554). The enclosed report contains details on the background and history of the 12-hour rule, information from two meetings with the higher education community that were held in October 2000 and January 2001, and information from three focus groups that were held in November and December 2000, and also summarizes the many interesting ideas that were generated during these meetings and focus groups. The enclosed report will be provided to all members of the Committee on Education and the Workforce.

The conference report also requested that the Department make recommendations to Congress by October 1, 2001, regarding the most appropriate means to maintain the integrity of the Federal student financial assistance programs without creating unnecessary paperwork for institutions of higher education. As the Department's Inspector General, Lorraine Lewis, mentioned in her testimony at the hearing, "The key issue is harnessing the growth of the Internet and the advances in educational technology to expand educational opportunities is how to make changes that encourage innovative educational program delivery while ensuring accountability and integrity." We will continue to monitor the issue closely and may propose additional changes if necessary during the reauthorization process.

INCENTIVE COMPENSATION GUIDANCE

The Department is not yet prepared to issue a document on incentive compensation. We want any new guidance on this topic to be clear and not overly prescriptive for institutions of higher education.

Our first priority is to provide clear guidance to schools on the activities that are permissible under the law and regulations on incentive compensation. I agree with the statement made by Chairman McKeon at the hearing that many schools "truly don't know if they are in violation of the law or not." We need to change this situation, because it is clear that the Department needs to provide better guidance in this area.

I am also mindful of the advice given by our Inspector General who said that "the key issue is how to make changes that encourage innovative educational program delivery while ensuring accountability of taxpayer dollars and preserving the integrity of the SFA programs." For this reason, we plan to have new discussions with the higher education community on the safeguards that must be in place to ensure accountability and integrity. We need to strive for a consensus on boundaries that allow our institutions of higher education to operate in a reasonable and predictable environment and that also protect the public from the types of abuses we saw in the past.

Since the day I took office I have focused on tackling the substantial mismanagement and fraud that have cast a cloud over the Department's finances and reputation over the past few years. Faced with 661 audit recommendations, the Management Improvement Team I put in place in April has been working full-time. I reported last week that more than 300 of those recommendations have been addressed. In Student Financial Assistance, I have pledged that we will remove SFA from the General Accounting Office's list of "high risk" programs before the next reauthorization.

I am not about to open the door for fraud and abuse. I will never allow us to go back to the days when commissioned salespersons were paid to bring in unqualified applicants and I don't believe that the higher education community wants that either. I want to listen to the views of the higher education community before providing any new guidance on prohibited activities.

ANSWERS TO QUESTIONS

*1. Should the criteria for recognition of accrediting agencies require that they have specific standards for evaluating the quantity and quality of distance education programs?*

The Department recognizes accrediting agencies to ensure that these agencies are reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit, for purposes of the Higher Education Act.

Educational quality and quantity for such postsecondary programs are already addressed in the current standards. We plan to discuss the findings in the Inspector General's report, "Management Controls for Distance Education at State Agencies and Accrediting Agencies," released in September 2000 with the state and accrediting agencies and we will continue to work with them in this area. Until accrediting agencies have been given the opportunity to address these concerns, the Department does not believe that new specific Federally-mandated standards for recognition related to distance education are necessary at this time.

Each agency recognized by the Department must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits.

The Department considers whether the agency's accreditation standards effectively address the quality of the institution or programs in the following areas:

Success with respect to student achievement in relation to the institution's mission, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates.

Curricula.

Faculty.

Facilities, equipment, and supplies.

Fiscal and administrative capacity as appropriate, to the specified scale of operations.

Student support services.

Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.

Measures of program length and the objectives of the degrees or credentials offered.

Record of student complaints received by, or available to, the agency.

Record of compliance with the institution's program responsibilities under Title IV of the Higher Education Act, based on the most recent student loan default rate data provided by the Department, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency.

Recognized agencies may establish additional accreditation standards that they deem appropriate beyond what is required by the Department's recognition criteria, and many in fact do. These additional standards could include standards specific to distance education.

*2. What is the definition of "instruction" as it relates to the 12-hour rule? Should study groups be included as instruction?*

In an effort to provide great flexibility to institutions that serve nontraditional students, the final regulations published on November 29, 1994, considered instruction to include regularly scheduled instruction, examination, or preparation for examination. This instructional time also includes internships, cooperative education programs, independent study and other forms of regularly scheduled instruction. Instructional time does not include periods of orientation, counseling, or vacation. The final regulations published November 1, 2000, clarified that homework does not count as instructional time and that, in terms of "preparation for examinations," only study for final examinations that occurs after the last scheduled day of classes for a payment period would count as instructional time. A study group that did not conform to these regulatory criteria would not be considered as instruction.

Thank you for the opportunity to respond to these issues. I look forward to continuing to work with you, Chairman McKeon, Chairman Boehner, and Representative Miller over the coming years to expand educational opportunities for all Americans.

Sincerely,

ROD PAIGE.

Mr. HASTINGS of Florida. Mr. Speaker, I have no additional speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule; and I would like to begin by congratulating my friend from Georgia (Mr. ISAKSON), who, having talked about his work on the commission, has, I believe, done a superb job in realizing that we have the ability to take 21st-century technology and link that up with the very important opportunity for educational choice. It seems to me that as we look at the challenges of the new millennium, it is obvious that education is at the top of the list and we know very much that technology is changing our lives in so many, many ways. I believe that this legislation is a very important step in the direction of doing just that.

We have got a very fair and balanced rule that will allow us to move ahead to enhance the quality of education in this country. I believe that we should enjoy strong bipartisan support. The gentleman from Georgia (Mr. ISAKSON) has just informed me that we will see strong support from both sides of the aisle for this measure. And so I think it is important that we have the debate. It is important that we allow for these different options to be considered. But at the end of the day, I believe that this measure is deserving of all Members' votes because we do face a lot of challenges. And we obviously today are focused on the war against terrorism.

We know that if we look at the campaign of last year, President Bush and Vice President Gore talked about the need to improve education. And so improving the quality of education in this country is not a partisan issue. And this measure which the gentleman from Georgia (Mr. ISAKSON) and his colleagues on the Committee on Education and the Workforce have fashioned is one which I believe will go a long way toward improving that quality and then recognizing where we are. So I hope very much that we will pass this rule, and I hope that we will pass the bill; and I congratulate all of those involved in it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time

Mr. LINDER. Mr. Speaker, at this time I urge my colleagues to support this fair rule and move on with the debate of the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 256, I call up the bill (H.R. 1992) to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 256, the bill is considered read for amendment.

The text of H.R. 1992 is as follows:

H.R. 1992

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Internet Equity and Education Act of 2001".

**SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.**

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

"(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(*l*)(4)) shall not be considered to be correspondence courses for purposes of paragraph (3)(A) for any institution that—

"(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001; and

"(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent.".

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(*l*)(1)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

"(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001; and

"(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent.".

**SEC. 3. DEFINITION OF ACADEMIC YEAR.**

Section 481(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(2)) is amended by inserting after the first sentence the following new sentence: "For the purposes of any program under this title (whether a standard or nonstandard term program), a week of instruction is defined as a week in which at least one day of instruction, examination, or preparation for examination occurs.".

**SEC. 4. INCENTIVE COMPENSATION.**

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

**"SEC. 484C. INCENTIVE COMPENSATION PROHIBITED.**

"No institution of higher education participating in a program under this title shall make any payment of a commission, bonus, or other incentive, non-salary payment, based directly on success in securing enrollments or financial aid, to any person or entity directly engaged in student recruiting or admission activities, or making decisions regarding the award of student financial assistance, except that this section shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.''.

(b) Conforming Amendment.—Paragraph (20) of section 487(a) (20 U.S.C. 1094(a)(20)) is repealed.

(c) Technical Amendment.—Section 487(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(1)) is amended by striking ''paragraph (2)(B)'' each place it appears in subparagraphs (F) and (H) and inserting ''paragraph (3)(B)''.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1992, as amended, is as follows:

## H.R. 1992

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### ***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Internet Equity and Education Act of 2001''.*

### ***SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.***

*(a) Definition of Institution of Higher Education for Title IV Purposes.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:*

*''(7) Exception to Limitation Based on Course of Study.—Courses offered via telecommunications (as defined in section 484(l)(4)) shall not be considered to be correspondence courses for purposes of subparagraph (A) or (B) of paragraph (3) for any institution that—*

*''(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;*

*''(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and*

*''(C)(i) has notified the Secretary, in a form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of clause (ii)), of the election by such institution to qualify as an institution of higher education by means of the provisions of this paragraph; and*

*''(ii) the Secretary has not, within 90 days after such notice, and the receipt of any information required under clause (i), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.*

*(b) Definition of Eligible Student.—Section 484(l)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(l)(1)) is amended by adding at the end the following new subparagraph:*

*''(C) Exception to 50 Percent Limitation.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—*

*''(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;*

*''(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and*

*''(iii)(I) has notified the Secretary, in form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of subclause (II)), of the election by such institution to qualify its students as eligible students by means of the provisions of this subparagraph; and*

*''(II) the Secretary has not, within 90 days after such notice, and the receipt of any information required under subclause (I), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.''.*

### ***SEC. 3. DEFINITION OF ACADEMIC YEAR.***

*Section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)) is amended by adding at the end the following new paragraph:*

*''(3) For the purposes of any eligible program, a week of instruction is defined as a week in which at least one day of regularly scheduled instruction or examinations occurs, or at least one day of study for final examinations occurs after the last scheduled day of classes. For an educational program using credit hours, but not using a semester, trimester, or quarter system, an institution of higher education shall notify the Secretary, in the form and manner prescribed by the Secretary, if the institution plans to offer an eligible program of instruction of less than 12 hours of regularly scheduled instruction, examinations, or preparation for examinations for a week of instructional time.''.*

### ***SEC. 4. INCENTIVE COMPENSATION.***

*(a) Amendment.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:*

### ***''SEC. 484C. INCENTIVE COMPENSATION PROHIBITED.***

*''(a) Prohibition.—No institution of higher education participating in a program under this title shall make any payment of a commission, bonus, or other incentive payment, based directly on success in securing enrollments or financial aid, to any person or entity directly engaged in student recruiting or admission activities, or making decisions regarding the award of student financial assistance, except that this section shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.*

*''(b) Exceptions.—Subsection (a) does not apply to payment of a commission, bonus, or other incentive payment—*

*''(1) pursuant to any contract with any third-party service provider that has no control over eligibility for admission or enrollment or the awarding of financial aid at the institution of higher education, provided that no employee of the third-party service provider is paid a commission, bonus, or other incentive payment based directly on success in securing enrollments or financial aid; or*

*''(2) to persons or entities for success in securing agreements, contracts, or commitments from employers to provide financial support for enrollment by their employees in an institution of higher education or for activities that may lead to such agreements, contracts, or commitments.*

*''(c) Exception for Fixed Compensation.—For purposes of subsection (a), a person shall not be treated as receiving incentive compensation when such person receives a fixed compensation that is paid regularly for services and that is adjusted no more frequently than every six months.''.*

*(b) Conforming Amendment.—Paragraph (20) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is repealed.*

*(c) Technical Amendment.—Section 487(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(1)) is amended by striking ''paragraph (2)(B)'' each place it appears in subparagraphs (F) and (H) and inserting ''paragraph (3)(B)''.*

### ***SEC. 5. EVALUATION AND REPORT.***

*(a) Information From Institutions.—*

*(1) Institutions Covered by Requirement.—The requirements of paragraph (2) apply to any institution of higher education that—*

*(A) has notified the Secretary of Education of an election to qualify for the exception to limitation based on course of study in section 102(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception to the 50 percent limitation in section 484(l)(1)(C) of such Act (20 U.S.C. 1091(l)(1)(C));*

*(B) has notified the Secretary under section 481(a)(3) of such Act (20 U.S.C. 1088(a)(3)); or*

*(C) contracts with outside parties for—*

*(i) the delivery of distance education programs;*

*(ii) the delivery of programs offered in nontraditional formats; or*

*(iii) the purpose of securing the enrollment of students.*

*(2) Requirements.—Any institution of higher education to which this paragraph applies shall comply, on a timely basis, with the Secretary of Education's reasonable requests for information on changes in—*

*(A) the amount or method of instruction offered;*

*(B) the types of programs or courses offered;*

*(C) enrollment by type of program or course;*

*(D) the amount and types of grant, loan, or work assistance provided under title IV of the Higher Education Act of 1965 that is received by students enrolled in programs conducted in nontraditional formats; and*

*(E) outcomes for students enrolled in such courses or programs.*

*(b) Report by Secretary Required.—The Secretary of Education shall conduct by grant or contract a study of, and by March 31, 2003, submit to the Congress, a report on—*

*(1) the effect that the amendments made by this Act have had on—*

*(A) the ability of institutions of higher education to provide distance learning opportunities to students; and*

*(B) program integrity;*

*(2) with respect to distance education or correspondence education courses at institutions of higher education to which the information requirements of subsection (a)(2) apply, changes from year-to-year in—*

*(A) the amount or method of instruction offered and the types of programs or courses offered;*

*(B) the number and type of students enrolled in distance education or correspondence education courses;*

*(C) the amount of student aid provided to such students, in total and as a percentage of the institution's revenue; and*

*(D) outcomes for students enrolled in distance education or correspondence education courses, including graduation rates, job placement rates, and loan delinquencies and defaults;*

*(3) any reported and verified claim of inducement to participate in the student financial aid programs and any violation of the Higher Education Act of 1965, including any actions taken by the Department of Education against the violator; and*

*(4) any further improvements that should be made to the provisions amended by this Act (and related provisions), in order to accommodate nontraditional educational opportunities in the Federal student assistance programs while ensuring the integrity of those programs.*

### ***SEC. 6. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.***

*Section 420J of the Higher Education Act of 1965 (20 U.S.C. 1070f–6) is amended by adding at the end the following new sentence: ''If for any fiscal year funds are not appropriated pursuant to this section, funds available under part B of title VII, relating to the Fund for the Improvement of Postsecondary Education, may be made* *available for continuation grants for any grant recipient under this subpart.".*

**SEC. 7. IMPLEMENTATION.**

*(a) NO DELAY IN EFFECTIVE DATE.—Section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)) shall not apply to the amendments made by this Act.*

*(b) IMPLEMENTING REGULATIONS.—Section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) shall not apply to the amendments made by sections 2 and 3 of this Act.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107–232 if offered by the gentlewoman from Hawaii (Mrs. MINK), or her designee, which shall be debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Georgia (Mr. ISAKSON) for introducing this timely and important legislation, H.R. 1992, the Internet Equity and Education Act of 2001. As a cochair of the Web-based Education Commission, the gentleman took the lead in discovering regulatory and statutory impediments to expanding accesses to higher education programs through the Internet, especially more nontraditional students.

I want to thank the gentleman from California (Mr. MCKEON) for his efforts in moving the bill through the committee and getting it here on the floor for a vote.

The legislation we are considering today makes minor but meaningful changes to the Higher Education Act to expand access to higher education while maintaining the integrity of our financial assistance programs.

This legislation does three things. It will remove the burden of the so-called 12-hour rule. Under this rule, institutions are required to keep literally hundreds of thousands of additional attendance records each year just to show that their students attended certain types of study or learning sessions.

□ 1130

Second, H.R. 1992 changes current law to allow a limited number of institutions to offer more than 50 percent of their courses by telecommunications or to serve more than 50 percent of their students through telecommunication courses.

Thirdly, H.R. 1992 helps to address some of the confusion regarding the incentive compensation provisions enacted in 1998.

It is important that we move forward with this legislation to ensure that students have access to the best educational opportunities. If changes are not made now, we are going to have to wait until the next reauthorization of the Higher Education Act in 2003, and most likely until after the rulemaking process that follows a reauthorization. This could easily mean an additional 4 or 5 years. By passing this legislation now, Congress will have 2 years to monitor the impact that these amendments will make and could easily make the necessary mid-course corrections as part of the coming reauthorization.

Distance education provides a tremendous opportunity to expand access to postsecondary education to those who may otherwise be unable to participate. We recognize there are concerns associated with new technologies and new methods of providing education. However, there are also tremendous possibilities for students who otherwise may not be able to get an education. We are indeed mindful of those concerns, and I believe that this legislation contains the necessary safeguards to ensure that title IV student assistance funds are spent the way they are intended, to benefit students, and to serve the public interest. This legislation contains a thoughtful balance between prudence and innovation.

H.R. 1992 is a needed first step to ensure that a postsecondary education is available to all who want to pursue it. At the same time, it does not diminish nor undo needed integrity provisions in the law. All of my colleagues should vote today to expand educational opportunities for all of our citizens. It is the right thing to do, and it is the right time to do it. I would urge all my colleagues today to support our bill.

Madam Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to H.R. 1992. I believe that it endangers the stability and integrity of the Federal student financial aid programs and could lead us back to a time of high double-digit default rates. That is the singular purpose which prompts me to rise in opposition to this legislation. I believe that Congress has no greater responsibility to the taxpayers than to make certain that what happened in the 1980s and early 1990s, which created this huge student default rates, should never ever happen again in this country.

Congress took action in 1992 and established some very tight protections to govern the operation of the student aid program, not to limit education for the disadvantaged, or for those that are homebound or those in rural areas or people who are working for a living in the daytime and can only afford nighttime or weekend classes. Certainly we want to encourage that. But we do not want to encourage it with the idea that the protections that were enacted in 1992 are going to be cast aside, and this is what H.R. 1992 does today. It, in effect, repeals three very basic protections, and I feel that it is not only premature but that the Congress ought to consider the efficacy of such repeal when we consider the reauthorization of the Higher Education Act in the next several months.

Distance education is here. We certainly want to foster it. We want to do everything we can to encourage people to utilize the Internet, laptops, and so forth in order to advance themselves, to obtain a quality education, better jobs and better opportunities for their families. But in doing so, we do not want to sacrifice the financial integrity of the student financial aid programs, and that is all that we are questioning today and that is what this debate is all about.

We had an opportunity to discuss this in committee. There was a division, a sharp division on my side. Ten members on our side voted against the bill and nine voted for it. So there is a division and a substantial question which has been echoed not only by Members of Congress with respect to this legislation, but by the American Federation of Teachers, that has distributed a letter to all Members of the Congress raising very strong concerns they have about eliminating these protections. The National Education Association has sent out letters to all of us asking us to oppose enactment of this bill at this time.

The American Association of University Professors, comprising those individuals who are right there at the front line of higher education, who should know something about it, is asking us not to vote for this bill at this time.

The Web-based Commission that is cited many times as being the ones that originated this discussion made no recommendation in their commission findings. They said we should study it and we should decide whether there should be changes.

Congress in 1998 said, well, these are the issues that ought to be discussed. They established a demonstration grant program administered by the Department. The grants have been in effect for 2 years. We have only one report. It is a 5-year demonstration program. We certainly ought to give that demonstration project its life so that we can decide from actual experiences in the field whether lifting the 50–50 rule and the 2-hour rule and the incentive prohibitions can, in a way, jeopardize the stability of the student financial aid program.

So we rise today with great trepidation that if we move too hastily, we will jeopardize the program that has meant so much to the future of our people in the country trying to better themselves through higher education. We have reports which have come in recently, a news release today, as a matter of fact, by the U.S. Department of Education, the Inspector General's Office, which has charged Indiana Wesleyan University with violating the very rules that were put into effect to safeguard the student financial aid program. They found this university as wanting in terms of the 12-hour rule and in terms of the ban that was placed from going out to solicit students and getting a kickback of the tuitions for that particular type of illegal recruiting.

And this is not the first time. The Office of Inspector General has issued a number of other citations against other universities. So this is a real problem. We are not trying to raise flags of concern regarding nonexistent difficulties in the higher educational field. So today's press release is a stern warning that we ought to be very careful.

In the first place, it is the Inspector General of the U.S. Department of Education that came to the committee and testified about the importance of this protective legislation that was put into effect in 1992, and she did not support repealing them at this time. So I take great heed of the words from the Inspector General, who has the enforcement responsibility; and she told us in committee that these protective provisions in the law today are important. They are important to safeguard the integrity of the student financial aid program, and they ought not to be dismissed without intense discussion and consideration and, also, possible recommendations for alternate measures that might be substituted if this indeed is too severe.

So I think we ought to take heed of the inspector general's words and also note the fact that just days before the subcommittee met to mark up the bill the Secretary of the Department of Education said he was not sure that any of these changes were needed or timely, and that the Department asked for further time to study these matters. So this is a matter, I think, of great interest to those who are following the distance learning. We want to do everything we can to encourage it, but we do have a unique responsibility as Members of Congress to make sure that no jeopardy comes to the stability and financial integrity of the student financial aid program.

I believe that that is what is at the heart of our disagreement today, and I would hope that Members of Congress will listen to the debate and vote against H.R. 1992.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the distinguished chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Madam Speaker, I rise in strong support of H.R. 1992, and I want to commend our chairman, the gentleman from Ohio (Mr. BOEHNER), for the leadership that he has rendered to the committee this year and for helping us get this bill to the floor.

We are here to consider a bill, H.R. 1992, the Internet Equity and Education Act of 2001, that will open the doors of higher education to those who may not otherwise have an opportunity to walk through that door. I know we have heard some friendly opposition from the other side, but we have bent over backwards on this bill. We held a hearing that was attended by members of the community that expressed broad support for the measures in this bill. We scheduled a subcommittee hearing, which we postponed due to some concerns that the other side have to give sufficient time to move forward. We finally held that and moved the bill out of subcommittee. Then we moved to full committee. It was passed out of full committee after giving everyone a chance to have full discussion and amendments, and it was voted on in a bipartisan way, 31 to 10.

I am reminded of the story of the gentleman that said I want to travel to California from Washington, and I am not going to leave until every light is green between here and California. Sometimes we have to start and move forward and take action, and I think now is the time.

I am grateful to the gentleman from Georgia (Mr. ISAKSON) for introducing H.R. 1992, the Internet Equity and Education Act of 2001. The service of the gentleman from Georgia as cochairman of the Web-based Education Commission provided valuable insight into the development of this legislation. He also serves as vice chairman of our higher education subcommittee, the Subcommittee on 21st Century Competitiveness, and is a great leader on that committee.

H.R. 1992 is a wonderful first step in implementing some of the recommendations put forward by the Web-based Education Commission as it expands the use of the Internet to increase access to educational opportunities. This legislation makes minor changes to the Higher Education Act, minor changes that will result in major opportunities for the Nation's students.

In calling the changes minor, I am in no way diminishing their potential impact. In making these changes, we took great care to ensure that the integrity and stability of the student aid programs within the Higher Education Act are preserved and protected. The concerns that the gentlewoman from Hawaii (Mrs. MINK) had of problems in the past are well recognized. And we understand those concerns, and we have taken adequate steps to make sure that those are preserved.

Through reporting requirements imposed on institutions, as well as a report to Congress required of the Secretary, we will be kept informed of the outcome of this legislation in a timely manner. This will serve us well as we head into reauthorization of the Higher Education Act, which will take place in 2003.

The provisions within this bill and the innovation it will allow us has the support of many in the higher education community. As many of my colleagues know, my subcommittee has been working on the Fed. Up initiative. This project identifies needless or overly burdensome regulations within the Higher Education Act and will try to bring some sense to the regulations that the schools must deal with on a daily basis.

□ 1145

Of the more than 3,000 Fed. Up responses we have received and catalogued, and we are not completely finished. More than 40 commenters have requested that the 12-hour rule be eliminated, and H.R. 1992 does that in response to their request.

Madam Speaker, 16 commenters requested that the 50 percent rule be eliminated or modified; and H.R. 1992, in response to their request, does that. Nineteen commenters have requested that the incentive compensation rules be clarified, and H.R. 1992 does that. We are simply being responsive to our constituents.

I have also received many letters in support of H.R. 1992. Those letters include the National Association of Student Financial Aid Administrators, a group of 3,100 schools; the American Council on Education that represents 1,900 schools; the California Association of Student Financial Aid Administrators; the California Student Aid Commission; EdFund; Stevens Institute of Technology; the California Postsecondary Education Commission; the University of Wisconsin Extension; and many others offering their endorsement of this fine bill.

One letter that was very timely came from St. Leo University, and I would like to enter this letter as part of the RECORD. St. Leo University is the sixth largest provider of higher education to military-related personnel in the United States. It is also the first college or university to grant a bachelor's degree on an Air Force base. Its President, Arthur Kirk, wrote to support immediate passage of H.R. 1992. Sixty percent of St. Leo's second-term enrollments for their military students are for online courses, and it is not too much to say that the events of the past several weeks will only accelerate that trend.

We need to make sure those men and women whose lives are being disrupted to defend the freedoms of this great country and the families left at home have as many options as possible to continue their education.

The Internet Equity and Education Act of 2001 provides a way to accomplish that goal. I urge my colleagues to vote yes on H.R. 1992, vote yes on the future of educational opportunities, vote yes on the future of our Nation's students, and vote yes on the future of this country.

The material previously referred to is as follows:

SAINT LEO UNIVERSITY,
OFFICE OF THE PRESIDENT,
*St. Leo, FL, September 25, 2001.*

Hon. JOHN A. BOEHNER,
*Chairman, House Education and Workforce Committee, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN BOEHNER: I write to support the immediate passage of H.R. 1992, the "Internet Equity and Education Act of 2001." H.R. 1992 will help to solve an urgent problem related to the education of the United States Armed Services enlisted personnel.

For several years, our military branches have wisely encouraged and supported distance learning, particularly, Internet courses intended to provide greater access and flexibility in higher education for their personnel. You are probably very familiar with E-Army University, perhaps the highest profile initiative.

As the sixth largest provider of higher education to the military and the first college or university in the United States to grant the bachelors degree on an Air Force base, Saint Leo University responded to the military's encouragement with Internet courses. As we developed these courses, our military students (and others) flocked to them. As a member of E-Army University, we enroll the largest numbers pursuing a bachelor's degree and are third largest in E-Army University of the 29 Army accredited schools. Twenty-five (25%) of our military center credits are taken on-line compared to seven percent (7%) last fall, and these members do not include our E-Army University students. Every soldier or sailor who moves from a classroom to an on-line course moves us closer to the 50% limit by a function of two (one-less in class, one more on line).

The attacks of September 11 and subsequent mobilization of our military forces accelerates this trend rapidly. Indeed, sixty percent of our preliminary enrollments for our second fall term for the military are currently on-line! Saint Leo University, one of the first and one of the largest in higher education service to the United States military, will soon hit the 50% limit.

Please implore your colleagues in both the House and Senate to eliminate this artificial barrier for the sake of our men and women serving in our Armed Forces.

Thank you,
Sincerely,
ARTHUR F. KIRK, Jr.,
*President.*

Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I rise today to talk about what the gentleman from Ohio (Mr. BOEHNER) spoke of, the need to take advantage of the tremendous possibilities of modern educational technology in this Internet age, particularly for nontraditional students. We want that, but we must be careful how we go about it.

I urge my colleagues to support the substitute amendment that will be offered by the gentlewoman from Hawaii (Mrs. MINK). As my colleagues know, the gentlewoman from Hawaii (Mrs. MINK) has played a part in every significant higher education law passed in Congress since 1965. She is our expert on this subject. Her substitute amendment makes good sense. We should listen and heed her experience. Let me speak for a minute about this bill, especially for Members who may not have had an opportunity to attend the hearings on H.R. 1992.

Back in the year 1992, Congress established new rules to safeguard Federal student financial loan programs; and these rules were put into effect because more than one student in five was defaulting on loans within 2 years after leaving school. And these loan default rates were much higher at some schools than others. It was a national disgrace, as well as a waste of money. Cases of fraud and abuse were widespread and were the subject of hearings here in Congress.

As a result, working together, Democrats and Republicans put in safeguards that have protected students, the schools, and taxpayers and brought student loan default rates down tremendously.

The legislation before us today, while attempting to update our policies dealing with distance learning, alters or eliminates several of these important protections. It makes these changes in an environment where few Members have a clear understanding of what the changes will mean.

That is part of the reason why H.R. 1992 is opposed by education groups like the American Federation of Teachers, the National Education Association, and the American Association of University Professors. It is important to remember that next year Congress will begin reauthorization of the Higher Education Act. Why these important changes cannot wait for the full examination at that time, I do not know.

Madam Speaker, I would like to talk for a moment about the so-called 12-hour rule, what it is and what it means to students and taxpayers. I offered an amendment in committee that would have stricken the provisions in this bill to eliminate the 12-hour rule, and I am pleased that those provisions will be in the amendment to be offered by the gentlewoman from Hawaii (Mrs. MINK).

Simply put, H.R. 1992 eliminates the requirement in law that students enroll in at least 12 hours of face-to-face course work to receive full student financial aid. In 1992, the Higher Education Act did not define what a full-time student was. The Department of Education, for nonstandard students, defined a week of instruction as any week in which at least 12 hours of instruction, examination, or preparation was offered.

Well, there is general agreement among educators that the 12-hour requirement of seat-time is not the only, probably not even the best way to qualify for full-time pursuit of higher education.

Consider for a moment, would any reasonable person out in America say that a student who logs on one day a week, not all day but some time, one day a week, is a full-time student? That is not the way most people in my district would define a full-time student. That would allow, I am afraid, real abuse in the awarding of student loans to schools.

The Department of Education, in its recently released report, "Student Financial Assistance and Nontraditional Educational Programs," concluded there is a need for a policy change in this area but that there is no consensus yet about what that change should be.

Further, last year two items related to nontraditional programs were included in the Department's proposed agenda for negotiated rulemaking, including application of a 12-hour rule.

We have heard about the Web-based Commission as the so-called reason for this legislation before us today. The Web-based Commission did not recommend any specific changes, such as changing the 12-hour rule to a 1-day rule. The commission merely encouraged the Federal Government to review and, if necessary, revise. Those are the commission's words, to revise these provisions.

The substitute amendment by the gentlewoman from Hawaii (Mrs. MINK) would allow us to review these provisions before we revise them. We certainly should do that. Abruptly changing the 12-hour rule to a 1-day rule opens the door to fraud and abuse.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I thank the gentleman for yielding me this time, and I include for the RECORD pages 90 through 94 of the Web-based Education Commission.

Madam Speaker, it has been referenced that the Web-based Education Commission was the genesis for the review of these rules and regulations, and that is exactly correct. It has been alleged that the commission made no recommendations, and that is incorrect. On those pages, the 50 percent, the 12-hour rule, and the incentive compensation are discussed.

The gentleman from New Jersey is correct, the recommendation was for the Congress to review and recommend the changes in those regulations to facilitate distance learning; and that is what the subcommittee, the gentleman from California (Mr. MCKEON) and the gentleman from Ohio (Mr. BOEHNER), did which became the genesis of this act which has been renewed significantly.

Let me get away from the technical 50 percent, 12-hour, and incentive compensation debate and talk in real terms. In real terms, the 1992 restrictions, many of which these three rules came out of, dealt more with correspondence courses and less with telecommunications. In the 10 years since that time, universities all over this country have dramatically expanded the delivery of educational content over the Internet. The gentleman from New Jersey (Mr. HOLT) asked what our citizens might think if we said only logging on 1 day a week would constitute a full-time education.

I ask what would our constituents think if we told them that Georgia Tech, MIT, and Stanford offer master's degrees in electrical engineering totally over the Web without visiting the campus. The fact of the matter is, education is far ahead of us, and who is left behind are those who are economically disadvantaged, yet academically qualified to attend higher institutions all over the country.

Students, who because of distance or economics, cannot visit these distinguished campuses and study are prohibited from getting student loans. Therefore, those who have the wealth to do it can get an education; but those who do not have the wealth but have the ability are barred by the use of the Internet and the Web.

This is a very narrowly drawn bill. It only allows approved courses to be offered from institutions that qualify under title IV. It restricts any student loan being made to a student institution that has a default rate of higher than 10 percent, and it authorizes the Department to monitor it.

My last point deals with incentive compensation. The gentlewoman from Hawaii (Mrs. MINK) is exactly correct. There were abuses of incentive compensation. The Department of Education did exactly what it should do to restrict incentive compensation, and it did so in an environment where the delivery of knowledge and availability of course work was not the same as it is today. The unintended consequence of that rule as it exists prohibits information from getting to students via the Internet and Web sites based on interpretations of the compensation of those individuals. This repeal of incentive compensation only says that an employee of an organization who does not themselves directly make the loan may receive a raise as long as it is not tied to the offering of any student loan because the department head construed the previous prohibition against incentive compensation to prohibit even a salary increase.

Madam Speaker, I urge my colleagues to read the four pages that I have submitted, to follow the leadership of the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON) and Senator KERRY, who was the chairman of this commission, and let us move education forward so those who have the least available to them may enjoy the benefits of those who otherwise can economically afford it.

The referenced material is as follows:

Some state requirements are mutually exclusive, making it potentially impossible or impractical to create and adjust web-based programs that meet varying state requirements.

A program may be forced to meet the lowest common denominator to achieve homogeneity requirements.

Institutions in one state may refuse to accept credentials awarded by institutions in other states.

Student aid eligibility may be limited for some students involved in technology-mediated learning.

These issues were raised many times by witnesses testifying at our hearings and through e-Testimony submissions to the Commission. For instance, some states require no approval process for establishing online programs; others require a simple letter explaining their program. Yet another was reported to require an institution to provide an all-expense paid visit to its main location and honoraria to its staff. Fees, reporting requirements, and time required for approval also varied from immediate permission, to a two-year backlog of applications followed by a two-year waiting period.

Beyond these intitutional concerns, there are additional barriers for learners. The Internet now makes it possible for a student to purchase a course from his or her local university around the corner, or an institution half a world away. But the same course can be priced very differently. "In-state versus out-of-state tuition rates, non-profit designation, non-profits spinning out for-profits, and for-profit companies create a web of cost structures and tuition regulations that prevent students from choosing the curriculum and price that best meet their needs." This same maze makes it difficult for students to transfer credits from one institution to another and to create the personalized programs that also best meet their needs.

The Internet allows for a learner-centered environment, but our legal and regulatory framework has not adjusted to these changes. "Law is by its nature a slow and deliberative process,, and the closer its orbit comes to the development and use of technologies that are changing rapidly, the more likely its impact will be unintended."

### FEDERAL STATUTORY AND REGULATORY BARRIERS

The federal government has struggled to establish within statute and regulations a framework that accommodates the promise of the Internet for postsecondary education while promoting access and ensuring accountability.

The effort has had mixed results.

Three specific federal issues were brought to the Commission's attention: the "12-hour rule," the "50 percent rule," and the federal prohibition on providing incentive compensation in college admissions.

### THE 12-HOUR RULE

When Congress amended the Higher Education Act in 1992, it added a specific definition of an academic year that prescribed at least 30 weeks of instructional time. Full-time undergraduate students in traditional academic programs are expected to complete at least 24 semester hours or trimester hours (or 36 quarter hours, or 900 clock hours) in that time period to be eligible for the maximum amount of financial aid under the Title IV program.

However, the law was silent on establishing an academic workload requirement for students enrolled in Title IV eligible programs offered in a nontraditional time segment.

To deal with this, the U.S. Department of Education developed regulations to implement the statutory definition of an academic year, including establishing full-time workload requirements for students enrolled in programs offered in nontraditional time segments. In 1994, the Department issued formal regulations defining a week of instructional time to mean 12 hours of "regularly scheduled instructions, examinations, or preparation for examination" for programs that are not offered in standard terms.

### THE 50 PERCENT RULE

Likewise, the "50 percent rule" requires Title IV-eligible institutions to offer at least 50 percent of their instruction in a classroom-based environment. The basis of this rule is to assure that a student is physically participating in an academic course of study for which he or she is receiving federal student financial assistance. In enacting this provision in the 1992 Higher Education Amendments, Congress sought to address concerns about fraud and abuse within the correspondence school industry.

While understanding that physical seat time may not be an appropriate measure of quality for the increasing proliferation of online distance learning programs, the Department views these two rules as important measures of accountability that should not be eliminated or replaced unless there is a viable alternative.

In recent months, public, independent, and proprietary colleges and universities have called for the elimination of the 12-hour rule and the 50 percent rule or, at minimum, a moratorium on their enforcement.

These institutions argue that the rules simply don't make sense in light of online distance education and the growing use of the Internet for instructional delivery. As one witness put it: "If we are to be required to assess educational quality and learning by virtue of how long a student sits in a seat, we have focused on the wrong end of the student.

Far from creating incentives for students and institutions to experiment with new distance education methodologies offered anytime, anyplace, and at any pace, the current student financial aid regulations discourage innovation. If a student cannot travel to an institution and participate in face-to-face instruction, that student may only qualify for reduced financial aid. The practical impact is a system of federal student financial assistance that gives substantial preference to the mainstream educational experience.

In seeking correctly to halt abuse in the student financial aid program, these rules may, in fact, have the unintended effect of curtailing educational opportunity among thousands who seek financial aid for college, but who do not otherwise fit into the mainstream definition of a college student. Consider these statistics:

The span from 1970 to 1993 saw a 235 percent growth in students over age 40.

Over the same time period, the traditional college student cohort (age 18–24) increased by 35 percent.

Forty percent of these students received financial aid, as opposed to only 17 percent of undergraduates over the age of 40.

The U.S. Department of Education is beginning to identify potential alternatives to providing student aid to those enrolled in online programs. In October 2000, it convened dozens of representatives of traditional and nontraditional postsecondary institutions, higher education associations, and the student financial aid sector to address alternatives to the 12-hour rule. The Department's position has been that a wholesale elimination of these rules would leave the door wide open for abuse—and the history of the Title IV program has been marked with such episodes. Instead, the Department is seeking to identify alternatives to current regulation, and assess whether or not they may be more appropriate than current seat-time measures. The Department holds strongly to the belief, however, that rules of some kind are necessary under any circumstance.

Institutions take a different position. Many question the need for the Department to be involved on the regulatory side at all since these institutions already are subject to two sets of quality controls: approval for participation in the Title IV program and accreditation and licensure. They argue that if the problem is with accrediting agencies that are not organized to assess quality effectively in an online learning setting, the answer is to reform the accreditation process, not add another enforcement layer upon postsecondary institutions.

The University of Phoenix, among the nation's oldest distance learning proprietary institutions, offered the following recommendations in support of this view:

Rely on the accrediting bodies to make determinations about the quality of online distance learning programs and encourage that they hold such programs and providers to the same set of standards that are expected of face-to-face instruction. No less should be expected from these programs, but indeed no more should be expected. If there are flaws in the system of accreditation, then the Department should be directed to review those entities, rather than duplicate the efforts of accreditation.

Re-evaluate the criteria for accreditation. By statute, accrediting bodies are required to evaluate certain elements of an institution in making accreditation decisions. Most of these factors are input-based and have little demonstrated relationship to student learning. Accrediting bodies should be required to focus on outcomes and it is only in this way that any meaningful evaluation of web-based education can be made.

The Department is hosting several working groups with the higher education community to focus on student aid funding for online programs, alternative input and output measures of online quality, and the role of accreditation in assuring academic integrity in the Title IV program. A result could be a statement of the problem and potential alternatives to be considered by Congress and/or Department regulators.

Additionally, the Department will analyze the results of the Distance Education Demonstration Program authorized by the Higher Education Act Amendments of 1998. This program exempts 15 institutions and consortia of institutions from the different rules and regulations limiting student financial aid for online postsecondary learners. The goal is to encourage distance education providers to experiment with alternative measurements of online quality and gather data on the success of these alternatives. The results will be presented to Congress along with any proposed changes the Department recommends in this area.

### BAN ON INCENTIVE COMPENSATION PLANS

In 1992, Congress prohibited colleges and universities that participate in the federal student financial aid program from paying any commission, bonus, or other incentive payments to third party entities based directly or indirectly on their success in helping to secure enrollment of students.

The provision was enacted to protect students against abusive recruiting tactics, although the law is now being interpreted to apply to the enrollment of students via "Web portals." These online "Yellow Pages" are commonly financed through the use of referral fees and tuition-sharing agreements. Although not the original intent, the language of this restriction effectively bars higher education institutions that participate in Title IV from using third-party Web portals to provide prospective students with access to information about many institutions or provide the same services as institutions offer on their own Web sites—that is, information and application processing.

Current federal regulations permit an institution to use its own Web site to recruit students. However, if the institution pays a Web portal to provide the same passive, asynchronous service, and that payment is based on the number of prospective students visiting the site who ultimately apply or enroll, the institution is at risk of losing its Title IV eligibility. Higher education groups have asked the Department to consider changing regulatory language, reflecting the growing reliance of higher education consumers on Web portals. However, the Department has concluded that this provision could only be changed through new legislation.

### COPYRIGHT PROTECTION: HORSE AND BUGGIES ON THE INFORMATION SUPERHIGHWAY

"The primary objective of copyright is not to reward the labour of authors, but [t]o promote the Progress of Science and useful Arts. To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work. This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art."

"In a digital age, the organization of data and editorial function of summarizing, hyperlinking, and relating diverse sources of data to meet specific ad hoc needs adds value to content, and represents an emerging class of intellectual capital that goes beyond the concept of 'derivative works' or similar earlier classifications . . . The Internet turns 'consumption' of electronic media into a Breeder Reactor scenario for knowledge building. Effective use of these materials results in additional fuel to power learning in the classroom."

Mr. BOEHNER. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. McKEON) to control the time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. MINK of Hawaii. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I rise in support of this bill because I believe it properly reconciles two forces in our new world that need to be reconciled. The first is that people are very busy living their lives, working their full-time jobs, dealing with the needs of their children, dealing with their household needs. We are all stressed and pressured and do not have a lot of time.

The second reality is almost everyone in almost every job needs to continuously upgrade his or her skills and keep learning. So how does one keep learning? How does one go back to school if one has responsibility for children and work and household stresses.

Madam Speaker, one of the ways that more and more people are doing this is by learning online, by taking advantage of this virtual university that is being created around America and around the world. Unfortunately, the financial aid rules that confront people today unduly restrict many people from participating in this virtual university. The purpose of this bill is to open the door of the virtual university for those who must depend upon financial aid.

I have listened very intently to the concerns of the gentlewoman from Hawaii (Mrs. MINK), and I must say no Member of this House is more responsible for the success that we have had in greatly reducing defaults than the gentlewoman from Hawaii (Mrs. MINK). When I arrived in this House 11 years ago, we were spending $5.3 billion a year on unpaid defaulted student loans.

□ 1200

The gentlewoman from Hawaii was one of the leaders in 1992 and then again in 1998 in enacting some major changes in the law, and the result of those changes has been that the cost of student defaults is now below $1 billion per year. I applaud her for her leadership in that area.

I come to a different conclusion about the impact of these changes, however. I think that the changes that are made are inconsequential to dealing with the default problem. I think the remaining provisions that the gentleman from Georgia (Mr. ISAKSON) made reference to will continue us on the track of minimizing or even eliminating defaults. And I think the value of opening the doors to America's virtual university makes it worthwhile to support this bill.

Mr. McKEON. Madam Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a distinguished member of the Committee on Education and the Workforce.

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of H.R. 1992, the Internet Equity and Education Act of 2001. The adult student, or the nontraditional student, is the fastest growing population of students in higher education. These students have different needs and different pressures than the traditional student. Many have families and jobs that require much of their time and attention. American universities and colleges have been working diligently to meet these unique needs of this student population by using technology and advanced telecommunications, including the Internet, to make it easier to attend and participate in classes while ensuring program integrity. Their successes have been acknowledged by recognized accreditation bodies. That is great. America needs an educated populace. America needs an educated workforce. American colleges and universities should be rewarded for developing new and innovative ways to remove the barriers that prevent people from obtaining an education.

Unfortunately, accredited American colleges and universities have been punished by outdated and outmoded Federal regulations. These regulations limit the number of distant learning courses a college or university can offer. They define the academic year and academic week in ways that never contemplated advancements in technology and distance learning. As a result, one college located in the district I represent may have to return a significant portion of its title IV funds because it offers distant learning courses that do meet the needs of many students but do not meet outdated Federal regulations.

This bill corrects the inadequacies of current regulations. It gives American colleges and universities the flexibility to provide educational opportunities to students who would not otherwise be able to pursue higher education, and it does so while maintaining fiscal and program integrity in Federal financial aid programs.

In 2 years, Congress will reauthorize the Higher Education Act. By making these improvements now, Congress will have an opportunity to review their success and effectiveness in just 2 short years. With technology and the Internet changing the landscape of higher education so quickly and so often, Congress needs to act now. The Internet Education and Equity Act is a step in the right direction. I urge my colleagues to support this legislation.

Mrs. MINK of Hawaii. Madam Speaker, I am happy to yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank my colleague and ranking member of the subcommittee for yielding me this time.

Madam Speaker, this is not an argument about whether we will move forward or not. This is an argument of just how we will move forward. Everybody seems to understand what the purpose of the two rules, the 12-hour rule and the 50 percent provision, are. The question is how are we going to deal with those issues as we move forward. How are we going to assure that there are standards adequate to ensure our students a good quality education and protect the financial aid money over which we are the stewards.

Nobody really disagrees with the fact that the 12-hour rule and the 50 percent provision need to be addressed. Some time ago, in 1998, when the Higher Education Act was being reauthorized, the now chairman of our subcommittee showed his leadership by saying we should have a demonstration program. Now he has changed that and his leadership is taking us in a different direction, but some of us would like to stay the course. As the stewards of this financial aid money, it made sense that 25 institutions would start on a demonstration program and gather the data and the information we would need to determine what would replace the 12-hour rule, what would replace the 50 percent provision, what is it that we would have there as a standard that our students would always feel comfortable they were getting a quality education, and just how is it that we would know as a Congress that we were wisely spending this money going forward.

It is one thing to say that the protection is that these moneys are only going to accredited schools, that would be great, because some schools truly do set strong quality controls in distant learning courses. But unfortunately not all of them do. And, in fact, most accreditation bodies have not addressed this issue, have not determined and laid out quality and standards for what would constitute a good distance learning course over the Internet. So as Congress, that is not our job. We generally look at those accrediting agencies and look at their guidance. They have not set it yet. I would suggest that they are waiting for the demonstration program results of the Department of Education's program that was supposed to gather this data and gather the information so that we could protect that money and protect the students.

Distance learning is not standing still while we debate this issue and while we wait for that demonstration to give us results and information. It is continuing on at many colleges and universities, some in my own district and in the State for sure, but the fact of the matter is having learned once in our history of what can happen when you have correspondence courses that get out of control and find out too late that money that is very scarce, money that students who do not have the resources of other wealthy students need in order to get their education, if that is gone by the time we correct this problem, we will have wished that we stayed and got the results of those demonstration programs and moved forward only on that basis.

Is no face time, face-to-face interaction with instructors or with other learners the best idea? Does the age and life experiences of the type of materials being taught have any impact on whether or not some class time is needed traditionally, or whether it can all go over the Internet? Is there no role for visual and verbal interactions in a social setting as part of the learning environment? Those are questions that have yet to be addressed and need to be addressed at many of the institutions that want to offer these types of courses.

We have these demonstration programs out there. We have a reauthorization coming up in just a couple of years. It was originally the intent of this Congress that we allow those 25 institutions to provide that demonstration, to give us the information and data upon which we could make sound and reasoned judgments. While the commission has attempted to point us in the direction saying these issues need attention, we know that. And while the gentleman from Georgia (Mr. ISAKSON) and others, I think, are doing a noble thing in trying to move forward, speed is not always the best process. I say nothing is stopping people from offering these courses, but what is happening is we are being stopped from basing our decisions on what the quality of those courses will be and what the protection for scarce resources and financial aid will be if we move forward precipitously.

Madam Speaker, we need to know that we are doing the right thing. Let us wait for the results of those demonstration programs and let us move forward on the substitute amendment that the gentlewoman from Hawaii is putting forward.

Mr. MCKEON. Madam Speaker, I yield myself 30 seconds to respond to my good friend from Massachusetts on his point on waiting for the demonstration project.

The Department of Education, who is administering the project, has the first year's report and they support the bill. They found no problem in moving forward at this time with the bill.

Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), a distinguished member of the Committee on Education and the Workforce, a new member of the committee who comes with great expertise. We called him, for many years, Coach.

Mr. OSBORNE. Madam Speaker, I rise in strong support of H.R. 1992, the Internet Equity and Education Act. I would like to thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON) and the gentleman from Georgia (Mr. ISAKSON) for their efforts in crafting this bill.

Madam Speaker, I represent a very large district that is roughly 350 miles by 250 miles. It is relatively sparsely populated. I think the largest community is about 35,000 and it goes down very quickly from that point on. And so many of the people in my district, as a matter of fact probably the majority, live some distance from the nearest institution of higher learning. Many of them live 100, 150 miles from the nearest college or junior college and so distance learning has become critical for them.

Many nontraditional students, as my colleagues know, work full-time jobs. We also find that students in many small rural schools are able to get some specialized education that they cannot otherwise get through distance learning. So if you want to take advanced physics, French, German, or English as a second language, it is almost impossible for these students to get this type of education and instruction unless they do it through distance learning. We find that that has been very critical.

Another thing that is very important in rural areas has been the issue of rural health care. We have a tremendous shortage of nurses. Everybody in the country has a shortage of nurses, but it is particularly critical in rural areas. And so we have found that nurses who are employed full time are able to take courses, upgrade their status, sometimes get their degrees, advanced degrees through distance learning, and that has been very, very important to us.

Finally, let me just point this out. We have one university in the State of Nebraska that offers an accredited degree in pharmacy. And so if you are living out in Scottsbluff, Nebraska, 450 miles away, and you want to get a degree in pharmacy and you have to drive to Omaha, that is about a 10-hour drive. That means every time you go sit in that classroom, you are taking 2 days off from work, one day to go down there, one day to come back, maybe sit there at night. Therefore, we find that this has been onerous. In this sense I think waiving the 12-hour rule is very important for people who have to drive long distances and particularly to get specialized degrees.

Mrs. MINK of Hawaii. Madam Speaker, I am privileged to yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time.

Madam Speaker, I rise in support of this legislation. As has been pointed out by my colleagues, this legislation would repeal the 50 percent cap. It would eliminate the 12-hour rule. And it would clarify the restrictions on commissions paid for student recruiters.

The concerns that many of my colleagues have raised, I think, are valid. I think we are all aware of them. We have tried to address them in this legislation and also with expressing our concerns to the Department. It was not that long ago, and obviously many of my colleagues will remember this, the fraud that plagued the student aid programs, where we saw people organizing themselves in a manner to get young people to apply for student aid and had no intention of delivering them an education. We spent a long time changing that program and the gentlewoman from Hawaii was one of the leaders in that effort to do that. But I think this is a different kettle of fish in the sense that I believe that what we are trying to do is recognize the reality of what has taken place in the area of distance learning and recognizing that, in fact, the rules that we are waiving here really have very little to do with increasing the risk to the aid programs.

We have also made it very clear that those programs, if the Secretary thinks they need to, can require the 50 percent rule if he finds there is a significant risk of fraud or abuse. Schools have to notify us if they are going to not meet the 12-hour rule.

We have also accepted in the committee the amendment of the gentleman from Oregon (Mr. WU) to provide for the assessment of this program as we go forward.

But I think, in fact, what this will allow us to do is to go forward in real time to allow the maximum amount of flexibility and utilization of this program that really offers great promise to students in so many different settings, whether they are working full time or part time or whether they are just beginning their education, or even, in a number of instances, young people in high school who want to try to get some of their lower division units out of the way can do it by distance learning and have no opportunity to go to that university because they live in rural areas or isolated areas. I think we ought to make sure that we give them that opportunity.

Colleges still must be certified as nonprofit accrediting associations recognized by the Secretary and still have to be State approved and licensed. The default rates have been addressed. So I think we have put together a pretty good bill.

I think, also, it is pretty clear that the current rules and regulations really did not contemplate the vast use and opportunity of the Internet as we now know it. I think the members of this committee have also understood and we have made it clear to the Department of Education, to schools and to States and others that we are taking some risk here.

□ 1215

We are going to be paying attention and we are going to be watching to see what happens here. Many Members have spoken about the reauthorization coming up in 2003.

I think this legislation will give us an opportunity to see exactly what is taking place on the ground. If there are abuses, we will have the opportunity in a timely fashion to address those abuses; but we cannot deny the importance that distance learning is playing every day in all of our universities. From the great private universities, to the public universities, to community colleges, to trade schools and to others, this is an opportunity for so many people to have access to an education, where before they simply would not be able to get there or they would have to give up income to their families to participate in it.

I would hope that we would pass this legislation. I would say, however, that I think the concerns that are being raised by Members on my side of the aisle are valid concerns, and we have got to pay attention to them. If people are going to take advantage of this, we ought to make sure that that not be allowed to continue and that we correct those, if that should happen.

Mr. MCKEON. Madam Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the distinguished chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in very strong support of this legislation. I believe that Senator KERRY and the gentleman from Georgia (Mr. ISAKSON) did a wonderful job with the study of this. I would just point out, I will not submit this for the RECORD, but I would submit to Members in the present edition of U.S. News & World Report of October 15, about a third of that magazine is filled with eight articles about Internet education, warts and all, about what we are doing. It just confirms what the gentleman from Georgia (Mr. ISAKSON) said, and that is that we are probably a little bit behind in doing what we are doing in this legislation.

I think when they put together their group which studied this program last year and what we had to do and then came up with the Internet Equity and Education Act with all the aspects of this, we are merely playing catch-up, and perhaps that is what we should be doing, as opposed to what is in the marketplace.

A lot of people are being educated by the use of these programs. A lot of very good educational institutions, including the best colleges and universities in this country, as well as some high schools, are now putting out course activities over the Internet. This gives everybody the opportunity to be able to take full advantage of this. The Web-based Education Commission I think has done an exceptional job in doing that.

I think it levels the playing field between some regular education and this. Frankly, I for one as one who was never exposed to this education, when I was in school there was not an Internet, I believe very strongly after all my reading and talking to other people, some of these courses are every bit as demanding as the courses that you would take in person. They can be just as instructional.

For all these reasons, I think this is a fine piece of legislation and something that should be hopefully supported by virtually all Members of this Congress. I would encourage support of the legislation by all of us. If one has any doubts about it, read about it; and I think after they have done that, they, too, will support this legislation.

Madam Speaker, I am pleased to rise in strong support of H.R. 1992, the Internet Equity and Education Act.

I would like to commend the gentleman from Georgia (JOHNNY ISAKSON) both for his leadership in seeking new ways to expand and improve learning opportunities and for the legislation before us today.

In November 1999, the Web-Based Education Commission was established to develop policy recommendations designed to maximize the educational promise of the Internet.

Chairman Bob Kerrey, former Senator from Nebraska, and Vice Chair JOHNNY ISAKSON met with hundreds of education, business, and technology experts and, based on these meetings, produced the most comprehensive report ever written on the impact of web-based learning on education.

Most significant, the report focused on how to move the Internet "from promise to practice" and it identified laws and regulations that blocked access to online learning resources, courses, and programs.

Today, we take the first step in removing those obstacles and supporting "anytime, anywhere" learning with H.R. 1992.

Among other things, the bill:

Expands access to higher education by modifying the rule to allow colleges and universities to offer more than 50 percent of their classes through telecommunications if they participate in good standing in the federal loan program.

Levels the playing field by applying the same requirement—that students attend one day of instruction a week—on nontraditional students as on traditional students.

The bill also provides important protections to maintain the integrity of the instructional programs being offered to students receiving financial aid. And, by acting now, we will have an opportunity to review the impact of the legislation when we reauthorize the Higher Education Act in 2003.

I believe this legislation will do much to enhance learning and I am pleased to support its passage.

Mrs. MINK of Hawaii. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Speaker, I rise today to voice my concern regarding H.R. 1992, the Internet Equity and Education Act of 2001. With life's demands and responsibilities, those who seek to improve their skills and advance their education are seeking alternatives to traditional colleges and universities. As we move into the 21st century, the Internet has proven to be a useful and powerful tool in providing distance learning courses across the Net.

While I do strongly support nontraditional schools and the use of the Internet in education, H.R. 1992 eliminates the protections implemented several years ago to protect against abuse and fraud and unadvisedly impacts on the expansion of distance learning.

During congressional hearings before my committee several years ago, case after case revealed fraud and abuse, especially from for-profit and correspondence schools. Students were subject to aggressive and deceptive recruiting tactics. They were enrolled in classes they did not want and need. They had instructors that were not even there and that many times were inept and did not show up.

To add salt to the wound, the same students who took out loans to pay for useless education were harassed and ultimately sued because of defaults on loans. Some proprietary schools in my district encouraged students to apply to their schools for loans far beyond their needs were recommended. Equipment and tuition costs were taken out first. In many instances, students stayed there for several years, gaining no real education or skills, but then were asked to repay these loans and harassed.

The committee recognized in 1998 a need to enact a 12-hour rule to ensure that nontraditional programs offered the same amount of instruction as traditional schools. Right now, H.R. 1992 offers no guarantee to make certain the amount of educational instruction is comparable and sufficient.

We must not move in haste to change provisions that have contributed to the reversal of high-default loans of the 1990s. These safeguards have contributed in ending deception and fraud and created a standard that has ensured a quality education for all students.

The substitute offered by the gentlewoman from Hawaii (Mrs. MINK) will help distance education grow, but to grow in a proper sense; to grow so that it is not fraught with fraud. We need to protect against abuse: and if we have the abuse, we need to be careful that aggressive recruiting tactics as we saw in the past are not included.

Therefore, I strongly urge support for the Mink substitute to this premature bill.

Mr. MCKEON. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), a new member of our committee, not a new Member of Congress, a member of the Committee on Education and the Workforce.

Mr. GOODLATTE. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in strong support of H.R. 1992, the Internet Equity and Education Act offered by my friend, the gentleman from Georgia (Mr. ISAKSON). I commend the gentleman and the gentleman from California (Chairman MCKEON) and the gentleman from Ohio (Chairman BOEHNER) for their work in moving this important legislation through the subcommittee and the full committee. They have the far-sighted appreciation for what Web-based education promises people all across this country, especially people in a district like mine, which comprises a vast rural area and smaller cities, and especially people in innercities. This is a tremendous opportunity to bring educational opportunities to the people.

As many of us know, the gentleman from Georgia (Mr. ISAKSON) dutifully chaired the Web-based Education Commission that was authorized by Congress in 1998. This commission was charged with discovering how the Internet was being used to enhance learning opportunities for all, no small duty, considering the rapidly changing environment of the Internet and different learning experiences for students of all ages.

As elementary and secondary schools experience growing enrollments, shortages of teachers and higher demands, college campuses also face obstacles. Many colleges in my district face ever-increasing growth in student enrollment. All of these institutions seek to provide access to the Internet and tools for the information age. Unfortunately, the Federal Government has struggled to establish a framework that accommodates the future of the Internet for post-secondary institutions.

Madam Speaker, today Congress has the ability to knock down barriers that limit access to higher education. This bill will expand opportunities for nontraditional students and give other students greater access to the availability of post-secondary education programs.

H.R. 1992 will allow institutions to offer more than 50 percent of their classes by telecommunications. While opponents fear abuse of the system or fraud by negligent institutions, the Committee on Education and the Workforce came up with a good solution to this concern. This 50 percent rule will only apply to programs whose student loan-default rate is less than 10 percent for the 3 most recent years.

H.R. 1992 also allows institutions to notify the Secretary of Education if they intend to offer an eligible program with less than 12 scheduled hours of instruction per week. This provision will eliminate a Department rule that established a Federal standard for classroom instruction. This change only seems necessary due to the changing landscape of distance learning and post-secondary education.

Madam Speaker, when the regulatory process fails to address the needs of a changing environment, it is Congress' duty to step in and make necessary changes. H.R. 1992 addresses these needs and does so in a way to ensure accountability.

I ask my colleagues to support this legislation and to oppose the substitute.

Mrs. MINK of Hawaii. Madam Speaker, I am privileged to yield 3 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise in support of the Mink amendment. I am a strong supporter of extending educational opportunities for nontraditional students through distance learning. Academic institutions that meet current requirements are dramatically extending their options, and that is a good thing, and I strongly support that.

So why am I rising on this amendment? Well, it is really a question of consumer protection. We need to make sure that the students who are paying tuition are getting a quality academic program, because when they do not, when they do not get that quality academic program, they default on their education loans; and we have a responsibility to guarantee academic integrity so that we limit those defaults.

We must avoid fraud, and it has been mentioned here there are some ways that the bill is dealing with that. But we need to avoid that fraud. Right now we do not really have any definition of what that is. We need to avoid abuse by reducing the requirement to one log-on a week, and we have to develop a consensus on how we change this standard. I would suggest that that standard is really not in play today.

The whole issue of whether or not the military and the extension programs provided for the military are in jeopardy here, I would submit to you they are not. The Army and Navy have long had academic programs under the present distance learning rules with quality programs and institutions; and I just am delighted to see the way in which those programs have developed. I know many, many individuals from San Diego serving on ships take advantage of those programs today.

Extension of these programs is not jeopardized by this amendment. We should be more concerned about assuring the quality of education for our military and continue to support quality programs such as they have today. They will not be jeopardized by this amendment.

The 50 percent rule has served as a filter to developing businesses that are primarily profit-centered rather than extensions of opportunity for valid economic experience. We do not want to allow marketing with bounties.

The pilot project that we have been talking about should be honored in the next 2 years, so we can really consider its results when the reauthorization of higher education occurs. That is what they were instituted for, and that is how we need to look at them.

Congress has the responsibility to assure high-quality education and the expansion of distance learning programs. That is what we are all about today. I appreciate all the hard work that has been put into this bill. Programs that are academically reviewed by their accredited institutions assure comparable quality to on-campus programs. They provide the standards that students expect when they pay federally funded tuition.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to thank all of my colleagues who came to the floor to debate this very important bill. I will take the opportunity to offer my substitute next, where we will have a larger opportunity to expand on it.

Again, I hope that the bill will be defeated, and for good reasons. As the trustees of the Student Financial Aid Program, we have a special responsibility. I look upon this legislation as threatening the stability that we have earned and gained as a result of the protections that we instituted in 1992.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to take some time to respond to the concerns that have been raised by my good friend and ranking member on the Subcommittee on 21st Century Competitiveness, the gentlewoman from Hawaii (Mrs. MINK), about the need to make these changes now, just 2 years before we start to reauthorize the Higher Education Act.

□ 1230

In a hearing before the Subcommittee on 21st Century Competitiveness, Dr. Stanley Ikenberry, then president of the American Council on Education, now a professor of political science at the University of Illinois, testified that Congress should quickly consider H.R. 1992, as the Department has been unable or unwilling to make changes as part of the regulatory process. By making the changes now, Congress will have 2 years to monitor the impact of the amendments and can easily make any necessary mid-course corrections as part of the coming reauthorization.

More importantly, Mr. Ikenberry stated, "We need to make the changes now, because distance education is changing the postsecondary education landscape so quickly. If changes are not made now, we will have to wait until after the higher education reauthorization and, most likely, until after the rulemaking process that follows a reauthorization. This could easily mean a delay of 4 or 5 years."

Mr. Speaker, 4 or 5 years to a 17- or 18-year-old, they could lose their whole education process during this period of time; and I think it is very important that we are expeditious. Mr. Ikenberry's most compelling case to enact legislation now is the fact that we have the opportunity to gather needed information to address this issue for the next reauthorization. It will help us in that process.

At the same time, we have an opportunity to expand access to higher education to those with the most need and to those who cannot afford to take classes on a traditional quarter or semester basis. I encourage my colleagues to strongly support and vote for H.R. 1992.

Mr. WU. Madam Speaker, we are witnessing the birth of a new technological era.

Today, our lives are connected to computers more than ever before. We have them in our homes and offices. We even have them in our cars. Today, our cars have more computing power than the Apollo spacecraft.

Tomorrow, we will be even more reliant on these powerful machines.

As our lives become more intertwined in technology, so does our education.

Technology is transforming our colleges and universities and changing the way we teach and learn subjects. In just three years, the number of distance education courses offered by two and four years institutions increased from 24,703 in 1995 to 52,270 in 1998.

The Internet has provided us with an alternative way to take and receive classroom instruction.

The power of distance education is exciting. Now, people who did not have access to a college or university can earn a degree by turning on their computer.

I agree that we need to help our colleges and universities offer more distance education courses. One of the ways to do this is to ensure that students who study through distance learning have the same access to student aid programs.

However, it is important that we also maintain the protections that are built into the law to prevent fraud and abuse.

I applaud Representative ISAKSON for taking the lead on such an important initiative, and I am grateful for his willingness to work with me to address some of my concerns.

Accordingly, by working with my colleagues, I was able to get language in this bill requiring the Secretary of Education to issue a report on the impact of this bill in March 2003.

Specifically, the Secretary must report on the effect this legislation has had on education program integrity. If abuse happens, we will know about it and will be able to address it.

The Secretary must also report on the outcomes for students enrolled in distance education or correspondence education courses. Specifically, the Secretary must report on the graduation rates, job placement rates, loan delinquencies and default rates of the students involved in distance education.

This is not an empty promise. It will help us ensure that students enrolled in distance education courses are receiving a quality education. It will help ensure that the schools offering these courses are not abusing their privileges. And most importantly, it will help expand distance learning opportunities and open a door to a brighter future for countless students.

It is imperative that we preserve the quality of education being offered our students. These changes guarantee such quality.

I support this bill. I support distance education.

As our society becomes more technologically advanced, so should our classrooms, courses, and teaching methods.

Mr. HINOJOSA. Madam Speaker, I rise in support of H.R. 1992, the Internet Equity and Education Act of 2001. First I want to thank Chairman BOEHNER and Subcommittee Chairman McKEON for supporting and guiding our Committee efforts on this bill. I certainly want to recognize and congratulate my friend and colleague who authored the bill, JOHNNY ISAKSON.

This bill will help to expand access to higher education for many Americans who may or may not be able to attend a postsecondary institution for a variety of reasons. By supporting this effort we will encourage non-traditional students to use technology, and give potential students greater access to information on the availability of postsecondary education programs.

I have listened carefully to the comments on both sides of the aisle regarding the issues on the potential risks to the quality of instruction and to maintaining a certain level of fiscal integrity for student financial aid. There were some incisive issues raised on incentive compensation as well as in the accreditation arena.

My own criticisms included the lack of minority participation in the on-going Department of Education study on distance education. In this regard, the Committee leadership has agreed with my request for a study by the General Accounting Office to focus on aspects of the bill and the status of distance education among Minority Serving Institutions.

We want the results of the study to supplement the findings of the Department of Education study on these issues.

I have a deep respect for Mr. MILLER and the members of our Committee who offered strong views on the pertinent issues in the bill. While not all amendments were accepted, a certain number were included in order to strengthen the bill.

These issues should be revisited during the pending higher education reauthorization. We can also reasonably argue that if we monitor the provisions in this bill, we will have much better information to guide us during the reauthorization.

I know that the author of the legislation wants to increase distance learning opportunities for many who have been overlooked and I join him in his effort. I urge all my colleagues in the House to support this bill.

Mr. KIND. Madam Speaker, I rise today in support of the Internet Equity and Education Act, H.R. 1992. There is vast potential for distance learning to transform higher education. Used properly it could improve the quality and affordability of higher education and life-long learning programs. Further, online education could expand access, particularly to individuals with disabilities and those isolated in rural communities.

H.R. 1992 would lift financial aid limits for students enrolled in courses through telecommunications, reduce funding limitations for correspondence courses, and repeal the "12 hour rule," a regulation that governs the amount of time students must spend in class per week. By updating these regulations, Congress acknowledges the increased role of technology in our education system. It is important for Congress to work with institutions of higher education to expand opportunities to all students through the emerging field of distance learning.

While distance education opens new doors, it also creates new challenges to ensure the integrity of the student financial aid programs. We don't want to return to the days of fly-by-night schools that took student financial aid dollars money but failed to provide the students an education. I appreciate Mr. ISAKSON's and the majority's willingness to include safeguards in H.R. 1992 to curtail the potential for fraud and abuse in the student aid programs.

Madam Speaker, higher education is a key tool of success in our society. Distance learning provides increased opportunities for those who face barriers in the pursuit of higher education. We must not let obsolete rules and regulations deny individuals access to higher education and life-long learning programs. I urge my colleagues to support H.R. 1992.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in opposition to H.R. 1992, the Internet Equity and Education Act of 2001. This is a bad bill because it is a failed attempt to implement the recommendations of the Web-based Education Commission. H.R. 1992 suggests that face to face interaction with an instructor does not matter in education.

Madam Speaker, distance learning can be a great asset as long as academic decision making is placed in the hands of teaching professionals rather than corporate marketing professionals.

I believe that students benefit more when there is considerable face to face interaction with instructors. Creating situations in which students and teachers work together in the same physical location over a period of time is a critical component of a successful higher education environment. H.R. 1992 minimizes this principle by eliminating the requirement that students enroll in at least 12 hours of face to face coursework to receive full federal student aid.

Also, Madam Speaker, H.R. 1992 ends the 50% rule under which institutions must offer no more than half of their coursework by distance education in order for their students to receive federal student aid.

These rules were put in place for a number of reasons, which protect the integrity federal student aid program. First, these rules were put in place as protections against fraud and abuse in the federal aid program. Cases of fraud and abuse were widespread and were the subject of congressional hearings. Those who benefited included for-profit schools and correspondence schools. While not perfect, these rules have protected the federal student aid program as well as promoted "same-time, same-place" interaction as part of a student's academic program.

I urge my colleagues to vote against this bill.

Mr. McKEON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time for general debate has expired.

### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. MINK of Hawaii:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Internet Equity and Education Act of 2001".

**SEC. 2. EXCEPTION TO 50 PERCENT CORRESPONDENCE COURSE LIMITATIONS.**

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR TITLE IV PURPOSES.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended by adding at the end the following new paragraph:

"(7) EXCEPTION TO LIMITATION BASED ON COURSE OF STUDY.—Courses offered via telecommunications (as defined in section 484(*l*)(4)) shall not be considered to be correspondence courses for purposes of subparagraph (A) or (B) of paragraph (3) for any institution that—

"(A) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

"(B) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and

"(C)(i) has notified the Secretary, in a form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of clause (ii)), of the election by such institution to qualify as an institution of higher education by means of the provisions of this paragraph; and

"(ii) the Secretary has not, within 90 days after such notice, and the receipt of any information required under clause (i), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.".

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(*l*)(1)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION TO 50 PERCENT LIMITATION.—Notwithstanding the 50 percent limitation in subparagraph (A), a student enrolled in a course of instruction described in such subparagraph shall not be considered to be enrolled in correspondence courses if the student is enrolled in an institution that—

"(i) is participating in either or both of the loan programs under part B or D of title IV on the date of enactment of the Internet Equity and Education Act of 2001;

"(ii) has a cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available that is less than 10 percent; and "(iii)(I) has notified the Secretary, in form and manner prescribed by the Secretary (including such information as the Secretary may require to meet the requirements of subclause (II)), of the election by such institution to qualify its students as eligible students by means of the provisions of this subparagraph; and

"(II) the Secretary has not, within 90 days after such notice, and the receipt of any information required under subclause (I), notified the institution that the election by such institution would pose a significant risk to Federal funds and the integrity of programs under title IV.".

**SEC. 3. EVALUATION AND REPORT.**

(a) Information From Institutions.—

(1) Institutions covered by requirement.—The requirements of paragraph (2) apply to any institution of higher education that—

(A) has notified the Secretary of Education of an election to qualify for the exception to limitation based on course of study in section 102(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception to the 50 percent limitation in section 484(*l*)(1)(C) of such Act (20 U.S.C. 1091(*l*)(1)(C));

(B) has notified the Secretary under section 481(a)(3) of such Act (20 U.S.C. 1088(a)(3)); or

(C) contracts with outside parties for—

(i) the delivery of distance education programs;

(ii) the delivery of programs offered in nontraditional formats; or

(iii) the purpose of securing the enrollment of students.

(2) Requirements.—Any institution of higher education to which this paragraph applies shall comply, on a timely basis, with the Secretary of Education's reasonable requests for information on changes in—

(A) the amount or method of instruction offered;

(B) the types of programs or courses offered;

(C) enrollment by type of program or course;

(D) the amount and types of grant, loan, or work assistance provided under title IV of the Higher Education Act of 1965 that is received by students enrolled in programs conducted in nontraditional formats; and

(E) outcomes for students enrolled in such courses or programs.

(b) Report by Secretary Required.—The Secretary of Education shall conduct by grant or contract a study of, and by March 31, 2003, submit to the Congress, a report on—

(1) the effect that the amendments made by this Act have had on—

(A) the ability of institutions of higher education to provide distance learning opportunities to students; and

(B) program integrity;

(2) with respect to distance education or correspondence education courses at institutions of higher education to which the information requirements of subsection (a)(2) apply, changes from year-to-year in—

(A) the amount or method of instruction offered and the types of programs or courses offered;

(B) the number and type of students enrolled in distance education or correspondence education courses;

(C) the amount of student aid provided to such students, in total and as a percentage of the institution's revenue; and

(D) outcomes for students enrolled in distance education or correspondence education courses, including graduation rates, job placement rates, and loan delinquencies and defaults;

(3) any reported and verified claim of inducement to participate in the student financial aid programs and any violation of the Higher Education Act of 1965, including any actions taken by the Department of Education against the violator; and

(4) any further improvements that should be made to the provisions amended by this Act (and related provisions), in order to accommodate nontraditional educational opportunities in the Federal student assistance programs while ensuring the integrity of those programs.

**SEC. 4. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

Section 420J of the Higher Education Act of 1965 (20 U.S.C. 1070f–6) is amended by adding at the end the following new sentence: "If for any fiscal year funds are not appropriated pursuant to this section, funds available under part B of title VII, relating to the Fund for the Improvement of Postsecondary Education, may be made available for continuation grants for any grant recipient under this subpart.".

**SEC. 5. IMPLEMENTATION.**

(a) No Delay in Effective Date.—Section 482(c) of the Higher Education Act of 1965 (20 U.S.C. 1089(c)) shall not apply to the amendments made by this Act.

(b) Implementing Regulations.—Section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) shall not apply to the amendments made by section 2 of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 256, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 30 minutes.

Is the gentleman from California (Mr. MCKEON) opposed to the amendment in the nature of a substitute?

Mr. McKEON. Madam Speaker, I am opposed to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) will be recognized for 30 minutes in opposition.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to offer this amendment, which responds to the critical statements that have been made by my colleagues offered in general objection to the enactment of H.R. 1992.

What I have done in my substitute amendment is to restore two of the three protections that I spoke about earlier, the two having to do with the 12-hour rule and having to do with the ban on paying incentive fees and commissions to recruiters for signing up with a student financial aid program. I believe that these two provisions currently in existence are absolutely critical to protect the integrity of the student financial aid program. Therefore, what my substitute amendment does is to restore those to current language by knocking it out of H.R. 1992. It is very simple. I hope that my colleagues are listening to the debate and will come to the floor in support of the Mink substitute to H.R. 1992.

The one provision which I have let stand has to do with the 50–50 rule. What it does there is to say, if the default rate rises above 10 percent that the institutions are no longer eligible for the waiver of the 50–50. So there is recognition that the default rate is critical, and they have imposed that limit in the elimination of the 50–50 rule. I wanted, as I offered in committee, the bar, the cap at 10 percent for all of the provisions, which was refused and defeated in committee. So today I rise to restore those two provisions which are being knocked out by H.R. 1992.

Let me say that this debate is not limited to distance learning. What H.R. 1992 does is eliminate this ban for all higher education; not just for those that are logging in on a program, but everything. We cannot establish this elimination of the 12-hour rule and the ban on incentives for fees and commissions to recruiters unless we affect the entire student financial aid program; and that is what H.R. 1992 does, which I find unnecessary, unreasonable, and not substantiated. So I restore those two provisions.

The 12-hour rule is especially critical because it then establishes the sense of protecting the quality of higher education that a student is to receive. I support the idea that we ought to encourage distance learning. There must be a way in which we could establish the program and the mechanism to count in the number of times that a student logs in to the Web or logs into the Internet for higher education. Certainly that can be done very easily. And, the 12-hour rule can be then certified that the students had interaction with their instructors, that there was a classroom environment in which there was Q and A over subject matter, that there was log-in time for participation between student and professor.

To banish the idea of an instructor kind of environment for higher education, I think, is very destructive to the quality of that education. It is for that reason that the National Educational Association, the American Federation of Teachers, and the American Association of University Professors have roundly denounced the passage of H.R. 1992, because they are interested in quality education, they want to make sure that the students are getting something for the money that they are investing. We are concerned because the money that is being invested in Web-based education on the Internet or laptops or whatever eventually may become a cost factor to the taxpayers of this country under a guaranteed student loan.

So the restrictions that are put in place are not to restrict education; that is the business of the universities and the institutions that are offering it. But, when they want to pay for that education through a student financial aid program that is guaranteed by the Federal Government, then I believe we are entitled to set the ground rules to make sure that quality education is being disseminated and that the student has a chance to repay back that loan without diminishing the Treasury of the United States.

So it is for those two basic reasons that I stand to offer my substitute which deletes these two programs. It is essential that we not interpret this bill as only affecting distance learning. The two provisions that are being repealed from current law affect all of higher education. There will be no more 12-hour rule for every institution of higher learning offering learning to students, either on campus, on a laptop, in whatever setting; and I think that that is a dangerous precedent to set and certainly invites great jeopardy to the student financial aid program.

The 50–50 rule as a limit of any institution going over the 10 percent default cannot take advantage of that repeal. Surely we should have been wise enough to put that kind of limit on the elimination of the 12-hour rule. The incentive ban was the one thing that the inquiry pointed out when they investigated high default rates as singularly contributing to the defaults by students, because they were being gathered to sign up for student aid here, there, or wherever, without reasonable expectation that they would complete their education or that the education being offered was valuable. So what happened? There was an increase in the default rate, it went up over 20 percent nationwide, and we had to come in and take steps necessary to protect the Treasury of the United States. So the incentive ban is absolutely critical. The inspector general of the Department of Education says it is critical, and she spoke against its repeal. So my substitute restores the ban.

Certainly the institutions can find ways in which to enhance the advertising and communication of what they are offering. They should not have to pay commissions and fees to people that are counting the number of log-ins to their advertisements on the Web and luring in students in that way and collecting money from the institution out of our Federal student financial aid programs. I think that that is absolutely the wrong way to go, and I hope that my substitute will be supported for those two reasons.

Madam Speaker, I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I rise in opposition; and I yield myself such time as I may consume.

Madam Speaker, I agree with much of what the gentlewoman from Hawaii (Mrs. MINK), my good friend, has said. There were some real problems in the past. I think we all agree on that. In fact, I have a little chart here that says, although I do not know if my colleagues can see it over there, but it shows the amount of loans that were made annually in 1990 up through 1999. They went from about $12 billion a year in 1990 up until last year, or 1999, $30 billion. So there was a big increase. A lot more people are taking advantage; a lot more people are needing to participate in the student process.

There were comments made earlier about default rate and how many people were not repaying their loans; and a lot of corrections, a lot of changes were made. This red line shows that the default rate in 1990 was 22.4 percent. We can see how it has dropped each year, this last year, down to 5.6 percent. There have been tremendous improvements made and none of us want to lose sight of that, and none of us want to go back to where we had those kinds of problems again, and that is why we have taken some very good care in preparing this legislation.

At the same time, we do not want to pass up people's opportunities to take advantage of the distance learning that is available. I remember probably over 20 years ago when I served on a local school board, I went to a national conference on education, and the thing that they were saying at that time is that the most futuristic thing, the thing that was really going to happen was distance learning. Well, now it is here; and it is happening. We have to take advantage of it.

Let me read a letter from David Sheridan who is Dean of Enrollment Services, Chairman of the Federal Relations Committee from the Eastern Association of Student Financial Aid Administrators at Stevens Institute of Technology. I think he has some very cogent remarks on this.

"Dear Chairman McKEON, I am writing in enthusiastic support of H.R. 1992, the Internet Equity and Education Act of 2001. The '50 percent rule' changes are necessary to take down barriers that would become more of a problem in the future. A few years ago, none of us could envision the way technology would shape education by now, and we lack the same foresight to forecast what will be commonplace by the time today's freshmen graduate," 4 years from now. "The volume of courses delivered via the Web, not to mention the academic acceptance and legitimacy thereof, is only going to grow, and not modifying the law now will lead to roadblocks later. The 12-hour rule is similar in that removing it clears the way for commonsense options for the changing face of higher education today. If the Department of Education's job is to put America through school, Congress needs to change the law so that schools and the students can decide what type of instruction and schedule works best for them. The compensation incentive aspect of the Higher Education Act requires further clarification, so the schools and their employees are not punished beyond what I believe were the intentions of Congress when they wrote this segment of the law.

"As always, I thank you, the committee," all of us, "and your staff members for your tireless efforts on behalf of college students everywhere in America. It is my sincere hope that H.R. 1992 will be passed by the current Congress."

Madam Speaker, I will insert the above-referenced letter and chart into the RECORD at this time.

STEVENS INSTITUTE OF TECHNOLOGY,
*Hoboken, NJ, August 29, 2001.*

Hon. HOWARD "BUCK" McKEON,
*Chairman, House Subcommittee on 21st Century Competitiveness, Ford House Office Building, Washington, DC.*

DEAR CHAIRMAN McKEON: I am writing in enthusiastic support of H.R. 1992, The Internet Equity and Education Act of 2001. The "50 percent rule" changes are necessary to take down barriers that would become more of a problem in the future. A few years ago, none of us could envision the way technology would shape education by now, and we lack the same foresight to forecast what will be commonplace by the time today's freshmen graduate. The volume of courses delivered via the Web (not to mention the academic acceptance and legitimacy thereof) is only going to grow, and not modifying the law now will lead to roadblocks later. The 12-hour rule is similar in that removing it clears the way for common sense options for the changing face of higher education today. If the Department of Education's job is to Put America Through School, Congress needs to change the law so that schools and the students can decide what type of instruction and schedule works best for them. The compensation incentive aspect of the Higher Education Act requires further clarification so that schools and their employees are not punished beyond what I believe were the intentions of Congress when they wrote this segment of the law.

As always, I thank you, the Committee and your staff members for your tireless efforts on behalf of college students everywhere in America. It is my sincere hope that H.R. 1992 will be passed by the current Congress.

Sincerely,

DAVID SHERIDAN,
*Dean of Enrollment Services, Chair, Federal Relations Committee, Eastern Association of Student Financial Aid Administrators.*

Mr. McKEON. Madam Speaker, I reserve the balance of my time.

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Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Speaker, I strongly support restoring the current language, and I think it is important, but I am in opposition to H.R. 1992.

Madam Speaker, all of us strongly support distance learning, but I am very much concerned about the monies it will take away from our colleges, our universities, and our students who attend them.

I think, as the individual just talked about right now, many individuals are taking advantage of the loans and the opportunities. Why are they taking advantage of them? They have an opportunity to take 12 hours or more, and the equivalencies are there, so students are going to do that.

As we see the increase of our student population, we do not see the increase in funding of the pie. It is important that the funding in that pie be the equivalency. We have not increased it.

We have seen the crises that are here today that are affecting us right now. Education is a high priority for all of us. But are we putting the additional dollars to assure that every student has access to it? No, we are not. I want to make sure that our colleges, our universities, and the individuals who are attending them have an opportunity to receive the funding that is there.

I am also concerned about the digital divide between those who have computers and those who do not. Many individuals do not have access to our computers. I believe that every student should have the ability to be able to have computers and access. When they do, then we are at the same level playing field to assure that everybody has access to high technology.

Until everyone has access, I say, how can we have certain students, individuals who are taking 12 units or less, receive the assistance while the other students are not going to? What effect does it have on the institution? Now when we talk about AFDA, there will be monies that will not go to our institutions that were taken away because instead of having students go there 12 hours or more, they will be taking a few classes to receive the kind of assistance they need, and our institutions then will be penalized.

That is why I am supporting an appropriations request for KVCR district from my area in instructional television. But I am saying, increase the funding. Without the funding it becomes very difficult. All of us are not against distance learning. We believe distance learning is important to all of us. We want to make sure that everyone has the same opportunities.

Our colleges and universities have always been the gateway of opportunity. We should not take funding away from them and hurt lower-income students. That is who it is going to affect, lower-income students at these institutions of learning, and the loan programs that will affect them have always been there. We have to make sure they are there now and in the future as we see the growth in our State colleges and universities.

That is why I stand against H.R. 1992, because I want to make sure that every student has the ability to go. I know that I had that opportunity when I went to a community college and a State college and a university, that the loans were there. I am afraid that those monies will not be available for individuals as we see the increase.

I would have loved to have seen this if we would have had the additional funding tied into that. I would have been one of the strongest supporters, because I believe in distance learning. But the funding is not appropriated toward this bill, and we are going to hurt our State colleges and universities. We want to make sure that everybody has access to our State colleges and universities, and has an opportunity to receive those loans. Many individuals of low income will be hurt because the monies will not be there for them to assure that they have an opportunity to fulfill their dreams and their goals in obtaining their education.

Until we do, I urge a no vote.

Mr. McKEON. Madam Speaker, I yield myself 10 seconds to respond to my good friend, the gentleman from California (Mr. BACA).

Madam Speaker, the student loan is a mandatory program, and the money will be there.

Madam Speaker, I yield such time as he may consume to my good friend, the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I would like to put into a simple context both this 12-hour rule and the incentive compensation, which are the main focus points of the substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

First of all, on the incentive compensation, the bill, which I have before me, and the provisions of incentive compensation still prohibit, as it did before, paying commissions or inducements tied to a student loan being procured. That is still not allowed, but three exceptions are created. I would like to point out what those exceptions are.

Exception number one is that the prohibition cannot be construed to apply to an institution contracting with a third-party vendor to disseminate information upon which they receive payment, as long as that payment is not tied to the application or the approval of any student loan.

When a layman reads that language, it sounds kind of funny, but it is there specifically because under the current rules application, a university cannot contract with a third-party website provider to disseminate information on available curriculum for distance learning and pay them without being in violation of incentive compensation, because website managers are compensated basically on hits, which is construed by the current interpretation to be a commission. That is a very technical and narrow change which in no way brings about any type of fraud.

Secondly and most importantly, it ensures that the unintended consequence of denying an employee in the student aid office of a university from getting a normal salary raise, that that does not happen.

As many members of the committee are aware, the Department of Education, as it should have, in its aggressive attack against institutions that appeared to be violating the spirit of the laws passed by the gentlewoman in 1992 and by others, aggressively construed the application of incentive compensation in a case to where it actually applied to the raise of an employee in the office who had no responsibility for approval or application or anything else. That was an unintended consequence.

Certainly if one is approving and recruiting and wanting distance learning to be part of our process, as everyone has said, the last thing we want to do is penalize universities from being able to use websites to disseminate information on their courses.

Now, with regard to the 12-hour rule, I used to get real confused by the term "seat time." The distinguished gentleman from New Jersey, being a distinguished professor, knows all about that.

When I took over the Georgia Board of Education, I started dealing with all these 50 minutes for that and 40 minutes for that, and block schedulings, 90 minutes for this, alternate block schedulings for that, and 12-hour rules. I got confused.

Then I all of a sudden realized that those rules were all passed in a time where all of us thought it was important that the student be in the class and there participating in the activity as some barometer of a responsible educational environment.

However, today in the digital world to apply that absolutely inhibits many students, nontraditional, who would never have access to education otherwise, from getting it, because it disallows distance learning. Seat time was just the only way of measurement in the old days.

I used to suggest that we ought to have professor seat time. Most university professors use graduate assistants, and I would like to see us have some rules for how many hours the real professor is in the real class. But we do not, because we trust the institution for the quality of their education. So why should we not trust those same institutions for the delivery of distance learning?

My last point on this, Madam Speaker, the IG has been mentioned two or three times. Some of the specific references, directly or indirectly, were to one particular investigation which ended up vindicating an institution that was alleged to have violated the 12-hour rule. To satisfy the investigation, they produced reams of paperwork that said a student was in a classroom environment, and it was basically attendance rolls.

We must understand the IG's job is now much easier under distance learning than it ever was under correspondence or alternative type of courses, because distance learning allows those inspectors the access to the same course the students take, so the quality of instruction and the amount of use that student engaged in that instruction gets is monitored by the very Internet upon which it is delivered.

So while I respect the gentlewoman's concern, I want to point out to all Members that we are not opening the door for fraud in commissions, we are just making sure that the unintended consequences of past actions are corrected so the Internet itself can be used.

In terms of the 12-hour rule, we are saying we are not going to confuse time with accomplishment. Instead, we are going to monitor education best on what a student achieves, not just how much time they might have sat in a seat.

Mrs. MINK of Hawaii. Madam Speaker, I am happy to yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my distinguished colleague for yielding time to me.

Madam Speaker, the gentleman from Georgia (Mr. ISAKSON), the gentleman from Delaware (Mr. CASTLE), and the gentleman from California (Mr. MCKEON) and others have talked about distinguished schools like Stanford, Georgia Tech, that offer Internet-only courses. I think that is wonderful.

When we talk about the 12-hour rule, we are not talking against Internet-only education. We want nontraditional possibilities.

I am a fan of this. I grew up around this. My father did what was the equivalent in his day. He got his law degree by correspondence school. In fact, I understand the correspondence school spoke with great admiration of the quality of his work in this correspondence school.

Today, it would be by the Internet. The Web-based Commission we have spoken about today as the reason for this bill before us says, "The question is no longer if the Internet can be used to transform learning in new and powerful ways. The commission has found that it can."

None of us doubt that. We are not speaking against the virtual university, but we want to make sure that we do not return to the "anything goes" kind of regulations.

The great educator, Agassiz, said in the 19th century that a pencil is the best chart. Well, if he were speaking today, it might very well be the computer or the Internet.

But let us not use the name of high technology to discard standards and common sense. I once again ask Members to apply the "reasonable person" rule to determine what is common sense: Would a person in our districts say that logging on sometime during the week makes one a full-time student?

Would we be comfortable leaving the door open for any fly-by-night school operator, and believe me, we have seen them, fruit stands that are offering auto repair courses, a school that offered language courses only in one language to students who spoke only another language, or a Texas truck-driving school that lost its eligibility and formed a new partnership with a Kansas liberal arts college. We have seen fly-by-night operators.

Would the reasonable person feel comfortable with potential fly-by-night operators out there being able to offer courses like this and say, we have this many hundred full-time students who are collecting Federal student money and passing it on to this school? It would appear, I think, to open the door for them to take advantage to grab Federal dollars.

And I would argue that even reputable schools would benefit from a definition of a full-time student that brings respect of Americans to this use of Federal funds for student aid, so there is general agreement among educators that 12 hours of seat time is not the only or not even the best measure or criteria for full-time study. I understand that this rule needs to be revised to address the rise in distance education.

The Web-based Commission said it should be revised, but did not recommend any specific change, such as changing the 12-hour rule to a very vague one-day rule. The commission merely encouraged ". . . the Federal Government to review and, if necessary, revise" these provisions.

Abruptly changing the 12-hour rule to a one-day rule opens the door for fraud and abuse and a real loss of standards in appropriate use of Federal funds for higher education.

□ 1300

I appreciate the efforts to protect against fraud by requiring notification if a school dips below the 12-hour rule, but this notification will not protect the quality of these programs. That is why I so strongly support the substitute amendment of my colleague, the gentlewoman from Hawaii (Mrs. MINK).

Mr. BOEHNER. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding the time.

Just to make a couple of points, the Mink substitute would eliminate the needed reforms that we have been talking about for the 12-hour rule. It would eliminate the needed reforms on the incentive compensation provisions. It would gut this important legislation and continue to hinder the ability of institutions of higher education to offer information and instruction to all Americans through the Internet and nontraditional courses.

I urge my colleagues on both sides of the aisle to join with us in defeating the Mink substitute and vote to provide relief to colleges and universities who are working to offer educational opportunities to all students.

Mrs. MINK of Hawaii. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Speaker, I again thank the ranking member of our subcommittee, the gentlewoman from Hawaii (Mrs. MINK), for yielding me the time.

I just wanted to briefly address this 12-hour rule situation. I think it is interesting to note, I do not think anybody disagrees that that rule needs to be looked at; that it needs to be revised; that 12 hours is not necessarily the measure of the value of quality of an education.

However, I am a bit disturbed, as I think we all should be, that the suggested replacement for that is a sort of vague or incomplete standard of 1 day which, in essence, could be read and could, in fact, be the simple logging on in some part of some day on to a computer Internet program and then qualifying as a full-time student for purposes of financial aid. It fails to address the standard, fails to address what is the quality of a program for which that student would be receiving financial aid and ostensibly working toward a degree.

One of the real criteria here we ought to be looking at is whether or not we are going to be adequate stewards for the way we distribute a very limited amount of money; and while financial aid, as the gentleman from California (Mr. MCKEON) said, will be available, there is only so much available. As more and more people may sign up for these courses, that money is going to be spread across a larger universe.

That is fine if the gentleman from California (Mr. MCKEON) wanted an original 5-year demonstration program and is now satisfied with one and satisfied with the preliminary results, when I suggest that many of us may not be satisfied with the preliminary results. We want answers to questions like what specifically makes this rule of 1 day, which could be construed as logging in for part of 1 day, an adequate standard.

There was no testimony at the committee hearings that we were at that addressed just what would be the proper replacement for the 12-hour rule. I agree we heard people say that it ought to be changed and that we needed a new standard so that distance learning could be encouraged; but I did not hear any testimony, have not seen any reports that have addressed what, in fact, is the adequate amount. Accreditation agencies have not caught up with this concept.

As I mentioned earlier, while some schools may have set good, rigorous standards for a good-quality education, many have not; and many accrediting institutions have not caught up with where this concept ought to be and how it ought to be measured that, in fact, there is a right amount of time of contact with a faculty member or contact with their peers in the classroom.

It would not really address, as we heard evidence on, and got a good and convincing idea of whether or not there should be no visual experience, whether there should be no contact with classmates. Are we saying in essence that we are stepping ahead of those accrediting agencies and deciding that there is no value to interchange and exchange in a classroom with other people in their life experiences and no value to having an exchange with a faculty member and all of their valuable experiences and what they bring to the table?

I think that we can wait for those demonstration programs to be completed as we reauthorize the Higher Education Act. I think we can look at the data and the information that comes forward and that we can then replace this 12-hour rule with a clearer concept of what should be in place.

Must we have face time in order for it to be a good-quality education program? If not, why not? If, in fact, we should have some, how much would be the adequate amount?

I think again that we need not be precipitous here; that we have distance learning programs going on in institutions all over this country, whether they be State schools or whether they be private institutions; and nobody wants to interfere with that, and everybody that I know in this Congress supports that concept.

I would hope that everybody in this Congress also supports the establishment of sound standards to make sure that if we give the right to people to use this financial aid, which is limited in the truest sense, that we do it only toward programs where there are standards set that are sufficient so that those students will know that they have been ensured a quality education; and so that Americans, whose taxpayers' money go for those financial aid obligations, know that they are going for people who are going to get a quality educational experience that they can use to enhance their ability to support themselves and their families and their communities.

Mr. BOEHNER. Madam Speaker, can the Chair notify each side how much time we have remaining.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio (Mr. BOEHNER) has 19 minutes remaining. The gentlewoman from Hawaii (Mrs. MINK) has 9½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has the right to close.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a member of our committee.

Mrs. BIGGERT. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, for yielding me this time.

I stand in opposition to the amendment. I think that the Mink substitute would eliminate needed reforms to the 12-hour rule and incentive compensation prohibitions within the Higher Education Act. The substitute would really gut this important legislation.

H.R. 1992 eliminates the burdensome requirement that programs offered on the nontraditional basis must account for at least 12 hours per week of seat time for each student. Instead, the bill requires that programs offered on a nontraditional basis be held to the same accountability standards as those offered on a traditional semester-quarter basis.

It further requires schools offering such programs to notify the Secretary to ensure that they are adequately monitored. This is very important, that of requiring institutions that offer such programs to maintain attendance records for every student is overly burdensome and may prevent schools from offering programs to serve working adults or others that cannot attend the traditional campuses on a traditional basis.

At one institution, the 12-hour rule requires an additional 370,000 attendance records per year to be kept just to prove compliance.

It is doubtful that these records would ever even be reviewed. But even with the elimination of the 12-hour rule, institutions offering nontraditional programs will still be held to high standards. They must provide at least 30 weeks of instruction to qualify under the Higher Education Act. Course quality and quantity of instruction are also ensured by accreditors that must be recognized by the Secretary of Education. The law requires these accreditors to review all eligible programs for quality and to ensure that the amount of instruction is adequate to fulfill the goals of this program.

So I think we have taken certain steps to address the concerns that have been raised on the other side of the aisle. Specifically, we have defined third-party service relationships and specified that they are subject to incentive compensation provisions unless they have no control over eligibility for admission or enrollment or the awarding of financial aid and provided they do not pay any employee solely on the basis of student recruitment. This allows common business practices while preventing schools from hiring bounty hunters.

We have also clarified that a salary payment can only be considered such if it is made on a regular basis and it is not adjusted more than once every 6 months. This will prevent institutions from disguising incentive compensation payments as salary.

Madam Speaker, I think these provisions really provide the quality of education to nontraditional students, and I urge defeat of this amendment.

Mr. BOEHNER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), the author of the bill before us.

Mr. ISAKSON. Madam Speaker, as we close the debate I want to first of all acknowledge my thanks for the work of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON), the subcommittee chairman, the tremendous work by the members of the staffs in this legislation and acknowledge the hard work before the Web-based Education Commission.

In addition, I want to pay particular thanks to the gentleman from California (Mr. GEORGE MILLER), the ranking member, and to the gentleman from New Jersey (Mr. ANDREWS). Their thoughtful consideration of the work that went into the effort behind this bill and the parameters narrowly drawn that we have placed into this legislation allow us to move forward in a digital world and deliver education to those who in the past might not ever have gotten it, while still assuring the taxpayer and those in the educational world that we will not accept fraud. We will not accept abuse. We will merely accept an expansion of opportunity for children and young adults all over America.

Madam Speaker, I thank the Members for the spirited debate. I thank the chairman for the time he has allowed me. I urge my colleagues to reject the substitute and vote for final passage of H.R. 1992.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to read from portions of the letter that all of us received from the American Association of University Professors urging that we not enact H.R. 1992.

In the second page of their letter it says the AAUP recommends, one, accrediting agencies need to do a better, more specific job defining the elements of higher education. What do we mean by a college degree? How much learning goes into that? How universal are educators' expectations for level and breadth of course work across institutional and regional boundaries? Transfers among institutions and transfers among modes of education make these questions inescapable.

Two, faculty need to define measures of course work. What is a course? How much learning is going on when an student is engaged in full-time education? What is half of that? What is a quarter of that? Since faculty have not articulated this definition so far, others are filling in with their attempts. The Department has a 12-hour rule. Congress is now considering doing away with all measures except those offered by the lowest common denominator of education providers.

Three, the institution of higher education policies engaged in a major study of student credit hours, its uses and effects. By the time the Higher Education Act is due to be reauthorized, this study should yield some thoughtful results. Instead of creating chaos now by lifting all limitations, it seems reasonable to allow study to proceed and to build legislation on its conclusions.

This letter is signed by Mary Burgan, the general secretary of the AAUP. And I think it really tells it all for those of us who have joined together in support of my substitute and who oppose enactment of H.R. 1992.

We certainly believe that the time is here for distance education. Students ought to have ample opportunity to gain higher education credits and courses by signing up on distance learning mechanisms. But at the same time I do not believe that the way to do it is to lift the protections which were enacted into law in 1992 during the higher education reauthorization at that time. We put those protections in because there were skyrocketing escalations of student defaults. And it was determined that some way standards were to be implemented in order to assure stability of the program and adequate quality higher education to the students that were signing up.

The first rule we had was the 50/50, that universities that were accredited could have 50 percent traditional education on campus, instruction on campus, and 50 percent off campus. That rule I believe is fair and should be retained. The bill that we are considering waives this requirement. But at least it has a limitation which says if an institution exceeds a 10 percent default rate, they have cannot use the waiver and they must go back and adhere to the 50/50.

In the case of the 12-hour rule, it is a complete elimination because there is no point in saying a 1-day login constitutes a full-time student. Nobody will accept those definitions. So we think the 12-hour rule gives some substantial assurance that the student is going to get quality education. This does not mean that everybody has to drive to a campus. They can get their learning in the kitchen seated at a table with their laptop, login. There can be requirements on the number of times they log in during the week. There can be a faculty-students interchange. There can be questions that are put on the program to assure that there is a continuum of feedback from the student and from the professor.

And certainly, the programs can be developed which will enable the universities to carefully monitor that there is this so-called seat-time; and 12 hours is the very barest minimum to require of a full-time student to get the full student financial aid program.

☐ 1315

The prohibition against incentives, recruitment commissions, and fees, to me, is the most egregious part of this bill, which I strike in my amendment. I want to restore the ban. We should not allow anyone to promote student financial aid and get a kickback fee from the university from the number of loans that are initiated, whether or not the student ever goes.

So it seems to me the ban is a solid protection. I believe it has been primarily responsible for the lowering of student default rates, because there has been careful monitoring of the incentive prohibition. And the inspector general at the Department has been very, very attentive to the requirements of that law. In fact, the inspector general came to the committee and urged that the incentive ban not be eliminated. So that is also part of my substitute.

We restore the 12-hour rule, restore the ban on incentive commissions, and leave the 50–50 rule as presently incorporated in H.R. 1992. I urge my colleagues to come to the floor and vote for the Mink substitute. I believe it is consistent with our responsibility to safeguard the student financial aid program, its financial integrity, and to protect the quality of higher education at the same time.

Madam Speaker, I yield back the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself the balance of my time.

Let me thank my colleague, the gentleman from California (Mr. MCKEON), the chairman of the subcommittee for his fine work in moving this bill, this bipartisan bill, through the committee, and thank our sponsor of the bill, the gentleman from Georgia (Mr. ISAKSON), not only for his work in bringing the bill to the floor today but for his service on the Web-based Education Commission, the recommendations from which are the basis of the bill we have before us.

As I said, this is a bipartisan bill. We have worked on it through the committee process. Members on both sides of the aisle supported it coming through the committee, and today, I believe, we will have broad bipartisan support in defeat of the amendment that we have before us and in passage of this bill.

Now, we have heard an awful lot today about the 12-hour rule, the 50-percent requirement, and the issue of incentive pay for those who are involved in offering these programs. But for a moment, let us step back and consider what it is we are trying to accomplish. We all in this Chamber know the need today for every American to receive some type of postsecondary education. To take a high school diploma into the current job market today is not a ticket for success. Frankly, it is a ticket to go almost nowhere. If every American really wants a shot at the American dream that we have all hoped for, and we hope all our kids and all our constituents will shoot for, some type of postsecondary education and training is absolutely required. Whether it is an apprentice program, whether it is a training program somewhere, a university, or maybe a distance-learning opportunity, we ought to do all we can to encourage students to get postsecondary training or education, and we ought to do everything we can to assist them in getting that type of training or education.

One of the two biggest barriers to getting training or education are simply the cost and the time to do it. Both of those issues are addressed here. We all know of the tremendous cost of a university education. Most of us, and most of our constituents, worked our way through college trying to find a way to afford the cost of a college education. We know today that all types of training programs out there are very expensive. We also know that distance-learning opportunities, in fact, bring down the cost of this education and/or training. So if there is a more reasonable way to provide this education or training, why would we not want to look at it?

The second biggest issue is time. We all know how busy we are. We all know the need for a continuing education, and we all know the demands on our schedule, from our professions to our families to our needs in our own communities. Again, distance-learning opportunities will, in fact, make it easier for people to get their education or their training or, in fact, to continue the opportunity for lifelong learning.

The bill that we have before us today meets all of the things that we are trying to do to help our constituents get the kind of training and education that they want, deserve, and, more importantly, that they need, because the bill before us will make it easier for distance-learning programs to go out and recruit students. The bill will make it easier for them to do this training or education at home or from some separate site via the Internet. And, frankly, the programs they will get and the training they will get will be of much better quality than what we have seen in correspondence classes or programs from in the past, because many universities today are engaging themselves in very serious outreach efforts to make sure that quality programs are out there.

Now, as the gentlewoman from Hawaii mentions, there are risks associated with this. There are. There is no question about it. These programs have been abused in the past. These issues were addressed in 1992 and again in 1996. But I think what has happened is we went too far. Secondly, the technology has far out-paced our ability to legislate. What we have done in this bill is try to balance those risks, to make sure that we are opening these programs up for our students without taking undo risk. I think there is a bipartisan consensus on both sides of the aisle that we have struck the right balance in this bill.

I think there was one more safeguard that we ought to note, and that other safeguard is this: in 2 years, we will be reauthorizing the Higher Education Act. When we get there in 2 years, we will have an opportunity to step back and look at what happened during this 2-year period. If, in fact, things are on the right track or slightly off the right track, we will have an opportunity to adjust it at that time.

So for all of those reasons I think that the bill we have before us is a good bill. I appreciate the work of the gentlewoman from Hawaii, but I ask my colleagues to reject the substitute that we have before us and to support the bipartisan bill that we have on the floor in final passage.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

Pursuant to House Resolution 256, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MINK of Hawaii. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 99, nays 327, not voting 4, as follows:

[Roll No. 374]

YEAS—99

Abercrombie
Ackerman
Baca
Baldwin
Barrett
Berkley
Blagojevich
Borski
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clement
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Edwards
Engel
Etheridge
Evans
Farr
Filner
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Holt
Honda
Hoyer
Jefferson
Kind (WI)
Kleczka
LaFalce
Levin
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Mink
Moore
Moran (VA)
Morella
Neal
Oberstar
Obey
Olver
Pallone
Payne
Phelps
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Stark
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Weiner
Wexler
Woolsey

NAYS—327

Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sawyer
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Cubin
Hastings (WA)
Issa
Miller (FL)

□ 1351

Mr. HOLDEN, Ms. SOLIS, Ms. LEE, Ms. KAPTUR, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Ms. MCKINNEY, Messrs. RADANOVICH, ORTIZ, NEY, RANGEL, SHOWS, MOLLOHAN, Mrs. JONES of Ohio, Messrs. JACKSON of Illinois, SPRATT, WYNN, BONIOR, SMITH of Michigan, BROWN of Ohio, NADLER, CLAY and Mrs. MEEK of Florida changed their vote from "yea" to "nay."

Messrs. DEFAZIO, HONDA, ETHERIDGE, PRICE of North Carolina and MCINTYRE changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 354, noes 70, not voting 6, as follows:

[Roll No. 375]

AYES—354

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Baca
Baldwin
Barrett
Bishop
Blagojevich
Borski
Brady (PA)
Brown (FL)
Capuano
Conyers
Costello
Coyne
Davis (CA)
DeFazio
Edwards
Engel
Evans
Filner
Frank
Gutierrez
Hastings (FL)
Hill
Hinchey
Holt
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kleczka
Lee
Maloney (NY)
Markey
McDermott
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Mink
Moore
Morella
Nadler
Neal
Oberstar
Obey
Olver
Pallone
Payne
Phelps
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sandlin
Schakowsky
Scott
Skelton
Slaughter
Spratt
Stark
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Woolsey

NOT VOTING—6

Cubin
Davis, Tom
Hastings (WA)
Issa
Manzullo
Miller (FL)

☐ 1410

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FOLEY. Madam Speaker, I offer a resolution (H. Res. 257) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 257

*Resolved*, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Standards of Official Conduct: Mr. LATOURETTE.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereinafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## COMMENTS REGARDING ANTHRAX

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I know how proud the people of Jacksonville are to see you in the Chair today, and I am delighted to address the Congress and particularly to the people in my district, the 16th Congressional District of Florida.

Once again, our county, Palm Beach County, is in the news; and the news is not good. It is relative to a scare that is occurring in my community relative to anthrax.

What I do want to express to my constituents and to this community is the professionalism with which this issue is being dealt with on the ground. We have a phenomenal Public Health Unit, led by Dr. Jean Malecki, who is the head of the Palm Beach County Health Department. I want to give you a little story, if I can, because obviously this has caught a lot of people off guard and has caused a degree of panic in our community.

Dr. Larry Bush at JFK Medical Center in Atlanta was the first to treat the patient who presented himself, Mr. Robert Stevens, from Lantana. He noticed in examining the spinal fluids of

Mr. Stevens that there was a very, very odd behavior to the spinal fluid, and what he was detecting was of quite serious concern. He sent the material to the lab for further investigation because it was unlike anything he had seen in recent time, and immediately called Dr. Malecki at the Palm Beach County Health Unit.

This is where the professional response team came in and played a pivotal and important role in determining the disease that he was suffering from, the bacteria that had infected him. Then, of course, Dr. Malecki immediately alerted CDC and the FBI. They moved expeditiously to our community and secured the premises, looked back at where Mr. Stevens had been the last several weeks, investigated thoroughly all the various ways he may have been contaminated, tested all of the individuals working at the company, American Media, and did so in a relatively short period of time.

☐ 1415

Let me underscore the reason why I want to speak today and it is to applaud not only the Palm Beach County Health Unit, applaud Dr. Larry Bush for immediately investigating the pathogen that he discovered and alerting the authorities rather than maybe choosing otherwise and not to bring this to a heightened sense of awareness, and for John F. Kennedy Memorial Hospital that has been in existence since 1960, ably represented by Mr. Phil Robinson who is the administrator for immediately doing the right thing, and that is public disclosure, that is notifying authorities, that is bringing in experts, that is conducting a total surveillance of a situation.

Let me read to you from the Palm Beach Post, our local newspaper. The editorial today is "Keep Confidence High During Anthrax Hunt." "To reassure the public as the anthrax investigation continues in Palm Beach County, the public health system must be at its best. Since last week, the community has seen the benefit of that system's strengths and the need for officials to face questions, not avoid them."

It goes on to say, Dr. Malecki, a specialist in epidemiology, the branch of medicine that investigates the causes and control of disease, began investigating Wednesday. A day later, CDC tests confirmed anthrax bacteria, and CDC officials immediately dispatched a team to our community as well as the FBI. Since the anthrax strain was not naturally occurring, goes the report, it is reasonable to conclude that someone introduced it to into the American Media building. Thus, the system will be tested further as the questioning increases. Conflicting messages and attempts to limit what information public receives will cause public anxiety.

That is where I want to stop and urge all people involved with this, and I have no reason to doubt that they are forthcoming. But we need to reassure the public every step of this investigation what we are learning. Every likely contaminant that he may have come in contact with to bring into perspective what may be at stake here. Yes, this is a scary time for many; but it is no reason for panic because the professionals, the health teams, the FBI and others are down on the ground working.

What I would like to finish with in conclusion is the last paragraph. In fact, the system is working with a proper combination of urgency and responsibility. Some of the best medical minds at all levels of government are working around the clock to find out what happened and who did it. Let me repeat, some of the best medical minds at all levels of government are working around the clock to find out what happened and who did it.

Given the stakes and the jittery public mood, this is the public health system the public should see. I salute Dr. Malecki. I salute the team of professionals who are on the ground. I thank Secretary Thompson and his agencies at HHS for keeping me briefed on this urgent matter. I thank the FBI and others for their detailed and thorough investigation of this scene to reassure our community that we are on top of this situation and we will determine who caused this and when and how it was delivered.

Mr. Speaker, I thank my colleagues as well for their support during the past several weeks for all of the victims of terror, for their support of the President and particularly his recent directive urging a little bit of secrecy, if you will, in the plans as he is outlining them so we do not have a rush to judgment nor a release of information that could harm some of our personnel as they enter into engagement in these battles.

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## CELEBRATING TAIWAN'S NATIONAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to commend and applaud the 23 million people of Taiwan for their support of the United States in the aftermath of the September 11 terrorist attack on our country.

From the beginning, Taiwan's message for United States and the world has been clear. Taiwan condemned terrorism and especially those perpetrators who killed thousands of innocent people and disrupted the lives of million of people worldwide.

Taiwan has stood with the United States in its love for democracy and freedom. The strength of our nations to overcome disasters and terror has never been clearer.

The terrorists on September 11 hoped to destabilize our economy and strike fear in those countries that believe in the Democratic principals of freedom and peace. They did not succeed and will not succeed because of friends like Taiwan. On this day, I strongly believe that Taiwan needs a greater international presence. I support Taiwan's aspirations to be an active member in the international community. It has all the qualifications: a sound political system, a much admired economy, and a genuine desire to maintain peace and stability in East Asia and the world.

With a United Nations membership, Taiwan will become a very useful player, contributing its finances and ideas to combat nuclear proliferation, environmental abuses, human rights violations, and worldwide terrorism. I urge my colleagues to give all their support to Taiwan's bid to become a member of the United Nations and other key international organizations. Taiwan is worthy and a faithful friend of the United States of America.

So, again, I urge all my colleagues to join with me in commending and recognizing Taiwan for their friendship and the strong relationship that exists between our two countries.

## POTENTIAL CONSTITUTIONAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, colleagues, on September 11 our Nation was forced to begin to think of the unthinkable. As we watched the World Trade Center collapse and the attack on the Pentagon, our world was changed. It is not a pleasant thing to begin to ponder such consequences and situations, but ponder them I am afraid we must.

Had the fourth airplane succeeded in striking this great building while we were in session or were a terrorist organization to detonate a nuclear weapon during a joint session of the Congress, I am concerned that we could precipitate not only great loss of life but a constitutional crisis.

Under the United States Constitution which we are all sworn to uphold and defend, House Members can only be replaced by direct election. In the event of a national crisis, we would be faced with a situation where our government would lack the counsel and wisdom of this, of this very body until we could be replaced by direct and special elections which could take weeks and possibly even months. Mr. Speaker, this is not a condition we want to exist under.

Though it is difficult to contemplate that scenario, we must contemplate it, which is why I am proposing and will introduce this week an amendment, an amendment to the Constitution which provides for the following scenario: in the event that one quarter or more of the Members of this body should be unable to fulfill their duties due to death or disability or disappearance and presumed death, under that circumstance the Governors of the States from which the Members were absent would be empowered to appoint replacements within 7 days of the loss of the initial Member and to serve until such time as a special election within 90 days will provide for replacement under direct election conducted by the States.

It is important that we do this. It is important that we do this so our own citizenry has confidence that even if we were to perish as individuals and even if this building were to be lost, our government and our Constitution would be preserved.

It is important that we do this so our adversaries know that even if they succeed in taking all our lives, the torch of liberty that we hold so dear, the Constitution that we are sworn to defend and uphold will persevere.

This is not a mere thing to contemplate, but I consider it comparable to an unlocked door on the cabinet of the Constitution. We cannot continue to leave that door unlocked. I urge this body, difficult though it may be, complex though it may be, to act with the greatest prudence and expedition in this regard.

Every day that we go without closing this potential gap is a day of vulnerability to our Constitution and to our form of government. I encourage this body to consider my amendment, to join together in reviewing the issues it raises, and to pass as expeditiously as possible some form, be it my amendment or some alternative, that will correct this problem.

Further, I urge this body to address potential ambiguities in the 25th amendment which addresses the line of succession for the line of Presidency and, furthermore, to address questions relating to where the Congress would convene and how it would convene in the events that catastrophic circumstances were to take the lives of our membership.

Finally, I hope State legislatures will contemplate a similar potential scenario within their own structures and implement measures to rapidly replace the governors should that be necessary and to reconstruct their own State legislatures.

I will vigorously pursue this as I think frankly it is one of the single most important things this body can occupy itself with in the coming weeks. I want to thank the Office of the Parliamentarian of the House of Representatives who have provided outstanding counsel on this issue, along with representatives from the Congressional Research Service, from the Committee on the Judiciary, and my own staff member, Ryan Hedgepath.

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## MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, first of all in regards to my colleague before he leaves the House floor, the gentleman from Washington (Mr. BAIRD) I want to tell the gentleman he is exactly on point.

As the gentleman from Washington knows, we probably came within 30 minutes of a plane hitting this facility or the following day we had an evacuation notice of the Capitol. There is an interesting article that I just read about an hour ago in regards to executive replacement and how every corporation is being derelict in its duty to its shareholders if they do not have some type of transition plan for the chief executive. It talked about how many chief executives died unexpectedly last year and what it did to the corporations, including Atlas Corporation whose president died in a plane crash in the State of Colorado.

Mr. Speaker, I do not think many of us, including myself, were aware that there was no provision in place in light of a tragedy like this. Now because of this tragedy I think the gentleman has very competently brought up the issue that we better fill in that gap. I hope it never happens, but the fact is it might and we need to have something so that the beat goes on, as our friend, Sonny Bono, used to say. The beat can go on and that is what we need.

I compliment the gentleman for his remarks.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Colorado (Mr. McINNIS) and I look forward to working with him on this.

Mr. McINNIS. Mr. Speaker, colleagues, I am back here again. I know in the news recently the horrible, horrible tragedy that our Nation suffered and there are a couple of things I want to visit about today.

First of all, I just returned from NATO meetings in Ottawa, Canada. I found those meetings very interesting. I want to go into some depth about the NATO meetings, our allies, the commitment from our allies and so on and so forth. I then want to talk about missile defense.

It is time we got serious about missile defense in this country. I want to point out, although it has been buried in the news, about a week ago there was an accidental launch of a missile. It came somewhere from the Ukrainian military. They had no intention of that missile shooting down a passenger airliner and that is exactly what happened. That missile was not intentionally launched. It was launched by accident.

That points out very clearly that if for nothing else, we should have a missile defense system in place in this country in case of an accidental launch of a nuclear weapon or a bio-weapon against this country if it were launched accidentally. We need a defense. So I intend to go into some depth of why missile defense is very applicable under today's times, why it is the responsibilities of us in our leadership roles for future generations as well as the current generations to put missile defense into place for the security of this Nation.

□ 1430

It is absolutely essential.

Let me begin, however, with my remarks on NATO. I had the privilege, I have had the privilege, under the gentleman from Nebraska (Chairman BEREUTER) of serving on the NATO Parliamentary Assembly. This week we had our meeting in Ottawa, Canada. We were there, in fact, when the United States deployed its response in Afghanistan to the terrible acts of September 11.

I can tell the Members that in the past in these types of meetings, I appreciate our allies, but I am not sure all of them have been soundly behind the United States. Whatever doubts I had were put on the back burner as a result of this meeting. As many Members know, for the first time in 50 years, the first time in the history of NATO, NATO within a few hours activated Article V. Article V simply says that an attack against one NATO country is an attack against all NATO countries.

As soon as NATO was advised of the attack that was occurring, simultaneously to the advisement in the United States of America, they began immediately to activate Article V. They had a completely unanimous approval of activating Article V.

In Canada, it was very interesting, whether it was the Canadians, who have always been good allies to our north, sure, we have some minor scraps here and there, but keep in mind that the Canadian border, and Canada, by the way, is the second largest country in the world, that the Canadian border between Canada and the United States is the longest border in the world across which an unfriendly shot has never been fired. Think about that. We have such great allies in Canada.

Even our non-NATO ally, Mexico, our neighbor to the south, many of the recruiters that I have heard from, some of the recruiters are saying that, especially in the southern part of the States, that they are getting calls from Mexicans. They are getting calls from Mexicans in Mexico who want to enlist in our Armed Forces to fight for the United States of America. Think about that. That is a good neighbor. That is a good ally.

When the going gets tough, that is when we count our friends. At this NATO conference, we could count our friends. Every member of NATO, every member of NATO, excluding none, would have to be counted as friends and allies of the United States of America. Those allies who could not assist us militarily, although all have offered to do that, those who could not assist us militarily are assisting us with intelligence information, are assisting us with disclosures of financial networks, are assisting us with hospital aid. Whatever we want, our allies in NATO have stepped up to the plate. They are willing to do it. They are willing to help the United States.

Whoever envisioned that instead of the United States sending resources to Europe to assist a NATO country in Europe, that the European countries would be sending resources to the United States, to assist the United States in a time of need?

I want Members to know that we have deployed NATO assets. Today as I speak, today as I speak we have NATO AWACS aircraft flying in U.S. airspace. What are they doing? They are replacing the United States aircraft that have been deployed to the theater of operation. They did not even hesitate for the deployment of military resources to come to that NATO member, the United States of America.

And to our good friends to the north, Canada, let me say a word or two about Canada. Canada has some problems on its border. I think in Canada its immigration laws are not tightly enforced. But lo, the United States criticized Canada, and the United States has serious problems on our border.

Take a look at how many student visas there are in this country, which means we have given the privilege to a non-American citizen from another country, including some countries that we list as terrorist countries, we have given them the privilege to study in the United States, and they have abused the privilege. They have broken the law. They are staying past the time that their student visa has expired. We have tens and tens and tens of thousands of those people in this country, so we certainly have no room to criticize Canada.

But what Canada has done is come together with the United States in a joint effort to tighten our borders. That is exactly what America has to do. That is what every nation in NATO is now looking at doing.

There is no reason whatsoever that when somebody comes across this border, that we do not have a face scan computer or face scan TV that tells us whether or not this person is wanted anywhere in the world. There is no reason at all that we should not search more of these vehicles, that we should not deploy the most technical equipment that we have to determine those people who want to provide ill will to the United States, to those criminals that want to come into the United States.

To those people of cancer, of which I refer to as terrorists, and a terrorist is simply a horrible cancer that has attached itself to our body, there is cancer that wants to come across those borders. Canada has stepped forward with the United States and we are going to tighten these borders.

Do not let people give us this garbage about privacy: "We do not want them to invade our privacy." I can assure the American people that we are not about to violate the Constitution, the constitutional rights of privacy. Those will be protected. But by gosh, if they are going to come in our airports, if they are coming across our border, we will look in their luggage; and that may mean, frankly, to look in your underwear to see if you have a weapon hidden in there. Get used to it.

It is not a violation of privacy, it is an inconvenience. That is what is happening. We are not going against the constitutional rights of privacy. We are not going to touch it. What we are touching is inconvenience. A lot of people do not like to be inconvenienced, but the fact is, our national security comes first. The national security of those allies, including our NATO allies, comes first.

It is about time the United States of America woke up to the fact that not everybody loves us. There are a lot of people that hate us. Newsweek has a full-page cover about why they hate us. Do Members know why, in large regard, they hate us? It is no legitimate reason, in my point of view. Because we have been successful. It is because of the fact that in our society, we think women have equal rights; because in our society we believe, as best we can, that all people are created equal. Is that why they hate us? They hate the whole democratic process.

Does that give legitimacy to their complaints about the United States? I cannot cuss here on the floor, but I can tell the Members very abruptly, of course it gives no legitimacy to that.

But gosh, it was refreshing, it was wonderful to be in Ottawa, Canada, among our NATO allies to hear whether it was the Germans, whether it was Belgians, the French, pat us on the back and say a prayer for us.

We went to the embassy, to our ambassador, who is doing a great job in Canada, the U.S. ambassador. We went to the U.S. embassy. They had displays of the outpouring of support for the United States in our day of tragedy. These are Canadian children, Canadian citizens, Canadian elderly, Canadian corporations, Canadian nonprofits; you name it, the outpouring was unbelievable; little cards that wished us well, from little children that did not understand really what was going on except that the United States had been hurt, and that the United States had been brought to its knees.

But almost all of those letters acknowledged and admired and wanted to help a mighty country, a country that would be able to get back on that horse and ride that horse.

So I will tell the Members, I think all of us, when we see one of our NATO allies, tell them, "Thanks." Because in the time of need, there was no hesitation. There was not one member of NATO, not one member of NATO that hesitated. Every member jumped up. Every member was willing to do whatever was necessary to defeat that cancer that came across our borders, and defeat it we will.

Let me say a special word not only for our Canadians in NATO, but also for the British. Many of the Members, and our constituents are probably aware, but a lot may be confused or may not understand just exactly what the British have done, the United Kingdom. They have stood with us from the moment it happened as if they had taken down Big Ben in London. I cannot say enough good things about the British and their commitment. Their flyers, their military people, they were there, just like the other NATO members.

But what a privilege to be here and listen to our President, who by the way, has clearly exercised wonderful leadership capabilities; but what a privilege to sit in these chambers and listen to our President deliver a joint address, and see right over here to our left Tony Blair from the United Kingdom in these chambers as well. These are two very powerful leaders in this world, and we recognize our good friends from across the ocean, although it seems like they are just across the street.

Let me say one final word again to Canada. I thank Canada for hosting the NATO meetings that we had up there. Canada is a wonderful country. The first time I heard about it was in Canada, that there was some type of push to make Canada a 51st State. The United States of America has no desire to make Canada the 51st State. The United States of America recognizes Canada as a strong ally, as a strong country; a country of many, many wonderful things.

We want Canada not as a sovereignty of the United States of America, we want Canada as a good neighbor, like a brother, like a sister on our borders.

So that NATO meeting was successful. I want all of my colleagues to know just how important NATO is and how quickly they responded when the call came. When 911 went into NATO headquarters, the garage doors went up and the fire trucks came out. So my thanks to NATO, and I urge all my colleagues to thank them as well.

Mr. Speaker, now I want to talk about the plague or the cancer that we all know about that has hit the United States. Let me tell the Members why I think it is a good analogy to compare this individual and his followers to a cancer.

First of all, cancer does not pick its victims. It does not discriminate with its victims. Cancer can happen to you, it can happen to me. We all know that. I do not know anybody, or at least I have never met anybody, who has had cancer who thought that the cancer was a good neighbor, who thought there was some legitimate reason that that cancer was going to eat their body alive, who thought that they could just pray it off on prayer alone, who thought they could just hope it off on hope alone, or who thought they could just love the cancer off on love alone.

Certainly all three of those factors are critical in a victory against cancer, but the reality of it is, if we want to get rid of cancer, we have to eradicate it. We have to go in and eliminate it.

There is no difference between cancer and what this picture represents. We cannot allow this individual to legitimize his cause. We cannot accept the rumor or the falsehoods that this individual is trying to put out all over the world that somehow this is a battle against the Muslim population. That is ridiculous. It is not against the Muslims. He killed Muslims, keep that in mind. The bombing of the New York Trade Center had a lot of Muslims in there. It had a lot of people in there of the Islam faith.

Do Members think he is out there for the faith? It is like telling a Catholic, look, go in the Catholic Church and shoot everybody, in the name of being a Catholic. That is exactly what this gentleman, or this horrible cancer, excuse me, that is a misuse of the word, this horrible cancer has done. He did not care whether they were Muslims or people of the Islam religion, he did not care whether they were Irish or black. There were 80 people from 80 separate countries in this world that were in there that are now missing or dead; all presumed dead, of course.

So the fact is, we have to prepare our future for cancers like this. Now is the time. Just like cancer, we figured out that one thing we can do with cancer is preventative medicine: Start watching what we eat, start trying to avoid some things that we can avoid. The fact is, just like cancer, where we take a preventative step against it, that is exactly what this calls for. We have to anticipate that all future generations are going to face this type of cancer. We have to set the policy today that eradication of that cancer is the primary answer.

Let me say, in heavy compliment to the administration, thank goodness we have some hands like Dick Cheney, like Colin Powell, like Condoleezza Rice, like Rumsfeld, like Ashcroft. We have experienced hands down there in the White House administering the emergency response, the war response, of this Nation.

We have a President who has risen to the highest levels of leadership on the moment. When the 911 call went to the White House, this President responded as a President should. He did not go half-cocked. He did not walk out in the corral, pulling his six-shooter, shooting at anything that moved. This President took a deliberate course of response.

I find that one of my colleagues this morning criticized the President, saying that 4 weeks was not enough time for the President to put together any type of response. Give me a break. Here is somebody who has not been involved, one of my colleagues not involved in the planning process. We are not down in the White House. Do not be mistaken. Do not let Congresspeople make us people that we are down in the war room helping the Pentagon and helping the administration plot which terrorist camp to blow up on which day and with what kind of weapons, and what kind of personnel are going to be necessary.

□ 1445

The Congress can criticize the President and in my opinion had no idea of the planning that went into this. Perhaps it was just the way to take advantage of the time, get a little media or something, my colleague got some media today, but in a time like this, maybe my colleague ought to be a little careful with those kind of responses because the fact is, I think the American people are confident, I am confident and I think the majority of my colleagues are confident that this President is doing what he needs to do, a deliberate, strong, decisive response.

It is happening now even as we speak, and it will be happening a year from now as we speak; and probably it is going to be happening 5 years from now when we speak.

This battle against cancer is going to take some time. We cannot get it all at once, and it is like brain surgery. It is just like taking a brain tumor. The brain cannot be blown out of a head. Well, that cures the cancer all right; but we all know the result of that, and we have to go in with very delicate fine tools and eradicate and eliminate that cancer to the extent that we can do it, and this is exactly what this operation is going to call for.

One of the things I think we have got to look out for in the future clearly is something that we have heard, as cases in Florida have evolved in the last day or so, bioterrorism. Let me tell my colleagues that bioterrorism can be delivered in a missile.

Why do I bring up missiles? Because it is very appropriate for this Nation to deploy, as soon as we possibly can, missile defense.

I say to my colleagues, how many of your constituents out there currently think we have got a defense if somebody fired a missile against this country? Let me explain what we have. We have what is called NORAD. It is located in my good colleague's, the gentleman from Colorado (Mr. HEFLEY), district down in Colorado Springs. There is a mountain down there that is of granite, and they have taken the inside of that mountain; they have cored it out and they have put what we call NORAD in there. It is our detection system. It has other responsibilities, but detection is its primary tool, primary assignment.

When somebody launches a missile, for example, 2 weeks ago or week and a half ago when the Ukraine launched a missile, unfortunately which hit a passenger airliner, when they launched that missile we were able to detect it. The United States detected that missile on its launch. We can detect any missile launch in the world. We know within seconds if a missile has been launched, and we can tell if a missile is headed to the United States or to Canada; and we can determine what kind of missile it is. We can determine the speed of the missile. We can determine what we think the payload of the missile is going to be.

Guess what? We cannot stop it. Now, how crazy is that? What kind of shortsightedness would let us detect a missile but do nothing to stop the missile? That missile could contain a nuclear weapon, and most people assume that the missile would contain a nuclear weapon.

What else? It could contain a weapon of bioterrorism. Think of that, a weapon of bioterrorism; and we have no defense against it as we speak today.

We have a President who wants and feels very committed to deploying for this generation and future generations a missile defense system in this country. I have heard some of my colleagues say, oh my gosh, it is going to cost too much. What do they mean cost too much? That cost is minuscule compared to the costs if somebody launches a missile against the United States.

Most of my colleagues here, most of us here, when we talk about missile defense we think about Russia launching a missile against us or China launching a missile against us. Guess what, the horizon has expanded. There are a lot of people, as I will show on a later chart, there are a lot of people who now have the capabilities to launch a missile against the United States. We have a lot of countries who have the capability to generate bioterrorism, and missile delivery is one way of doing it.

Just as important as an intentional launch is an accidental launch. Look what happened last week. The American people need to know that a week ago a missile was launched by mistake, by mistake by the Ukrainian military. They are denying it. First of all, they denied that their military practice was anywhere in the vicinity of that commercial airliner. Then they said, well, maybe they were in the vicinity; but certainly they were not firing or exercising at the time. Then they changed that and admitted, well, maybe they were in the area, and maybe they were exercising at the time; but the missile did not have the capability of hitting that commercial airliner, and I would probably guess or I would guess the next explanation they will have is, yes, they did fire the missile, but what was that airplane doing there in the first place.

The fact is the Ukrainian military 10 days ago, and the American people need to know this, accidentally launched a missile against a commercial airliner and brought the commercial airliner down, killing everybody on board.

My colleagues are going to say, well; missile defense, we are not talking about being able to defend an airliner over the Black Sea. No, but the key and the reason I bring this story up is that it happens. Missiles are launched by accident.

What would happen if somebody like Russia by accident launched a nuclear missile on the United States? If we had the capability to stop that missile, before it hit the United States, we could very easily avoid the next war. Obviously, we would avoid a horrible, horrible disaster in the United States; but what kind of response would go to Russia if that missile, God forbid, hit New York City or some other city in this country? Would the response be a retaliation of firing a nuclear missile back into Russia?

All of these conflicts are avoided if we are able to shoot that missile down because we have a missile defense system. A missile defense system does not need to be restricted just to America. We can share it with our allies. We can make missiles an ineffective weapon; and it will be a big step towards, in my opinion, the battle of bioterrorism.

Let us look at another couple of charts here. Terrorist attack confirms the growing need for missile defense. Homeland defense is insufficient without missile defense. How do we guarantee the security of this Nation? By the way, we have an inherent obligation, we as Congressmen, and I say that generically, we as Congresspeople have an inherent obligation to the people that we serve, to the Nation that we serve to provide national security for our people. That is our job. That is our obligation. If my colleagues do not want to fulfill that or stand up to the line to do that, get out of this job because out of 435 Congressmen we cannot afford to have one Congressman, we cannot afford to have one Congressman that does not consider their obligation to provide a national security blanket for the United States of America, and a key part of it is missile defense.

Look at this. We have no defense, as I mentioned earlier; and if we thought the September 11 attacks were terrible, wait till a missile hits. We know that it can happen. Terrorist groups, not States, have the means to buy ballistic missiles. One of the things that is interesting is that the Taliban in Afghanistan, they have missiles. Now, fortunately, they are older missiles; but do my colleagues think that if bin Laden or any of his cancerous followers, do they think if any of them possessed a nuclear missile that they would not have used that weapon as their weapon of choice on September 11?

Let me tell my colleagues, if those people get their hands on a missile, those of my colleagues who oppose the proposal and the commitment of this President and most of the Members of this Congress, I believe those who oppose missile defense better be ready to explain to their constituents why, when they had the opportunity, when the technology had become available, they decided that this Nation should not protect itself against people, cancerous people like bin Laden, who decide to lob a missile into this country. The only reason that bin Laden did not use a nuclear missile against the United States of America, the only reason is that he did not have it.

I have got another chart I want to show. This is ballistic missile proliferation. Take a look at it. These are countries that now possess ballistic missiles. Let us talk for a minute about missile defense in the United States and why we have no defense up to this date.

Years ago, in the seventies, the United States and Russia, some of our ivory tower thinkers got together, and I do not understand where they came up with this conclusion but they did, and they said the best way, since there are only really two nations in the world capable of delivering missiles of any kind of destructive capability, and they are the United States and Russia, since there are only two of us, the Soviet Union, let us go ahead and sign a treaty and we will call it the Anti-ballistic Missile Treaty. In that treaty, they say, we will not attack you; you will not attack us.

My point is that the treaty is obsolete. That treaty is no longer valid, and I want to show my colleagues why. It is valid by its terms, although one of the terms allows us to negate the treaty; and I intend to explain that tomorrow or next week on my further discussion of missile defense, but I want to point out something. Look at what has happened since the seventies. Look at everywhere there is purple, there is missiles; and in all of this purple area, do my colleagues not think there are not people that wish the destruction of the United States, that hate democracy, that hate rights for women, that hate capitalism? Of course it exists. It exists.

I want to point out something further. For example, a good friend of mine, the gentleman from California (Mr. CUNNINGHAM), who is an expert in the military, pointed out to me not long ago, he said, Scott, keep in mind, that countries like Pakistan, which have possession of nuclear weapons, Pakistan, turn on the TV this afternoon and take a look at what is going on in Pakistan. There are some limited riots; but let us, for the sake of an argument, speculate about what happened if those riots became much more vast in their number and what happened if those people who support bin Laden got a hold and overthrew the Pakistani Government.

All of the sudden we would have a bin Laden with nuclear capabilities, nuclear missiles; and guess what, because some of my colleagues might be stubborn about providing the United States with the security blanket of missile defense, we will not have a defense, and let me tell my colleagues, nuclear missiles are only that far away from people like bin Laden.

My point in this speech today is to lay a foundation for my comments next week about the details of the Anti-ballistic Missile Treaty, about the necessity and frankly the responsibility of my fellow colleagues sitting here on the floor and representatives in the Senate, that obligation to provide the people of this Nation the type of defense apparatus that is necessary to give us the security so that we can live lives without a life of fear.

I also wanted in my comments today, and I want to reiterate it, and that is my appreciation for countries that will assist us in this kind of defense, in putting together a missile defense system. There are countries out there like the United Kingdom and others that will help us with this defensive system; and at some point in time, they will be beneficiaries of it.

Finally, Mr. Speaker, let me conclude my remarks by again reiterating my deep appreciation and the deep appreciation of the United States of

America to our NATO allies, to all of our allies including Japan, Mexico, any of the allies that are not in NATO; but specifically I want to thank our NATO allies who, as I said earlier, when the 911 call came into their office, the garage doors opened and the fire trucks came out. Every country without exception, every nation in NATO responded immediately by putting up article 5 and by coming forward with the necessary resources or whatever help the United States requested.

I want to remind everybody, today as I speak, flying over U.S. air space are NATO AWACS aircraft. Why? Because we needed the U.S. AWACS aircraft out into the theater of operations so we needed a backfill. NATO put the backfill in that fast. It is good to have friends, but it is even better to have friends when the going gets tough. By gosh, we know the going is tough, and now we can count the friends that really are friends.

## RECESS

The SPEAKER pro tempore (Mr. CRENSHAW). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1752

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLAKE) at 5 o'clock and 52 minutes p.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

### S. RES. 169

Whereas Mike Mansfield, the son of Irish immigrants, was born in 1903 in New York City and raised in Great Falls, Montana;

Whereas Mike Mansfield was the youngest Montanan to serve in World War I, having enlisted in the United States Navy at the age of fourteen;

Whereas Mike Mansfield spent eight years working in the copper mines of Montana;

Whereas Mike Mansfield, at the urging of his wife Maureen, concentrated his efforts on education, obtaining both his high school diploma and B.A. degree in 1933, an M.A. in 1934, and became a professor of history at the University of Montana at Missoula, where he taught until 1952;

Whereas Mike Mansfield was elected to the House of Representatives in 1943 and served the State of Montana with distinction until his election to the United States Senate in 1952;

Whereas Mike Mansfield further served the State of Montana and his country in the Senate from 1952 to 1976, where he held the position of Majority Leader from 1961 to 1976, longer than any Leader before or since;

Whereas Mike Mansfield continued to serve his country under both Democratic and Republican administrations in the post of Ambassador Extraordinary and Plenipotentiary to Japan from 1977 to 1989; and

Whereas Mike Mansfield was a man of integrity, decency and honor who was loved and admired by this Nation: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mike Mansfield, formerly a Senator from the State of Montana.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation.

S. Con. Res. 76. Concurrent resolution honoring the law enforcement officers, firefighters, emergency rescue personnel, and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## UNITED STATES SHOULD NOT ALLOW MILLIONS TO SUFFER NEEDLESSLY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. McKINNEY) is recognized for 5 minutes.

Ms. McKINNEY. Mr. Speaker, I hope the international community is not once again going to sit back and allow another giant humanitarian disaster to unfold. U.N. agencies have warned that the humanitarian crisis in Afghanistan is fast approaching historic proportions. The situation in Afghanistan grows worse by the day.

Incredibly, the scale of the Afghanistan humanitarian crisis is now exceeding even the scale of the monumental refugee disaster which followed the 1994 Rwanda genocide. I cannot believe that just 7 years after Rwanda, we are now preparing to allow millions of innocent men, women, and children to perish in Afghanistan.

The World Food Program now estimates that 6 million Afghan men, women, and children will require food aid inside Afghanistan from October 2001 until the end of March 2002. The U.N. estimates that as a result of the military operations, a further 1.5 million Afghans will flee into Pakistan, Iran, Turkmenistan, and Tajikistan and place the aid agencies in those countries under yet more pressure.

The greatest tragedy is that the children of Afghanistan are being forced to bear the greatest burden of this war. Almost 1.5 million of the at-risk population are children under the age of 5 years; and for them, hunger, illness, and cold conditions can easily lead to death. Even before the September 11 attacks, UNICEF had estimated that one in four children born today in Afghanistan could expect to die before their fifth birthday. Save The Children Fund confirms that the lives of Afghans and especially the hundreds of thousands of Afghan children aged under 5 years are at risk of dying during the coming winter months.

The World Food Program believes that they need to deliver a total of 493,000 metric tons during the next 6 months in order to feed an estimated 6 million people. They have asked for roughly $250 million. Our Armed Forces have deployed and are using military assets including three aircraft carrier battle groups, including destroyers, escorts, submarines, and other support ships, B-1 and B-2 Stealth bombers, dozens of F-14s, F-15s, F-16s, and F/A 18s, together with helicopters, AWACS, and heavy lift transport, all worth billions of dollars. The World Food Program asked for $250 million or the cost of 15 cruise missiles. That is the amount that we fired on the first night, or maybe the cost of just two wings of one B-2 Stealth bomber.

The tragedy is that while our military celebrates its precision bombing, millions in Afghanistan suffer.

In Rwanda, up to 1 million people died in the genocide as the U.N. Security Council and member states stood by and cut U.N. troops back from 2,000 to 400. After the worst of the killings were over, international troops were deployed in neighboring Zaire to deliver aid and smile for the cameras. But once the cameras left, hundreds and thousands of Congolese and Rwandan refugees were left helpless. It is now estimated that some 3 million Congolese have died from malnutrition, disease, and other preventable diseases. That amounts to a staggering 7,000 civilian deaths each and every week for the last 3 years, and the number is still counting.

We love our children and we know that the Afghan people love theirs as well. What will they do and all the nations surrounding Afghanistan if the United States and Britain allow so much needless suffering to unfold in the name of the war against terrorism. Millions of Afghans are going to starve and perish and yet, what we will have is another generation rising up in bitterness and hatred against us.

Mr. Speaker, the United States and Britain do not need that, and we should not allow untold millions to suffer needlessly in Afghanistan.

## MUNICIPAL PREPARATION AND STRATEGIC RESPONSE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, it is a great honor for me to rise this evening and discuss very important legislation that we intend to introduce tomorrow on the floor. My colleagues should know that this is the collaboration of more than 45 Members of Congress who have gone home and listened to their leaders, listened to their local fire chiefs, police chiefs, emergency medical people, allied health professionals, and who understand the importance of having a Municipal Preparation and Strategic Response Act. That is what our bill is called: the Municipal Preparation and Strategic Response Act of 2001.

The September 11 terrorist attacks on the United States has prompted increasing debate and attention to several proposals addressing homeland security in the United States at the Federal level. The President is to be complimented for his appointment of Tom Ridge, who we believe will do an outstanding job in spearheading this effort in our Nation.

The one thing that the recent attack made clear was that for this new kind of warfare being conducted against the United States, that those truly in the frontline of defense are indeed our local firefighters, our police force, our emergency medical teams, the allied health professionals that get involved in meeting this kind of imminent emergency.

□ 1800

It has not been lost on Members of Congress as we have gone home to our districts and talked to people about what has happened at the World Trade Center, in the fields of Pennsylvania, and at the Pentagon that the first to respond was not the FBI, the CIA, the FAA, or our Armed Forces, but indeed, they were firefighters, they were police officers, they were emergency medical teams, they were our allied health professionals.

These are the individuals that are most in need, at this very critical juncture of homeland defense, of the support and money necessitated to carry out homeland defense to make sure that our people here at home are safe and secure.

To do this, they require appropriate funding, and funding that will allow them from the bottom up, starting with our local communities, to become more involved with the strategic planning, and to be able to coordinate with State and Federal agencies in such a manner that will provide commonality of communication, that will allow them to prepare themselves with the various kinds of equipment they are going to need to handle this new threat, this new era that we are living in.

I am proud to join more than 45 Members in sponsoring this very important legislation. The nuts and bolts of this legislation are as follows:

This legislation would provide a total of $1 billion in funding to towns, cities, and tribes for strategic planning needed to ensure that local emergency responders, including municipal, private, and volunteer fire departments, police departments, emergency medical technicians, EMTs, paramedics, and other health professionals are fully prepared and equipped and trained for emergency and security issues that arise from terrorist attacks.

It would also provide for the development of coordinated regional responses to terrorist attacks or other catastrophes utilizing Federal, State, and local agencies, and provide an additional $250 million to the COPS program and $250 million to the assistance to the firefighters program to establish grants specifically for counterterrorism response, training, and equipment; and most importantly, as we have heard from all of our local officials, with no local matching funds required.

It is important to emphasize how critical it is that we are proposing no local matching funds for these programs. The threat to our communities is now, and we cannot give those at war with the United States the opportunity to strike while our communities spend years saving enough money to pay the local match for Federal grants to provide the training and equipment necessary to safeguard the American people today.

In the edition of the Hartford Courant this past Sunday in my district, they talked about specific interviews they have had with local police departments who say that they are in no way prepared for the kind of terrorist threats that currently we can face here in this Nation.

With the State Department predicting it is near a 100 percent certainty that given the most recent attacks on Afghanistan that there will be a response, it becomes abundantly clear that we need to make sure that our front line defenders, that those who are the first to respond to these attacks, have the money in place, the training in place, the communication that is necessary in order for them to do their jobs.

Our bill specifically establishes a $1 billion grant program for cities, counties, towns, boroughs, tribes, and other municipal or regional authorities to develop local emergency response plans that include the following, and I think it important to enumerate on these specific goals: That develop strategic response plans that provide for a clearly defined and unified response to terrorist attacks or other catastrophes. Municipal leaders feel very strongly, in acknowledging their role as the first responders, that it is important that Congress not make decisions in a vacuum; that we reach out to our local municipalities, that we involve discussion from the bottom up, and not foist a top-down decision upon them, so that we are better prepared to coordinate the activities and procedures of various emergency response units, and that we better define the relationship, the roles, responsibilities, jurisdiction, command structures, and communication protocols of emergency response units; that we coordinate response procedures with similar emergency response units in neighboring units of local government, as well as with State and Federal agencies; that we identify potential local targets of terrorism, and include specific response procedures for each potential target, notwithstanding concerns about our local schools, about water supplies, about nuclear generating power facilities. It is important that we take this kind of forward-thinking action, and we do so now.

The bill will also allow communities to prepare and issue reports to units of local government, State legislators, and Congress that include recommendations for specific legislative action; conduct public forums or other appropriate activities to educate the public about potential threats and steps the public can take to prepare for them.

I do not think there is a community that any Member of Congress has visited since September 11 where people have not been willing to roll up their sleeves and say, what can we do to help? But in meeting with our local officials, they have also said, as much as we are willing to help, we lack the necessary resources to do so.

The best way that we can help and engage in homeland defense is to make sure that our local municipalities have the resources available to carry out this function.

To help accomplish this goal, we have asked FEMA to designate for each State a representative, not to dictate but to assist and advise units of local government with the development of a strategic response plan, act as a liaison between units of local government, and coordinate the sharing of information about Federal Government initiatives and protocol.

It is clear in talking to a number of local officials, as well, that the commonality of communication is at the heart of being able to respond successfully. It is this commonality that local municipalities seek, recognizing that to have commonality nationwide is going to require an enormous effort with regard to coordinating all the various agencies at local, State, and Federal levels.

But it definitely needs the input of our local municipalities. It definitely needs the information that so many of them are anxious to share with us. It definitely requires the kind of coordination that will identify the gaps in our program, will identify where there are overlaps, and seek to better coordinate our response, no matter what the act of terrorism may be.

It is so critical, as we have witnessed in what happened and transpired in New York, in the fields of Pennsylvania, and at the Pentagon.

I am proud that this is a bipartisan effort, as well, and that Members like the gentleman from Pennsylvania (Mr. WELDON), the founder of the Congressional Fire Services Caucus, is a cosponsor, and the gentleman from Michigan (Mr. STUPAK), who heads up the Congressional Law Enforcement Caucus, is also a sponsor of this critical legislation that has more than 45 Members who have already signed on.

I am also pleased to announce that we have met with several groups representing first responders. They have agreed with the need to have a coordinated local approach, including the National Association of Police Organizations, the National Sheriffs Association, the International Arson Investigators, the National Volunteer Fire Council, the Congressional Fire Services Institute, and the National Association for Fire Chiefs.

In addition, we are also in the process of soliciting input from the National Council of Mayors, the National Association of Counties, the National League of Cities, the National Association of Regional Councils, and the New England Association of Regional Councils; the point being, here again, of making sure that as we put forward solutions to this problem, as we seek to work with Tom Ridge and the administration, and as Congress seeks to look at this issue in a rather broad fashion, that we not forget our local communities, that we not forget who indeed are the first responders, that we not forget who truly are our front line of defense.

One can only recall the statements of so many of us who have been to New York, and so many people who have talked about the faces of the heroes that they saw climbing up the stairs to go save those who were in need. They were valiant heroes. The best thing I believe that we can do to respect their memory is to make sure that we are providing the appropriate kind of funding, and the ability for them to respond with the kind of equipment and the kind of training and strategy necessary to defend against terrorist attacks.

I am pleased to be joined by an esteemed colleague on the Committee on Armed Services who understands this issue very well, and has always been in the forefront of supporting local firefighters and policemen, as well.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my colleague for yielding to me. I heard the gentleman while I was watching in my office. I thought I would really like to come down and talk a little bit about what has happened.

I was in New York yesterday, and I know that many of the people who worked in the buildings in the World Trade Center came from Connecticut. My husband used to work in one of those towers, so that we are very well aware that Connecticut lost several people in that tragedy.

I ask the gentleman, was it not wonderful to see our firefighters and our police officers, and even those people who volunteered their time in our emergency, people who respond in emergencies, who went down to help during this disaster, this real disaster that happened to our country?

Somebody was asking me the other day when I was talking to some of the volunteers, the Red Cross volunteers in New York yesterday, someone said to me, did you in California, my State, really even understand what this all is about? And I looked at them, and I said, "You are looking at volunteers who are from California who have come to spend 2 or 3 weeks here to try to help, even if it is just to serve food to these firefighters and servicemen and women who are working down at ground zero; or the fact that these planes had people headed to Los Angeles, many of them from my region. They also died in this disaster in New York.

It is not just that. As we went around, I was kind of laughing. I saw one day on the television the Oregon delegation had taken 1,000 people to New York to try to spend money, because they had heard that so many people were out of work in New York. I think of the devastation, the real devastation and the toll on a city.

We from California are also pretty based on tourism. My own district has Disneyland in it, the happiest place on Earth. Today, it does not have a lot of people there, which means the people are losing their jobs, hotels are having to shut down, restaurants are not serving food. So this devastation has gone not just to New York or to the Pentagon area, but really across the Nation.

I wanted to come down, and I know that the gentleman and I have spoken so often about all the work that is being done in New York. These people who are doing this, whether they are being paid, whether they are our firefighters, whether they are our reservists or our National Guard or just our volunteers, have their whole heart in it. Across America, we are suffering because of this attack.

Mr. LARSON of Connecticut. I thank the gentlewoman from California for sharing with us her experience and the sentiments, not only of people from her native California, but people across this great Nation of ours.

I believe the silver lining of all of this is that we are a nation that has come together. It is clear that September 11 has perhaps forever changed this Nation, but perhaps also with an eye toward our communities coming together, with neighbors caring more about one another, with specific outreach that is going on in our communities.

□ 1815

In going back to my community and talking to a number of the firefighters and emergency medical people who, in fact, went to New York City as well, the volunteer efforts across the Nation have just been outstanding.

I come back to the point, though, of our legislation, which is the one thing the municipal leaders have said to me repeatedly is let us make sure when Congress gets together that it does not forget who, in fact, are their front-line defenders, who are the first responders; and as the case is with homeland defense, any act of terrorism is more likely to have firefighters, police officers, sheriffs, emergency medical teams, allied health professionals, all being the first people to arrive on the scene. Therefore, they want to be included in the planning.

Forty-five legislatures have already signed on to the proposal, also feel very strongly about meeting with Tom Ridge and his new task force which is an enormous responsibility. And, again, we applaud the President for his selection and look forward to working with him in this endeavor but want to make sure that we get bottom-up solutions as well from those that are in the front lines.

They are all asking what they can do to help, and they are anxious to provide the Nation with their knowledge, with their expertise. We ought to highlight and spotlight these individuals who are in the field, who do understand intuitively some of the problems we are going to face, and to develop a commonality of communication to get them the strategic planning money that they are going to need, the funding for equipment that they are going to need, to deal with heretofore issues that while they may have been talked about in the press, while we may have heard about them for some time, September 11 has changed all that, and now we have got to respond and the time for us to act is now.

Ms. SANCHEZ. Madam Speaker, if the gentleman would yield, I would say to the gentleman that he and I have had many conversations, not just here on the floor but in our walks and in talking every day. And we are very concerned that the money that we are spending, and let us face it, we are spending billions of dollars since September 11 on security and on helping the airline industry; and we are very concerned, whether it is the employees who are being laid off and their need for medical care, for health insurance, whether it is for unemployment benefits lasting longer than 26 weeks, whether it is what is happening to the people being laid off at motels as I see in my district.

It also is about the fact that when these types of attacks hit, it could happen in a city where the Federal Government cannot get to it. We just cannot get in there fast enough, and what we will need is our local firefighters and our local law enforcement officers. Our local health clinics and hospitals will take the brunt of any other type of attack like this, and we need to ensure that we are funding not only at the top but also funding within communities, funding the workers, funding the doctors, funding the hospitals, funding the ability of our communities to respond.

Mr. LARSON of Connecticut. Madam Speaker, reclaiming my time, someone who understands that and who has done an outstanding job in the 107th Congress is the gentleman from New Jersey (Mr. PASCRELL), who also is currently on a terrorist task force and has been one of our leaders, especially in the area of firefighting. And his bill last year I think has done immeasurable good and hopefully with additional funding coming forward will be able to assist again those very important front-line defenders, our firefighters, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, if the gentleman would yield, I would say to the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Connecticut (Mr. LARSON) I am reminded when we discuss homeland security and the great task that is before us all some words by Walt Whitman when he was at this House, when he was at this very House during the Civil War.

He wrote, "One is not without impression after all amid these Members of Congress of both Houses, that if the flat routine of their duties should ever be broken in upon by some great emergency involving real danger, in calling for first class personal qualities, those qualities would be found generally forthcoming and for men not now credited with them."

I think those words are fitting and I want to commend my colleague, the gentleman from Connecticut (Mr. LARSON), and I want to commend the gentlewoman from California (Ms. SANCHEZ), because the task is upon us.

I cannot emphasize enough to the Americans that are watching and listening, I cannot emphasize enough how important that we need to bring what we are talking about to the local level; and I want my colleagues to know and I report to them that yesterday I convened a meeting which we only had 2 days to put together of police chiefs in my district, of fire chiefs in my district, of hospital administrators in my district, of those who have dealt with infectious diseases, of the emergency coordinators in two counties that I represent in New Jersey, the State police who have done such a fantastic job in coordinating things in our State of New Jersey.

That group that I have described, if we can hold them for more than a half an hour together that is pretty good. I am lucky if I can hold my family together for 5 minutes. We were there for 2 hours; and I say to the gentleman from Connecticut (Mr. LARSON), this should be a real focus of our work, to get these folks who are so knowledgeable, who understand what training means, who understand preparedness, who know what communications will mean in times of tragedy, who know what counseling is all about, we need to be speaking, getting off our chest what is on it, how critical this is. For 2 hours.

I am collecting materials that I will bring to this floor and bring to the legislation so that we will put our legislation and make it better after introducing it.

We are still coming to terms; and I think you would agree with me with September 11, it is not something that simply fades into the night.

What was carried out, this assault on thousands of innocent people who were enjoying the freedom of America, the perpetrators showed us the absolute depths which humankind can sink. But in this immediate aftermath, we have all witnessed something else. We have also seen amid the carnage and amongst the destruction the amazing heights of benevolence, of decency, courage that America offers. We witnessed America's first responders.

I commend the gentleman from Connecticut (Mr. LARSON) for understanding that we have been trying to talk sense into the folks who come here today about that our first responders do not need a wave and a pat on the back so much, but they need the resources. They need the training. They need the equipment. They need the apparatus.

When I look at what happened in New York State and New York City, the numbers of human beings taken, of brave men and women who rushed into those buildings, 343 firefighters, numerous police officers, members of the Port Authority Security Team, and then 92 vehicles destroyed worth close to $50 million. This is nothing that we can simply offer our condolences about. We have a responsibility, do you not agree?

Mr. LARSON of Connecticut. Let me first of all recognize the outstanding job that you have done both as an architect of this specific legislation and your outstanding work both in the last session and this session in terms of bringing to Congress the importance and need of firefighting, as you have eloquently pointed out the need for training, the need for counseling, the need to see that there are appropriate resources there at the point of delivery.

Clearly, if we have learned anything from September 11, and with all due respect to our great Federal agencies of the CIA, the FBI, our armed services, the FAA, those first on the scene, those rushing up the stairs all came from our local communities. And that was true in Pennsylvania. It was true at the Pentagon. It was true in New York City.

I hope the gentleman will stay as we enter into further dialogue, but I am proud to say that we have been joined by another architect of this legislation, the gentleman from Indiana (Mr. HILL), who also understands the importance of funding local initiatives and is also a co-author of this legislation.

Mr. HILL. I thank the gentleman and my good friend, the gentleman from Connecticut (Mr. LARSON), for yielding me a bit of time. I want to also commend the gentleman for the work that he has put forth on this particular idea. It is a good idea, and it is an idea that I can support wholeheartedly.

The September 11 terrorist attack on the United States has made us more aware of the threats that exist in the world today. It has also made us more aware of how we can combat these dealers in death. Your Municipal Preparation and Strategic Response Act of 2001 is a crucial step toward improving our ability to deal with acts of terrorism. In rural districts like mine in southern Indiana, the firemen and policemen and emergency medical teams are often the first line of defense against disasters. Often funding for these great protectors of ours is lacking.

September 11 has made it clear that for a new kind of warfare, we need a new kind of warrior. It will now take more than just our military and intelligence forces to keep us completely safe. We must make sure that first responders in our cities and towns have the training, the equipment, and the personnel to effectively respond to any disaster. It has got to be a bottom-up approach because the police officer that patrols your street or the firefighter that is your neighbor will be the first person in any disaster scene. They are taking the greatest risk as we saw in New York City and they are providing the greatest service.

It is our duty to provide for the common defense and general welfare of the United States. To accomplish that is now our duty to give them the best tools possible to face that risk and to provide that service. Your bill provides $1 billion of grant money that will go directly to local cities and towns to support emergency responders. It will also provide $250 million to the COPS program and $250 million to the Firefighters Assistance Program, which has already benefited fire departments in southern Indiana.

In the past, some may have taken our first responders in our communities for granted. This bill, our bill, would help ensure that that never happens again; and I thank the gentleman for yielding to me.

Mr. LARSON of Connecticut. I thank the gentleman from Indiana (Mr. HILL), who indeed has been a warrior himself on behalf of local firefighters, police and law enforcement individuals. I thank the gentleman who gives me far too much credit. The genesis of this legislation, indeed, came from those front-line responders. It was their input. As the gentleman from New Jersey (Mr. PASCRELL) has pointed out, as the gentleman has eloquently stated, as we go back and talk to our local municipalities, we hear this repeated all across the Nation.

Is that what the gentleman has found in his 2-hour meeting?

Mr. PASCRELL. That is exactly what I have found, and I cannot emphasize it enough. One of the things that came across in our meeting yesterday morning, in this event for a counterterrorism response, training and equipment are very critical. However, this is not going to make sense on a local level unless mayors and councilmen and committeemen understand that we are under the severest of alerts.

Mr. LARSON of Connecticut. The gentleman will understand this firsthand, as he is a former mayor.

Mr. PASCRELL. Yes, I do. Mayors are there 24–7. And mayors and councilmen and committee people cannot put this aside, cannot put this as an addendum. This must be a crucial part of every municipality's operation.

□ 1830

And there are places to find out this information.

We are going to help. We are going to do our part in a bipartisan way in the Congress of the United States, but there is not one community which should shrink from the responsibilities that they have within themselves. Every one of us, as individuals and as communities, must develop plans. We are going to help them do that. The emergency teams and their counties in districts throughout America are going to help them do that. We are going to provide the resources to do this. This is something that has not been on the front line, and we are going to put it on the front line.

I want to commend the gentleman again. Being a mayor, of course, as the gentleman knows, the mayor is the father, the sociologist, the parent. You are everything when you are a mayor, be it a small town or a large town. This is what makes America so great, that small towns and large towns work together, particularly in times of crisis.

And I can assure the gentleman that there is no greater responsibility that we have on this floor than to communicate back to the mayors of the many towns we have in our districts that they better have a plan, they better be able to deal with their hospitals, with their firefighters, with their first responders and EMTs and their police officers. They better be able to deal with the State police in their areas, and the county police and sheriff departments in their areas. If they do not have a plan, what happens if communication goes out? What is the backup? What is the second line of defense?

We understand that many of the things we talk about in biochemical warfare will mean that first responders, who will be the first on the scene and not knowing what even they are attacking, are put in real life jeopardy. We cannot allow that to happen, and we must do this yesterday. So there is no time.

I want to assure the gentleman he will have my total cooperation, and I know across the line here we will have the cooperation of all our colleagues.

Mr. LARSON of Connecticut. I want to thank the gentleman especially for the outreach he has done in various caucuses but, as has been acknowledged from the outset, this is a bipartisan effort.

I think the heartening thing that is going on in America as we respond to this tragedy is the way the country has reacted. It is the way this body, in truth, which oftentimes is very partisan, but on this issue, from the night of the attack, when we all stood together, Democrat, Republican, Senate and House, on those steps out front and spontaneously broke into God Bless America, from that point forward we understood how clear this mission was; that it is important for us, especially at the grass roots level and with local government to make sure that we are providing resources to our front line defenders.

I especially want to thank the gentleman from Pennsylvania (Mr. WELDON) as well, who has been a champion, and who has worked with the gentleman on many issues that involve firefighters, and for the lead he has taken and for his willingness to recognize how important it is going to be for us to get resources back to our local communities.

I also want to indicate to our colleagues who may be listening this evening and to those out in this great country of ours that are listening to call in, to implore people to sign onto this legislation. We are having a press conference tomorrow with a number of associations and groups and Members who have already signed on to the proposal, but we are hoping to attract more original sponsors of the bill and hope that in true bipartisan fashion, in the way that the gentleman has reached out to so many, that we are able to bring this legislation forward and hopefully enact it before we leave here so that our first line responders get that money when they need it, because, as the gentleman so eloquently pointed out, they need it yesterday. They need it now.

We were caught off guard. We were stunned. We have gone through, clearly, a period of mourning that, as the gentleman indicated, I do not know that we will ever get over. But to honor the memory of those brave heroes is to make sure that we are prepared for this response; that part of our resolve towards terrorism is at every single level of government and then intercoordinated between them.

Again, this is an experience the gentleman knows about better than most. One of the issues that was raised locally with the individuals and firefighters, police officers, municipal leaders, mayors and State legislative representatives in my meeting was that, look, there needs to be better coordination. Somehow we have to get on to a system of commonality of communication. Was that part of the gentleman's experience?

Mr. PASCRELL. Absolutely. If we do not have that coordination or that education, then we have panic. There is enough fear in this country. Walt Whitman hit on it 135 years ago. We must rise to the occasion. And he looked around in this very House and saw, as he was attending to folks during that Civil War, because he was a nurse, he knew that maybe a Congressman once in a while had his head down, but when the call came, he knew that they would respond and respond accordingly. He had that faith over 135 years ago in this Congress. We have that faith now.

We need to reduce the panic. We need to reduce the fear. And nothing will do that better than knowledge. Nothing will do that better than all levels of government and all levels of the community being involved in this plan. And I just want to leave by thanking the gentleman again for bringing us together on this issue.

Mr. LARSON. I thank the gentleman again for all his help, and would only add as well that I think the important lesson for our children with regard to September 11 is how this Nation responded.

It has been noted by many how several events, including sporting events and celebrity activities, were canceled. It was a time when our children really, truly got to appreciate the difference between celebrities and heroes. The events of September 11, and those brave heroes and heroines in New York, those that boarded planes, those who proceeded with the heroic acts in the fields of Pennsylvania and those at the Pentagon are indeed heroes.

We have become a Nation now that understands the importance of community and working together and extending a hand to our neighbors and not painting with the broad brush of prejudice the many because of the acts of a fanatical few. These are important lessons for our children to understand. It is important that they understand how our constitution works and how we must safeguard our liberties and our freedoms and how we must stand together as a Nation.

As Members of Congress, we must understand that aside from the rhetoric that we put forward, that we have to provide the resources, and those resources have never been needed more than they are today for our local communities. We hear this loud and clear from them. There is not a Member of the Congress on either side of the aisle who does not understand or appreciate the needs of their local mayor or selectmen, volunteer fire department, law enforcement officials, or emergency medical help people.

This is something that Congress simply must respond to and act now. We must embrace the agenda and proposals of the President and of his new appointee, Tom Ridge, with respect to homeland defense, and then come together as a body and act soon. Tomorrow is the first step in that action.

We will be introducing this piece of legislation, and we hope to get further input from our municipalities so that Congress can join together to make sure that our municipalities are prepared, so that strategically, and from the standpoint of having appropriate equipment, and from the ability of us to respond appropriately, we will be prepared.

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## IMMIGRATION REFORM AND BORDERS OF INTEGRITY

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, the issue I wish to address tonight is the issue that I have had the opportunity of addressing several times on this floor, it is the issue of immigration, immigration reform, and specifically the problems we are encountering in this country as a result of our inability to develop over the past several years a mechanism, some way or other, to actually have borders with integrity.

For quite some time, it has been the prevailing point of view in this body, I think, and certainly in the past administration, and, to a certain extent, even the present administration, that the concept of open borders was appealing, and appealing for a variety of reasons, some of which had to do with economic benefits that may accrue to the country as a result of having massive flows of individuals and goods and money back and forth across borders.

There is that kind of argument to be made with regard to the issue of immigration and open borders, and that argument held sway. There was also a political argument, and that was that, in fact, if we could get a large number of people into the country, and that those people could stay here without detection, eventually have children, and those children of course would become American citizens by virtue of being born here, it was a long-term strategy, I agree, but nonetheless the strategy was that those people would become part of a political party and cast votes primarily for one of the political parties in the country. And, of course, that is the Democratic party.

That was another reason why it was so hard to ever affect change. It was so difficult to ever get anybody to pay attention for any call for immigration reform because we had those two sides. On the Republican side, we had a great deal of opposition to immigration reform from business and industries that wanted cheaper labor and that wanted to be able to access large numbers of immigrants, both legal and to a large extent, unfortunately, illegal immigrants in the country for the purposes of getting their labor and doing so for a sort of reduced price.

So with those two very powerful forces at work, it was very difficult to ever advance the idea of immigration reform. Anyone that attempted to was automatically subjected to derision, name calling, and the like for being both racist or xenophobic or a wide variety of other kinds of nasty names, because immigration was an important issue to them. To me certainly it is, and it has been for quite some time.

But there has been a huge shift in attitudes here, I think, in the Congress of the United States, and certainly, to a large extent, even in the country itself. That is to say, I think for the most part if we would have asked people before how they felt about immigration, especially illegal immigration, a majority would always say they were opposed to it and that they wished that we would do more to stop it. And this, by the way, interestingly, was a majority of white Americans and a majority of black Americans and a majority of Hispanic Americans. All of them felt the same way about the issue of illegal immigration.

Now, the majorities were not huge, but they usually were always the majority opinion; that we should do something about immigration, especially illegal immigration. But ever since September 11, of course, things have shifted dramatically. And I must say, Madam Speaker, that there is absolutely no way I would ever want to have this issue won in the halls of Congress or anywhere else because of the events that we had here on September 11.

□ 1845

But for whatever reason that is where we are. Things have changed, and I am glad they have. I am glad there has been at least now more and more emphasis placed on and attention paid to the whole issue of immigration and immigration reform.

As we approach the legislative process here and we begin to develop pieces of legislation to deal with the events of September 11, we will undeniably be looking at legislation emanating out of the Committee on the Judiciary that is sometimes referred to as the antiterrorist package of legislation. That is coming up relatively soon, I understand.

It is truly unfortunate that most of that package got watered down. It is almost incredible, as a matter of fact, to recognize that as part of the overall strategy that this government is going to employ to deal with the issue of terrorism, that we would not concentrate heavily on securing our borders and trying to do everything humanly possible to stop people from coming into the United States who have evil intent. This is not easy. It is not easy to do. It is not easy to identify people who are coming here with that kind of intention, but there are certain indicators that America may have a problem with various individuals.

It is amazing to recognize the following:

In 1990, the U.S. passed a series of immigration laws. They were sponsored by a member of the other body from Massachusetts, and it instructed the State Department employees that mere membership in a terrorist organization or advocacy of acts of terrorism should not exclude foreigners from receiving U.S. immigration visas. Mere membership in these kinds of organizations should not exclude anyone from getting a visa.

Again, in light of everything that has happened, this seems almost unbelievable that any Member of this body, this body or the other body, would ever say such a thing, would ever put such a thing into law, but that is exactly what happened. This is sometimes referred to as the fellow traveler law because for a period of time there was an immigration law that said foreigners may not come into the United States if you belong to an organization that has called for the overthrow of the United States Government. We were concentrating on members of the International Communist Party at the time. If you were a member of some organization that had committed an act of terrorism, you could not come into the United States.

But in the heyday of political correctness, at a time when we were searching our souls to figure out how we could possibly apologize for being who we are as Americans, when the philosophies of relativism, moral relativism were being breached in all of the campuses around the country and all of the textbooks were telling people our culture was no better than any other, and we could not possibly characterize another culture as being inferior to ours, that kind of what I would certainly call muddle-headed thinking ruled the day. It certainly did in the media, it certainly did in academia, and it certainly did in the halls of Congress. Political correctness.

One of the more bizarre aspects of that muddle-headed thinking to which this Nation went and to a certain extent still exists, even here in the halls of Congress, as evidenced by the fact that we watered down the terrorist bill, but as a result of that we passed this law that instructs the State Department employees that mere membership in a terrorist organization or advocacy of acts of terrorism should not exclude foreigners from receiving U.S. immigration visas.

In an article in "Human Events" it says, "Under the law as it is written, someone who belongs to a Middle Eastern terrorist group and has publicly stated the desire that the World Trade Center towers be blown up, cannot, on those grounds alone, be denied permission to legally enter the United States as a prospective citizen. In such a case, the ultimate decision of whether to grant the immigration visa is up to the State Department officials, subjective evaluation of a person's knowledge and intent."

According to the official Foreign Affairs Manual posted on the State Department's Web site, immigration law requires that a foreigner must be denied a visa if he or she has, quote, "indicated intention to cause death or serious bodily harm and/or incited terrorist activity."

If they come in and say I would like to apply to a visa to the United States of America, the consular office official says, here, fill this out. If you put down I intend to blow up your buildings, then I can keep you out. Then you can say it does not look like you have filled out this paperwork correctly because I cannot let you in as long as you state this.

These things would be funny if they were not so tragic and idiotic. It is just a manifestation of this goofball thinking of how dare we think that we cannot keep someone out of our country because their culture may be inferior. And I am going to state categorically there are cultures that are inferior to ours. There are cultures that do not put as much emphasis on human rights, on individual human rights, and on human freedom; and I believe that makes them inferior to ours. And I do not mind saying so.

I believe in the past we fought with cultures and political organizations inferior to ours. I believe that Nazism and communism were inferior in many ways, and certainly worthy of our disdain. And they rose to the level of those kinds of organizations and groups and philosophies that we should be wary of, and we should try our best to keep people out of the United States if, in fact, they proposed to advance these ideas.

It is not to our benefit that these people come in. Things happen when they come. Sometimes places get blown up. Sometimes people are killed. Sometimes governments teeter, thank goodness not ours, but certainly in other countries. These acts of terrorism have been successful in bringing governments down.

I am not suggesting for a moment that if tomorrow we were to be able to place troops on the border, which I hope we can do, or completely revise and improve the quality of the work done by the INS, which would be an astronomical undertaking, and improve the technology that we use as sensors to see whether or not people are coming across the border, I do not for a moment suggest if we did all of these things we would make our borders impervious to these incursions. Someone could get through.

What I suggest, Mr. Speaker, is that we have to try. We have to try. We have constructed a strategy, a military strategy to deal with the Taliban and Osama bin Laden and the al-Qaeda group that he directs, and any other terrorist organization that gets in our sights.

We have described in detail to the American public that strategy. We will go in initially with the assets that we can deploy there in the air, both missile and airplanes; and we will try to destroy the infrastructure.

We hope that we can develop an indigenous population that will support our efforts and will act against the Taliban. We will seek out these organizations even if they are some place outside of Afghanistan and perhaps go after them also.

At the same time, we will use humanitarian efforts. We will drop food packages and leaflets and go into psychological operations, and we will broadcast into Afghanistan and drop pamphlets. This is a multifaceted war on terrorism. All of that I agree to. I believe it is important.

But there is another important facet to the war, another important strategy that for some reason has not really developed into a well-publicized or even well thought out strategy as far as I can tell because I have not seen anything so far that would indicate that we have developed a strategy to indicate that we have tried to keep these people out to begin with. I have not seen a detailed, thought out, well-thought-out, well-delineated strategy to try to keep them out to begin with. That is amazing.

It is, of course, our responsibility to think of every imaginable way there might be in order to defend and protect the lives and property of the people of the United States. Well, it certainly seems to me only logical and only rational that part of that strategy be something to do with the protection of our borders.

There is no doubt about certain things that happened on September 11. One is that all 19 of the hijackers and terrorists were here from another country. I think, although we do not know this now because the INS and the Department of Justice will not tell us, but I think we will find that most of them were here on visas, various kinds of visas, and that many of them had violated their visas, and would have, therefore, been eligible, not just eligible, but would have been placed in a situation of being deported had we found them, had we known about it. We did not know about it, but that is not too surprising because there are, according to recent estimates, somewhere near 4 million people in the United States who have simply overstayed their visas, making them illegal immigrants into the United States.

So every time we talk about the number of immigrants who come across the border every year illegally, and how those numbers are added to the total numbers every year when we talk about illegal immigration into the United States, we do not, for official purposes, count the at least 4 million people who are here illegally as a result of visas infractions. People who have overstayed their visas, people who have just simply forgotten about it, walked away, they know there is nothing that is going to happen to them. There is not much fear in the heart of anyone out there who has simply decided to hang on, stay and live your life in the United States. Get a job, vote.

I know you are not supposed to, you are not supposed to do that if you are not a citizen, but it happens. One of the individuals we know, we found out voted twice. No, they were not here illegally. I am saying one of the individuals, one of the hijackers. He was known to have voted. I am sure that we will find many more who did the same. It is not that unique. It is not that unusual.

We do not know exactly how much it happens, but we have this thing called the motor-voter law which is such a flimsy attempt to try and actually bring any degree of validity to our voting system.

□ 1900

Anybody can get a card. Anybody who wants to can get a driver's license. Anybody who wants to can get a Social Security card.

In Denver, one can go to a flea market, but there are a variety of places. I just happen to know about this one place because an ex-governor of the State of Colorado, Richard Lamm, will talk about it periodically. This is an issue with which he is involved also, the issue of immigration and immigration control.

He went to this flea market, and he purchased after about I think 15 minutes of haggling over the price, and I can't remember for sure, I think it was something like fifty dollars starting up to about a hundred, maybe got him down to fifty dollars, but he purchased a driver's license, a Social Security card and a variety of other documents right there on the spot. They can take one's picture in the little booth and ring up a little card and the person is off to the races.

With that, of course, a person can do almost anything, including, by the way, vote. So do we believe that these people who are here illegally do not vote simply because on the form that you fill out it says are you a U.S. citizen and you have to check that off, yes, I am; oh, okay, well now you are and therefore you can vote?

Well, that fraud is rampant in this arena, and the fact is that there is very little that any of these people who are here illegally, any of the millions of people who have overstayed their visas, very little they have to worry about. They can take up life just like any other American, and unfortunately, they can act in ways that are certainly detrimental to our health as a Nation.

The scope of the problem is almost mind boggling, and it is a result of the complete ineptness on the part of the INS to actually address their responsibility, the responsibility with which they have been charged for years, to try on the one hand to maintain the integrity of the borders and on the other hand to help people who want to come here legally. They have completely lost their way, Mr. Speaker.

I will tell my colleagues that in a debate I was having in Denver on the radio with a lady who was I believe was the public affairs person for the INS in Denver, she stated when asked by the moderator why is it the INS does not round up all these people who are here illegally and send them back home, she said that is not our job. That is not our job. Our job is to help them get here and get legal.

Now, I think she was confused about her job, but I also believe that she is not unique at all in thinking that that is her job. That was the job of the INS, to simply get people here as much as they could, get them legal because they put very little resources into actually sending people back who were here illegally, finding the ones who had violated their visa status or had come across the border recently, very little effort was placed in that, and almost all the effort was placed on getting people here, getting them legalized, getting them eventually to become citizens of the United States.

My colleagues may recall, Mr. Speaker, the previous occupant of the White House forced the INS to rush through as quickly as possible and as many as possible applications for citizenship and get them qualified to vote before the last election. I think it was in the congressional elections actually before that that this occurred, but there was such a press to get people into the ranks of voters who were here as immigrants, that a huge, huge faux pas occurred and thousands, estimates are up to 60,000 people were made citizens of the United States who had criminal records, had felony convictions against them. They became citizens because they were rushing them through so quickly.

So it was not just this lady who was arguing with me on the radio who has this concept about the INS. The INS is the culture because actually it is an old, established agency and a lot of bureaucratic inertia, and there are many, many good employees, many of them who have contacted my office by the way, many of them who have actually written us letters saying, Mr. TANCREDO, you are right to do what you are doing, to say what you are saying, because the INS is in bad shape; it needs to be reformed. All of its efforts are directed in areas not related to the actual security of our borders or the strength of the immigration control process.

For the most part these people feel as though they are crying in the wilderness and they are. It is true they are because that particular agency simply does not care about the fact, did not care and to a large extent I think still does not care about the possibility of having people come across this border who would do us harm.

Why do I say that? Well, let me give you another statistic that is almost amazing, and again, it goes to the scope of this problem.

Every year, as I say, there are millions of visas which are violated. We give out something near 30 million visas a year, and that only represents a small portion of the people who come to the United States. There are over 550 million visitors to the United States every year. So less than 10 percent of that number end up being required to have a visa. So 30 some million visas, 35 million approximately visas are handed out every year and somewhere near 40 percent of those are violated in the course of the year. So somewhere near 12 million people every single year are here in some violated status; that is to say, they are here illegally.

A lot of them still do go back home at some point in time. It is true, we do not end up with 12 million people a year, but we have ended up with 4 million. Massive problem, 12 million a year violated. What do we expect the INS to do? Well, I know that it is tough, that is a tough job, how are we going to keep track of them. Very difficult to do. It is a matter of resource allocation.

How about this one, Mr. Speaker, forget about the 4 million who are here illegally, have simply walked away from their visa requirements and are just simply living life as they wanted to as an American citizen. Forget about that for a moment. Think about this.

Of the millions of people who are here and who have violated their visa, we do get some of them into the judicial system. They are brought to the bar. It is usually, by the way, not for simply overstaying their visa. Usually it is for committing a crime, and in the process of arresting and finding out about them we realize, oh, by the way, they are also here illegally because they overstayed their visa and so they were brought to court, an immigration court, and an immigration law judge listens to the case and a decision is made, and he or she hands down a verdict, and the verdict could be that they are to be deported.

So now we actually go through a couple of hundred thousand cases a year of people who violate their visa, come before a judge and are ordered to be deported, couple of hundred thousand a year approximately. Maybe 40,000 of that number annually will actually be deported. The rest walk away, turn around and walk away.

We know that there are about a quarter of a million of these people out there. I think it is probably far higher, but right now even the INS will attest to the fact that there is at least a quarter of a million people wandering around the country, not just as visa violators, not just as overstaying, but they have committed a crime and they have been ordered to be deported and they are simply walking around the country.

Why, Mr. Speaker? Because the INS could care less, pays absolutely no attention to it, turns around, walks away from the immigration control point and says you are essentially on your own. Why? Because they do not care. It really boils down to that. They do not care. It is not a big deal to them.

I have heard from individual agents. I have heard from retired agents. We had an INS agent in my office just last week. He has been on the job a long time. He is still afraid of being fired if he becomes known publicly, and we are supplying him right now with all of the information necessary so that we can protect him if we have to through whistleblower laws because if I can get him to come public with his stories, many years, I will not say how many because that would help identify him, but many, many years in the INS as an agent who has worked in almost every aspect of immigration control. If I could just get him to tell his story publicly, people would be amazed. We would be amazed. The general public would be amazed. The INS would not even be slightly surprised because, of course, they know their own culture. They know that what I am saying here is accurate, that they do not care about people here illegally.

A lot of sound and fury is going to be directed toward the INS right now as a result of what happened on September 11, and let me go to another article here. This one appeared in the Los Angeles Times on September 30. It says, The September 11 terrorists did not have to steal into the country as stowaways on the high seas or border jumpers dodging Federal agents. No audacious enemy, quote, inserted them commando style. Most or all appeared to have come in legally on the kinds of temporary visa routinely granted each year to millions of foreign tourists, merchants, students, and others. Nothing in the backgrounds of these middle class men from Saudi Arabia, Egypt and elsewhere apparently aroused suspicion among the State Department's consular officers who review visa applications.

Let me point out once again that even if there is something suspicious that had come up, by law, that could not keep them out, like if they had belonged to some terrorist organization. Jot down al Qaeda, I am a member. That could not have kept them out.

Once here the 19 hijackers-to-be did not have to fret much about checkpoints and police stops, even after some of their visas expired and they became illegal immigrants. The suicide attacks that killed 6,000 and more have brutally exposed shortcomings in airline security and intelligence gathering, but the strikes also highlighted another vulnerability. This is the Los Angeles Times, Mr. Speaker. It says, another vulnerability, the Nation's visa granting and immigration regime, and if that is not an understatement, highlighted some shortcomings.

It goes on to say that the entire system is principally geared toward meeting another kind of threat, people of modest means whose concealed aim is not to bomb or wreck havoc but to work illegally in the United States.

Moreover, proposals by Congress to keep closer track of immigrants living in the U.S. have been delayed or blocked because of complaints that the new rules will be too restrictive. That the Members know has happened.

We have actually passed laws in this Congress, in 1996 specifically, that were designed to try to do something about the fact that we cannot keep track of anyone who is here, especially student visas and what happened? The colleges and universities got upset with us and said we are academicians, we are not paper shufflers, we are not supposed to be just filling this stuff out, and essentially they have not done it. They have not kept track of people.

We are going to have to try to deal with that of course eventually, but they would not dirty their hands, the universities, with trying to keep any sort of records and documentation of whether or not this particular alien here in the country, visa holder of a particular nature, usually a study visa, is actually doing what he or she said they were going to do.

Going back to this article, what little is known of the hijackers' history in this country suggests a certain confidence that immigration law could be circumvented where necessary. Again, what an understatement. For example, it says confidential records indicate that two possible hijacking ring leaders, Mohamed Atta and Marwan Al-Shehhi, presumed pilots of the jets that hit the World Trade Center, overstayed their initial visas.

□ 1915

Hey, you know, they and, what, 12 million other people that year.

"It is an abuse that can void the travel document."

Yes, it can, but, of course, somebody has to find them.

"But despite having no valid visas, both men left the country and were allowed to return on flights through Miami and New York last January, said an INS official who reviewed the records."

So, now, look what we have here, Mr. Speaker. Listen to this again. Not only do they overstay their visa, but, okay, you cannot find them. I know it is a problem. Oh, gee, there are 12 million. How are we going to find all the people that overstay their visas? But these two guys, they were both on invalid visas, both left the country and were allowed back in, through Miami and New York last January.

"Other hijackers have been in the country on lapsed or otherwise invalid visas as, authorities say. Officials declined to provide more specifics."

That is certainly true. We have asked, my committee, my caucus, I should say, the Immigration Reform Caucus and others, have asked the INS for specific documentation about these 19 hijackers. I want to know who they are, I want to know where they came from, and I want to know what was their status in the United States. All we have is anecdotal information here and there, because what they sent me back was a press release issued by the FBI that listed all 19 of the hijackers. It had absolutely nothing to do with their visa status except for two here on some sort of study visas, and one of them had overstayed his, if I remember correctly.

As many as 4 million, I mentioned this, legal tourists and others have become illegal immigrants, according to government and academic estimates. These are the people with visas who overstayed them and stay here. They never go home. Federal officials acknowledge that they have no idea where all these people are.

In 1998, as part of a crackdown on illegal immigration, Congress passed a series of laws zeroing in on abuses of temporary-resident status, with changes including expediting the expulsion of convicted felons and bogus asylum claimants. But other congressional mandates were never put in place.

One measure directed the INS to develop an automated system to track the entry and departure of all visa holders. Another provision called for the accounting of hundreds of thousands of holders of student and other temporary visas.

However, Mr. Speaker, it is unfortunate that I have to report this, because, again, the powerful interests that I mentioned at the beginning of my presentation, in this case it turned out to be the powerful special interests of businesses and commercial interests that violently, vehemently opposed any of the restrictions that we had passed, that were to be placed on people entering into the country so we could keep some sort of track of them. Especially people from the Canadian border states complained that the new reporting requirements on people exiting the country would slow down transport or commerce. The Canadian Government also balked. The plan was put off. Likewise, academic institutions also objected to more controls, as I mentioned earlier, on their growing population of foreign students. That plan too was put on hold. All these things had been passed, Mr. Speaker. All of them were simply junked.

Now, here is an interesting aspect of this. One of the September 11 hijackers who went by the name of Hani Hanjour entered the country on a student visa ostensibly to study English at the Berlitz School in Oakland. There is no record that the Saudi ever enrolled, school officials say. No one checked. There is no law requiring schools to verify student visas. So we are now, of course, going to be looking at putting something like that in place.

The fact is that the INS complains when these things are brought to their attention. They complain that they do not have the resources. They simply have not been able to develop enough resource allocation from the Congress. We have not given them enough money so that they have not been able to put enough agents on payroll and that sort of thing.

The reality is, of course, in the last several years we have quadrupled the budget for INS; but it has gone essentially to waste. It has not gone into the area of enforcement. It has gone to, unfortunately, build a bigger bureaucracy in areas that have nothing to do with immigration enforcement.

There are many questions that we have to ask INS; and we have to ask ourselves, Mr. Speaker, about this issue of immigration, especially in light of the fact that this threat of terrorism comes from an identifiable group of alien males between the age of 20 and 35 and that we can now get a profile. They can and do quite easily travel in the United States.

What is more alarming, Mr. Speaker, what is really incredibly annoying, is that however those people got into the United States before September 11, they could get into the United States on October 10. Six thousand are dead; threats of biochemical terrorism, nuclear terrorism, abound. We read in the paper, I hear one of my colleagues, the gentleman from Connecticut (Mr. SHAYS), over and over again telling the media that it is not a matter of if, it is a matter of when we will have to experience another one of these kinds of attacks.

Every time I hear that, my heart sinks, because, of course, not just because of the fact that is a distinct possibility, but because of the fact that in this particular area, in this one area of immigration control, we have essentially done nothing to stop it, and the bill that we will see soon coming to this floor does essentially nothing to stop it, nothing with regard to immigration control.

We will call it a bill to deal with terrorism, an anti-terrorism piece of legislation. But, Mr. Speaker, in terms of the most significant activity with which we as a Nation should be involved, that is, the protection of our borders, the protection of the life and property of the people who live in this country, our number one role, as I say often from this microphone, it is more important than all of the other things we do. It is more important than all of the other Departments that we fund. The role of the protection of the life and property of the citizens of the United States is paramount. And where does that begin? It seems to me it begins at our borders.

We can certainly, and certainly should, go beyond our borders to find people like Mr. bin Laden and others and deal with them wherever they are; but the next, and I mean not just the next thing to do, but along with that, at the same time, certainly we should be doing everything we can do, mustering every ounce of our energy in this country to defend the border.

Let me suggest something that could be done tomorrow. It would not take any activity on the part of this House. We would not have to pass any law, we would not have to go through a committee, we would not have to come to a vote, we would not have to deal with it at all. The President of the United States could pick up the phone and call the Governors of the various States that are on the borders, north and south, and ask them to deploy some of their resources in the form of National Guard troops on the border to help us defend that border.

We do not have to even use the regular military of the United States, active duty military of the United States. We could, of course, employ without that. There is something referred to as the posse comitatus law which people suggest would be problematic if we wanted to actually employ troops on the border, active duty troops.

We do not have to deal with that. We could go to every Governor and say would you please do that. I believe that most, if not all, of the Governors would agree to call up the National Guard and allow some of those resources to be placed on the borders, to help us defend the border. That could happen tomorrow.

We could demand from Mexico and from Canada their help in defending the border. We could threaten, if they did not give us that help, that there would be ramifications, economic ramifications and others, diplomatic, if they would not agree to providing support and resources on the border, to help us defend our border. We could do that tomorrow. It does not require any action on the part of this Congress.

Then the Congress has certain other responsibilities. One, we could establish a brand new immigration control authority. We could essentially abolish the old INS. For all intents and purposes, Mr. Speaker, it would be the best possible thing we could do. We could replace it and the various other organizations that are all out there unfortunately sometimes stepping all over each other; we could abolish those agencies. That would require, of course, congressional action, administrative approval; and we could combine them all in one border defense agency.

We could take away certain responsibilities that are now given to the Department of Justice and INS, given to the Department of Agriculture, given to the Treasury for customs enforcement.

Right now we have customs, and this is one of the more bizarre stories that has come to light during this debate. You can, and often people do, people who are attempting to come into the country illegally for various purposes, will stay behind, say, somewhere behind the border, say in Mexico in this case, watching through binoculars, watching the various lines. Because, you see, in certain lines, an INS officer will be in charge, and they can do certain things; but they cannot do other things in the course of their investigation of you as you cross the border.

In the other line you may have a Customs official, and they are in the same situation. They can do certain things, but things that INS cannot do. But they are not together.

So people actually watch, and this happens, Mr. Speaker; and it has been attested to more than once, people actually watch the lines to try to figure out which one is being watched by an INS agent and which one is being watched by a Customs official. Because the Customs official, by the way, or the INS guy, one or the other, I cannot remember which now, cannot open the trunk. That is within one of the regulations. One can do it, but the other one cannot open the trunk.

So if you are going to smuggle drugs into the United States, for instance, you watch to see which line is the line that is being handled by the agent that cannot open the trunk, and that is the line you get in.

This is again almost mind-boggling, but it is absolutely true, because we have got so many different kinds of organizations trying to run the border; and none of them talk to each the other, none of them share information with each other.

The INS has at least three, sometimes they say four different kinds of computer systems, none of which talk to each other. If you were a person in Saudi Arabia that wanted to come to the United States and you go to get a visa application, there is no way for that counsel or official to check that application through a series of data banks that might come up with something that is important. They only have one. They do not have the State Department. They do not have the FBI's or the CIA's. They cannot cross-check. So, of course, many times, many times, if you are not on the State Department's list of bad people, but you happen to be on the FBI or CIA list, it is okay, no problem. You can get through, your computer will not identify you.

It is amazing how incompetent we have become; and it is because, again, as I say, the culture, the culture in the INS and the whole immigration community that says, really, who cares? Bring them in. Do not worry about it.

We go back to the whole issue of moral equivalence again and the idea we should not probably be keeping anybody out that wants to come to the United States. What right do we have to do something like that, to suggest they should not come in? This is the kind of bizarre thinking we were dealing with.

Now it has changed. So now what do we do? How long are we going to keep this goofball activity going on at the border, two different lines run by two different agencies with two different sets of regulations? How long is that going to happen? The INS, how long will they be unable, unwilling, but certainly for a long time, but even now unable to check various data banks? How long will it be before we actually put into place some method of tracking a person who comes into the United States under a particular visa for a particular purpose, and then we will be able to find out if that person is not living up to that set of regulations? How long will it be until we do something like that? Every day that we wait, Mr. Speaker, is a risk that we should not take.

□ 1930

I cannot guarantee, as I have said over and over again, I certainly cannot guarantee that we will be able to completely and totally seal the borders from people who should not come into the United States; but I can guarantee this, that we have to try. We have to try. Just because people steal from banks and do so successfully almost every day in this country does not mean that we should leave the money on the counter. Simply because they do it, why should we try to stop them? Just because they come across the border illegally does not mean we should not try to stop them from coming illegally. And no matter how unpleasant this is to talk about, no matter how difficult it is because, of course, we run into all of these issues, we run into both domestic and foreign policy agendas that conflict with our attempts to deal with border security. Mexico will not like it, I have heard. That is true. The Canadians might not like it. That is true. That is tough. That is tough. It is not the safety of Mexico or Canada that I am primarily concerned with here, but it should be their concern also because in the total scheme of things, we are all in this boat together. It is not just the United States Government that these terrorists want to topple and our way of life they want to destroy; it is the West's way of life and Western Civilization that poses a threat to them by its very existence.

Our Nation, I believe, suffers as a result of massive immigration, and has for years. I was here long before September 11 talking about immigration and my concerns with regard to massive immigration, legal and illegal. I think there are major problems for the United States as a result of it. But regardless of the cultural issues, the quality-of-life issues as a result of huge population growth, all brought on by immigration, and some of those old figures that I used to use, not old, just figures I used to use here before September 11 when I used to concentrate on sort of the demographic problems of immigration, massive immigration, showing that by 2050 we may reach, if things go as they have been for the last several years, according to the Census Bureau, if our population grows at exactly the same rate as it has been growing for the last couple of decades, that by the mid-century, we will be at the half-a-billion mark in this country population-wise; and 90 percent of that increase from now until mid-century will be as a result of immigration, legal and illegal. Believe me, those numbers do not count the kinds of things we have talked about here: 4 million people running around the country who just simply overstayed their visa; they are not even counted in that figure.

So regardless of all of that, regardless of the kinds of problems that the Nation faces in terms of resources, resource allocations, the degradation of the environment, and again, the quality-of-life issues that confront people all over this country; talk to people from Los Angeles, if we do not think that the quality-of-life issue is relevant when we talk about immigration. Every time I give this particular speech and I walk back to my office, there are calls, most of which are from California and people saying they are very supportive; some, of course, not so supportive, but most are; and they attest to the fact that there is a quality-of-life issue to massive immigration, huge numbers of people coming across the borders. We cannot sustain it. We cannot build infrastructure fast enough to sustain it, to sustain a high quality of life.

Those are the issues that we used to address before September 11. They are still important. They are still meaningful. I wish that we could make the case just on those points alone. But I have never been able to overcome the opposition of the political side of the process here that says, those people will eventually become good members of the Democratic Party, so let us not keep them out, and on the other side here saying, we need them for cheap labor. I have never been able to really wrestle with those two big Goliaths. Those are very tough, very difficult, very powerful interest groups.

But now, forget all of that. There is something far more significant and immediate. Those threats I mentioned, those problems were all long-term threats to the health of this Nation and the survivability of the Nation as we know it. But what I am talking about now is, of course, immediate threats to our survivability. I am talking about people who came here for the express purpose of murdering thousands; and they would not care if it were millions, of our fellow citizens. That is why they came, and they were able to come across our borders without the slightest bit of concern; and they were able to stay here, even in violation of our visa laws, without the slightest bit of concern.

It is despicable, Mr. Speaker. We cannot rationalize this in any way, shape, or form. And if we can, if anybody in this body can rationalize the past and say well, gee, we just did not know it would ever turn out to be anything like this; although again, prior to September 11, I must say that I and many other Members talked about the dangers to the security of the Nation with having porous borders. But regardless, if one can rationalize in one's own mind that we had to do it that way, that it was really just the altruistic nature of our country that it says "give me your tired, your poor, your huddled masses yearning to be free" on the Statue of Liberty, all that meant that we had to open our borders, go ahead, rationalize it away; but now, think about the future, think about tomorrow. Think about the unthinkable, the possibility of another event as big as, if not worse, than the last one, and imagine what it would be like having to rationalize their position then and say, I knew it could happen but I chose to ignore it and not vote for immigration reform. Mr. Speaker, I choose not to be in that situation, and I hope a majority of my colleagues will join me in our attempts to reform this system and keep America safe.

## RECESS

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2105

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KINGSTON) at 9 o'clock and 5 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–233) on the resolution (H. Res. 258) providing for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:)

Ms. McKINNEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

## SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 63. Concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Energy and Commerce.

S. Con. Res. 76. Concurrent resolution honoring the law enforcement officers, firefighters, emergency rescue personnel, and health care professionals who have worked tirelessly to search for and rescue the victims of the horrific attacks on the United States on September 11, 2001; to the Committee on Government Reform.

## ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, October 11, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4184. A letter from the Under Secretary, Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on Armed Services.

4185. A letter from the Under Secretary, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protege Program"; to the Committee on Armed Services.

4186. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger Decisions 2000"; to the Committee on Financial Services.

4187. A letter from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting an Annual Report, "Guaranteeing Equal Access to High-Standards Education"; to the Committee on Education and the Workforce.

4188. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review 2000, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

4189. A letter from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program: Modification of the Medicaid Upper Payment Limit Transition Period for Inpatient Hospital Services, Outpatient Hospital Services, Nursing Facililty Services, Intermediate Care Facility Services for the Mentally Retarded and Clinic Services [CMS-2100-F] (RIN: 0938-AK89) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4190. A letter from the Director, International Cooperation, Department of Defense, transmitting notification of intent to sign Amendment Number Eight to the NATO Insensitive Munitions Information Center Memorandum of Understanding between the United States, Australia, Canada, Denmark, France, Italy, The Netherlands, Norway, Portugal, Spain, the United Kingdom, and Sweden (Transmittal No. 09-01), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4191. A letter from the Deputy Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4192. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March, 31, 2001, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

4193. A letter from the Inspector General, Federal Communications Commission, transmitting a copy of the commercial inventory submission of the Inspector General of the Federal Communications Commission; to the Committee on Government Reform.

4194. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2000 Activities of the Administrative Office of the United States Courts and the 2000 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

4195. A letter from the Chair, United States Sentencing Commission, transmitting the 2000 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

4196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; San Francisco Bay, CA [CGD11-01-003] (RIN: 2115-AA98) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, New Jersey [CGD05-01-057] (RIN: 2115-AE46) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, New Jersey [CGD05-01-058] (RIN: 2115-AE46) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Chelsea River Blasting, Boston, Massachusetts [CGD01-01-139] (RIN: 2115-AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Selfridge Air National Guard Base, Michigan [CGD09-01-129] (RIN: 2115-AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Charleston, South Carolina [COTP Charleston-01-096] (RIN: 2115-AA97) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4202. A letter from the Administrator, General Services Administration, transmitting an informational copy of a new construction prospectus for the Border Station in Champlain, NY, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4203. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Safety and Health (Short Form)—received September 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4204. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation entitled, "Trade Sanctions Reform and Export Enhancement Technical Amendments Act of 2001"; jointly to the Committees on International Relations and Agriculture.

4205. A letter from the Regulations Coordinator, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Requirements for the Recredentialing of MedicareChoice Organization Providers [HCFA-1160-F] (RIN: 0938-AK41) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 258. Resolution providing for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–233). Referred to the House Calendar.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[Omitted from the Record of October 9, 2001]*

H.R. 3016. Referral to the Committee on the Judiciary extended for a period ending not later than October 12, 2001.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MORAN of Virginia, Mr. NADLER, Mr. FERGUSON, Mr. MEEKS of New York, Mr. WEINER, Mr. GRUCCI, and Mr. JOHNSON of Illinois):

H.R. 3073. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. PAUL:

H.R. 3074. A bill to amend title 18, United States Code, and the Revised Statutes of the United States to provide punishment for, and to authorize the issuance of letters of marque and reprisal against acts of air piracy; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. GORDON, Mr. DEUTSCH, Mr. STUPAK, Mr. WYNN, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mrs. CAPPS, and Mr. DOYLE):

H.R. 3075. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food from foreign countries, including detecting the intentional adulteration of food; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3076. A bill to authorize the President of the United States to issue letters of marque and reprisal with respect to certain acts of air piracy upon the United States on September 11, 2001, and other similar acts of war planned for the future; to the Committee on International Relations.

By Mr. CASTLE (for himself, Mr. DEAL of Georgia, Mr. FLAKE, Mr. NORWOOD, Mr. STUMP, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. TANCREDO, Mrs. ROUKEMA, Mr. KERNS, Mrs. EMERSON, and Mr. GREENWOOD):

H.R. 3077. A bill to improve procedures with respect to the admission to, and departure from, the United States of aliens; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3078. A bill to establish the National Office for Combatting Terrorism; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary deduction for the cost of airline tickets and other personal travel expenses; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 3080. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 3081. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself and Mrs. DAVIS of California):

H.R. 3082. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 3083. A bill to amend the Internal Revenue Code of 1986 to restore the 80 percent deduction for meals and entertainment expenses; to the Committee on Ways and Means.

By Mr. BAIRD:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency; to the Committee on the Judiciary.

By Mr. FOLEY:

H. Res. 257. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CRANE (for himself, Mr. RANGEL, Ms. MCKINNEY, Mr. MCGOVERN, Mr. KING, Mr. WALSH, Mr. LIPINSKI, Mr. SCHAFFER, Mr. MCNULTY, Mr. THUNE, Mr. FRANK, Mr. ISRAEL, Mr. HEFLEY, Ms. WATSON, Mr. FROST, Mr. GONZALEZ, Mr. WAXMAN, Mr. SWEENEY, Mr. PASCRELL, and Mr. BONIOR):

H. Res. 259. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Day of Appreciation for Emergency Response and Rescue Workers; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself, Mr. HINCHEY, Mr. ACKERMAN, Mr. GILMAN, Mr. REYNOLDS, Mr. GRUCCI, Mrs. MALONEY of New York, Mr. ENGEL, Mr. KING, Mr. NADLER, Mr. TOWNS, Mrs. LOWEY, Mr. MCNULTY, Mr. WALSH, Mr. ISRAEL, Mr. PETERSON of Pennsylvania,. Mr. FORBES, Mr. ENGLISH, Mr. SCHROCK, Mr. SHERWOOD, Mr. BOUCHER, Mr. MORAN of Virginia, and Mr. LAHOOD):

H. Res. 260. A resolution waiving clause 5(a) of rule XII of the rules of the House of Representatives to permit introduction and consideration of a bill to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day; to the Committee on Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. LIPINSKI and Mr. REYES.

H.R. 436: Ms. KILPATRICK.

H.R. 488: Ms. DEGETTE.

H.R. 510: Mr. FORD.

H.R. 525: Mr. SAXTON.

H.R. 599: Mr. BORSKI.

H.R. 804: Mr. FORBES.

H.R. 817: Mr. PETERSON of Minnesota, Mr. FILNER, and Mr. MORAN of Kansas.

H.R. 975: Mr. LAHOOD.

H.R. 984: Mr. LEWIS of Kentucky.

H.R. 1090: Ms. WOOLSEY.

H.R. 1191: Ms. SANCHEZ.

H.R. 1353: Mr. KOLBE.

H.R. 1517: Ms. HART, Mr. KILDEE, Mr. BACA, and Mr. PRICE of North Carolina.

H.R. 1609: Mr. FORBES.

H.R. 1700: Mr. CLEMENT.

H.R. 1780: Mrs. THURMAN and Mr. PASCRELL.

H.R. 1873: Ms. CARSON of Indiana.

H.R. 1904: Ms. SOLIS.

H.R. 2002: Mr. BOYD, Mr. MATHESON, Mr. SCHAFFER, Mr. BLUNT, Mr. HAYES, and Mr. BOSWELL.

H.R. 2037: Mr. THUNE.

H.R. 2117: Mr. BARTLETT of Maryland, Mr. ENGEL, and Mr. ALLEN.

H.R. 2118: Mr. HINCHEY.

H.R. 2123: Mr. DEFAZIO.

H.R. 2125: Ms. SCHAKOWSKY.

H.R. 2128: Mr. OLVER.

H.R. 2146: Mr. SIMMONS.

H.R. 2162: Ms. SOLIS.

H.R. 2220: Mr. TRAFICANT.

H.R. 2454: Mr. THOMPSON of California.

H.R. 2466: Mr. BROWN of South Carolina.

H.R. 2535: Mr. TOWNS.

H.R. 2555: Mr. LEVIN.

H.R. 2592: Ms. LOFGREN.

H.R. 2690: Mr. DOOLEY of California.

H.R. 2709: Mr. HOBSON, Mr. RYAN of Wisconsin, Mr. MARKEY, and Mr. MCGOVERN.

H.R. 2725: Mr. SERRANO.

H.R. 2771: Mr. BOYD.

H.R. 2787: Mr. BONIOR.

H.R. 2792: Mr. BILIRAKIS, Mr. SIMPSON, Mr. MCKEON, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, and Mr. PICKERING.

H.R. 2839: Mr. RUSH.

H.R. 2887: Mr. OWENS and Mrs. MORELLA.

H.R. 2932: Mr. FOLEY, Mr. HALL of Texas, and Mr. KELLER.

H.R. 2945: Mr. FRANK and Mr. ABERCROMBIE.

H.R. 2946: Mr. HILLIARD, Ms. BALDWIN, Mr. BROWN of Ohio, and Mr. BERMAN.

H.R. 2951: Mr. RAMSTAD.

H.R. 2955: Mr. LAFALCE, Mrs. TAUSCHER, Ms. BALDWIN, and Mr. ALLEN.

H.R. 2957: Mr. FROST and Mr. HYDE.

H.R. 2964: Mr. ROSS, Mr. CALLAHAN, Mr. WICKER, Mr. HILLIARD, Mr. RILEY, Mr. ADERHOLT, Mr. TAYLOR of Mississippi, Mr. BERRY, Mr. SHOWS, Mr. CRAMER, Mr. VITTER, Mr. EVERETT, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, and Mr. BACHUS.

H.R. 2965: Mr. GREEN of Wisconsin, Mr. THOMPSON of California, and Mr. BASS.

H.R. 2991: Mrs. JONES of Ohio, Mr. KILDEE, Ms. LEE, Mrs. LOWEY, Mr. OWENS, Mr. PASCRELL, and Mr. TANCREDO.

H.R. 2998: Mr. BACA, Mr. OSBORNE, and Mr. SCHAFFER.

H.R. 3015: Ms. BALDWIN, Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. PASCRELL, and Mr. MATSUI.

H.R. 3026: Mr. HASTINGS of Florida.

H.R. 3035: Mr. GILMAN, Mr. BACA, Mr. FROST, and Mr. FORD.

H.J. Res. 66: Mr. TAUZIN.

H. Con. Res. 38: Mr. OWENS.

H. Con. Res. 160: Mr. HOLDEN.

H. Con. Res. 162: Mrs. LOWEY.

H. Con. Res. 188: Mr. SANDERS and Mr. LAMPSON.

H. Con. Res. 233: Mr. LIPINSKI, Mr. OWENS, and Mr. PASCRELL.

H. Res. 255: Mr. DOOLEY of California, Ms. DELAURO, Mr. GONZALEZ, Mr. CALVERT, Mrs. MALONEY of New York, Mr. SENSENBRENNER, Mr. GEPHARDT, Mr. NADLER, and Mr. COBLE.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 3061

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following:

### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to implement the final regulations of the Secretary of Education under part 361 of title 34, Code of Federal Regulations, relating to the revision of the definition of the term "employment outcome" as such term applies to the vocational rehabilitation services program under title I of the Rehabilitation Act of 1973 (66 Fed. Reg. 7250-7258).

### H.R. 3061

OFFERED BY: MR. CARSON OF OKLAHOMA

AMENDMENT NO. 8: In title I, in the item relating to "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", after the first dollar amount insert the following: "(reduced by $9,000,000)".

In title I, in the item relating to "DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES", after the second dollar amount insert the following: "(reduced by $6,000,000)".

In title II, in the item relating to "HEALTH CARE FINANCING ADMINISTRATION—PROGRAM MANAGEMENT", after the first dollar amount insert the following: "(increased by $15,000,000)".

### H.R. 3061

OFFERED BY: MS. NORTON

AMENDMENT NO. 9: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2 . Of the amounts made available in this title under the heading "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING", $40,000,000 is transferred and made available under such heading for the youth media campaign carried by out by such Centers to influence children to develop habits that foster good health over a lifetime, in addition to other amounts available under such heading for such campaign.

# SENATE—*Wednesday, October 10, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have created us to know, love, and serve You, and then live with You forever. We thank You for the life and leadership of Senator Mike Mansfield. We are grateful for this truly great American, distinguished Senator for 34 years, majority leader for 15 of those years, outstanding Ambassador to Japan, and distinguished patriot all through his life. We have all learned so much about leadership from this man of few but firm and pointed words with which he expressed strong convictions and profound concern. We remember the warm twinkle in his eye, his engaging smile, and his abiding faithfulness as a friend. But most of all, we are comforted by the fact of his relationship with You, which was at the core of his being. We thank You for the quiet inner security of his faith in You and his expectation that death would only be a transition in eternal life. Goodness and mercy followed the Senator all his life and now he dwells with You forever. In the name of Him who is the resurrection and the life. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 10, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Madam President, this morning the Senate resumes postcloture debate on the motion to proceed to S. 1447, the aviation security bill. The full 30 hours have to run—and certainly we hope that is not the case—on the motion. Then all time will expire at approximately 5 p.m. today—shortly before that, actually. I am hopeful that we will be able to reach agreement on aviation security as well as the counterterrorism legislation.

I remind Members that it was 1 week ago today that the motion to proceed to S. 1447 was filed. At least from my Nevada perspective, that is too long to have people not recognizing that there are things we could do with aviation security that we have not done. I think it is too bad that we have had to go through this period to get to this bill.

I also remind Senators who are planning to attend the funeral of the late majority leader Mike Mansfield that the vehicles will depart the Capitol steps at 10 this morning.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### AVIATION SECURITY ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1447, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to the bill (S. 1447) to improve aviation security, and for other purposes.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that during today's proceedings on this legislation now before the Senate, if someone comes to the Chamber and wishes to speak as in morning business, that the time would be charged against the proceedings on this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ENERGY POLICY

Mr. THOMAS. Madam President, I want to talk this morning a bit, as we have for some time, about energy. Energy, of course, is something we have talked about for some time—a good long time, as a matter of fact. Our experiences last summer in California emphasized the need for some changes in our energy policy so that we have more stability and reliability in energy. Of course, we also became aware of some of the things we must do in terms of energy, and we have worked on it for a very long time.

Now, since September 11, I think we find some very compelling additional reasons that we need to do some things with energy. Obviously, we have not had an energy policy that we need to have in place over the years, and that is what we are seeking to do—to develop energy policy.

Partly because, I suppose, of the lack of a policy and a real direction where we want to go over time, we have become very dependent on overseas oil sources. We are nearly 60 percent dependent on OPEC and others. So now, in terms of some of the uncertainty in the Middle East and around the world, I think we find ourselves with more concern about where we need to be in terms of energy.

We have at least two compelling reasons, it seems to me, that make energy development and energy security even more important. One is to support our military activities. We have to have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the energy to do that. The other is that we are talking about a stimulus for the economy, about building our economy. Obviously, fuel and power and energy are key to that, in whatever means they are used. So I believe we find ourselves now with even more reason to move to developing an energy policy that will ensure we have the energy necessary for all the needs we have.

We have talked before about the need for research so we can find better ways to produce energy, so that we can find better ways to conserve our energy. Those things are possible, and we can do them. We have talked more about how we find diversity in a policy so we don't become dependent on one source of energy—and that we can look toward nuclear—whether it be renewable, gas, or coal, and to have diversity that helps strengthen those sources.

We have talked a good deal about renewables. That is obviously something we need to pursue. Most important of all, I imagine now as we look at where we are, is production. We need to ensure we can have domestic production, and that we can increase our domestic production, so we become less dependent upon the supply from overseas.

So I believe very strongly that we had compelling reasons to deal with energy before, and certainly September 11 has added to the necessity for us to do that. We have worked hard in the Energy Committee, of which I am a member, to respond. We have had hearings, we had marked up a title in our energy bill, and we are moving forward on that bill that was quite broad.

In the meantime, the House has passed an energy bill which has a good deal of the things in it about which we have talked. So they moved forward with that over in the House. It has great support from labor unions and from many environmentalists, and it certainly has strong support from the administration. That bill is passed and available for us to deal with now.

Unfortunately—or fortunately—there has been some change in what we are doing. The chairman of the committee has indicated that he has been asked to not have any more committee activities, and there will be a bill put together, apparently, by the majority leader to bring before us. Unfortunately, we have talked about this before and have not arrived, I don't believe, at any commitment as to when that will be done and how it will be done. Of course, some have considerable concern that there would not be input from all of the folks in the Senate. There is some concern about that. I believe what we need more than anything is the assurance that there will be an energy bill before we adjourn.

There are a number of things that are very important to us. One is airline security. I think it is very important that we do that. We are also working on changing the rules and the law on terrorism so that our agencies can work more efficiently and our law enforcement and others can do that. We are working on a stimulus for the economy in the Finance Committee, and I think that has to be one of the high-priority items. We need to do our appropriations, which is our normal duty and one that needs to be moving along.

So we have a full plate. But I believe strongly that energy now—particularly because of the threats of the overseas intervention—becomes one of the items we must add to our list to complete. I am hopeful that changes that apparently have been suggested will result in yet some way for us to get on the floor with the issues we think are terribly important for energy—to get the bill out that we can work on so we can develop and have an energy policy that will be supportive of the economy and supportive of our war on terrorism. I think it is necessary we do that.

Madam President, I urge my colleagues to find a way to bring together the needs of this country, supported by the White House, supported by both sides in this body, and already has been supported by the House, and that prior to finishing our work, we complete work on an energy policy that will meet this country's needs.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SETTING THE AGENDA

Mr. REID. Madam President, I was not fortunate enough to have listened to the entire statement of our friend from Wyoming. I have worked with Senator DASCHLE and Senator BINGAMAN on energy legislation, and no one feels more strongly than Senator DASCHLE, our majority leader, that we need to bring forward legislation at the earliest possible date dealing with the energy problems.

He and Senator BINGAMAN, who is the chairman of the Energy Committee, have worked hard on this, and we will have something as soon as possible.

I have to say, we have been trying to get to airport security for over a week. There have been objections to that. We have had to jump through a series of hoops: A motion to invoke cloture on the motion to proceed, and now it appears we are going to have to file a motion to invoke cloture on the bill itself. During this time, we could be doing other things. We have tried to move to appropriations bills which have not been considered, and there have been objections to that by the minority.

Senator LEAHY has worked night and day on terrorism and other issues as a result of the events of September 11, and we are still doing just fine with judicial nominations and nominations generally, but that is not good enough for some people. Therefore, they have put a stop on all legislation.

It seems somewhat unusual to me to have the minority saying why aren't we moving legislation when they will not let us move it. We are in the majority. They may not like it. Senator DASCHLE is the majority leader and determines what legislation comes to the floor. They cannot do that anymore. Because they only want energy does not mean that is what they are going to get.

We have many other items, and the majority leader has made a decision on with what we are going to deal. They will not let us do that. We have 13 appropriations bills we have to pass every year. They will not let us get to those bills because they do not believe enough judges are being approved.

At home, I have not had a single person ask me about judges. We have two Nevada judges who are waiting to go through the funnel, and they will get here. Those judges know Senator LEAHY and Senator HATCH are doing the very best they can on their nominations.

There is always talk about energy proficiency. Isn't it funny they always bring up ANWR? That seems to be the button on the pin they are always concerned about—ANWR. Madam President, this situation is one with which we have to be very careful. Just last week somebody with a rifle shot some holes through a pipeline in Alaska, and 250,000 gallons of fuel spilled before they could stop the leakage. That was just one man. I do not know if he was target practicing or shooting at caribou. I do not know what he was doing, but with a rifle he put holes through that pipe.

The energy situation is very complicated. The majority leader has indicated time and time again he is aware of that and wants to work on this. I wish the minority would let the legislation that is important pass. We need to do something about airport security. We need to do something about terrorism. We need to do something about many other things that they will not let us get to. We are in the majority now. The majority leader has the right and the ability to set the agenda for this Senate.

I suggest the absence of a quorum.

Mr. THOMAS. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. THOMAS. The idea of being able to object is not a brand new idea. It was exercised by you when you were in the minority; isn't that true?

Mr. REID. I am sorry, I could not hear the Senator.

Mr. THOMAS. The idea that we in the minority ought to be involved is something we learned from you when you were in the minority. So it is not a brand new idea. When the majority brings bills forward, they need to work with everyone here so we can pass something.

I am just surprised at what the Senator said, that this is a brand new idea.

Mr. REID. I do not recall, I say to my friend from Wyoming, talking about a brand new idea. I was in the minority for a number of years in my present position and worked very closely with Senator LOTT in moving legislation. I worked very hard in moving legislation, and we did not hold up legislation based on judges. We did not do that. We felt we were treated unfairly. I think the last administration certainly did not get the judges who were in the pipeline who should have been confirmed. But we said early on this is not payback time; we are going to move them as quickly as we can, and we have. We have moved out scores of nominations that President Bush felt he needed. We moved scores.

Somebody on the side of the Senator from Wyoming—I do not know who it is; even if I did, I would not announce it here—believes we are not moving enough judges through.

I say to my friend from Wyoming, we did not do that. We did not hold up legislation based upon judges. On a comparative basis, we had a right to do so, but I felt, and Senator DASCHLE felt as minority leader, that we had an obligation to move legislation.

We worked extremely hard to move appropriations bills. We worked extremely hard to move legislation that the majority then felt was important. We had very little downtime as a result of objections from our side. We made sure there were not even long periods of time when there were quorum calls.

I say to my friend, I did not use the term it was a new idea. I am just saying what is happening is unfair. We have been trying to move to this legislation dealing with airport security for more than a week, and we are a long ways from being able to do it now if colleagues make us jump through all the hoops.

Mr. THOMAS. I understand that. I agree with the Senator that we need to move forward. Another point. When there are bills with a special purpose, such as airport security, and provisions are added that have nothing to do with it, when you are in the minority, you have to have some opportunity to participate in the decision. I say to the Senator from Nevada that it is the leadership's role to find some compromise so we can move forward. I know the Senator has done that, and I admire what the Senator is doing.

Mr. REID. I say to my friend, I appreciate his presence in the Chamber and attempting to work with us. On airport security, there are three problems that can be resolved in a matter of a few hours: No. 1, there are some who believe not only is airport security important but also that there be security on our passenger trains.

There are also those who believe we should protect workers who have been displaced as a result of these terrible acts on September 11. We should be able to work our way through that. We should bring these issues up, vote, and go to something else.

I say to my friend from Wyoming, I had a number of meetings yesterday with Senator LOTT in the presence, of course, of Senator DASCHLE, and he is attempting to help us work through some of this. I appreciate that very much.

Maybe today we can do something on terrorism. It would be helpful if we could get that out of the way. There are things about which I feel strongly. I had a Republican in the House today tell me: Did I hear you right when you said you think the things we do in this bill should not be sunsetted?

I said: You heard me right. If it is good now, it will be good later.

They asked me if I believed, for example, if there should be roving wiretaps on terrorists. I said to a friend, a Member of the House from Connecticut: Yes, I do. There are some basic items in this antiterrorism legislation we need to do, I say to my friend from Wyoming. I hope we can work that out before the day is through.

Mr. THOMAS. I hope so as well. One other observation: We have these items now that are of such high priority that have to do with security, and I think we need to be very watchful that we do not find ourselves using security as a vehicle for doing some things that have very little attachment to security.

I thank the Senator for his response.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ENERGY POLICY

Mr. CRAIG. Mr. President, I speak not only as part of the Republican leadership in the Senate but as a member of the Energy Committee, a committee on which I have served for the 11 years I have been in the Senate. During those 11 years, I have had the opportunity to serve under three Presidents. For 8 of those years, I served under a Democrat President. During that time, he, I, his administration, and certainly all Members, attempted to shape a national energy policy for our country that never really got accomplished. During that time, we continued to grow very rapidly as a nation. We continued to consume up to a 2½ to 3 percent increase in energy each year, although our country was only producing a 1½ percent increase of total need.

Of course, we know what happened as a result of that timeframe over the last 8½ years: We grew increasingly dependent upon foreign sources of energy for our existence, at least in oil. Our infrastructure grew older, our transmission lines and pipelines; our ability to generate electrical energy did not increase very rapidly. But workers found the demand of the new high-tech economy even required greater abundances of electricity and energy than we originally suspected.

It is why it became an issue in the last presidential campaign and it is why this President, George Bush, immediately developed a national energy task force to began to work on a national energy policy. They completed their work and sent their information to the Hill.

While that has been going on, the Energy Committee, now chaired by Senator BINGAMAN, once chaired by Senator FRANK MURKOWSKI of Alaska, has been working on a national energy policy. We have spent the last 3½ to 4 years in hearings, looking at all sides of this issue. We clearly have a vision as to what we need and what we need to do. It is really not very difficult, although it is politically contentious. We need to produce more energy, in electricity and in gas and oil. We need to put more research behind new technologies and continue to advance the technologies for electronic cars and alternative forms of electrical generation—wind and solar. We have invested millions of dollars in those alternatives over the last couple of years. We need to continue.

At the same time, there is no question for the next 15 to 20 years we will be increasingly dependent upon foreign sources for oil—predominantly oil—ultimately the greatest form of energy that moves the American economy, whether it is the cars we drive, the trucks that deliver the goods and services to our communities, the trains that run upon our tracks, the airplanes that fly across our skies, or our ships at sea, our aircraft carriers and the planes that are now flying day and night over Afghanistan. All of those are driven by oil, by energy. When we started this debate a decade or more ago, we were around 50 percent dependent upon foreign sources of that energy. Today we are at times over 60 percent dependent. We understand the issue. We clearly understand the urgency.

We awakened to that energy problem last year when the lights went out in California. We all said: My goodness, why is that happening? What happened that caused all of this—for elevators to stop operating and traffic lights to stop operating, for the economy of California to nearly go in the tank as a result of not having the energy base they needed to feed their growth and demand? We knew they had launched a policy some time back that was not allowing them to produce. While it was a wake-up call for California, it truly was a wake-up call for our Nation.

As a result of that, this Senator's effort, the committee's effort, and the President's effort, the House moved an energy bill and was able to pass a fairly comprehensive new policy toward production and infrastructure development and the kind of refinement that a new, dynamic energy policy for our country needs. They did their work. They got that work done before the August recess.

We were working, and with credit to Chairman BINGAMAN, although we had the transfer of leadership in the Senate, he continued to work. He was looking at a much broader bill to deal with the issue of energy than the House produced. We were working with him in a very bipartisan manner. Sure, there were differences of opinion. Yes, there are several issues on which we clearly disagree. But in the general sense, we were moving toward a national energy policy.

Along comes September 11. We all know that day now; It is seared into our minds, our world stopped for a time and thousands of Americans lost their lives. We began to rethink who we were and what we were all about as a country. Up until that time Americans, if they were polled, said that, yes, a national energy policy was necessary because it meant the strength of our economy and the growth of our economy and it meant that future generations would have an opportunity to have a supply of energy. But about third or fourth on that list of reasons for a national energy policy was national security. It did not register but third on some polls, or fourth.

September 11—the world changes; the American mindset changes. All of a sudden, by nearly a 60 percentile polling factor, energy and energy policy and energy supply for our country—reliable, abundant, stable—became the No. 1 issue. National security, national security, national security.

Why, then, do I read in a press release from Chairman BINGAMAN yesterday that the majority leader of the Senate has directed the chairman of the Energy and Natural Resources Committee to suspend any further markup on energy legislation for this session of Congress?

What? A No. 1 national energy policy, being now a No. 1 national security policy in our country, and the leader of the Senate is saying stop, don't go forward? The House has done its work, but the Senate cannot do its work?

He says he wants to write his own bill. OK. I have been involved with this issue for a long time. I know why he wants to write his own bill. I understand the politics of the issue. I understand the other side lost a component of the battle on September 11. Actually, they had lost it much before then. They lost it when the House voted to include oil exploration in the Alaskan Arctic National Wildlife Refuge in August. They were not willing to admit it at that time. They thought they still had the votes, but the House had already made that decision because America was sensing a need for a broader national energy policy.

But on September 11 that issue was gone. When it says down here that Senator BINGAMAN went on to say, "the Senate leadership sincerely wants to avoid quarrelsome, divisive votes in the committee," what the chairman is saying is he can't control his own people anymore in the committee because September 11 convinced them that we have to have a national energy policy because national security and energy is paramount.

So he went to his leader and said: Leader DASCHLE, I can't give you the energy bill that I thought I could. I have lost the votes on a couple of key issues and you won't like what comes to the floor.

Some on the other side are saying if you bring that kind of a bill to the floor, we will filibuster, we won't let it pass, and we don't want to see that kind of partisanship on the floor post-September 11. So they are stopping any effort to develop a national energy policy and to allow the Senate to address the issue.

I come to the Chamber today because this is not only a distressing press release from the chairman of the Energy Committee, I am amazed the majority leader has pulled that authority away from the authorizing committee chairman who has, over the last good number of years, truly become an expert in the energy issue. He and I do not always agree, but we think it is the responsibility of that committee to produce a bill, not for the majority leader to go into his back office and write a bill that is politically correct for his side of the aisle.

Is that—will that be—could that be a comprehensive national energy policy? I don't think so. But let's say it could be.

I ask unanimous consent for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I am going to give the majority leader the benefit of the doubt at this moment—because I should. I am going to say to the majority leader at this moment: OK, if that is your decision—and I understand the timing here; I understand we are in the last month to a month and a half of this session of Congress and that national energy policy is truly a national security issue and all Americans now believe that. All the polls show that. It is something the House has dealt with and we should deal with. So I say to Leader TOM DASCHLE at this moment: If you are going to craft an energy bill in your office and bring it to the floor as the prerogative of leadership, get on with it. Do it now. Don't tell us you are going to do it and then wait 3 or 4 or 5 weeks, knowing that it cannot get done and it cannot get conferenced with the House. That way you have given your people a vote, but you have not faced the issue and you have not put a bill on the President's desk. That is not leadership. That is politics.

The majority leader and the chairman of the full committee say they want to avoid quarrelsome, divisive votes. They don't want to allow partisan politics to come to the floor.

I suggest if he crafts a bill and brings it to the floor, he avoids that. But if this is a ploy, if this is simply rhetoric to get the bug off their back—because it is now squarely on the majority's back; they have canceled the committee from acting; the majority leader has said: I'll do it. So if we do not have a national energy policy for the energy security and the national security of this country by the close of business of this first session of this Congress, then it is TOM DASCHLE's fault.

I believe that is quite clear. I think that is plain and I think that is simple and I think he has said it just that way when he has said that he will craft a bill and bring it to the floor under the leadership prerogative. Comprehensive, balanced energy legislation can be added by the majority leader to the Senate calendar for potential action prior to adjournment: so speaketh the leader of the U.S. Senate.

Mr. President, I am going to support my leader. But I am going to insist, as all other colleagues will, or at least many will, that he act and that he act in a timely fashion so it can be conferenced with the House and put on the President's desk. It is an issue of national security. It is every bit as critical as an airport security bill—and the ranking member of the Commerce Committee is on the floor now trying to get that bill up. It is every bit as important as an antiterrorist bill.

If we get into a greater warlike problem in the Middle East and our flow of oil is cut off from the Arab nations, from Iraq—believe it or not—from Iran, from which we are now getting oil, and if we do not have a national energy policy that begins to move us toward a higher degree of national energy independence, then shame on us but, more important, shame on the majority leader of the Senate, who has chosen to take away from the authorizing committee the authority to craft a bill and bring it to the floor, if the majority leader himself does not honor the commitment he has now made to us, that he will divine—define and maybe divine—a balanced energy policy and bring it to the floor for a vote. That is an obligation that the Senate of the United States should deal with before we adjourn or before we recess this first session of this Congress.

I recognize the importance of this issue, as do many of our colleagues. I am phenomenally disappointed in the form of leadership that says we cannot let our committees work in this instance because this is not something new, as I said. We have been at the business of trying to write a bill for 3½ years. We have held 25 or 30 hearings on it. It is not a new issue, but it is a timely, critical issue to our country. I hope the statements of the majority leader represent the clear intention of bringing the bill to the floor within the next several weeks, that we can deal with it and move it off to conference and have a national energy policy on our President's desk by close of business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, can you tell me the parliamentary situation as it exists presently?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 1447, under cloture.

Mr. McCAIN. How much time remains on the 30 hours of postcloture debate of which there has been none that I have seen?

The PRESIDING OFFICER. Time will expire at 4:57 this afternoon.

Mr. McCAIN. If there is no one on the floor to engage in postcloture debate?

The PRESIDING OFFICER. The Chair will put the question on the motion.

## AVIATION SECURITY

Mr. McCAIN. Mr. President, we are now engaged in so-called postcloture debate of 30 hours. I have not paid total attention to what is going on on the floor of the Senate, but clearly there has been no debate on postcloture on the Aviation Security Act. This is rapidly turning into a farce. We need to act. We need to act on aviation security. If there are differences of opinion, such as those held by the Senator from Idaho about federalization, let's have debates and votes.

If there is consideration of nongermane amendments, then let's have those debated and voted on as well. The chairman of the committee, Senator HOLLINGS, and I have agreed to oppose all nongermane amendments. But for us to sit here for 30 hours in so-called postcloture debate—yesterday there was a near tragedy because of a deranged individual who broke into a cockpit of an airplane nearly causing another catastrophe. Part of this legislation, S. 1477, requires the Department of Transportation to take steps to strengthen cockpit doors.

There is another case in my own home State where some individual obviously smuggled in a weapon which caused the shutdown of the Phoenix airport for some 10 hours. The list goes on.

I don't agree with the statement that was made by the administration that there was a 100 percent chance of retaliation because of our military actions in Afghanistan. I don't agree with that statement, although I will admit that I don't have the knowledge of the members of the administration who made that statement. But here we are now going into our second week without addressing the issue of aviation security.

No, I don't agree with the Senator from Idaho that an energy bill is of the same emergency as the Aviation Security Act right now. No rational observer that I know of would agree with that statement. The fact is we need to act. We don't have to wait until 4:57 this afternoon. We should be debating, amending, and passing this legislation before we go out of session this weekend. I am embarrassed that both sides of the aisle for reasons less than national security are not agreeing to take up and pass this legislation.

I don't think the American people, who have been very pleased with our performance up until now, are very pleased. In fact, they are very displeased with our failure to take up this legislation in a normal parliamentary fashion—debate, vote, and give the American people what they don't have today; that is, the sense that a lot of Americans don't have today, that they can get on an airliner with comparative safety and security.

I urge my colleagues to stop what we have been doing for the last 2 weeks, get on with moving this legislation, and perform our duties for the American people, for the men and women right now who are in harm's way performing their duties for the American people. It seems to me it wouldn't be a great deal to ask us to move on this legislation.

Mr. REID. Mr. President, will the Senator yield?

Mr. McCAIN. I am happy to yield to the distinguished majority whip.

Mr. REID. Mr. President, every time I hear the Senator from Arizona speaking, I think of pilots taking off from aircraft carriers and taking off from military bases around the country and, as we know, special forces—I believe I know—certainly nothing confidential has been told to me; I figured it out on my own. We have special operations people there doing all kinds of things. It is extremely dangerous. There is no one in the Senate who has more personal information about war than the Senator from Arizona. I personally appreciate, speaking for the people of the State of Nevada, his passion for this legislation.

There is no perfect legislation. The legislation before us is imperfect. The Senator from Arizona and Senator HOLLINGS worked and came up with what they thought could pass this Senate.

Will the Senator agree that this legislation—no matter how anyone feels about it—should at least be able to get consideration?

There was a motion to invoke cloture which was filed 1 week ago. As I said earlier today, we may disagree with this legislation, but let's get it here and get it completed. The people of Nevada and the people of the rest of this country want this passed.

I say this to my friend from Arizona. There are important things we should do, but shouldn't airport security be one of them?

Mr. McCAIN. I think so. It is obvious. I understand the day before yesterday on Wall Street there was a meeting between the Speaker of the House, the Democrat leader in the House, 20 business and economic and labor leaders, and Alan Greenspan. Their message was, pass the aviation security bill so confidence will be restored on the part of the American people so we can have an economic recovery. On other side of the Capitol, they refuse to take up the issue. On this side of the Capitol, for nearly 2 weeks we have failed to have one moment of debate on this issue, and no amendment has been proposed. I just find that, frankly, incomprehensible.

I am not really renowned for my patience, but I believe I have shown a lot of patience. I believe that Senator HOLLINGS, the distinguished chairman of the committee, has also gone through these machinations trying to work out agreements. I must have had 100 meetings on this issue. We had the idea of taking up the antiterrorism bill first and then moving to this legislation. We thought everybody had an agreement. Then there was one Member on the other side who insisted on amendments. We thought we could get it up with perhaps an agreement that all Members would vote against nongermane amendments. That doesn't seem to have worked.

I have literally exhausted almost every option. Our meetings with the White House have been fruitless. I have not been around here—in fact, the Senator from Nevada and I have been around here the same number of years. I have never had the White House cancel two meetings in 1 day with the chairman and ranking member of the committees—two in 1 day.

Here we are telling the American people that we are working together and we are dedicated to the proposition that we will take whatever measures are necessary in a bipartisan fashion to assure their security and safety, both home and overseas. There is no expert who doesn't believe we need to act on the issue of airport and airline security. Here we are nearing the end of our second week mired in such a situation on which we have made no progress.

Mr. REID. Mr. President, may I ask one more question of my friend?

Mr. McCAIN. I would be glad to yield to the Senator.

Mr. REID. To indicate the patience and integrity of the Senator from Arizona, he could have moved forward on this legislation. But because of his patience—and most of us wouldn't want to do anything that somebody might object to—he acknowledged when he came to this floor that he could have moved forward on this legislation. I know the Senator from Arizona stands for what is good about this country, having devoted a large part of his life in a prison camp for American citizens. If we can't hear him speaking, then we can't hear anybody.

We have to move forward on this legislation. As I have said privately to the Senator from Arizona—and I say now publicly—what he is saying is absolutely full of veracity. One only needs to look at who is saying it to understand that.

Mr. McCAIN. Mr. President, I would be glad to yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Arizona knows that he and I are not too far apart on the issue on which he is speaking. I had hoped we would come to the floor this week and deal with two critical national issues: Airport security and antiterrorism. I think we were very close to being ready to do that. I had hoped we could deal with them cleanly and up front—airport security and terrorism issues.

Generally, I have supported the Senator from Arizona on this issue, and continue to do so, and will work with him. I did not come to this Chamber today to suggest a national energy policy go in front of this. I suggest we do airport security, and we ought to be doing it right now in this Chamber. The Senator ought to be down there at the lead desk on this issue carrying the debate on this side, but he is not being allowed to do so. And it is not his fault; that is very clear.

But what I am suggesting is that in the next month that this Congress will be in session, instead of sitting here marking a clock, with the lights on, the staff engaged, and nothing happening, we ought to also be debating and voting up or down on a national energy policy. I believe it is of high priority. Is it as high as airport security in the current blend of things? No, it isn't.

I agree with the Senator from Arizona. We have to get the confidence built back in the American people on airport activity and security on airplanes, and get them flying now for the long-term economy, but also into the holiday season. It is critical for our airlines and their economic stability, no question about it. We need to give our Attorney General, and others in law enforcement, greater tools to track the terrorists, to track the criminals. And that is ready to go now.

I do not understand why we were not able to switch over and double track. The Senator from Arizona agreed to that. But that is not the call of the minority; that is the call of the majority. They have not let us do that or we could be dealing with both of those critical bills—get at least one of them done this week. The clock is now running out. Having been able to do both of them—as we should have done—there would be ample time to do a national energy policy bill, to engage for 2 or 3 days on the floor, if need be, in the debate of that issue, because I have to think when you scratch the surface of all of these, you get to the bottom line: Airplanes do not fly without fuel; people do not get to the airports without it; our ships that are at sea at the moment, and our pilots who are flying those aircraft off those decks, work with a huge chunk of energy underneath them. We all know that. That is my point.

I agree with the Senator from Arizona. It is not a matter of shoving in to the front; it is a matter of this Senate being capable of dealing with all three of these issues in a timely fashion. That was the point I wanted to make to the Senator from Arizona.

Mr. McCAIN. I thank the Senator from Idaho.

I appreciate his passion on this very important issue to our national security. But since it appears that everybody is in agreement that we need to move forward on this legislation—and there has been no debate that I know of on the specific issue of airport security in the postcloture mode, and I see no reason we should waste the entire afternoon in a postcloture parliamentary situation and yet not debating the issue—I tell our leadership on both sides of the aisle, I intend to come, after lunch, in the early afternoon, and move to proceed to S. 1447. That way, we will not have wasted another entire day. I hope there will be no objection at that time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, just so everyone understands, my friend from Idaho talks about the need to move forward on airport security. Let us move forward. There is no one preventing us from moving forward on this side of the aisle. We want to move forward. We have been trying, for a week, to get to this bill, but we are having to jump over all kinds of hurdles.

We invoked cloture with a vote of 97-0 yesterday. And they—the minority—have said, OK, we are going to use the whole 30 hours postcloture. We have been stymied. We have tried to move to other things. They will not let us.

Last week, we tried to move to a matter dealing with appropriations. We have Agriculture appropriations we tried to get to. No thanks. We tried to get to foreign operations. No thanks. Why? Because of some unrelated issue. That unrelated issue is that we are not moving enough judges for them.

The people at home in Nebraska or in Nevada, I bet they are not coming to you, I say to the Presiding Officer, asking: How many judges is the Senate moving this week? They are concerned about the ability to fly out of Omaha to Las Vegas and back. That is what they are concerned about.

We want to move forward on airport security. We are not stopping anyone from moving forward to airport security. We should have been on that last Wednesday. Here it is a week later, and we are still not on it. We are postcloture on the motion to proceed to airport security.

What are the problems with airport security? There are some people who believe we should get rid of minimum-wage people checking bags, and doing other things, to make these airplanes safe; that there should be some standards; that it should not go to the lowest bidder, as now happens; that we should add, in addition to the hundreds of thousands of other Federal employees we have, about 28,000 employees who would have the stamp of approval of the Department of Energy or the Justice Department—it really does not matter who it is—one Federal agency that oversees them. That is one problem on which they will not let us move forward.

Maybe they can say that is wrong. Have a debate in this Chamber for an hour or so, vote up or down on it, and determine whether they should be federalized or not. That is how things work around here. But they will not let us move to it. They will not let us have a debate on whether they should be federalized or not.

Another issue they are concerned about is whether we should have a vote on Amtrak safety and security—not putting rubber tires on Amtrak trains or putting monitors in all the trains so that you can listen to nice music, no; just so that when you travel on an Amtrak train, you can be safe. Let's have a debate on that: Yes, you want it; no, you don't. They will not even let us talk about it.

The other issue is whether the employees who were displaced as a result of the terrorist acts are entitled to extended unemployment benefits. That does not sound too outrageous to me. And if it is, let's debate it and vote it up or down.

So that is the big hangup on airport security, those three issues.

Everyone would feel better if we passed this legislation. It would determine how airports would be handled. There would be a Federal rule that everyone could see, not a hit-or-miss proposition.

My friend from Idaho is the second person to come to this Chamber and talk about the need to do energy legislation. And the words were: And shame on TOM DASCHLE if it doesn't pass. That is a good reversal role. Senator DASCHLE is here every day trying to move legislation. Although they do not like to acknowledge it, he is the majority leader of the Senate, and he feels an obligation to do some of the things our country requires, such as pass the 13 annual appropriations bills. He has this wild idea—Senator DASCHLE—that you should pass the 13 appropriations bills. They will not let us move to those bills. We have five that have not passed.

They are not going to let us move. Why? Because you are not moving enough circuit judges. We have listed all the people we have in the pipeline who will move, hearings will be held, the votes will be taken here. But that is not good enough. Senator LEAHY has worked weekends on terrorism, helped with airport security, and many other things prior to this legislation. He set times for hearings for judges. But that is not good enough.

So we do not need lectures in this Chamber about what TOM DASCHLE isn't doing. He is doing everything humanly possible to move the agenda of the Senate forward, and we are being prevented from doing so.

We believe that energy policy is important, critically important. I believe we should become less dependent on fossil fuel. That should be part of an energy bill. We need to develop exploration in this country. We need to become less dependent on foreign oil. There is no question about that. We need to move quickly into more solar, more wind, and more geothermal, alternative energy sources.

I believe we need to have an energy policy in this country. Senator DASCHLE believes that. And if we are able to get these emergency matters out of the away, we are going to move to another vitally important thing. That is energy policy.

We always hear these speeches about the need for ANWR. There was a hearing last week during which one of the experts was asked a question that the person who asked it probably wishes he hadn't. The question was: How long would it take to start bringing oil out of ANWR? The answer: About 10 years.

We know the quantity of oil is very limited. Somehow in their minds, this drilling in the pristine wilderness of Alaska is going to solve all the world's problems, when we know if we pumped all the oil that is there now, it would be a 6-month supply for the United States.

There are a number of other problems we have with ANWR. Just last week, a person with a rifle decided to use the pipeline as a target. He shot some holes in the pipeline. By the time they figured out what was happening, 250,000 gallons of oil had dumped out on the Alaskan tundra. That is a very long pipeline. It goes hundreds of miles. I am not sure we need more pipeline in this pristine wilderness.

My friend, the distinguished senior Senator from Idaho, stated that this situation in Alaska would solve lots of the problems of the world. It wouldn't solve many problems at all. We know there are lots of energy problems in the world today. They will not be solved by this situation in Alaska.

There are so many things we need to do, and we need to get to that legislation. We need help from the minority to get to that legislation. They are not letting us move forward on legislation that has to be done.

The first conference they have allowed us to do on an appropriations bill is going to take place this afternoon. I am fortunate enough to be on that conference. At 2:30 p.m. today, there will be a Senate-House conference on appropriations for Interior. I hope we do that. That will be the first of 13 appropriations bills we have been able to finish. But they won't let us move on the five that haven't even passed the Senate.

Using words such as "shame on TOM DASCHLE" isn't senatorial. It is an unfortunate choice of words. Senator DASCHLE understands the importance. I have been in meetings with him just this week, and with Senator BINGAMAN, talking about how important it is to move this legislation. We need to move the legislation. We just need a little help to do it. We have not received the help.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened with some interest to my colleague from Nevada and previously my colleagues from Arizona and Idaho in their presentations. I compliment my friend from Nevada. Let me also say how much I admire the Senator from Arizona who came to the floor about 20 minutes ago and asked the question: Why are we not moving? Why is the Senate not doing its work on the issue of aviation security? He, of course, knew the answer and answered it himself. We are held up by people who believe somehow that this is not an emergency, this is not a priority, and that there are other issues more important. So they hold the Senate up.

It has been that way now for nearly 2 weeks. We don't vote, we have no debate on the floor, and now we have a colleague today who comes to the Chamber and decides the problem is the majority leader, Senator DASCHLE. Nothing could be further from the truth.

The problem is we have a handful of people in the Senate who are intent on serving as human brake pads to stop this place dead in its tracks. They have succeeded. While the country is worried about the emergency situation that exists as a result of the September 11 terrorist attacks, as a result of an economy that clearly has serious problems, the Senate stands at parade rest. Why? Because a handful of people in the Senate have decided we should not move forward on the issue of aviation security.

It is the easiest thing in the world to take the negative side of anything. All of us understand that. This bill, authored by Senator HOLLINGS and Senator MCCAIN—and I am proud to be a cosponsor of it from the Commerce Committee—deals with aviation security, a whole range of issues: The creation of a large cadre of armed sky marshals to put in American commercial airliners; the development of perimeter security at America's airports; the hardening of cockpits on commercial airliners; and the change in the method of screening luggage and people at airports. All of these things are important. There is much more in this legislation as well. That is the positive side of what we are trying to do on an emergency basis.

There are some who have held it up, and continue to hold it up even now. I am reminded of Mark Twain, who I have mentioned before. When asked one day to get involved in a debate, he said: Of course, as long as I can take the negative side.

They said: Well, we have not told you what the subject is.

He said: It doesn't matter. It doesn't take any preparation to take the negative side.

That is the case in the Congress as well. It takes no preparation to come here and be opposed to almost everything. It takes no skill to be opposed to everything. We have a few folks in my hometown like that. I grew up in a county of 3,400 people. We have several of them who have opposed everything, all along the way, all the time. This Senate is a lot like my hometown, regrettably. The problem is in the Senate a couple of determined people can stop things.

In this country we face real emergencies at this point. Our economy is in serious trouble. Commercial airline service is integral to an economy and its recovery. Going into September 11 and the tragic acts of terror committed against this country, we had a very soft economy. The economy was in trouble even then. One of the leading economic indicators of the economy is airline travel because it is one of the first places people and businesses cut back.

All of our major airline carriers were hemorrhaging in red ink on September 10 going into the September 11 terrorist attacks. On September 11, the Federal Government ordered all commercial aircraft—in fact, all aircraft in this country—to land immediately, and they were grounded. That industry was forced to stay on the ground. There were no airplanes in the sky anywhere.

So this is an industry already hemorrhaging in red ink that was forced to suspend all operations. Then the FAA, under certain circumstances, allowed the restoration of commercial airline flights. What the airlines are discovering is that there are people in this country who have canceled events, conferences, trips, and vacations because there is concern about getting back on an airplane.

I understand that concern. I flew last weekend to North Dakota, and I had also flown the weekend before to North Dakota. But I understand that people are concerned about getting back on an airplane. They and every American saw over and over and over and over again those images of the 767 commercial airliners being flown into the World Trade Center Towers. That is an image most people will not soon forget. So people were concerned and leery about going back to commercial air travel.

This Congress, therefore, must act if it is going to try to restore some health to this economy and give a jump start back to commercial air travel. To do so, this Congress has to put together legislation dealing with aviation security and airline security. That is what we have tried to do. Senator HOLLINGS and Senator MCCAIN, Senator KERRY, myself, and others, have worked on a piece of legislation that makes good sense. We brought it to the floor understanding that this is an emergency, that this is urgent legislation that needs to get done. And guess what. This Senate is brought to parade rest. Nobody is doing anything and nothing happening because we have a couple of people who say: We won't let anything else continue.

You know, we have some people who are crabby about some amendments. My theory is, in a situation like this, if you have some amendments you don't like, stand up and oppose them. If you have some you want to offer, stand up and propose them. Let the Senate vote. Let the Senate make a decision. Do you have good ideas or not? If you don't, tough luck. But don't hold up the Senate and hold up this issue of an urgent need to pass an aviation security bill just because you are a little cranky and have stayed cranky for a couple of weeks. You put the country at risk by doing that.

Now, my friend from Idaho is in the Chamber. He and I have worked closely together. I admire his work. I fundamentally disagree with what he did this morning. He is upset with something Senator DASCHLE has done with respect to an energy bill. Frankly, that energy bill, as Senator MCCAIN said, is separate and distinct from the aviation security bill. We are going to do an energy bill, and we ought to, but the energy bill is going to come together from several sources in the Senate. It is going to come to the floor and we are going to have an opportunity to offer amendments and discuss it. I don't disagree with the notion that central to this country's security is an energy policy. We haven't had an energy policy, under Democratic or Republican administrations, for 30 or 40 years that has meant very much to this country. We need to produce more and find more oil and natural gas. We need to conserve more and, yes, we need to find renewables and a limitless supply of energy, to expand our supply. We need to do all of that, and we need to do it soon.

Let me just say this with respect to security: Security, it seems to me, starts at this moment on the floor of the Senate with passing an aviation security bill. That is where it starts. We will work on a piece of legislation dealing with energy policy. We should do that and that also is urgent. But that ought not hold up an aviation security bill. It should not hold this up. We have a responsibility at this point not to go back to business as usual. Business as usual in the Senate is to have two or three or four or five people hold up the work of the entire Senate. That didn't mean very much under most circumstances because we didn't have a situation that was urgent —not with most pieces of legislation. But if you don't think post-September 11 and the challenges we have to the American economy and the challenges we have in air travel and with respect to providing security for this country at home and abroad—if you don't believe that is an urgent situation, somehow you have slept through the last month.

This country faces an urgent need to do a series of things —important things—that will strengthen its future. Central to those at this moment is a piece of legislation dealing with aviation security. It is past the time—long past the time—when this Senate should have been debating that and voting on it. It simply makes no sense to have a couple of people holding up the Senate because they got out of bed on the wrong side and have a permanent case of ill temper on things about which they are concerned. As a result, they hold up the rest of the Senate.

Mr. CRAIG. Will the Senator yield?

Mr. DORGAN. Of course, I will yield to the Senator.

Mr. CRAIG. If Senator DORGAN isn't cranky, and I am not cranky, wherein lies the problem? He and I agree on the importance of airport security. We ought to be debating it right now, right here in this Chamber. Are there some disagreements? Yes, there are some disagreements. Are they big? To some, they are. I don't happen to disagree with all of them. The Senate is working its will, and the leader from the other side who is speaking on the floor right now is doing what he ought to be doing. But he also knows how the Senate works.

At this very moment, we are very close to coming to the floor now with an agreement that cleans up and allows us to focus on airport security. I hope it is sooner rather than later.

The American people deserve an airport security bill. But what I was saying on the floor a few moments ago—quoting from the chairman of the Energy Committee on which the Senator serves—he no longer can craft a bill. He has been disallowed by your leadership from doing so. He is going to, therefore, submit a bill to the majority leader and the majority leader is going to bring it to the floor for our consideration.

What I said on the floor—and I will repeat it—is this: Please do that. Bring that bill to the floor, and sooner rather than later. I will say that it is no longer the responsibility of the chairman of the committee. I serve on that committee along with the Senator from North Dakota. We know that.

The majority leader has spoken. The burden is on the majority leader to get an energy bill to the floor. I believe it is third in the line of actions that should be taken up on the floor. Airport security ought to be done right now. I hope we can do it this week and also do the antiterrorist bill this week. The Senator and I are in total agreement on that. I hope we sort this out sooner rather than later. But once those two bills are done, my guess is that I will be on the floor every day saying: Majority Leader DASCHLE, where is your energy bill? Where is your energy bill? You have taken the authority away from the committee. If you are going to produce a bill, do it, and we will debate it. Agree to get it to the floor with a couple of amendments on either side, or with no amendments, and then get it to conference, get the conferees appointed so we can get a bill on the President's desk. I believe and the public believes if we get into a shooting war in the Middle East and we sever our ties to our dependency on Middle East oil, we send this economy into another tailspin that should be avoidable, but it is not. I thank the Senator.

Mr. DORGAN. I understand the point the Senator made. I say this: The burden that might exist on anybody in this Senate—and especially a majority leader of the Senate—is a burden to get the work of the Senate done. We can't do the aviation security bill because we have a couple of people holding it up in the Senate. Why? Because they don't agree with some things. They have decided aviation security isn't urgent for this country. They could not be more wrong. The burden of the Senate is to pass appropriations bills. We have appropriations bills—in fact, we have more than a half dozen—I believe nine of them—some of which have yet to come to the floor of the Senate to be passed. In fact, very few appropriations bills have been completed at all.

The appropriation subcommittee that I chair had the conferees appointed this week from the House on a bill they passed in June. Think of that. Months and months of stalling, not even appointing conferees to an appropriations bill.

The point is that the majority leader can't bring an appropriations bill to the floor of the Senate. You want to know why? These are bills that were supposed to have been done by October 1—through the House and the Senate. They are not done and he can't bring them to the floor because we have the same few people who object, object, object, and then say to me that the majority leader has a burden.

I will tell you what the burden is. The burden is these objectors who sit on our shoulders all day long and won't let this Senate do its business. We ought to be doing the things that are important at this point and saying to the American people that the Senate understands this situation is urgent in America, that security is an urgent situation, that the threat of terrorism is something we should respond to with great urgency.

Our economy is in an urgent situation. We need to work together to do something about that. But to have this Senate essentially stop in its tracks for 2 weeks is almost unforgivable. I don't handle well people telling me what the burden of the majority leader is. The burden of the majority leader is to get this Senate to get its business done. We have four, five people thumbing their suspenders and saying: No, I object to everything. Well, take your suspenders outside the Chamber, in my judgment, and let's do the work the American people want us to do.

Aviation security is job No. 1. Senator MCCAIN talked about the need to get to this bill. He will be here at 2 o'clock. When he comes to the floor, I am going to be here as well. When he asks unanimous consent to go to the bill, I want to support him. It is unforgivable that hour after hour and day after day this Senate is not doing the business it is intended to do. People talk about the burden of the majority leader. The majority leader has too large a burden, in my judgment, with respect to a few folks who want to hold the Senate up. We know what we ought to do. Let's do it. For those who don't agree—and there are three or four who have deep disagreement with the issue of screening at airports, the screening of luggage—the screening of luggage. If you disagree with that, then offer an amendment. If you win, good for you. You will not, in my judgment, but if you do, fine. Why hold up the Senate and prevent us from passing a bill that is so urgent? It does not make any sense to me.

This really is business as usual, regrettably, at a time when the last thing America needs is business as usual from the Senate. They need a Senate that is engaged and that has its priorities straight and in which everybody steps back a bit, takes a deep breath, and says: We are part of the same team. There is now just us and them. There are the terrorists and the rest of us. The rest of us are trying to do what we can to respond to these heinous acts of mass murder. That is our responsibility.

I remember a story about a person who opened a small retail business on a small Main Street. He had a large glass fish tank installed in the front window for his grand opening. He put out a huge sign that said: This fish tank contains 63 invisible Peruvian man-eating fish. Crowds gathered on Main Street to look at this fish tank. Of course, there was nothing in it, just a sign about invisible fish.

We could perhaps have a sign in the Senate, not about fish, but about invisibility. We are doing nothing. In a time of great national concern, in a time of national emergency, in a time when there are urgent requirements and needs for us to do the right thing, this Senate is doing nothing.

It is not the majority leader's fault. The majority leader has a plan. He has an aviation security bill. He has a national security bill. It is not his fault. It is the fault of two, three, four, or five Members of the Senate who decided for their own reasons they want to shut this place down for a while. What an awful signal to send to the rest of the world.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. Our friend from Idaho stated the airport security bill is No. 1, terrorism is No. 2, and energy is No. 3. I say to my friend from North Dakota in the form of a question, doesn't the Senator believe we have an obligation to do what is required, and that is pass appropriations bills?

Mr. DORGAN. In response, I say, absolutely. In fact, our colleague from Idaho is on the Appropriations Committee. The first thing you have to do is appropriate the money for the agencies—the FBI, the CIA, the National Security Agency, all the law enforcement functions—and then all of the other functions of the Federal Government. We have to pass the appropriations bills.

We are now operating under a continuing appropriations bill because we in Congress did not get our work done by October 1. It is not as if we are not trying. Senator BYRD and Senator STEVENS, the chairman and ranking member of the Appropriations Committee, are pushing very hard, and we cannot get the appropriations bills to the floor of the Senate.

Do my colleagues know why? Because there is an objection to a motion to proceed to an appropriations bill.

Mr. REID. Does the Senator know the reason for the objections supposedly?

Mr. DORGAN. The objections have nothing to do with appropriations. The objections, as I understand it—there are several different objections to different bills around here; it is one of those pick-your-flavor objections to people who professionally object. As I understand, they do not want appropriations bills to move forward because they are concerned about nominations.

Mr. REID. About judges.

Mr. DORGAN. Yes, nominations of judges. My understanding—the Senator from Nevada might correct me—my understanding is it has taken a substantial amount of time for the administration to move judges to the Congress for consideration. I believe something like 25 or 29 of them came just the first part of August. They are now going through the hearing process.

With respect to judges, as far as I am concerned—and I hope every one of my colleagues feels the same way—let's get judges moving; let's get all the appointments and confirmations moving. As far as I am concerned, the same burden rests on myself. If I object to someone, bring them out and I will vote against them.

By and large, I think most of these nominations are pretty good nominations, but I do not think anybody is trying to hold these up. What has happened is it has taken a great deal of time to get names here, and now the Judiciary Committee is sifting through them to get the hearings in place. The fact we are not even allowed to go to appropriations bills has nothing to do with appropriations; it has to do with some other issue.

Mr. REID. May I ask another question?

Mr. DORGAN. Sure.

Mr. REID. On the Senator's trips back home—and I know he was home this past weekend—has anybody come up and asked the Senator about how the judges were coming in Washington?

Mr. DORGAN. No, I say in response to Senator REID, most people are concerned at this moment about the Senate moving very quickly with some urgency to deal with situations such as aviation security, to deal with the issues of national security and international security responding to terrorism, the antiterrorism bill. Most people are concerned about that.

Obviously, the lingering effects of the September 11 terrorist acts will probably last forever, and it means people are very concerned about this country's response to those specific threats.

Mr. REID. I say to my friend, our friend from Idaho listed 1, 2, 3, his priorities. In listing the priorities of the people from the State of North Dakota, where does the Senator think our moving judges through this system would list in ranking? Does the Senator think they would be in the top 100?

Mr. DORGAN. Probably the top 100. Moving judges is just something we should do. It is not a case that we are not moving judges. That is, in my judgment, a false charge.

If we are talking about what are the priorities, what is the urgency today on Wednesday, first, as Senator McCAIN said, the urgency is an aviation security bill; second is an antiterrorism bill that has been worked on and largely agreed to; and third, we ought to finish the appropriations bills. We have a responsibility to do that.

The Senator from Idaho is not wrong about energy being a significant issue. It is an issue. I agree with that. I talked today about the commercial airlines and their component part of this economy and their important part of this economy. So, too, is energy. We will not have any economy without energy.

I do not disagree with the notion that energy is a significant issue. I would not necessarily say Senator DASCHLE has the burden of making it third. We have to do the appropriations bills before we do the energy bill. If we can get rid of a few of the objections, we can move these things quickly. There is no reason we should not pass an aviation security bill and send it to the President by tomorrow night. We can pass it today and resolve our differences with the House and move it to the President. There is no reason we cannot do that for this country. We should do that.

The antiterrorism bill I think is about completed. There is no reason we cannot do that as well. What a great signal to the American people.

The interesting thing is—and the Senator from Nevada asked me about what I heard back home—what I heard all weekend in North Dakota was how pleased people were that finally the pettiness seems to be gone from the politics in this country, and good riddance. Finally, people are working together. Finally, it is not so much that you are a Democrat or a Republican. It is not that there is a my side and a your side, it is just that there is an our side. There is only one side in this country, and that is the side that all of us choose to stand on in the fight against terrorism. There is only one side, and it is our side.

That is why I hope that at 2 o'clock this afternoon when Senator McCAIN comes to the floor with this bipartisan bill on aviation security, that this is something we can clear, move to the floor, offer amendments, and get it done for our side.

Again, it is not Republicans and Democrats. Senator McCAIN is a Republican. Senator HOLLINGS is a Democrat. They have worked together. I have worked with them and others to put this bill together. This bill represents a response by our side, the American response to an emergency, to an urgent situation. I hope we can avoid the kind of difficulty we have been seeing in recent days.

I ask those who put us in this position of being, as I said, at parade rest day after day when there are so many urgent things to do to rethink that. I can think of several things that make me a bit upset about this body and probably object to one thing or another. I do not intend to do that.

I had an amendment on a bill in the subcommittee I chair. When I brought my subcommittee bill to the floor, I had an amendment that was very important to me and very controversial. I was fully intending to push that amendment and have a big debate and a vote on it. Then September 11 happened, and I brought the bill to the floor after September 11 and said: I do not think it is in the country's interest for me to push this very controversial amendment.

Although it means a lot to me and it is very important to me, I am not going to do it because I do not think that is the way we ought to send signals to the American people about who we are and what we are doing at this point.

I ask others, especially those who have held up the work of the Senate for now about 2 weeks on this issue, think along the same lines and see if we cannot come to some understanding of the urgency of passing an aviation security bill.

We on the Commerce Committee spent a lot of time working on these issues. The leadership of both Senator HOLLINGS and Senator McCAIN has produced excellent legislation, legislation that will provide real security to commercial airlines and to those who fly in this country, and I hope we are able to do that soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE VALUE OF THE FAMILY FARM

Mr. DORGAN. Madam President, I actually came to this Chamber to talk about something else, which I want to do now for about 3 or 4 minutes. But, I was inspired by my colleague from Arizona, Senator McCAIN, who was talking about the urgency of the aviation security bill and wanted to comment first about that.

I want to speak for a moment about another priority. When I was talking with the Senator from Idaho about priorities, let me describe another one that ranks right near the top, in my judgment. As soon as we finish the legislation dealing with aviation security, the antiterrorism bill, and the appropriations bills, we need in this Congress to turn to the farm bill. If one does not come from farm country, they may not understand the need for a farm bill, but let me describe the urgency of this Congress passing a decent bill that gives family farmers a chance to make a living.

We have been living with a farm bill called the Freedom to Farm Act, which has been a terrible failure for family farmers. It literally has pulled the rug out from under family farmers in our country.

Last Friday, the House of Representatives passed a new farm bill, and good for them. The bill that was passed by the House of Representatives is better than the current farm bill that is now in place. We can make it even better. It shortchanges wheat and barley, for example, on loan rates, and there are some things that I would change.

I say this: The bill the House of Representatives passed is better than the current farm bill. Now the Senate has an obligation to take up a farm bill and pass it before we finish our work this year. We must do that. We do not have the choice. If we do not pass a new farm bill this year and accept the challenge with the House having passed its bill, we will shortchange American farmers in a significant way. There are many families hanging on by their financial fingertips wondering whether they are going to be around to plant the crop next spring. I hope this Congress will say to them that family farmers matter to this country, they strengthen this country, and we are going to give them a farm bill that provides countercyclical help when prices collapse so they can stay around and be part of our country's future.

Now why is that important? Two reasons. One reason is one I have talked about a long time in this Chamber, and that is from both an economic and social standpoint, family farms are important to this country's character and its future. Family values have always rolled from family farms to small towns to big cities, nurturing and refreshing the value system in our country. Having a network of family farm producers producing our food in this country produces more than food. It produces communities, it produces a lifestyle, it produces character in rural America that adds to this country and who we are and what we are.

Even more than that, if one does not care about that—and I do deeply—we could have, perhaps, a country in which we farm from California to Maine with giant agrifactories in which no one lives out on the land. It is just a bunch of corporate bookkeepers. That, in my judgment, erodes and detracts from the culture that has helped make America great. So even if one does not care about family farming—and I do very deeply—even if one believes that agrifactories are the way of the future—and I really disagree with that—from a national security standpoint it makes good sense to have wide dispersal of food production in America.

There was a report the other night on a national television program talking about feedlots that feed 200,000 head of cattle. This report talked about the real possibility of the introduction of bioterrorism through the food supply in concentrations of agriculture production of that size. It is true. How difficult would it be, however, to do that to a food production system which you have a wide network of family farms on America's land producing America's food? From a national security standpoint, it is important that we have support for family farmers.

Europe does it. Europe does it for another reason. Europe has been hungry and decided never again to be hungry and never again to be dependent on concentrations of food producers. So they, in Europe, have a network of producers, small farmers, dotting the landscape of Europe because they have been hungry once and have determined never to do that again, and the best defense against hunger is to have family farmers all across Europe producing their food supply.

The same is true in this country, in my judgment. Exactly the same is true. Add to that the national security implications of having broad distribution of food supplies in this country produced by family farms. Again, as I said when I started, I think family farms produce something very enriching and very important to who we are as a country. Much more than that, they also contribute to this country's national security.

The House of Representatives has passed its farm bill. We have a responsibility in the Senate to pass ours. The difference between the House and the Senate farm bill that would amend or change the Freedom to Farm Act will be hundreds of millions of dollars to farmers in North Dakota alone.

The Freedom to Farm bill was passed when the price of grain was quite high and it collapsed almost immediately, and family farmers have lived now for 4 or 5 years with commodity prices that are far below the cost of production. The result is a whole lot of families are struggling. Many have lost that struggle and have moved from the family farm because they went broke. Others are hanging on, just hoping.

The only thing farmers have ever been able to live on is hope: hope that somehow next spring they would be able to find somebody who would lend them the money to plant a crop; hope if they put the crop in that perhaps it would rain enough so that the crop would grow; hope that it would not rain too much and drown out that crop; hope they did not have insects; hope they did not have hail; hope that crop disease did not destroy the crop.

If beyond all of those hopes they finally raised a crop, hope when they combined or harvested that crop and put it in a truck and drove it to an elevator that there would be a price that was decent. With that kind of hope, farmers deserve our help during the tough times, and it is my hope the Senate will understand its responsibility right now in the next several weeks to take up the challenge of the House and pass a farm bill, a good farm bill, that says to family farmers we are standing with them, we are standing behind them, and we want to provide a bridge over price valleys to try to help them through these tough times. If we do that, it also will strengthen our country. That also will strengthen our economy.

We will not have economic recovery in this country if we say it does not matter what happens to those who live on the land; it does not matter what happens to family farmers.

Economic recovery also begins by helping those who produce America's food supply, and I hope the Senate will take up this challenge in the next couple of weeks.

I conclude by saying this: I come from rural America. I was raised in a town of 300 people. We raised horses, had some cattle. When I left my home county—it was a fairly large county geographically—there were 5,000 people living there. There are now 3,000 people living there. Like most rural counties, it is shrinking. The Lutheran minister in one of the communities in my home county told me she has four funerals for every wedding at which she officiates.

There is this movie "Four Weddings and a Funeral." This is the opposite: four funerals for every wedding. Why is that the case? Because in those small towns and those rural areas, people are getting older, the population is aging. Very few new people are moving in, very few young people are taking over the farms, because they can't make a living.

As the age increases, the economies of the communities are shrinking. What used to be a plum is now a prune—my home county and thousands like it across this country.

If one just thinks this is about numbers and balance sheets, let me again describe how it is not. It is about dreams, about people's lives. There was an auction sale, which happens too often in my State. A fellow named Arlo was the auctioneer. He told me he was auctioning a tractor at the auction sale. People bid and bought the tractor. At the end of the auction sale, where he auctioned many things from the family farm because the farmers could not make it, a little boy, about 9 years old, came up to him. He was the son of the farmer who was being sold out. He grabbed the auctioneer around his leg, and he kind of shouted at him. He said: You sold my dad's tractor. Arlo kind of patted him on the shoulder to try to calm him down. This little boy had tears in his eyes. He looked up and said: I wanted to drive that tractor when I got big.

This is about dreams, about families, about kids. It is about the future. Family farming is much more than just business, it is part of our culture. Our country needs to understand that. We have a responsibility to write a new farm bill, one that works, one that works for family farmers.

In conclusion, as I have said before, if writing a farm bill is not about investing in families who farm in this country, retaining a network of families across the prairies of this country, then we don't even need a farm bill. We don't need a farm bill to help the giant agrifactories. If someone wants to buy 3,000 milk cows and milk them 3 times a day, God bless them. They don't need Uncle Sam's money. But a family with a family yard and a light that shines over where that family sleeps, where the dreams reside, cannot make it through tough times and price depressions. The only way to save family farms when the prices collapse is that the Government say: This part of our economy matters; we hope you get through the tough times—we will build a bridge over the valleys. If the Government is willing to do that, it will retain a food supply network populated on average by family farms that produce that food supply.

In a world desperately hungry, where so many people go to bed at night with an ache in their belly, when thousands die every day from hunger and hunger-related causes, it is unthinkable to me that what we produce in so great abundance somehow has no value. They take it to the elevator, and farmers are told their grain has no value. It has value to the people in the world who are starving. It has value to the 500 million people who go to bed at night hungry. But our farmers are told, that which you produced, which rested on your hope in the spring to produce a crop, has now no value in the fall when it is harvested.

There is a major disconnection in this country about the value of agriculture, its worth to family farmers, its worth to the world and what it contributes to the stability of the world. We had better think through in a more clear way how all of that fits together. Food is an enormous asset. Those families who produce it are a significant asset to this country. It is time the Congress understands that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ANWR

Mr. REID. Madam President, we have spoken several times today about energy policy. I will spend a few more minutes talking about something that has created a lot of confusion and controversy and in some respects bad feelings: that is, what we should do about ANWR.

The majority leader has indicated the volume of the business to be completed by the Senate is heavy. The subject of national energy policy is important. But we also acknowledge the jurisdiction of national energy policy cuts across several committees, all of which have a hand in charting the future of that policy. Of course, that is one of the main reasons Senator DASCHLE yesterday indicated we need to do an energy bill. If we are going to do it sometime in the next few months, it has to be done by bringing it to the floor directly. When it comes, it will occupy much of the Senate time.

I hope, however, we will not devote the Senate's precious time to a debate on drilling in ANWR. That debate, if we choose to have it, will be divisive, as it has been. Many do not believe you can drill in ANWR, and if you do so, it fundamentally changes the character of this national treasure, this pristine wilderness. We also believe whatever the size of the footprint of ANWR, it opens the possibility of a larger, more destructive footprint in the form of an oil spill. It is tough, very difficult to prevent accidents. It is very difficult and tougher still to prevent those who may be out to cause problems in the wilderness. It is not a speculative threat.

At the Trans-Alaskan pipeline last week, as most of my colleagues are aware, a lone rifleman shot some holes through the pipeline. This appears not to have been an act of terror but an act of one person out to do some damage to a critical part of the Nation's infrastructure. This action, where holes were shot in the pipeline, rupturing an 800-mile-long pipeline which spans from Prudhoe Bay to Valdez, gushed oil from 2:30 in the afternoon to 3 a.m. the following Saturday morning. That is 36 hours. They thought something was wrong but couldn't find where the leak was.

It took 36 hours to locate, plug the hole, and stop the rush of oil. I referred earlier to 250,000 gallons, but it was actually 285,000 gallons of crude oil spewed over many acres surrounding this pipeline. The cleanup crews have worked hard to capture about 88,000 gallons of that crude oil, leaving 200,000 gallons over that pristine area.

When you go to the gas station—and most of us have to pump our own gasoline because they are almost all self-service stations—if you fill that tank a little bit too full, the gas runs all over the pavement. When I was a younger man, I worked for Standard Oil and later Chevron. I pumped gas. One of our jobs was to put as much gas as you could in a car, but if it spilled out, just a little, it ran all over, and it was embarrassing. People thought you wasted 25 cents' worth of gas when it was probably half a penny or a penny's worth. Think what 250,000 gallons of crude oil would do to any environment.

It is unclear how we will clean this up. The Environmental Protection Agency and the Alaska Department of Environmental Protection estimate they may leave the oil-soaked land in place and try to treat the land. Others say maybe they have to remove all this oil-soaked brush and trees and even treat the soil. So it is not clear how they are going to clean it up, but it is clear it is terribly difficult to prevent lone acts of ignorance, terrorism, and simply accidents involving our energy infrastructure. I think we would all be well advised to not have another 800-mile pipeline.

Madam President, I will ask unanimous consent to have printed in the RECORD a number of editorials. I just picked up a few here. We were on the Defense authorization bill when various Senators on the other side held up this legislation because they wanted the energy bill on it. These editorials from the Philadelphia Inquirer, Los Angeles Times, New York Times, Charlotte Observer, Chicago Tribune, and the Charleston Gazette —just to pick a few newspapers—the last one is the Albuquerque Journal—say this is wrong; you cannot tie energy policy to things that have no bearing, no relation to it.

I hope, as important as energy policy is, that we move forward at the right time and the majority leader understands the importance of it. We are going to do that. But we recognize the divisive nature of ANWR.

I ask unanimous consent these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Enquire, Oct. 1, 2001]

### BACK TO NORMAL

#### ENERGY ISSUES SIGNAL A RETURN TO PARTISANSHIP

Brief though it was, the hiatus from political hijinks has begun to wane in Washington.

Under the guise of national security, some elected officials have started to slip pet projects into unrelated legislation, grinding progress to a halt.

Last week, the worst offender, Sen. James Inhofe (R.; Okla.), stalled an urgent $345 billion defense authorization bill by hitching it to the notion of drilling in the Arctic National Wildlife Refuge in Alaska.

Talk about poisoning a bipartisan well. Few issues are more divisive.

One amendment to the defense bill contains the entire House energy bill, which was passed in July. Rather than debate it on its merits, Sen. Inhofe suggested the Senate rubber-stamp it as an after thought to needed defense appropriation.

This is no way to do business—even in wartime.

The energy bill has been shelved all summer, waiting behind faith-based initiatives, campaign-finance reform and a patients' bill of rights. As U.S. policy-makers rightly focus on the Sept. 11 attacks, energy probably should move up on the domestic agenda.

But realize that, since the attacks, gas supply and prices have been stable. The organization of Petroleum Exporting Countries agree Thursday to maintain its current production level, despite a precipitous drop in the price of crude oil. Unlike last fall, the supply of winter heating fuel is stable, with lower prices expected.

A growing consensus among energy analysts, government officials and economists predicts that the Sept. 11 attacks will have no short-term impact on energy supply. Even if the immediate supply were threatened, drilling in the Arctic refuge isn't the answer. No oil would flow for 10 years—the time needed to construct oil fields and a delivery route.

And even if the most optimistic estimates were correct, Arctic refuge oil would reduce imports only a few percentage points. Nearly half of U.S. demand would still be met by foreign oil. The country will remain vulnerable to the world market as long as demand for fossil fuels keeps rising.

The United States needs an energy overhaul, not just more oil. The long-term supply-and-demand problems outlined by Vice President Cheney's energy team last spring haven't changed. Remedies must include new technologies and conservation, as well as improvements in conventional fuels.

An energy program it too important to be passed as a tangential political maneuver. The Senate should reject these amendments.

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[From the Los Angeles Times, Sept. 28, 2001]

### ARCTIC DRILLING IS STILL BAD

The United States needs to take decisive steps to improve its security against terrorism but should be wary of attempts to use the crisis to stampede Congress into bad policy decisions. In one such attempt some lawmakers are trying to rush through legislation to open the Alaska National Wildlife Refuge (ANWR) to oil exploration and drilling.

"We can't wait another day," House Republican Whip Tom DeLay of Texas raged at a press conference." This country needs energy produced by Americans in America for America," declared Rep. W.J. "Billy" Tauzin

(R-La.). Hold on. Drilling in the Arctic refuge was a bad idea before Sept. 11 and is just as bad today. Rushing the energy bill through the Senate wouldn't make the ANWR provision better.

The facts are unchanged. The refuge is estimated to contain 3.2 billion barrels of oil that can be pumped without economic loss, enough to supply the nation for about six months. It would take roughly 10 years for these supplies to reach gasoline pumps. We could save five times as much oil by raising the fuel efficiency standard of new autos by three miles per gallon. There may be just as much oil in other parts of Alaska, including the 23-million-acre National Petroleum Reserve, now open to the oil companies. Domestic production can and should expand where it is economically feasible and does not threaten special areas.

The wildlife refuge, on the north slope of Alaska between the Brooks Range and the Arctic Ocean, is the home of the 129,000-head Porcupine caribou herd, which migrates more than 400 miles to the coastal plain to calve. The refuge also has polar and grizzly bears, Dall sheep, musk oxen, wolves, foxes and myriad bird species.

Once the first drill pierces the tundra, the refuge will be changed forever, despite the denials of drilling proponents. Would we harness Old Faithful for its geothermal energy? Put a hydroelectric plant at Yosemite Falls? You could not measure the potential cost to the environment in Yellowstone or Yosemite, nor can you in the Arctic.

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[From the Charlotte Observer, Sept. 28, 2001]

### HARD TIMES, BAD LAWS

Congress shouldn't be stampeded by terrorist attacks. Don't get the idea that politics has been suspended while Washington focuses on terrorism. In fact, supporters of some politically controversial proposals are reshaping them to make it appear they're necessary to help win the struggle against terrorism.

Take the Bush Administration's proposal to drill for oil in the Arctic National Wildlife Refuge, for instance. Some proponents of drilling say Congress should move quickly to allow to it in order to lessen U.S. dependence on oil from the politically unstable Middle East.

Baloney. Drilling in Alaska wouldn't make a dime's worth of difference in U.S. dependence on imported oil. At present the United States produces less than half the petroleum it consumes. Economist Paul Krugman, writing in the New York Times, notes that drilling in the wildlife refuge, at its peak, would supply only about 5 percent of our consumption. Even with drilling there going full steam, we'd still depend on imports for 45 percent of our needs.

The quest for a cut in the capital gains tax is irrelevant to the present crisis. Some Republican backers of a rate cut say it's necessary to pump money into the economy to pull the nation out of a recession.

More baloney. The way to jumpstart the economy is to put money in the hands of people who are likely to spend it quickly. Simply rebating the federal payroll taxes would do that quicker and better than tinkering with the capital gains tax. And a one-time rebate would be in keeping with Federal Reserve Chairman Alan Greenspan's caution against making long-term changes to deal with short-term problems. "It's better to be smart than quick," he said. While Mr. Greenspan favors reducing or eliminating the capital gains tax over time, he does not favor doing it now.

The disaster of Sept. 11 didn't change the arguments for and against drilling in the wildlife refuge or cutting the capital gains tax. Politicians who suggest otherwise are attempting to use the terrorist attack to advance an unrelated political agenda. Congress rightly feels a need to do something, but it shouldn't be stampeded into doing something wrong.

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[From the New York Times, Oct. 2, 2001]

### STRONG-ARM TACTICS IN THE SENATE

Members of Congress have largely resisted the temptation to exploit this moment of national crisis to promote pet causes. One exception is a small group of senators and House members, led by Senator James Inhofe, an Oklahoma Republican, who favor opening up the Arctic National Wildlife Refuge to oil drilling. Last week Mr. Inhofe threatened to take the energy bill passed earlier this year by the House and add it as an amendment to the high-priority Defense Department authorization bill. The energy bill includes a provision opening the refuge to drilling.

Tom Daschle, the majority leader, has scheduled a cloture vote for this morning. If successful, the vote would make it impossible to attach non-germane amendments like Mr. Inhofe's to the bill. Senators who care about sound legislative procedure—not to mention a rational approach to the country's energy problems—will vote for cloture.

Drilling in the Arctic is a contentious issue on which the Senate is closely divided. Railroading the idea through without proper hearings defies elementary standards of fairness. There is also no evidence that drilling in the refuge will significantly reduce America's dependence on foreign oil. The House bill that includes the drilling provision is itself an ill-conceived mishmash of tax breaks that would do a lot for the oil, gas and coal industries without putting the country's long-term energy strategy on a sound footing.

Reducing America's dependence on foreign sources of energy is a complicated business, and there are many experts who believe that the surest road to energy security is to improve the efficiency of our cars, homes, factories and offices, and to invest heavily in non-traditional sources of fuel. Before the terrorist attack, the Senate Energy and Natural Resources Committee had begun extensive hearings aimed at producing an energy bill that would balance exploration and conservation. This measured process should now be allowed to resume, free of pressure from partisan maneuvering.

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[From the Chicago Tribune, Oct. 2, 2001]

### THE GREASY POLITICS OF ALASKA OIL

In a display of unity and statesmanship seldom seen in Washington, most politicians have put aside partisanship and personal squabbles to concentrate on helping a traumatized nation recover from the terrorist attacks of Sept. 11.

Then there's Sen. Frank Murkowski, a Republican from Alaska.

Last Wednesday, he threatened to bring all Senate business to a halt unless there was a vote on the Bush administration's energy bill, which contains a provision to open Alaska's National Wildlife Refuge to oil drilling—a pet project of his and a few others in the Senate.

"If I have to hold up normal legislative business, I will do that," he said.

Way to go, senator: Your sense of national priorities is about as keen as your timing. What better moment to push your agenda than now, when your colleagues and the nation are still mourning the dead and pondering how to prevent another terrorist attack?

Though drilling was approved by the House earlier this summer by a comfortable margin, it faces much tougher going in the Senate. Indeed it's a short-sighted proposal that would damage one of the few pristine wilderness areas left in the country. It ought to be defeated; the terrorist attacks don't change that.

Yet, Murkowski and a few others—Sens. James Inhofe (R–OK) and Larry Craig (R–ID)—are using the national crisis to grease the drilling proposal through the Senate with a minimum of debate.

Murkowski's office says the oil could start gurgling through the pipelines as soon as a year from now—if only the Senate would pass legislation to dispense with lawsuits, environmental studies and other inconveniences.

In other words, forget the details and let'er rip.

Any responsible plan to drill in Alaska will take anywhere between 7 and 10 years of study, planning, engineering and construction. At that, the oil from there would have just a small impact on the amount of oil the nation needs to import. In the short or the long term, drilling in the refuge has little to do with the terrorist challenges the country faces.

What an astonishingly crass move, to manipulate the Sept. 11 tragedy to get the energy bill approved. Threatening to shut down the Senate smacks of gross political opportunism.

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[From the Charleston Gazette, Oct. 1, 2001]

### ENERGY

### DON'T USE TRAGEDY

Some energy industry executives would use Sept. 11 to further their own greedy agendas. Sadly, some in Congress are willing to help them use this national tragedy to add billions of dollars to their bottom lines.

Sen. James Inhofe, R-Okla., is attempting to amend the controversial House energy bill into the unrelated defense appropriations bill. That energy bill includes billions of dollars in subsidies to oil, gas and coal interests, and it would open the Arctic National Wildlife Refuge to exploration and drilling.

Coincidentally, Inhofe is Congress' top recipient of campaign money from the oil and gas industry. He's already received $56,200 this year from drillers, according to the Center for Responsive Politics—nearly $20,000 more than he received in the entire 1999–2000 election cycle.

Inhofe says this is a natural time to talk about the security implications of the nation's dependence on foreign oil. Fine. What does that have to do with giving billions of dollars to polluting industries? What does that have to do with despoiling the nation's last pristine ecosystem?

If the United States wants to lessen its dependence on foreign oil, there are better ways. Congress could finally raise the gas mileage standards for cars, and apply passenger car standards to minivans and SUVs.

Congress could encourage alternative energy sources that cause less environmental damage.

This debate was poised to happen before the Sept. 11 attack. But energy industry lackeys like Inhofe want to use that tragedy to sidestep Senate debate and get what they want.

This shameful attempt to use the deaths of thousands of Americans is grotesque. West

Virginia senators Robert C. Byrd and Jay Rockefeller should show their respect for the dead, and for what the United States has been put through, by voting against this callous amendment.

[From the Albuquerque Journal, Oct. 1, 2001]

POLITICAL MANEUVER BLOCKS DEFENSE BILL

So, is this a time of national unity, in which divisive policy issues are to be set aside while we deal with the emergency at hand? Or, is the rush to pass the enabling legislation to clear our military for action just another golden opportunity to steamroll unrelated partisan issues over the opposition?

For some Republicans, it is the latter.

Sen. James Inhofe R-Okla, has refused to withdraw his amendment to the Defense Authorization Bill that would tack on energy legislation passed by the House and a Senate energy bill sponsored by Sen. Frank Murkowski, R-Alaska. Both would open the Arctic National Wildlife Refuge to oil exploration.

Fast-track solving of legislative problems by tacking amendments onto unrelated bills is a congressional practice in normal times, if a bit short on legislative honesty.

But, these are not normal times. The maneuver makes a mockery of the touted bipartisanship to deal with the situation left in the wake of the Sept. 11 terrorist attacks.

There have been bipartisan calls for quick action on the $345 billion defense bill.

"Our troops are counting on it; the Pentagon needs it," said Senate Majority Leader Thomas Daschle, D-S.D. "I can't think of a more urgent piece of legislation than this right now under these circumstances."

Sen. Inhofe, however, sees the urgency only as a rare opportunity for a a bit of political war profiteering—if he can get a majority in the Senate to go along.

The question of drilling in ANWR is a contentious issue Congress will have to deal with at some point. But, blocking an essential defense bill in an effort to slip it past without debate on its merits is a reprehensible tactic in these troubled times.

To his disgrace, Inhofe has already blocked action on the defense bill until next week. Senate colleagues should reject his maneuver and get back to unity of purpose in addressing the urgent task at hand.

Time enough to pick up on the contentious and important ANWR debate on its own merits after Congress has done all it can to provide for the anti-terrorism effort ahead.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSIDERATION OF AN ENERGY BILL

Mr. INHOFE. I was hoping the assistant majority leader would stay on the floor so I could tell him I was very pleased with what happened last night. I have dealt with the assistant majority leader and majority leader for several weeks now in an attempt to get an energy bill to the floor. I understand an agreement has now been announced that the majority leader and assistant majority leader will bring one to the floor.

I started to say to Senator REID, when I saw him walk out—I wanted him to be here so he could hear me compliment him on this action. I think it is critical.

I believe we should have gone through an extensive committee markup. On the other hand, as the weeks go by and we get closer to adjournment, I think this would be an impossible thing to do at this point.

Second, I am hoping when this bill comes to the floor—and there is now a commitment from Senator DASCHLE to bring it to the floor during this Congress, before adjournment—that we get it in time to be very deliberative, in time to consider all the amendments.

I do not know what this energy bill will look like when it comes to the floor. I will read this now to make sure it is in the RECORD in case someone else hasn't done so:

At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress. Instead, the chairman will propose comprehensive and balanced energy legislation that can be added by the majority leader to the Senate Calendar for potential action prior to adjournment.

While it did not have a chance to go through the committee process, which I would have preferred, when it became apparent that it was not going to go through, I thought the next best thing was to go ahead and send it straight to the floor; let us work on it here. We need to put amendments on it. We need to be in a position where we are able to offer the amendments to make sure it has the necessary provisions to do something about an energy policy for the future.

I do not say this in at all a partisan vein because I started, in the 1980s, trying to get the Reagan administration to have an energy policy.

Then I tried to get the Bush administration, the Bush I administration, to have an energy policy for this Nation. They would not do it. I thought surely he would, coming in from the oil patch, but he did not.

Then of course we tried during the Clinton administration, and they decided they were not going to do it.

So this is our chance right now. As long as we have lip service, saying, yes, it is important; yes, it is important for our national security to have an energy policy, but not doing anything about it, we are doing a great disservice to our Nation.

Here we are in two wars for all practical purposes right now. In Iraq you may have noted this morning another one of our Predators was shot down, and of course what is happening in our war on terrorism around the world. This is no time to be playing around with what is probably the single most important aspect of our ability to defend America, and that is our current reliance upon foreign sources for our ability to fight a war.

When Don Hodel was Secretary of Energy and Secretary of the Interior, back during the Reagan administration, he and I went around the Nation giving speeches as to why our dependence on foreign countries for our ability to fight a war is not an energy issue; it is a national security issue. We went, I remember, to New York and Chicago and different places to try to explain to people we cannot be dependent upon foreign sources for our oil and still be able to fight wars and defend America as the American people expect of us.

At the time that Don Hodel and I went around the Nation, we were 37 percent dependent upon foreign sources for our ability to fight a war. Today that is now 56.6 percent.

What I am saying is we are importing 56.6 percent of the oil we are using to run America and to fight wars. Today, in this current environment, it costs much more, in terms of amounts of oil, to fight a war than it did in the past.

Of the 56.6 percent that we are dependent upon for our ability to fight a war—we have to say it in that way—half of that is coming from the Middle East. Do you know who the largest contributor to our dependency is, in the Middle East? It is Iraq. Here we are at war with Iraq. They just shot down one of our Predators, a third one, this morning. We are sending battle groups over there to defend America, sending them into combat situations with Iraq, yet we are dependent upon Iraq for our ability to fight a war against Iraq. That is preposterous. It is not believable that this could be happening.

That is why I say we have to get out of this position. We have to establish a national energy policy that is comprehensive, that does have as one of its cornerstones the maximum that we are going to be dependent upon foreign sources for our ability to fight a war. And that is not just the Middle East; that is other parts of the world also.

To be in a 56.6 percent dependency—and, incidentally, by the end of this decade, if we don't do something to dramatically change it, it is going to be 60 percent. That is 60 percent dependent upon foreign governments for our ability to fight a war.

What happened last night is a major breakthrough because we now have the majority leader stating that he will have a comprehensive bill before us to vote on before we adjourn. That is major. We are going to have to consider all aspects. I don't want to see something coming down that is not comprehensive. It is going to have to talk about where our untapped resources are in this country.

I can see right now all the lobby of the far left environmental extremists are going to say this is an ANWR bill. It is not an ANWR bill. Of the comprehensive bill, H.R. 4, from the House of Representatives, that passed—and that is the one we will probably go into conference with—out of 200 pages, only 2 pages talk about ANWR. That is a very minuscule part of it. It covers a lot of items. For example, we have untapped resources in the United States other than ANWR. We have some offshore opportunities, where we have tremendous reserves.

I happen to be from the State of Oklahoma. We had huge stripper well production. When we talk about stripper wells, we are talking about small wells, shallow wells that only produce 15 or fewer barrels a day.

But if you had producing today, right now, all of those stripper wells, or marginal wells that we have plugged in the last 10 years, then it would equal more oil than we are currently importing from Saudi Arabia. That shows it is out there.

Why can't they do it? They can't do it because to lift a barrel of oil out of the ground, it costs us 10 times as much in the United States in marginal production as it does in Saudi Arabia, for example. So it is not the price of the oil so much as, when they make this decision as to whether or not to explore for these marginal wells, they have to have some idea of what the price of a barrel of oil is going to be when it is ultimately produced—and that will be a period of a year. We have jumped around from $8 to $35 a barrel in less than a year, so how can they predict that? That has to be included in a comprehensive energy policy so we can exploit all of these opportunities.

The other day I was on a program with one of our well-respected Senators, and I made the comment almost in jest that you can't expect to run the most highly industrialized nations in the history of the world on windmills. He said, in fact, you can. He talked about this wind technology. Fine. We want to go after these other technologies and exploit other opportunities out there—hydroelectric, the sun, and the wind. But until that comes along, we have to look very seriously not just at oil and our dependency upon foreign nations but almost nuclear.

I can remember back in the 1960s when people would protest nuclear plants. Now they realize there is a serious problem with the quality of our air. A lot of those people are saying: Let's go back and reexamine nuclear energy. No. 1, it is the cheapest; No. 2, it is the cleanest; and, No. 3, it is the most readily available.

I think we should address that in a comprehensive energy policy. That is what I hope will be on the floor.

We have something that is very significant. I am sure the American people, since the days of my going around the Nation with Don Hodel back in the 1980s, and since we went through a very large Persian Gulf war in 1990, now realize we can't be dependent upon the Middle East. That is the hotbed. That is where the problems are today. We are concerned about North Korea and Afghanistan and about many areas, but the Persian Gulf region is where there is a tremendous threat—yes, almost a terrorist threat.

I commend the majority leader for making the agreement to bring up a comprehensive bill. But I am asking him, since it is in his lap—he is totally responsible for keeping his word on this—that he bring something to the floor early enough so we can go through the process, debate it, and have amendments. Then we can go to conference with the House. They have already passed theirs way ahead of us. We can come up with an energy policy, which we have been trying to get through. The President, I am sure, will be happy and anxious to sign it. He already stated that he would this year before we adjourn.

It is something that we must do. It is something that is long overdue. But the opportunity is here today.

I feel very strongly that this is an opportunity we cannot bypass. I commend the majority leader and am anxious to see what that product looks like. I hope we are able to work on that product and get it to conference so we get an energy policy and get it signed.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 1:07 p.m. recessed until 2:04 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

## CHARGING OF TIME

The PRESIDING OFFICER. The Senator from Georgia.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. CLELAND. I yield.

Mr. REID. Mr. President, I think it is clear for the record, but we wanted to make sure that the last approximately hour and a half is charged against the postcloture proceedings on the bill before the Senate. I am quite sure that is the case, but I wanted to make it clear.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AVIATION SECURITY ACT—MOTION TO PROCEED

Mr. CLELAND. Mr. President, almost exactly 1 month ago to the day this Nation was rocked by the most horrific act of terrorism ever leveled against the United States. Following the events of September 11, we resolved as a nation to work together to secure our borders and do all in our power to prevent a repeat of the kind of assault that shook this country 30 days ago. Key to the security of America is our ability to quickly put in place enhanced security measures at our airports and on our planes to ensure that our skies are safe and that Americans are no longer afraid to fly. Yet the legislation that is key to ensuring that America's aviation system is secure—the very measure that is our most direct legislative response to the hijacking of four U.S. airliners—has been stalled now for a week. This body is in agreement on many issues in this bill and we have compromised on others. It is time that we bring this critically important bill to the floor and openly debate the differences which remain.

Whether or not to "federalize" airport security personnel is an issue that still deeply divides this body. I also attended the briefing by El Al officials which the distinguished Chairman of the Commerce Committee and others have referred to throughout this debate. We are all aware of the extraordinary security measures the Israeli airline has put in place and the extraordinary success of those measures. Because of the constant threat of terrorism to Israel and the Israeli people, El Al has taken the following steps to ensure the safety of its passengers and the integrity of its operations: armed, plain-clothes, in-flight guards; extensive passenger questioning and Interpol background checks; extensive luggage inspections, both visual inspection by employees and high-tech explosive detection, including the placing of luggage and cargo in decompression chambers; and secure cockpit doors that remain locked from the inside. Since the implementation of these measures, no Israeli airline has ever been hijacked. This record speaks for itself.

In that briefing the El Al officials were asked if airport security personnel were government workers or contract workers. The response was telling. The El Al officials did not even know what contract workers are. They want government workers on the front line to enforce the tightest security measures possible. As others have pointed out, we want Secret Service, government employees to provide the greatest protection possible to the President of the United States. We want Federal law enforcement officers to protect the elected members of the House and Senate. Why would we want any less for the people of this Nation?

There was a recent article in the Atlanta Constitution about an Atlanta-based security company which provides baggage screening for 17 of the 20 largest airports in the country, including baggage screening for Dulles and Newark airports—where two of the four hijacked planes originated on September 11. According to the Atlanta Constitution:

> The company has 19,000 employees and provides security for office buildings, colleges and Federal facilities. In the past year, it pled guilty to allowing untrained employees—including some with criminal backgrounds—to operate checkpoints in Philadelphia International Airport. Its parent company was fined $1.2 million. In addition, the company is also said to have falsified test scores for at least 2 dozen applicants and hired at least 14 security screeners with criminal backgrounds ranging from aggravated assault and burglary to drug and firearm possession. The highest advertised job at this company pays $7 to $8.50 an hour.

Mr. President, to repeat, these workers are paid $7 to $8 an hour. With minimum wage pay like this, no wonder many of these screeners look at going to work at a fast-food restaurant as a promotion. Clearly we cannot have this attitude as our first line of defense.

In the El Al briefing, there was a slide describing the onion-like layers of security in their aviation system. At the outer layer was the layer of intelligence—key to any effective protection of our skies and borders. In Israel, when there is knowledge of a possible security threat, there is immediately a line of intelligence communication from the highest levels of government down, and in that intelligence loop are the security officers at Ben Gurion Airport. This is a compelling reason why we should have Federal workers at the airport checkpoints in this country. There are over 700 of these checkpoints at over 420 airports. We need a domestic version of the Customs Service as our first line of defense against hijackers.

The General Accounting Office in assessing our aviation vulnerabilities stated that "the human element is the weakest link in the chain." We saw that on September 11. The airline industry is in favor of federalizing airport security personnel. More importantly, the American people support it. In a recent national poll, 82 percent of the people surveyed said they would support having the Federal Government take over security screening at U.S. airports even if it cost $2 billion a year.

All of us appreciate the value of rapid response in combating terrorism. It is time to bring the aviation security bill to the floor and fulfill the number one responsibility of Congress: to work to ensure the safety and protection of the Nation and its citizens. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I note the Senator from Oklahoma is not in the Chamber, so I will withhold until he reaches the floor. What I intend to do when he does reach the floor is ask unanimous consent that we vitiate the remaining hours on postcloture and proceed to immediate consideration of S. 1447.

Today there was an ABC news poll that showed 42 percent of the American people are still concerned about flying on an airliner.

The day before yesterday there was a meeting in New York City between the Speaker of the House, the Democrat leaders, Representative GEPHARDT, and 20 business and labor leaders, as well as Alan Greenspan, Chairman of the Federal Reserve. According to published media reports, there were strong recommendations by all these individuals to move on airport security so the confidence of the American people could be restored and the economy would have a chance to recover.

For 2 weeks we have been trying to get this bill considered. Meanwhile, we have American men and women who are in combat, putting their lives on the line for the safety of American citizens and we cannot even act on an airport security bill. I don't feel like running through the litany of all the things that have happened, all the meetings the Senator from Texas and I have had, and not had, the scheduled meetings and the unscheduled meetings, the canceled meetings, and the negotiations. This legislation is being held up for reasons that have nothing to do with airport security. There are legitimate differences of opinion on this issue. I respect those differences.

The Senator from Oklahoma was going to state when he objects that he is afraid a nongermane amendment or nonrelevant amendment may be added to the bill. I oppose, as does the distinguished chairman, Senator HOLLINGS, nonrelevant and nongermane amendments, but, at the same time, that is not reason to block the legislation from being considered.

Because there are objections that are related or nonrelated to this legislation, we are blocking the legislation because of certain select interests or concerns. That is not the way we should do business. The way we should do business is to take up bills, vote on them, have debate, have amendments, and vote on them. That is the way the process is supposed to work.

Is this an issue that is a minor policy disagreement? Is this an issue that has to do with only a small number of Americans, maybe the State of Arizona or just the State of Texas? No. This is an issue of compelling requirements. Very few Americans, if any, will ever forget the sight of those airliners flying into the World Trade Center. All of us will remember it as long as we live. Every time they see it, they will want to know that their Government, working with the elected representatives, not by Executive order but by working with their elected officials, has taken every measure possible to ensure the safety of the flying public, which is a large number of Americans.

Supposedly at 4:57, as a result of my parliamentary inquiry before lunch, we will be going to the bill, but the reason I propose a unanimous consent request now is by the time there are opening statements tonight, we will have killed another day. Perhaps we may even use all of tomorrow. Usually we don't do a lot of work around here on Friday. And we would then have expended another week before we could get on this legislation.

I thank the Senator from Texas for all of her hard work on this issue. I know the Senator from Oklahoma will object and give his well-thought-out reasons for doing so. I know the Senator from Texas will make her comments. The time for backroom negotiations and conversations and proposals and counterproposals is over. We have a bill. We had hearings in the Commerce Committee on airport and airline security. This legislation is a direct result of those hearings. This is not something made up in the backroom. This legislation was produced through thoughtful consultation with the best minds in America that we could find. We think it is vital we move forward with this legislation.

At this time, I ask unanimous consent we vitiate the remaining hours in postcloture and move directly to the consideration of S. 1447, the Aviation Security Act.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I wonder if my colleague and friend from Arizona would be willing to modify his unanimous consent request, that he amend it to say that all amendments be relevant to the underlying airport security bill?

Mr. McCAIN. In response to the Senator from Oklahoma, that would be a highly unusual request, as he knows, because the normal procedure in the Senate is to take up legislation. If there is a concern about nongermane or nonrelevant amendments, then a cloture motion is filed, as has already been filed in one case.

So, no. I do not agree to modify my request for that because I think it would be depriving Members, at least temporarily, of their voice and their concerns and their amendments that they might want to propose. I promise the Senator from Oklahoma I will object and vote against and argue against, as the distinguished chairman of the Commerce Committee stated, any nonrelevant and nongermane amendment. I hope that satisfies his concerns.

Mr. NICKLES. Further reserving the right to object, I appreciate the remarks of my friend and colleague. If we can keep the bill itself pretty much to relevant amendments, I think and believe we can get this bill passed this week.

For the information of our colleagues, we are very close to concluding the antiterrorism package. I appreciate the patience of my friend and colleague from Arizona. We have been trying to pass two bills this week: one, an antiterrorism package, and the other an airport security package. I hope and believe we can pass both this week. The antiterrorism package is much closer to being there. In fact, it is our hope we can pass it today. We are in the process of trying to conclude a unanimous consent request to pass the antiterrorism package today that will be in agreement and hopefully have the vote by 6 o'clock tonight.

With that in mind, the fact we are so close to doing the antiterrorism package and getting it to conclusion at this point, I object to the unanimous consent request proposed by the Senator from Arizona.

The PRESIDING OFFICER. The objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am getting as frustrated as the senior Senator from Arizona. We have been working on aviation security since September 12, 2001. I introduced the bill that would increase the number of sky marshals that very week. I could see the traveling public was going to be stunned. Of course what has happened is even worse than that. The impact on the economy of having people stay out of airplanes and airports is staggering. It was a domino effect. The airlines are flying at half capacity. They are not flying as many flights. Hotels are not full. Rental cars are not being rented. The cancellation of conventions all over the country is being reported.

We can do something about this. We have been working on it in a very bipartisan way. There are very few disagreements on the bill—things we can work out or have amendments, vote them up or down, and we can send a decent package to the President.

What is holding the legislation up is extraneous amendments. These amendments may have merit, but they are not worked out yet and they are not relevant to aviation security. We are dealing with some very complicated matters. Antiterrorism is complicated. We have tried to keep that clean so that the disagreements are on the bill and disagreements on other issues don't encroach on that bill.

We need to do the same thing for aviation security so we are not talking about differences on an unemployment bill in the middle of other differences on the relevant bill and not be able to come to the conclusion on the aviation security bill because of something that does not relate to aviation security.

The President wants to deal with unemployment. We want to deal with unemployment. We can do that in the economic stimulus package or in a freestanding bill. That would be the responsible thing to do, particularly when we know if there are going to be other jobs available. Right now we have a huge loss of jobs in the aviation industry. But we are trying to add jobs in aviation security. We are trying to add jobs in the defense industry because we are going to be ratcheting up our defense needs. So let's give our employees a chance to seek other jobs before we pass something when we are not even sure how much we are going to need or if that is relevant by the time we see if these other jobs can be filled.

But it is a whole different issue. So why not talk about aviation security? I see the distinguished Commerce Committee chairman, Senator HOLLINGS. He has worked with Senator ROCKEFELLER, the chairman of the Aviation subcommittee. I am the ranking member of the Aviation subcommittee, and Senator MCCAIN is the ranking member of the full committee. We have worked on this bill.

We have worked with the White House trying to come to the agreements on this bill, and we are very close. We are going to strengthen the cockpit doors. You would think that after what happened just yesterday on the airplane where the deranged man fought his way into a cockpit—just yesterday—there would be an impetus to take up this bill.

We are going to add air marshals in the bill that I introduced the week of September 11, because we know people will feel safer if there are air marshals on airplanes. We know the more we can get in, the more likely people are to fly and the less likely we are to have incidents, because we will have on those airplanes trained law enforcement personnel.

We are trying to upgrade the screening. Everybody who has been through an airport knows there have been holes in security, in the screening process. Today in many airports there are long lines at the screening stations. We want to regularize that process so people know what to expect and so we can get through on a more expedited basis using trained people with good equipment.

Those are the things we are trying to do with this bill. So I support Senator MCCAIN's motion. I think we need to proceed to the bill, and I think we need to keep extraneous amendments off, and that should be a bipartisan agreement. Then we can argue legitimately about the bill itself and how much federalization we have and where it goes and what the dollars are. All of that is legitimate disagreement. Let's get to the bill. Let's do what we must do to get people back into airplanes feeling safe and secure. Let's give them that security, and let's help the economy strengthen.

We must do that. We are wasting valuable time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Texas, and our ranking member, the distinguished Senator from Arizona, Mr. MCCAIN.

We did not come to our particular bill for the federalization of airport and airline security in America in a casual fashion. The truth of the matter is that having been on this committee for over 30-some years, I can say we have been trying to beef up security for quite some time.

I could go back to the 1970s in speaking on this topic, but I will bring you right up to 1988. When Pan Am Flight 103 exploded over Lockerbie, Scotland, we heard of security breaches there—which have now been proved in court. As a result, we had hearings, we had conferences with the White House and the leadership and the airlines and everyone concerned, and what did we come up with?

We wanted to keep it just the way it is with privatization, but what we were going to do is have higher standards, more training, more supervision, more money: The same old same old after 1988.

Then, of course, they had the TWA Flight 800 disaster in 1996, 5 years ago. Following the disaster, we had the Gore commission, and what did we come up with? We came up with more training, higher standards, more supervision, more money—the same old same old.

So I determined, along with Senator MCCAIN, that bygones were bygones with all this fetish about privatization. In a time of war we can't relegate security and safety to any kind of low-cost bidder.

You can put in the words, is my point, of higher standards and more supervision and more training and more money, but you have to fix the lack of accountability and standards, as they have in Israel.

Right to the point, while the distinguished Senator from Texas was talking about just the screeners, I believe we must focus on the whole security picture, including the outer perimeter or rim in the Israeli onion ring plan—the outer ring is intelligence.

Incidentally, I have just been in a discussion where they were talking about too many leaks of classified information to the public. Let me say this, the war on terrorism is not a military war, it is an intelligence war, and intelligence operates on a need-to-know basis.

You do not have to tell the Senator from South Carolina anything. Just tell me what we have done. Don't tell me you are backing up aircraft carriers and you are going to do this and you are going to jump from the helicopters like they have in the headlines, or that you are working with this group and that group—they don't know how to run a war, particularly against terrorism.

Mr. President, this war is not the hundred-yard dash. This is going to be an endurance contest, and it is going to be off the front pages if there are going to be any successes.

Back to the screeners, they have to have the highest security clearance. When we get terrorist watch lists from international security, we might get it from the Brits, we might get it from the French, we might get it from one of the Muslim countries themselves. But these watch lists are not going to be effective prevention tools to that screener who is being paid $5 or $6 an hour and has only been on the job for 3 weeks.

We must have the highest type of personnel, not only as screeners, but as trustworthy security professionals. That is what we are talking about. That not only relates to the screener but to the person who vacuum-cleans the rug in the airplane. Don't worry about somebody going through with a pistol in an airport to get on a plane. What they are going to do is have someone working the tarmac, with a loaded gun available, and I call up ahead of time, and I say I have seat 9-A, and you tape the weapon underneath the seat. We must address these types of security weaknesses.

You have to understand, you are in a war with a clever bunch of rascals, absolute fanatics. In this kind of war you can't have 20 percent of security personnel privately contracted, for instance. Someone came to me late last evening and said: How about 20 percent of the screeners? Go out there and tell that to the Pentagon—let's have the privates and the corporals and the sergeants privately contracted.

They have 669,000 civilian civil service security personnel in defense. But they are wrangling about 18 plus 10, or 28,000 new government airport security personnel. It is not money. We have paid for it.

I have mentioned ad nauseam the $917 round-trip coach class ticket to Charleston, SC. I will willingly pay a fee to know my life is safe and there is no chance ever again of using a flight in the United States of America as a weapon of mass destruction. The pilots ought to be able to seal that cockpit door, which should have been done—they ought not have to be waiting for legislation. The airlines should not have to delay safety because of bureaucracy. They have pilots to fly airplanes—not to fight—once they go on and secure that cockpit door. As the chief pilot of El Al told this Senator: If my wife is being assaulted back in the cabin, I do not open that door. So everybody will know that, hereafter, no matter if they are hijacking a plane to run it into the Golden Gate bridge, or into a building, or into the Sears Tower, or anyplace else—they are picking out all kinds of targets in people's minds—airplane hijackings are not going to happen; that is done with.

We have to move along to protect other terrorist targets, because that is how the terrorist's mind moves. They can maybe get 100 trying to wrestle the plane down. I don't believe they can get the plane down. Once the pilot hears a disturbance, yes, people can be hurt, someone can be killed, but he immediately knows his orders. Rather than open the door and say, "Do you want to go to Cuba? Let's go"—no; now the doors stay closed, and he immediately lands the plane. He wires ahead, and the FBI and security is there to take charge. They are not going to get very far trying to hijack the plane.

Having taken these preventive steps, the Israelis knew, almost proof positive, when the plane that came out of Israel and went down with an explosion over the Black Sea, that a bomb had not been put on that plane. You have to go through those parameters of defense, of security and safety, in Israel. There is no way to get a bomb on the plane unless you have the pilots and everybody conspiring together.

That is not going to happen. The security system that we have set up and planned to pay for was approved by whom? By the pilots. We have their official approval of our approach in this particular bill. The flight attendants approved of it, and begged for it. The executives of the airlines are for it. The municipal associations, the tourism associations—I am getting boiled up.

We have held this bill up on the floor for 1 week on the motion to proceed. Why? On account of procedural Mickey Mouse nonsense, or—there is no better word—constipation. Everybody wants to add this or that measure onto it. We have to get Amtrak. No. We have to get benefits. No. We have to have a stimulus bill. No. We have to get this. Sure, let's take care of all those issues, but in order.

It is unforgivable to stand around here now for a week just on a motion to proceed. Objection just occurred when the distinguished ranking member of the committee and chief cosponsor said let's move to it, debate it, and listen and learn about these amendments, and vote them up or down; that is all. But we apparently have a minority. I am ready to vote, because I think I have some votes. Being in the minority does not surprise me, with all the undercurrents and the lobbying going on by the contractors. We read in Roll Call yesterday that when I am talking on the floor to an empty Senate, the lobbyists are back talking on individual treatment to the Senators.

Should I have to go around and call on the 99 other Senators and explain this bill to them and get past the lobbyists? What has the Government come to in a time of crisis? Let's move on. Don't wait until 5 o'clock and maybe then file some amendments and maybe have some more cloture and some more delay.

This bill, from its origin, should not have been called airline safety but airline stimulus. Ironically, this crowd will go forward with any kind of stimulus.

We are under limited time. We are on the motion to proceed.

The PRESIDING OFFICER. The Senator is informed that his 1 hour of cloture has expired.

Mr. HOLLINGS. I ask unanimous consent that I continue with an additional hour from any other Senator, that I proceed for another few minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I will conclude with a thought I just expressed about stimulus.

This measure would stimulate the airline industry—exactly what we are trying to do all over America. When you get people traveling, when you get them on the airlines, when you get them in the hotels, when you get New York going again, and when you get all of these other places back to normalcy, the best way to stimulate the airlines is to get safety for them.

What the bureaucracy has done up here with the procedural hangups is to give $15 billion to keep the airlines alive and then guarantee that they go broke by not giving them the safety and, therefore, ensure that the traveling public is not on the planes.

This is the best way I know of to not just stimulate the airlines and air travel but to stimulate the economy. Please come forward. Let's move on this particular bill.

I thank the distinguished Senator from Delaware and the Senator from Alaska for indulging me the extra moments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

## DEVELOPING A BALANCED ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I thank the Chair. I will try to be brief to accommodate my colleagues who are seeking recognition.

I would like to call attention to a release that came out of the majority and the chairman of the Energy and Natural Resources Committee, Senator JEFF BINGAMAN, indicating that at the request of the majority leader, Senator DASCHLE, the chairman of the Energy Committee, Senator BINGAMAN, suspend any further markup of energy legislation for this session of Congress. I emphasize "this session of Congress." That sounds pretty definitive to me. Instead, I quote the release:

> The chairman will propose comprehensive and balanced energy legislation that can be added—

I emphasize "can be added." It doesn't say "will be added;" it says "can be added"—

> by the majority leader to the Senate Calendar for potential action—

It doesn't say "action;" it says "potential action."

I certainly have the highest respect for the majority leader. I notice that this is very carefully worded. It says that it "can be added;" it doesn't say "will." Not that there is a proposed action but "potential action."

Very frankly, that is not good enough for me. I will ask the majority leader to specifically respond as to whether or not he intends to develop a balanced energy bill. I question the word "balanced" because that means no input from the minority, no input from the Republicans, an effort to circumvent the committee of jurisdiction, the Committee on Energy and Natural Resources, of which I am the ranking member. I question how it could be balanced.

So I urge the leader to address specifically whether he will take up and introduce an energy bill, and whether or not it will be placed on the calendar, and whether or not we will have sufficient time to offer amendments on the issue of fairness and equity in the contribution of the minority.

I would also add, the reason for this action, apparently, is twofold. One is the question of jurisdiction. In other words, there are other committees involved. There is the Committee on Finance, on which I serve, relative to tax implications associated with an energy bill. And as you tax forgiveness, accelerated depreciation, here is obviously the role of the Committee on Environment and Public Works in certain areas—perhaps the Committee on the Judiciary. But clearly, the majority of the jurisdiction is within the Committee on Energy and Natural Resources.

We have been working a long time on this. We began and introduced a bill early in the session, early in February, as a matter of fact. We have been working with Senator BINGAMAN on his comprehensive bill. We were committed to try to report out, tomorrow, Senator BINGAMAN's expedited bill on energy infrastructure, which I support.

I do not know the rationale. I can only assume that perhaps the leadership thought there was not the votes in the committee to block certain amendments that might come up or perhaps the majority thought there is not the support in the Chamber to stop an energy bill.

I think it is interesting to note that the public polling indicates about two-thirds of the individuals polled nationwide support an energy bill; polling on the contentious issue of ANWR is about 64 to 36 in favor.

So as we address what is behind this shroud of sudden reluctance to pursue an energy bill, one can only deduce that perhaps they did not want to give the President a victory. The President, as we know, presented an energy package very early, an energy task force report, and it worked to try to get that through.

We have held numerous hearings. We have had hundreds of witnesses. We are about at the altar, so to speak, and suddenly the rug has been pulled out from under the authorizing committee.

Another point that was brought up is that this might be contentious; there might be differences of opinion. That is what the amendment process is all about. We need a vote. We need a vote, an up-down vote on an energy package. We need an up-down vote, in a democratic manner, on the proposed amendments that would be offered.

So I would first encourage the majority leader to reconsider his action and let the committee do its work and report out a bill and schedule it for action on the floor. If he does not, I would ask that he consider giving us the assurance that his bill will go on the calendar prior to adjournment; that we will have time to take up amendments and debate it in its entirety.

Mr. President, I am going to conclude my remarks—and I see another Senator seeking recognition—but I will be directing further remarks later on tying in, if you will, how terrorism is funded, and the realization that written statements from bin Laden, who we all agree is the perpetrator, to a large degree, behind much of the terrorism, are directly related to his appeal to many of the Muslims relative to the issue of our increased dependence on Mideast oil and his belief that the United States owes Muslims $36 trillion as a payback for "the biggest theft in history," and that is the purchase of cheap oil from the Persian Gulf.

Bin Laden claims that the United States has carried out "the biggest theft in history" by buying oil from Persian Gulf countries at low prices. According to bin Laden, a barrel of oil today should sell for $144. And based on that calculation, he said the Americans have stolen $36 trillion from Muslims; and they owe each member of the Muslim faith $30,000.

There might be some motivation there, but there is certainly a communication of consideration.

I yield the floor and thank my colleague who is seeking recognition, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business and that my time will count against cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, as it turns out, I am pleased to be speaking immediately after the Senator from Alaska and thank him for the sentiments he shared with all of us. It is not the first time we have heard these sentiments, but it is a message he has delivered consistently.

I have been in this body less than a year, as a new Member of the Senate. I came to the Senate as an old Governor, as did the Presiding Officer. And we, as Governors, tend to be more anxious to get things done. We are not so much interested in rhetoric, not so much interested in symbolism; we want results. We are not interested in process. We want product.

Before I ever got into politics, before I moved to Delaware, I was a naval flight officer. I finished up my tour of duty in 1973. I moved to Delaware to go to the University of Delaware Business School on the GI bill.

One of my first memories being in Delaware, 28 years ago, literally this month, was sitting in line to buy gasoline for my car because we were in the midst of an energy crisis—embargo—at the time and it was tough to buy gasoline.

I thought, 28 years ago, we needed an energy policy for our country. Twenty-eight years later, we still need an energy policy for our country. We did not have one then; and we do not have one now.

We have learned a number of difficult lessons coming out of the tragic events of September 11, but, for me, one of them is that, more than ever, we need a comprehensive energy policy that will reduce our reliance on foreign oil, that will enable us to provide more energy from within our own country—some of it from corn that is grown in Indiana, some of it from soybeans that are raised in Delaware, some of it from wind, and even some that is harvested from the Sun. We should seek energy from a variety of sources, as well as from the over 500 years of coal beneath the ground of this country, and from nuclear powerplants that provide roughly 20 percent of the electricity in this country.

And in addition to producing new energy sources, we need to conserve energy. There is so much we can do to conserve energy, and not just with moving from internal combustion engines in our cars, trucks, and vans to hybrid-powered vehicles, to eventually, this decade, fuel cells. We can literally go out today and buy, off the shelf, air-conditioners that use half the electricity that most of the air-conditioners in our homes use. The same is true for the furnaces that will warm our homes this winter.

The question before us now is, How do we proceed to an energy bill? How do we take it up? I have been urging my leadership, for months now, to take up an energy bill. My guess is, before I finish, my leader will regret having ever put me on the Energy Committee, but I want us to debate and report to this body, and to debate in this Chamber, an energy bill. I want to have a chance to do it this month. I want us to have a chance to vote up or down on Senator MURKOWSKI's proposal of opening up the Arctic National Wildlife Refuge. I want us to have a chance to vote on a whole host of other issues. But I want us to debate them, and vote on them, and move on. I do not want the debate to be, in what form do we bring the bill to the floor? Do we go through the Energy Committee? Do we then go through the Finance Committee, and then the Environment and Commerce Committees because they have jurisdiction over different parts of the bill.

I want to get the bill to the floor. And as we do, I want to make sure that the Senator from Alaska, the Senator from Delaware, the Senator from Indiana, and others, have every opportunity to amend that bill in ways that are germane to the legislation that is before us. Debate them, vote them up or down, and move on.

As it turns out, there is probably a lot more on this front that we agree on than we disagree on. One of the ways to find that out for sure is to have the debate.

I pledge to my colleague from Alaska and my colleague from Indiana to do my dead-level best within the Democratic caucus, within the Energy Committee itself, and with my own leadership to make sure we have the opportunity to have fair and open debate on the amendments and a policy that we can then work out with the House and send something to the President to sign.

We may actually have a chance of coming closer to producing a comprehensive energy policy by taking the approach Senator DASCHLE has now suggested. We may actually have a better chance of getting to the debate and the adoption of an energy bill than we would have had if we had gone to regular order. I was not so sure of that 24 hours ago, but having thought it through, I think we may enhance the chances for those of us who want a comprehensive energy policy.

I ask all of my colleagues to work across the aisle, within the committees of jurisdiction, and in the Chamber, and have a good debate this month or next month and be ready to cast the tough votes and to move on.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask that I be allowed to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ANWR

Mr. MURKOWSKI. Mr. President, I call attention to some of the comments made in this Chamber earlier today relative to the issue of taking up a national energy security bill before this body. I spoke a little earlier on the floor today and indicated that, clearly, it is in the national interest that we in the Senate proceed with an energy bill—report it out, bring it to the floor, and vote on amendments in an orderly manner.

As I further indicated earlier, the majority leader has indicated that it is his intent to develop an energy bill—in his words, a "balanced bill"—and it would be introduced by the majority leader. Of course, this excludes the process associated with the committee reporting out a bill.

Further, in the discussion that has taken place today, the issue of ANWR came up as the bone of contention. I want to address a couple points because there is a good deal of misunderstanding around this issue. There was a reference today that the accident that occurred when a bullet penetrated the pipeline earlier this week was proof that we should not rely on increasing the supply of oil that would traverse through that pipeline.

I remind my colleagues that that pipeline is about 28 years old. It has provided the Nation with 25 percent of the total crude oil produced in the United States for that period of time. That volume has dropped from 25 percent to 17 percent. The pipeline capacity was a little over 2 million barrels a day previously, in the early development of the Prudhoe Bay oil fields, that flowed through that pipeline. Today, with the decline in Prudhoe Bay, it has dropped a significant amount, to roughly 1 million barrels a day. But it still supplies this Nation with 17 percent of the total crude oil produced in this country.

Now, to suggest that this firing by a very high-powered rifle penetrated the pipeline is not quite accurate because it has been shot at numerous times. It is half-inch, high-tensile steel. It is my understanding that this particular firing—a blast of five bullets—penetrated an area where there is a valve and, as a consequence, because of pressure in the pipeline, there was a significant leak, a spillage. The question of whether there is any permanent damage done has been addressed in the cleanup. There was no movement of any oil into any water or streams in the area. The security group of Alyeska found the incident as a consequence of the notification of a drop in pressure. They went out with helicopters and not only found the leak but identified and arrested the perpetrators. You can criticize anything, but the system did work. Everything is subject to, obviously, the exposure of terrorist activity, but in this particular instance this was a fellow who was extremely drunk, bored, or he lost his mind, and he simply decided it would be fun to start firing at the pipeline.

That pipeline has been bombed; bombs have been wrapped around it. It has been wrapped with hand grenades, shot at, and it suffered exposure of numerous earthquakes over the 27 years and it continues to be one of the wonders of the world. So to suggest that somehow this bullet-piercing accident is somehow questionable relative to the integrity of that pipeline is an expression of very little knowledge—factual knowledge—on behalf of those who suggest that somehow the pipeline can't be trusted for additional flowthrough if indeed ANWR is developed.

I am going to conclude, as I promised my friend from Pennsylvania that I would be brief, with an explanation of some of the more common myths associated with the ANWR issue. I hope we can get ANWR up before this body and vote on it up or down in conjunction with an energy bill. That is the democratic process. Clearly, that did not prevail in the Energy and Natural Resources Committee because I can only assume the votes were there to report out a bill with ANWR in it. I can only assume the votes are in this body to pass an energy bill with ANWR in it. Polling seems to indicate nearly 60 percent of the American public support opening ANWR as a significant contributor to reducing our dependence on imported oil.

Some say there is an insufficient amount of oil. Some say it is only a 6-month supply and not nearly enough to justify exploration. That is nonsense. The U.S. Geological Survey, experts who have studied the 1002 ANWR area, estimate that between 6 and 16 billion barrels of oil are economically recoverable; 10 billion barrels is equivalent to what we would import from Saudi Arabia over a 30-year period; 10 billion barrels is the equivalent of what we import from Iraq for a period of 50 years.

We are importing a million barrels a day from Iraq and enforcing the no-fly zone. We are taking the oil, putting it in our airlines, bombing some of the targets in Iraq, and have for some time. They take our money, pay the Republican Guard, develop a missile capability, and aim it at our ally, Israel.

Maybe that is a short synopsis of foreign policy, but nevertheless I think one can conclude that is the ultimate outcome.

We do not know what is in ANWR because we have never been allowed to determine through modern exploration, through seismic exploration, specifically what is available. Only Congress can authorize it.

What is the extent of the area? It is interesting because ANWR is about 19 million acres—about the size of the State of South Carolina. The proposal is to allow exploration on 1.5 million acres. The House-passed bill, which is H.R. 4, has limited that to 2,000 acres. That is the size of a small farm in the entire State of South Carolina—the wilderness, if you will, as a comparison.

Prudhoe Bay was supposed to produce 10 billion barrels. It is on its 13 millionth barrel today. It is absurd to think ANWR is only a 6-month supply of oil. That is to assume ANWR is the country's only source of oil; that there is no oil produced in Texas, or Louisiana, offshore, or no other oil is being imported into the country. The American people are wise enough to see that argument just does not hold oil, if you will.

Clearly, the potential for this country's domestic supply is ANWR, and the abundance associated with the likelihood of a major discovery is second to none identified in North America. It is almost like wondering if you have a strategic petroleum reserve in your own backyard, but if you do not know, and if you do not have the ability to develop it, you really cannot use it.

What is required in development? Very little. We need authorization by Congress. The House has done its job. The House passed a bill. H.R. 4 includes ANWR. It is a challenge to the Senate to do its job.

Some say it will take as long as 10 years before the oil is flowing and that is too long to make a difference. If the previous President had not vetoed the budget reconciliation bill in 1995, today ANWR would be open, or if the oil was not there, it might have been a park. We could have been less dependent on foreign oil, and our energy future would look a lot more certain if, indeed, we had taken that action back in 1995, but we could not overcome a Presidential veto.

We built the Pentagon in 18 months. We built the Empire State Building in a year. Industry says if they make a discovery, they can develop and get oil online in somewhere between 18 months and 2½ years, depending on our will to give them the authority within the environmental parameters to do it safely.

Some people say our energy policy is misguided; we need to focus on natural gas. We found 6 trillion cubic feet. Let's use gas. Recognize that America moves on oil. Our planes, our ships, our trains move on oil.

In response to the September 11 attack, we are preparing now for a long, sustained war. Are we going to count on unstable governments in the very part of the world where we are fighting to assure our energy security? We need to begin at home with energy solutions found within our borders, and if we make the commitment to authorize the opening of this area, I assure my colleagues it will be very symbolic. It would send a very solid message to that part of the world were we to continue to increase our dependence on imported oil.

About 67 percent comes from foreign sources, a majority of that from the Mideast. Fighting a war uses a lot of energy. Mr. President, 450,000 barrels of petroleum products were estimated to be used daily, and that was through 582,000 soldiers in the Persian Gulf war. It is estimated we are using over 500,000 barrels a day currently in this conflict.

Some say it is America's Serengeti, its mountains; it is deserted; it is beautiful. Again, it is the size of the State of South Carolina. It is 19 million acres. Can we open it safely? Yes.

Some say we can get the energy from the National Petroleum Reserve in Alaska; that is why it was established. That is wishful thinking because actually just 15 percent of that entire coastline is open for exploration. Just 3 years ago, the Federal Government closed vast amounts of NPR to protect the birds that live in the lakes. If you look at the model and lakes over NPR, that is where bird life is. There are very few lakes associated in the ANWR area.

Finally, there is a concern of the Porcupine caribou and the Gwich'ins, but no one mentioned what is happening on the Canadian side and involvement of the Gwich'ins who are participants in putting up land for lease.

There was an extraordinary article in the Vancouver Sun newspaper indicating the Gwich'ins are benefiting greatly from oil and gas exploration because Canada expanded its oil and gas leasing program to include testing exploratory wells, et cetera.

The bottom line is there seems to be a great fear suddenly to take up an energy bill, with no particular explanation, particularly when the administration has encouraged Congress to take it up, particularly when the House has done its job, and now we are advised by the majority leader that the committee of jurisdiction, the Energy and Natural Resources Committee, is going to suspend any further markup on energy legislation for "this session"—this session.

I have a press release that states that instead the chairman will propose comprehensive and balanced energy legislation. The chairman will. It does not say with the participation of the committee or the minority or the Republicans. It says the chairman outside the parameters of the committee.

It further says "the comprehensive and balanced legislation that can be added"—it does not say "will be added;" it says "can be added"—"by the majority leader to the Senate calendar for," it says, "potential action." It does not say "action."

Mr. President, I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

Mr. MURKOWSKI. I encourage again the majority leader to reflect on this action, give us the assurance he will take it up during this session and allow sufficient time for Members to provide for amendments, provide us with an opportunity to have an up-or-down vote on contentious issues, and that we meet our obligation as the Senate, as the House of Representatives has done, in addressing what is in the national security interests of our Nation, and that is the passage of the comprehensive energy bill.

I thank my colleague from Pennsylvania for allowing me this extra opportunity to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## A LOYAL ALLY

Mr. MILLER. Mr. President, I rise today to offer thanks and praise for a world leader who has been as stalwart and as loyal an ally for the United States as anyone could ever ask.

These past few weeks, British Prime Minister Tony Blair has gone above and beyond the call of duty for America. He has left no doubt that we will be able to count on him and his country over the long haul.

To paraphrase his own words, he was with us at the first and he will stay with us to the last.

He was there in the gallery of the House of Representatives when President Bush made his moving and forceful speech to this Nation in a joint session of this Congress.

He was there at Ground Zero in New York City, witnessing the destruction with his own eyes and mourning what he called "the slaughter of thousands of innocents."

He was there in Pakistan, near the dangerous heart of this war, reassuring a nervous Pakistani President that he made the right decision in choosing the United States over the Taliban regime.

Since September 11, Tony Blair has served valiantly as our voluntary ambassador to the world.

In London, Berlin, Paris, New York, Washington, Brussells, Moscow, Islamabad, New Delhi, and Geneva, Blair has rallied international leaders and built a coalition of support for the United States. He has done so with a diplomacy, eloquence and strong resolve reminiscent of Winston Churchill during his finest hours.

In his latest brilliant stroke, Blair acted swiftly when he saw Osama bin Laden's videotaped speech Sunday night. Blair immediately summoned a reporter from the Arabic network to his office at 10 Downing Street and taped his own strong rebuttal to bin Laden. It aired on the same day, on the same Arabic network.

It should not be surprising that Blair would rise to the occasion as ably and powerfully as he has. The British have a tough, resolute attitude when it comes to defending themselves. They are willing to take risks on the battlefield. They are willing to risk casualties for the greater good. They are the ones you want on your side in times like these.

He was with us at the first, and he will stay with us to the last, he said. For that, we owe Tony Blair our deepest gratitude. We could not ask any more of him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I ask unanimous consent that I be permitted to speak up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL GOVERNMENT NEEDS STRUCTURAL REORGANIZATION

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending emergency caused by the horrific terrorist attacks on September 11. There is a need for some structural reorganization of the Federal Government in accordance with the recommendations of a number of distinguished commissions which have studied these problems and in accordance with our own findings, as we have worked through the matters in the Senate Intelligence Committee and the Senate Judiciary Committee. There is also the need for legislation to expand the powers of law enforcement on terrorists.

With respect to the newly created Office of Homeland Security, it is my thought there needs to be a structure whereby the position is made a Cabinet position. The Federal Government is fortunate to have secured the services of former Governor Tom Ridge of Pennsylvania to take on this responsibility. For the moment, the office has been created in the executive branch by an Executive Order, and I believe former Governor Ridge is correct when he says, even though other Government officials may not necessarily listen to him if there are turf battles, they certainly will listen to the President. That, I do believe, is true, as former Governor Ridge has represented it.

When we talk about homeland security and that function, we are talking about something which needs to be institutionalized in order to go beyond the term of any President, to go beyond the term of any person who is in charge of that Department, and that, in accordance with our structure of Government, requires legislative action, in my judgment. This is something which we will have to work through with President Bush, with former Governor Ridge, and with the executive branch. However, I offer these thoughts as many Members of Congress are now considering this issue and considering legislation.

Representative THORNBERRY has already introduced legislation in the House of Representatives. Senator LIEBERMAN is working on similar legislation. Senator ROBERT GRAHAM of Florida is working on legislation, as well. My staff and I have been in the process of working on legislation which I am not yet prepared to introduce, but at the conclusion of these remarks I will ask that draft copies of two bills be printed in the RECORD.

We have had a number of very distinguished commissions analyze these problems. We have had the Hart-Rudman Commission analyze the problems directed to a secure national homeland. That commission pointed out that the keys to prevention are the following tools: 1. diplomacy: 2. U.S. diplomatic, intelligence, and military presence overseas; 3. vigilant systems of border security and surveillance. In order to enhance the effectiveness of the third key, the Hart-Rudman Commission recommended creating a national homeland security agency which would consist of the Coast Guard, the Customs Service, the Border Patrol, and FEMA, the Federal Emergency Management Agency. The legislation I am submitting today, which is in draft form, would adopt the recommendations of the Hart-Rudman Commission.

There has been another distinguished commission, the Brown-Rudman Commission, which has studied the issues of intelligence and has come up with a method and a procedure for streamlining and restructuring the intelligence community.

One of the considerations is that in many Departments of the Federal Government, there are smaller intelligence agencies, for example, in the Departments of Treasury, State, Agriculture, and many other Departments.

At the present time, there is no effective way for dealing with all of these various Departments. The recommendation of the Brown-Rudman Commission was to consolidate and centralize, to give greater authority and power to the Director of Central Intelligence. The Director is charged not only with the operation of the Central Intelligence Agency, but also with the oversight of all the intelligence functions in the United States.

Now, there has admittedly been some gaps and some failures—some major gaps and some major failures—in these turf battles. During the 1995–1996 session of Congress, I had the privilege of serving as the Chairman of the Senate Intelligence Committee. I served in that position for 2 years, in addition to the 6 other years of service on the Intelligence Committee. There is a term limit of eight years on the Intelligence Committee. During the course of that work, I saw the turf battles among the various agencies and became very deeply involved in the issue of weapons of mass destruction, finding that there were dozens of agencies dealing with that issue.

In the Intelligence Authorization Act for Fiscal Year 1996, a commission was created to study weapons of mass destruction. The commission was chaired by former CIA Director John Deutch.

and I served as the Vice Chairman of that commission. During the course of the commission work—work that was very similar to that of the Hart-Rudman Commission, the Rumsfeld Commission, and the Brown-Rudman Commission—we noted the difficulties accorded to all of these important activities. It was the judgment of that commission that the structure be given to the Vice President of the United States on the ground that he or she—whoever the Vice President may be—would be the only individual, except for the President, who could handle intelligence coordination and the kinds of turf battles which are inevitable when there are numerous intelligence agencies at the Departments of State, Defense, Treasury, and Justice.

So, it is my thought that we need to address the intelligence function so that we have the appropriate coordination and so that we do not have somebody on the FBI Watch List who enters the United States, buys an airplane ticket, and later becomes a terrorist, such as those that were part of the massive attack on September 11.

The legislation which I suggest seeks to accomplish a structure for homeland security and also revises the intelligence functions of the U.S. Government.

I ask unanimous consent to submit the text of a draft bill—and I emphasize that it is a draft because we are working on this with quite a number of Members—entitled "Homeland Defense Act of 2001." I ask that this draft bill be printed in the Congressional Record at the conclusion of these remarks. I further ask unanimous consent that the text of a draft bill—and again, I emphasize draft because we are still working on it entitled "Intelligence Reform Act of 2001" be printed in the Congressional Record at the conclusion of these comments.

There being no objection, the draft bills were ordered to be printed in the Record, as follows:

S. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Defense Act of 2001".

### SEC. 2. DEPARTMENT OF HOMELAND SECURITY.

There is established an executive department of the United States to be known as the Department of Homeland Security.

### SEC. 3. SECRETARY OF HOMELAND SECURITY.

(a) Secretary of Homeland Security.—There shall be at the head of the Department of Homeland Security the Secretary of Homeland Security, who shall be appointed by the President by and with the advice and consent of the Senate.

(b) Duties.—Subject to the authority, direction, and control of the President, the duties of the Secretary shall be the following:

(1) To plan, coordinate, and integrate United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the country.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Department and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

(c) Membership on National Security Council.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following new paragraphs (5) and (6):

"(5) the Secretary of Homeland Security; and

"(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.".

(d) Pay Level.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

"Secretary of Homeland Security.".

### SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO DEPARTMENT OF HOMELAND SECURITY.

The authorities, functions, personnel, and assets of the following entities are hereby transferred to the Department of Homeland Security:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Department.

(4) The elements of the Immigration and Naturalization Service (other than elements covered by paragraph (3)) responsible for enforcement functions.

(5) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(6) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(7) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

### SEC. 5. ESTABLISHMENT OF AGENCIES AND OFFICES.

(a) Agencies.—The following agencies are hereby established within the Department of Homeland Security:

(1) Agency for Prevention.—The Agency for Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) Agency for Critical Infrastructure Protection.—The Agency for Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) Agency for Emergency Preparedness and Response.—The Agency for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) Offices.—The following offices are hereby established within the Department:

(1) Office of Science and Technology.—The Office of Science and Technology, which shall advise the Secretary regarding research and development efforts and priorities for the agencies established in subsection (a).

(2) Office of National Assessment.—The Office of National Assessment, which shall assess and analyze all intelligence relating to terrorist threats to the United States.

### SEC. 6. REPORTING REQUIREMENTS.

(a) Biennial Reports.—The Secretary of Homeland Security shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) Additional Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(1) assessing the progress of the Department of Homeland Security in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

### SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Secretary of Homeland Security shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

### SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Secretary of Homeland Security shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department of Homeland Security comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

### SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary of Homeland Security shall—

(1) ensure that the Department of Homeland Security complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

### SEC. 10. EFFECTIVE DATE.

This Act shall take effect six months after the date of the enactment of this Act.

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S. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Reform Act of 2001".

## TITLE I—INTELLIGENCE MATTERS

### SEC. 101. ANNUAL DETERMINATION OF INTELLIGENCE PRIORITIES AND PLAN FOR EXECUTION OF INTELLIGENCE PRIORITIES.

(a) Annual Determination of Priorities by National Security Council.—Section 101(b) of the National Security Act of 1947 (50 U.S.C. 402(b)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) determine on an annual basis the priorities of the United States with respect to the collection, analysis, and dissemination of intelligence.".

(b) Annual Plan for Addressing Priorities by Director of Central Intelligence.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) prepare on an annual basis a plan for addressing the priorities of the United States with respect to the collection, analysis, and dissemination of intelligence as identified by the National Security Council in the most recent annual determination of such priorities under section 101(b)(3);".

### SEC. 102. MODIFICATION OF POSITIONS AND RESPONSIBILITIES OF DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.

(a) Abolishment of Current Positions and Establishment of New Positions.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) There is a Deputy Director of Central Intelligence for the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) There is a Deputy Director of Central Intelligence for the Central Intelligence Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) Duties of New Positions of Deputy Director.—Subsection (d) of that section is amended to read as follows:

"(d) Duties of Deputy Directors.—(1)(A) The Deputy Director of Central Intelligence for the Central Intelligence Agency shall assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act.

"(B) The Deputy Director of Central Intelligence for the Central Intelligence Agency shall act for, and exercise the powers of, the Director of Central Intelligence during the Director's absence or disability or during a vacancy in the position of the Director of Central Intelligence.

"(2) The Deputy Director of Central Intelligence for the Intelligence Community shall, subject to the direction of the Director of Central Intelligence, be responsible for coordinating the collection and analysis of intelligence by the elements of the intelligence community other than the Central Intelligence Agency, the Federal Bureau of Investigation, and the elements of the intelligence community within the Department of Defense.

"(3)(A) The Deputy Director of Central Intelligence for the Central Intelligence Agency takes precedence in the Office of the Director of Central Intelligence immediately after the Director of Central Intelligence.

"(B) The Deputy Director of Central Intelligence for the Intelligence Community takes precedence in the Office of the Director of Central Intelligence immediately after the Deputy Director of Central Intelligence for the Central Intelligence Agency.".

(c) Conforming Amendment.—Subsection (e)(2) of that section is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

"(B) The Deputy Director of Central Intelligence for the Central Intelligence Agency.

"(C) The Deputy Director of Central Intelligence for the Intelligence Community.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

### SEC. 103. MODIFICATION OF COMPOSITION AND RESPONSIBILITIES OF NATIONAL INTELLIGENCE COUNCIL.

Subsection (b) of section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended to read as follows:

"(b) National Intelligence Council.—(1) There is within the Office of the Director of Central Intelligence the National Intelligence Council (in this section referred to as the 'Council').

"(2) The Council shall be composed of the following:

"(A) The Director of Central Intelligence, who shall act as chair of the Council.

"(B) The Director of the Federal Bureau of Investigation.

"(C) The Deputy Director of Central Intelligence for the Intelligence Community.

"(D) The Deputy Director of Central Intelligence for the Central Intelligence Agency.

"(E) The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

"(3)(A) The staff of the Council shall consist of the following:

"(i) Such staff of the National Intelligence Council as of the date of the enactment of the Intelligence Reform Act of 2001 as the Director of the Central Intelligence shall assign to the Council.

"(ii) The Community Management Staff.

"(iii) Such other senior analysts within the intelligence community, and substantive experts from the public sector or private sector, as the Director shall appoint to the Council.

"(B) The Director shall prescribe appropriate security requirements for staff appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers unnecessary for this purpose.

"(4) The Council shall have the following responsibilities:

"(A) To develop a program to improve the human intelligence capabilities of the Government, and in particular the human intelligence capabilities with respect to terrorism, including operational guidelines for activities under the program.

"(B) To develop a program to improve the collection and analysis by the Government of information on economic, science, and technology matters, including the use of open sources.

"(C) To carry out such other duties relating to the intelligence and intelligence-related activities of the Government as the Director considers appropriate.

"(5) The Director shall, on an annual basis, submit to Congress a report on the program under paragraph (4)(A). Each report shall include a description of activities under the program during the preceding year. Each report shall be in unclassified form, but may include a classified annex.".

### SEC. 104. MODIFICATION OF PARTICIPATION OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

"APPOINTMENT OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

"SEC. 106. (a) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—In the event of a vacancy in a position referred to in subsection (b), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(b) POSITIONS.—Subsection (a) applies to the following positions:

"(1) The Director of the National Security Agency.

"(2) The Director of the National Reconnaissance Office.

"(3) The Director of the National Imagery and Mapping Agency.

"(4) The Director of the Defense Intelligence Agency.

"(5) The Assistant Secretary of State for Intelligence and Research.

"(6) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

"(7) The Assistant Director, National Security Division of the Federal Bureau of Investigation.".

### SEC. 105. ASSESSMENT OF EFFECTIVENESS OF CURRENT TECHNICAL INTELLIGENCE CAPABILITIES.

(a) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report containing a comprehensive assessment of the effectiveness of the current technological capabilities of the United States Government for the collection and analysis of intelligence. The assessment shall address, in particular, the collection of intelligence in cyberspace and the effect of new or emerging communications technologies on the collection and analysis of intelligence.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

## TITLE II—PROLIFERATION MATTERS

### SEC. 201. COORDINATION FOR COMBATING PROLIFERATION.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 101 the following new sections:

"NATIONAL DIRECTOR FOR COMBATTING PROLIFERATION

"SEC. 101A. (a) ESTABLISHMENT OF POSITION.—There shall be within the Executive Office of the President a Deputy Assistant to the President for National Security Affairs who shall be known as the 'National Director for Combating Proliferation' (in this section referred to as the 'National Director').

"(b) RESPONSIBILITIES.—(1) The National Director shall—

"(A) advise the President and Vice President on proliferation-related matters, through the Assistant to the President for National Security Affairs; and

"(B) serve as Chair of the Council on Combating Proliferation established under section 101B.

"(2) In carrying out paragraph (1)(B), the National Director shall—

"(A) have the primary responsibility within the executive branch of Government for ensuring the development of policy with regard to proliferation and export controls;

"(B) development of a detailed plan for Federal agencies to address the full range of proliferation-related issues and activities, including integrated strategies for technology development and acquisition, resource allocation, reducing the threat from the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act), intelligence collection and analysis, and domestic response;

"(C) work with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies in accordance with paragraph (4);

"(D) consult with Congress on the plan developed under subparagraph (B); and

"(E) ensure that the requisite legal authorities are in effect to act against proliferation-related threats.

"(3)(A) The Director of the Office of Management and Budget shall establish a separate National Defense budget subfunction for proliferation-related activities in the President's budget.

"(B) The Director of the Office of Management and Budget, working with the National Director and the head of each proliferation-related agency, shall establish a Government-wide database on budget execution of proliferation-related activities and develop goals and standards to evaluate those activities annually.

"(C) The head of each proliferation-related agency shall designate a senior proliferation budget manager.

"(D) No funds made available under the budget subfunction for proliferation-related activities may be reprogrammed or transferred without the prior approval of the National Director and the Director of the Office of Management and Budget.

"(E) In this paragraph, the term 'proliferation-related agency' means any of the Federal agencies specified in section 101B(b)(1)(A).

"(4) In carrying out responsibilities under this subsection, the National Director shall work through the Assistant to the President for National Security Affairs to ensure coordination with overall national security policy and planning.

"COUNCIL ON COMBATTING PROLIFERATION

"SEC. 101B. (a) ESTABLISHMENT.—There is established an interagency group to be known as the 'Council on Combatting Proliferation' (in this section referred to as the 'Council'), which shall be headed by the National Director for Combating Proliferation.

"(b) COMPOSITION.—(1) In addition to the National Director, the Council shall consist of 8 officials, as follows:

"(A) Six officials described in paragraph (2), of which number one each shall be designated by the heads of the following Federal agencies from among its employees:

"(i) The Department of State.

"(ii) The Department of Defense.

"(iii) The Department of Energy.

"(iv) The Department of Justice.

"(v) The Department of Commerce.

"(vi) The Central Intelligence Agency.

"(B) One senior official of the Office of Management and Budget.

"(C) One senior employee of the Office of the Vice President.

"(2) Each individual designated under paragraph (1)(A) shall be a senior official of the respective Federal agency who has responsibility for proliferation-related matters and who occupies a position or holds a rank to which the individual was appointed by the President, by and with the advice and consent of the Senate.

"(3) In addition to the membership of the Council provided for in this subsection, the National Director may invite other officials in the executive branch to participate in a nonvoting capacity in meetings of the Council.

"(c) FUNCTIONS.—The functions of the Council are to—

"(1) improve coordination between Federal agencies having responsibility for proliferation-related matters;

"(2) ensure close coordination and consultation between the National Director and those agencies; and

"(3) support the National Director in the development of a government-wide plan for the development, acquisition, and deployment of technology for combating proliferation by coordinating technology requirements of individual agencies.

"(d) STAFF SUPPORT.—The Council may employ and fix the compensation of staff personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for staff personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title. In addition, upon request, the National Security Council shall detail to the Council such staff personnel as the Council may require.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 101 the following new items:

"Sec. 101A. National Director for Combating Proliferation.
"Sec. 101B. Council on Combating Proliferation.".

### SEC. 202. ANNUAL CONSOLIDATED REPORT ON COUNTER-PROLIFERATION ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) ANNUAL REPORT.—Beginning not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a consolidated report updating (since submission of the last report under this section or, in the case of the initial report, since the last relevant report to Congress) the nature of the threat of the proliferation of weapons of mass destruction and evaluating the progress achieved by the United States in responding to that threat.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An update on nuclear proliferation in South Asia, including United States efforts to conclude a regional agreement on nuclear nonproliferation.

(2) An assessment of what actions are necessary to respond to violations committed by countries found not to be in full compliance with their binding proliferation-related commitments to the United States.

(3) An update on the nuclear programs and related activities of any country for which a waiver of sections 669 and 670 of the Foreign Assistance Act of 1961 is in effect.

(4) An update on the efforts by countries and sub-national groups to acquire chemical and biological weapons, and a description of the use of such weapons, if applicable.

(5) A description of any transfer by a foreign country of weapons of mass destruction or weapons of mass destruction-related material and technology.

(6) An update on efforts by the United States to achieve several specific nuclear proliferation-related goals, including the entry by the United States into multilateral negotiations with other nuclear states to reduce the nuclear arsenals of all foreign countries.

(7) An update on the acquisition by foreign countries of dual-use and other technology useful for the production of weapons of mass destruction.

(8) A description of the threats posed to the United States and its allies by weapons of mass destruction, including ballistic and cruise missiles, and the proliferation of such weapons.

(9) A description of the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament.

(10) A review of all activities of United States departments and agencies relating to preventing nuclear proliferation.

(11) A requirement that the Department of Defense, the Department of State, the Department of Justice, the Department of Commerce, and the Department of Energy keep the congressional committees having oversight responsibilities for the respective department fully and currently informed about the nuclear proliferation-related activities of such department.

(12) A description of the efforts to support international nonproliferation activities.

(13) An update on counterproliferation activities and programs.

(14) A description of the activities carried out in support of counterproliferation programs.

(c) REPEALS.—The following provisions of law are hereby repealed:

(1) Section 620F(c) of the Foreign Assistance Act of 1961.

(2) Section 51(c) of the Arms Control and Disarmament Act.

(3) Section 735 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113).

(4) Section 308(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102-182).

(5) Section 1097(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

(6) Section 1321(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

(7) Section 721(a) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (Public Law 104-293).

(8) Section 284 of the National Defense Authorization Act For Fiscal Year 1998; Public Law 105-85).

(9) Section 51(a) of the Arms Control and Disarmament Act.

(10) Section 601(a) of the Nuclear Non-Proliferation Act of 1978.

(11) Section 602(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

(12) Section 1505(e)(1) of the Weapons of Mass Destruction Act of 1992 (Public Law 102-484).

(13) Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

(14) Section 1603(d) of the National Defense Authorization Act For Fiscal Year 1994 (Public Law 103-160).

## TITLE III—OTHER MATTERS

### SEC. 301. GRADUATE PROGRAM IN LANGUAGES AND CULTURES OF NATIONS PROVIDING HOME OR SUPPORT FOR TERRORISM OR ORGANIZED CRIME.

(a) IN GENERAL.—The Secretary of Homeland Security and the Director of the Federal Bureau of Investigation shall jointly enter into an agreement with one or more appropriate institutions of higher education to provide for one or more programs of education leading to the award to individuals referred to in subsection (b) of masters degrees or doctoral degrees in the languages, culture, or both of foreign countries that provide the home for or otherwise support terrorism or organized crime.

(b) INDIVIDUALS ELIGIBLE FOR PARTICIPATION IN PROGRAMS.—Individuals eligible to participate in a program of education under subsection (a) are as follows:

(1) Personnel of the Department of Homeland Security designated by the Secretary.

(2) Personnel of the Federal Bureau of Investigation designated by the Director.

(3) Such other personnel of the Federal Government as the Secretary and Director shall jointly designate.

(c) FOREIGN COUNTRIES.—The Secretary and Director shall jointly specify the foreign countries to be covered by the program or programs of education under this section.

(d) ADDITIONAL REQUIREMENTS.—The Secretary and Director may, in consultation with the institution of higher education concerned, establish such additional requirements for the award of a degree for a program of education under this section as the Secretary and the Director jointly consider appropriate.

## EXPANSION OF LAW ENFORCEMENT ACTIVITY

Mr. SPECTER. Mr. President, I will further discuss briefly the terrorism legislation which we expect to come to the floor later today. I have a reservation of some 30 minutes on the unanimous consent agreement which will be propounded later by the majority leader, but I think a few comments are in order at this time.

I have no doubt that there is a need for expanded law enforcement authority. That has been demonstrated by the fact that offenses of terrorism do not have the availability of electronics surveillance which other offenses can employ. This is demonstrated by the fact that there have been significant failures under the Foreign Intelligence Surveillance Act and that the Attorney General has represented a need to have additional detention for aliens who are subject to deportation.

When the Senate Judiciary Committee held a hearing two weeks ago yesterday, I questioned Attorney General John Ashcroft on the record about the scope of the Anti-Terrorism bill. The bill did not delineate the Attorney General's needs for law enforcement. Attorney General Ashcroft commented that what the Department of Justice had in mind was the detention of aliens who were subject to depprtation. It may well be that there is existing authority for the Attorney General to accomplish that, but if additional authority is necessary, then I think the Congress is prepared to give that additional authority. However, the bill as drafted, did not so delineate the detention to those subject to deportation.

Attorney General Ashcroft further made representations about the need to change the Foreign Intelligence Surveillance Act. He said before looking to use content there would be a statement of probable cause. Again, in reviewing the specific legislation, that was not present in the bill, so there had to be a revision of the text of the bill.

The Senate Judiciary Committee had only an hour and 20 minutes of hearings, two weeks ago yesterday. The Constitutional Law Subcommittee had hearings last Thursday morning. I have grave concerns that there has not been sufficient deliberation that would establish a record and withstand a constitutional challenge in the Supreme Court of the United States. I will expand upon this point during the course of the consideration of the bill later today or tomorrow morning and will cite the Supreme Court decisions which have struck down acts of Congress where a sufficient showing of the deliberative process has been lacking.

In my judgment, that has been an overextension, a usurpation, by the Supreme Court of the United States of the separation of the powers. For the Supreme Court of the United States, in effect, to tell Congress that Congress has not "thought through" legislation that is part of the congressional function, that legislation violates a specific term or provision of the Constitution, that it is vague and ambiguous in violation of the due process clause of the 14th Amendment, or that Congress has run afoul of some other constitutional provision, then so be it. However, it seems to me an extraordinary stretch of judicial authority for the Supreme Court to say that the Congress has not been sufficiently deliberative, and that only the Supreme Court of the United States can gauge what is sufficiency on the deliberative process. That is the case law.

In the absence of hearings and in the absence of a record, there is a concern on my part that the legislation will withstand constitutional muster. There is no doubt there is a need to act with dispatch.

In my judgment, and I have communicated this to the Chairman and Ranking Member of the Senate Judiciary Committee, we could have held a hearing three weeks ago. We could have worked on a Friday or Saturday. That is not beyond the workload of the Senate. Perhaps, we could have held closed sessions on confidential material. Also, we could have marked up the bill, undergoing the usual deliberative process—the Senate Judiciary Committee works on bills of much lesser importance—and then have had it reported to the floor. Instead, the bill lay unproduced and held at the desk for action under Rule 14 without that customary committee hearing process, committee deliberation, and committee markup in executive session.

I thought, in the absence of any other Senator in the Chamber, that it would be appropriate to make a few comments in that regard at this time.

But there is no doubt that there is a very heavy overhang on Washington, DC, at the present time as a result of the September 11 terrorist attacks. That very heavy overhang really exists, as I see it, across the country. I felt this when Senator SANTORUM and I went to Somerset County, Pennsylvania on September 14, 3 days after the September 11 attack. Although there had been no casualties on the ground, 40 Americans had lost their lives in that ill-fated plane, and there was a great urgency in hearing from Washington, D.C. alongside a great sense of concern.

Earlier today I went to Pennsylvania to meet with the Pennsylvania Business Roundtable. Again, there is a sense in the air of a heavy cloud over America, which we have to work through. I am confident that we will. I believe the Bush administration has done an excellent job in organizing an international coalition and not acting precipitously, but rather, acting very carefully. I believe Osama bin Laden will be brought to justice.

In the interim, as we look through the kinds of problems which law enforcement faces, I think it is important for Congress to have acted with dispatch—really even earlier than that. However, that could be done only with appropriate regard for constitutional rights. We can have deliberation, with hearings and analysis, get the job done for law enforcement, and protect constitutional rights at the same time. As we work through the very important issue of homeland security and the issue of reorganization of the intelligence community, I welcome comments from my colleagues on the draft legislation which I am submitting into the RECORD. It is going to require collaboration from many Members.

As I have said, Congressman THORNBERRY has already introduced legislation in the House; Senator LIEBERMAN and Senator ROBERT GRAHAM of Florida are working on it, as am I. I think from this we can structure some legislative changes which can better protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was not able to be here prior to the statement of the distinguished Senator from Pennsylvania. I would note both on the Intelligence Committee and on the Judiciary Committee his has been one of the most consistent and most clear voices on these issues. In fact, one of the things that disappointed me when we brought up the terrorism bill is the Attorney General was able to stay there only for part of the hearing. I was glad he was able to stay long enough for what was intended to be the first round of questioning, questioning from the senior Senator from Pennsylvania. He has a way of getting to the crux of the matter. I would have liked to have gone further on that.

These are serious matters. I get concerned when we have to rush things through without the kind of deliberation and scrutiny they deserve. The Senator from Pennsylvania has raised the obvious fact of making, for constitutional purposes, a record demonstrating legislative intent. Among all the suggestions he made, this is one to which we should pay the most attention. Sometimes as we rush—I say that as one who wants to get a terrorism bill up here and voted on, and hoping the House can do the same and we can get on to conference. But, frankly, we can spend a lot of time on this floor sometimes debating matters that are of minuscule moment and we would be better off if we did the kind of long-range thinking that he and others have discussed.

I think in the report, our former colleagues, Senator Rudman of New Hampshire and Senator Hart of Colorado, after September 11, after the fact, made everybody come and dust them off and say a lot of what happened was predicted here, and how we respond to it.

I worry sometimes also we think by passing a new law we will protect ourselves. We will go back, the Senate will go back—and I am sure the House will, too—and review the files of the Department of Justice, the FBI, and others for information that was there and perhaps not looked at nor acted upon prior to September 11. That is not to find scapegoats but to say: Was this a mistake? Had it been done differently would we have stopped this terrorist attack?

Sometimes we close the barn door after the horse has been stolen. We spend billions of dollars around this country so you cannot drive a car bomb into the lobby of buildings. In this case, the bomb came through the 80th floor of the building.

We should look at this matter very carefully, find out where mistakes were made prior to the 11th—and there were—find out what is needed, and I suspect it will not be just new laws but new ways of doing things to take care of it.

On the question of better use of computers, certainly the better use of translators, if you have after the fact the Attorney General and the FBI Director having to go on public television saying, please, we need some people and we will pay $35 or $40 an hour to translate Arabic material or whatever other languages, somebody has to ask the question: Why weren't you doing that before?

There are so many things we have to do. But I hope people listen to the Senator from Pennsylvania. I intend to. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AVIATION SECURITY ACT

Mr. McCAIN. Mr. President, I hope that in about an hour we will be moving to the Airport Security Act since those 30 hours will then be close to expiration.

I want to clarify a statement that I made on the floor earlier. I do oppose nongermane, nonrelevant amendments. I announced that when this bill was first—we thought it was going to be considered. But I want to point out that I have been in negotiations and discussions with various Members who are concerned about those individuals who have been directly impacted by Federal action, closing down the airways and the airports, including Reagan National Airport which just recently reopened.

I think if we can reach an agreement, scale back dramatically the original proposals, that we could come to some agreement and attach that to this bill. But it would have to be acceptable to a large majority of the Members of the Senate.

Although I oppose nongermane amendments, I also think we need to act on the issue of those who are directly affected by Federal action as a result of the shutdown of the airlines across this country.

I wanted to make that clear.

I continue to hold discussions on both sides of the aisle to see if there is a way we can come to agreement and thereby have it as a part of this legislation, particularly since the administration has not made a commitment at this time to have it on any pending vehicle.

I wanted to clarify my position on the issue.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering under cloture the motion to proceed on S. 1447.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to proceed for 5 minutes as if in morning business but with the time applying against the clock on cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATOR MIKE MANSFIELD

Mr. LEAHY. Mr. President, today is one of the days I have had kind of a bittersweet experience. For me, the bittersweet experience was going to the funeral of the former distinguished majority leader of the Senate for 16 years, Mike Mansfield; bitter because you never want to see such a person and such a giant's life come to an end; sweet though because he had 98 very fulfilling years.

At the end of those 98 years, we listened to the tales from his family, associates, and others who reminded all of us what a great man he was. The irony is that Senator Mansfield would not have let any one of us talk on at such length and be so praiseworthy about him here on the floor. He was very modest. But I thought of the wonderful moments that could remind each other—those of us who had the privilege of serving with Senator Mansfield and those of us who came later—of what a great man he was.

I first met Mike Mansfield when I was Senator-elect. I came in here as a 34-year-old prosecutor. The terms actually overlapped. I came into this building I used to visit as a law student. But now I carried this mantle of U.S. Senator, and I was probably far more nervous than I once was as a law student.

Senator Mansfield was one of the first people I got to see. I remember him inviting me into his office. He asked if I wanted some coffee. My nerves were shaky enough at that point, I didn't need it, but I said: Of course. He poured it out and handed it to me. He asked me about my life, and all that. I was trying to ask questions.

I always called him Mr. Leader. But I remember one thing he said was: You are going to be here at least 6 years. You may be here a lot longer. But remember, in the Senate we keep our word. And if you commit to something, if you tell another Senator you are going to do something, then always keep your word, even if it turns out that politically it is not going to be helpful for you because it is the only way we can operate in this body. We do it on trust.

He also said: The other thing is, if you vote on something, and afterward you think you cast the wrong vote, don't worry about it. I guarantee you, the issue will come up again, and you will get to vote the right way.

He was right on both occasions. I have cast votes that afterward I thought: That was kind of a dumb thing to do. I will wait for another time to bring it up. It will come back up, and I can vote the right way.

But I do remember what Senator Mansfield said: Keep your word. You always keep your word.

We had some real giants serving in the Senate at that time. I remember Senator Mansfield, when things would get bogged down in this Chamber, would come through and sort of tap a few people on the shoulder and suggest they come in the back room; and then we would pass a great deal of legislation in that back room, as Senator Mansfield would puff on his pipe, and with very few words he would get warring parties to seek peace and move on with the Nation's business.

He was very nice to my family. He used to give a speech every year to the caucus, saying: There is no seniority. There is no juniority. We are all equal. He gave that speech one day, and Senator Abourezk of South Dakota, who, like me, was one of the most junior Members here, stood up and said: Mr. Leader, I was so impressed with that speech, especially as one of the most junior Members, that there is no seniority, no juniority. Senator Mansfield thanked him for his statement, and Senator Abourezk said: Because of that, could I borrow your limousine and driver tonight? Senator Mansfield took the pipe out of his mouth and, with a quiet smile, said: No.

There were certain limits, but then, when I was a young Senator, he loaned that limousine to my wife Marcelle and me and our three children to go to a movie premier and then to drive elsewhere to meet the cast afterward.

I recall so many times, when I was stuck here late in this Chamber and I could not get home to my family, that my children would remind me, when I came home and apologized: Remember that wonderful evening Senator Mansfield let us take his car and even use the telephone in it.

He would do things like that. He cared very much about those of us who had young children. One, he remembered the names of the children who would come in here with us. Even a few months ago, when I ran into him at an event, we started talking, and he immediately asked: How is Marcelle? He started naming the children. What a remarkable person.

He taught Senators that you have certain responsibilities. There are only 100 of us at any given time to represent the country, but within responsibilities you can have personal relationships across the aisle.

I remember Hugh Scott, traveling with both of them on the plane and them puffing on their pipes. But those personal relationships made the Senate work so well.

I remember the great speech he gave in the Leader's Lecture Series in the Old Senate Chamber. It was the speech he was going to give on a Friday afternoon on November 22, 1963. As he walked in this Chamber to give it, he was told that President Kennedy had been shot. But he gave it in the Old Senate Chamber, and it was just as new as it would have been then, just as responsive.

He said: We have to lower the level of partisanship. We have to work together—of course, not give up our principles—this is not a unibody of opinion—and have the personal relationships that make it work.

He spoke in many ways. He was from a different era of the Senate, but in many ways a better era, where individual Senators, person to person, would work out problems. I think today, as I have seen so many Senators come together on some of these problems since the terrible events of September 11, Senator Mansfield would be proud of us for doing that.

People sometimes ask me what I consider the greatest thing about being a U.S. Senator. I always say one of the greatest was having Senator Mansfield here as leader when I came to the Senate. I have served wonderful leaders in both parties, but what he did to help all of us, as new Senators—to talk with us, to advise us, to work with us, to make us feel we belonged; and then to ask us to make sure others felt they belonged—was unique. The country was better for his service in the Senate.

I think life has shown that each one of us, whether we are leader or not, has the privilege of being 1 of the 100 people in this Chamber who serve our Nation of a quarter of a billion people. And we owe great responsibilities to each other and to the country. That is a great legacy.

So I say it was bittersweet to be there. But it was wonderful to celebrate such a full, full life, a life that so few people ever equal. So I bid adieu to a dear friend.

I yield the floor.

Mr. SARBANES. Mr. President, I rise today to pay tribute to the life of a great American, former Senate Majority Leader Mike Mansfield, who passed away on October 5 at the age of 98.

Senator Mansfield's legacy as a Member of Congress will leave a shadow as long as his very life. Born in New York, the son of Irish immigrants, in 1903, Michael Joseph Mansfield experienced tragedy at an early age when his mother died when he was only 3. Sent to live with relatives in Great Falls, MT, Senator Mansfield soon began a lifetime of hard work, first in the family grocery store, then enlisting in the Navy before his 15th birthday, and later, when the Navy discharged the young Senator Mansfield after discovering he was underage, serving in the United States Army and Marine Corps, all before the age of 20. In 1922, Senator Mansfield returned to Montana and began working as a "mucker" in the copper mines near Butte, MT. Five years later, he met Maureen Hayes, to whom he would be married from 1932 until her death just last year.

It was his wife that encouraged Senator Mansfield to continue his education, first at the Montana School of Mines then completing his high school education through correspondence courses. In 1930, he left the copper mines and enrolled in the University of Montana where he later became a professor of Far Eastern and Latin American history and political science after completing graduate work at the University of California at Berkeley.

Although he did not follow a traditional path, Senator Mansfield's education provided him with the background that would allow him to become one of Congress' foremost experts on foreign affairs. After losing his first bid for elected office, Senator Mansfield was elected to the House of Representatives in 1942 and was immediately assigned to the Foreign Affairs Committee. Just two years later, then-Representative Mansfield was sent on a confidential fact-finding mission to China by President Franklin Roosevelt, returning in 1945 to report on the state of that nation. In 1952, he narrowly defeated an incumbent to win a seat in the Senate where he was again called upon to use his expertise on the Senate Foreign Relations Committee, completing another fact-finding trip, this time to Indochina, and serving as a representative to the Manila Conference.

Outside the realm of foreign affairs, Senator Mansfield quickly rose through the ranks of Senate leadership, first as party whip in 1957 and becoming the Democratic Majority Leader just four years later in 1961. In his 16 years as Majority Leader, Senator Mansfield helped steer the Nation through some of our most difficult times. After President Kennedy's assassination in 1963, Senator Mansfield delivered a eulogy at a Capitol Rotunda memorial service that was broadcast across the country and helped all Americans mourn the loss of our great President. Senator Mansfield was a vocal critic of our Nation's involvement in the Vietnam War, and warned three administrations, from Eisenhower to Johnson, about the extent of U.S. military actions there. Although his position on the Vietnam War strained his relations with the Johnson administration, he was able to work with the President on passage of landmark civil rights legislation. The turmoil of that era was immediately followed by the Watergate scandal that resulted in the resignation of President Nixon and shook the faith of some Americans in our government. But throughout all of these trying times, Senator Mansfield led the Senate with quiet determination that exemplified his service in Congress.

And that truly is how we will remember Senator Mansfield. Through the most difficult of times, Senator Mansfield led this great body with a sense of purpose and integrity. He put his trust in the rules and procedures of the Senate to reach a result that was right for the American people. He encouraged Committee Chairmen to lead Senate debate on bills under their jurisdiction, and inspired young Senators to make their voices heard on the floor. He delegated responsibility to others, making the Senate a more democratic place, instead of a body dominated by the "old guard." And when the Senate failed to live up to the high ideals embodied in the Constitution, Senator Mansfield would say so. It has been reported many times in the past few days that Senator Mansfield nearly resigned his position as Majority Leader in 1963. Following President Kennedy's assassination, Senator Mansfield put that speech aside, but delivered the remarks in 1998 as part of a lecture series in the Old Senate Chamber. We would be wise to remember those words now, and to follow Senator Mansfield's example of thoughtful consideration and respect for others in the difficult times we face today.

Senator Mansfield's service to our Nation did not end with the 16 years he spent as Majority Leader. His expertise on Far East matters led very different Presidents, Jimmy Carter and Ronald Reagan, to choose him as their ambassador to Japan. Ambassador Mansfield spent 11 years in this difficult diplomatic post. After leaving Tokyo in 1987, the Japanese ambassador to this country predicted the Ambassador "could have run for prime minister and won." Leaving public service, Senator Mansfield would still not retire and served as a senior advisor on East Asian affairs to Goldman, Sachs until his recent death. He remained active in policy matters and the Senate remained close to his heart as he attended the Senate's weekly prayer breakfasts on a regular basis.

Mike Mansfield brought to the United States Senate some of the best characteristics of Montanans, he addressed issues in a straight-forward, honest way, never forgot the people that put him in office, provided a calming influence in good times and bad. In a turbulent and uncertain time, Senator Mansfield was a beacon of dignity, common sense, intelligence, and above all, wisdom. I would like to offer my condolences to his daughter, Anne, his granddaughter, and his many friends and admirers here in Washington and in his beloved home State of Montana.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

## CONSIDERATION OF AN ENERGY BILL

Mr. BINGAMAN. Madam President, I want to just make a few brief points regarding an announcement I made last evening about how we would try to proceed through the remainder of the session to get consideration of an energy bill. I indicated in that announcement that the majority leader had asked me to work with other Senators on the Energy Committee, as well as Senators on other committees, to put together a proposal that could be brought to the floor by the leadership for consideration, and that in light of that, we would not proceed to try to mark up a bill in the Energy Committee, as I expect probably there will not be markups of other portions of a proposed energy bill in some of other committees that would have jurisdiction.

First, as I understand it, the majority leader's assignment was clear. He wants the Senate to be in a position to move to consideration of an energy bill in a timely fashion. And it was his view that this process of putting a bill together, and hopefully on a consensus basis, involving input from all Senators—Democrats and Republicans—was the best way to do that.

We will now have an opportunity to deal with some of the energy issues that cross committee jurisdictional lines; and there are many of those. I think it is clear to people that many of the energy issues also involved the Environment and Public Works Committee. There are clearly issues involving the Finance Committee regarding energy-related tax incentives or incentives for use of particular types of energy. All of that, of course, would be expected to be part of a larger piece of legislation with which the Senate would deal.

Second, I want to respond to a couple of the comments that were made earlier in this Chamber by some of my colleagues, particularly on the Republican side of the aisle, indicating that they believed this was partisan and this would make the consideration of energy in the Senate a partisan issue.

I see it as just the opposite. I am interested in the input from all Senators. I think those on the committee know I have invested a substantial amount of time, in the past several months, seeking and having individual meetings with Senators on both sides of the aisle to discuss some of these difficult issues.

My hope is that we can put together a piece of legislation that will reflect the provisions around which we can form a consensus; and some of those will come from the Republican side of the aisle and, certainly, some will come from the Democratic side of the aisle.

My colleagues on the committee are aware we have made that effort to work in a bipartisan way. I see no disadvantage to any member of the committee from the procedure the majority leader has proposed. If there are good ideas related to energy policy, of course, the first choice would be to try to have them included in the bill the majority leader brings up for consideration. If those ideas are not included in that package, for whatever reason, any Senator, whether Democrat or Republican, would be in a position to offer those as an amendment.

I don't see anyone being disadvantaged by the procedure the majority leader has proposed. I was disappointed to hear in one of the statements this morning a somewhat colorful account of how this decision was supposed to have been made. That purported account was not accurate in any respect, as far as I know. The decision was simply made by the majority leader that if we proceeded in this way, in his view, this process would hold out the best chance for us to get an energy bill considered by the Senate and passed in a timely fashion. On that basis, it is advisable for all Senators to support the decision of the majority leader to try to move ahead on a bipartisan basis. That will certainly be my best effort in the committee.

I look forward to working with all colleagues, both on the Energy Committee and with other committees that claim jurisdiction and have jurisdiction on different aspects of a comprehensive energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSPORTATION SAFETY

Mr. TORRICELLI. Madam President, I am sensitive to the desire of Members of the Senate to avoid extraneous issues in this debate. The need for airline security is self-evident. The failure of confidence in our Nation's airlines is having a devastating economic impact on the country and its economy.

I am certain Members of the Senate will understand that to those I represent, indeed to millions of other Americans around the country, railroad or bus or other modes of transportation safety are not only not extraneous, they are central. Three hundred thousand residents of New York and New Jersey cross the Hudson and East Rivers every day to their homes and places of business. Indeed, a significant multiple of the number of people who fly on airplanes every day is on these commuter trains. I cannot suggest to them that somehow their lives or their fortunes are less important than those who are on airplanes.

It appears to me the debate in the Senate to concentrate exclusively on airplane safety is based on the assumption that terrorists will accommodate us by choosing the same means, employing the same strategy to strike our country that they used previously. Why is it that I doubt they will be so accommodating?

There is nothing about an airplane that somehow makes it more vulnerable than a bus or a train or, for that matter, a powerplant or a reservoir. But as this legislation is focused on transportation and the assurance of safety and security, it must, therefore, by necessity, include other modes of transportation, particularly when those other modes are utilized by millions and millions of Americans and where the exposure to potential danger is so enormous.

I will use for illustration simply those that are utilized by my own State of New Jersey because I know them so well. I suspect the arguments I will share with the Senate could be made by the Senators from California or Massachusetts or Illinois or Florida, Missouri, or a host of other States that have large metropolitan areas.

In Penn Station in New York, through which hundreds, thousands of New Jersey residents travel every week, there are six tunnels that began construction in 1911. The four tunnels under the East River and those under the Hudson are 2½ miles long. As I suggested, they accommodate 300,000 people.

In August the State of New York, by a strange coincidence, issued a public report which concluded the tunnels are "woefully inadequate to deal with a major fire, accident, terrorist attack or other emergency situation."

The report went on to explain that the tunnels lack escape routes for the up to 2,000 people who can ride on a single commuter or Amtrak train. They are without anything but the most basic of ventilation and do not even have standing water pipes which today would be required in even the most modest of such facilities under current construction rules.

The chart on my left illustrates for a major tunnel that can accommodate up to 2 trains and can have 2,000 people on every train, the kind of ventilation that is used is small, singular fans. If there were for some reason a fire on this train because of a terrorist act, it would not begin to be adequate to help the escaping passengers.

The second chart illustrates something even more troublesome: For the 2½-mile tunnel under the Hudson River, accommodating tens of thousands of commuters every day, a single spiral staircase through which 2,000 people would have to climb 90 feet while firefighters were using it as the only entrance to get to a burning train. It would not happen. Indeed, they would be lost.

The greatest illustration of this is that the published plans of the fire department call for using a locomotive to tow the burning train out of the tunnels with passengers on board. It is assumed they could not exit.

I use New York and New Jersey as the illustration. Were I to speak about train access from southern New Jersey to Philadelphia, I could make the same arguments. There would be the same vulnerability; only the numbers would be lower. Indeed, I could also make the same arguments about the Baltimore tunnels, built in 1877, tunnels for which 150-mile-per-hour trains must now slow to 30 miles per hour to traverse.

I could be talking about Washington, DC, itself, where the tunnels along Union Station by the Supreme Court annex, carrying 50 to 60 trains a day, were constructed with the safety designs of 1907.

In response to these concerns and those of Chicago and San Francisco and St. Louis and a host of other cities, Amtrak has proposed a multibillion-dollar security and safety plan.

First, $471 million for additional police, bomb-sniffing canine units, and bomb detection systems for luggage. It is essential to get to even the minimum standards we are now using for the airlines.

Second, $1 billion for the structural and safety improvements that I just outlined in tunnels across the Nation.

Third, $1 billion in capacity enhancements to rail, bridges, and switching stations, which are necessary to support the massive increase in ridership that rails are now receiving across the country.

The daily Acela Express in the Northeast alone has had an increase in ridership of 40 percent to 50 percent per day. It cannot be accommodated as people move from airlines that are not operating at full capacity, to trains that are now operating beyond capacity.

For example, Amtrak has had to add 608 seats on 18 Metroliners and Acela trains just to accommodate this demand between Boston, New York, Philadelphia, Baltimore, and Washington alone.

Madam President, like my colleagues, I understand our obligation to the Nation's airlines. They are the backbone of our economy. We owe it to the American people to put an armed Federal marshal on every airplane that flies in this country. We dare do no less. I believe the necessity of federalizing the check-in and inspection system is now manifest. It is also clear to me that in every aspect of air transportation, the need for security needs to be enormously enhanced. But it would not be responsible—indeed, I could not in good faith represent my constituents in New Jersey—to not simultaneously demand that all other modes of transportation receive equal protection. To protect our aircraft and leave vulnerable targets on other major transportation that carry not as many people but more people, not with the same degree of vulnerability but potentially greater vulnerability, would not be right. It would not be defendable, and I could not explain it to the people of New Jersey, who have already lost 2,000 or 3,000 people from the terrorist attacks on the World Trade Center. We refuse to lose yet another citizen, and I refuse to have another citizen of New Jersey live in vulnerability such as those who lost their lives on September 11.

I want my colleagues to know—and indeed I put them on notice—that we will insist that this Senate deal with the broader issue of transportation security in this country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—S. 1447 AND S. 1510

Mr. DASCHLE. I ask unanimous consent that the Senate now proceed to S. 1447 and that the majority leader, after consultation with the Republican leader and the chairman and ranking member of the Commerce Committee, may turn to the consideration of S. 1510, and the bill be considered under the following time limitation: That there be 4 hours equally divided for debate on the bill to be equally divided between Senators LEAHY and HATCH or their designees; that 30 minutes of the Republican time be allocated to Senator SPECTER; that there be a managers' amendment in order to be cleared by both managers; that the only other amendments in order be four relevant amendments to be offered by Senator FEINGOLD or his designee on which there shall be 40 minutes for debate on each, with 25 minutes under the control of Senator FEINGOLD and 15 minutes under Senator LEAHY's control, on which there shall be votes on or in relation thereto; that if at the conclusion of the time for debate on this bill the managers' amendment has not yet been adopted, it be agreed to; that the bill be read the third time, and the Senate vote on final passage of S. 1510.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, reserving the right to object—I do not intend to object—I thank the leader and the leadership for working with me to make it possible to take up some amendments on the floor. These amendments directly address issues that were brought up at the only hearing on this issue in the Senate Judiciary Committee, a hearing held in the Constitution Subcommittee which I chair. I think it is good for the body, and the bill, that we consider the issues that were raised in the hearing. We should have the debate, have the votes, and resolve these issues in public.

I thank you.

Mr. MCCAIN. Reserving the right to object, I ask the majority leader, in light of the fact it is very unusual in a unanimous consent agreement to say after consultation between both leaders and managers, then they move to the antiterrorism bill, why not just have a unanimous consent agreement to go to third reading and final passage of the bill, and then go to the antiterrorism bill?

Mr. DASCHLE. If I could respond to the distinguished Senator from Arizona, we would get bogged down on the aviation security bill again. If there is time in which we are in quorum calls, it seems to me we could more productively use that time, given the time constraints under which we now have agreed to take up the counterterrorism bill, to use that time more productively.

Mr. MCCAIN. May I continue to ask the majority leader, suppose we just had a scenario, for example, out of my imagination, that immediately a so-called Carnahan amendment is proposed which would then occasion a filibuster or a cloture motion. Then we might be in that scenario almost immediately. Is that possible, I ask the majority leader?

Mr. DASCHLE. It is possible, certainly, I agree with the Senator.

Mr. MCCAIN. In fact, it may be even likely. I am very concerned about this unanimous consent agreement. Because I think what we will do is have an immediate presentation of the Carnahan amendment which will tie up the Senate to prevent us from further consideration of amendments and final consideration of the aviation security bill, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. DASCHLE. I again propose the unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, before the clerk reports, let me thank all of our colleagues. I know this has been a very difficult, extremely contentious matter, and I appreciate very much the support of all of our colleagues. While he dislikes it when I do it, I especially again thank my colleague, Senator Reid, for all of his effort and work getting us to this point. I thank Senator LOTT for his corroborative effort.

I appreciate, again, the work we have been able to do to get to this point. I thank all Senators and yield the floor.

## AVIATION SECURITY ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina.

### AMENDMENT NO. 1854

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator from Arizona and myself, Senator HUTCHISON of Texas, Senator ROCKEFELLER of West Virginia, and Senator KERRY of Massachusetts, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MCCAIN, Mrs. HUTCHINSON, Mr. ROCKEFELLER, and Mr. KERRY, proposes an amendment numbered 1854.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in today's Record under "Amendments Submitted."

### AMENDMENT NO. 1855

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from South Dakota [Mr. Daschle], for Mrs. Carnahan, for herself, Mr. Daschle, Mr. Kennedy, Mrs. Murray, Ms. Cantwell, Mr. Fitzgerald, Mr. Brownback, Mr. Smith of Oregon, Mr. Dorgan, Mr. Dayton, and Mr. Wyden, proposes an amendment numbered 1855.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in today's Record under "Amendments Submitted."

### CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion on the amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle amendment No. 1855 to S. 1447, the Aviation Security bill.

> Harry Reid, Bob Graham, Bob Torricelli, Jean Carnahan, Jeff Bingaman, Maria Cantwell, Richard J. Durbin, John Kerry, Jay Rockefeller, Mark Dayton, Ben Nelson of Nebraska, Evan Bayh, Tim Johnson, Russell Feingold, Kent Conrad, Tom Daschle, Bill Nelson of Florida, Edward M. Kennedy, Barbara A. Mikulski, and Paul Wellstone.

Mr. DASCHLE. Mr. President, I announce to all our colleagues there will be no more rollcall votes today. Details about tomorrow's schedule will be made available a little later in the day.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I spoke yesterday about the need for the Senate to act on behalf of the workers in the airline industry—those men and women who lost their jobs as a result of the September 11 attacks. The time to act is here and now.

My amendment is designed to provide assistance to those who were laid off as a result of the September 11 attacks and the corresponding reductions in air service. They include employees of the airlines, airports, aircraft manufacturers, and suppliers to the airlines.

Using the framework of the Trade Adjustment Assistance Act, this legislation provides income support, job training, and health care benefits for these laid off workers.

This amendment extends unemployment compensation for 20 weeks, after eligible employees have exhausted their State's unemployment benefits.

It also provides for job training, so that those unable to return to the airline industry can acquire new skills.

Many laid-off workers and their families will face the frightening prospect of losing their health insurance. The legislation that I am proposing would enable families to continue their health insurance by reimbursing COBRA premiums for 12 months.

We know that some workers may not be eligible for extended health coverage through COBRA. Therefore, my proposal also enables States to provide Medicaid coverage for those workers and their families.

Lastly, my amendment acknowledges that the unemployment compensation program is imperfect. Many workers who lose their jobs are not eligible for any assistance under current law.

Under my proposal, those who are ineligible for their State's unemployment insurance programs would receive 26 weeks of income support. These payments are designed to mirror unemployment compensation.

This legislation is not a panacea. It is a first step. We acted quickly to shore up the airline industry. That was appropriate. But that legislation did nothing for the 140,000 who are being laid-off despite the assistance provided in the stabilization package.

There are other Americans who have also lost their jobs due to the slowing economy. Their needs should be addressed as part of the economic stimulus package. But, we must act now to assist employees of the airline industry who have suffered immediate, abrupt layoffs of enormous proportions.

The amendment I have proposed has broad support. The nation's Governors have asked Congress to pass it.

The major airlines support this assistance for their former employees. Republican and Democratic Senators support it.

Now is the time to act. The Senate ought to pass this measure now and move on to our other pressing business.

I have reached across the aisle in crafting this proposal. The amendment has three Republican co-sponsors: Senators Brownback, Fitzgerald, and Gordon Smith.

I have also scaled back my original legislation to make it more attractive to my colleagues. The total cost is $1.9 billion—half the cost of the original package.

The amendment includes an offset so this package of benefits is entirely paid for.

Let me assure my colleagues that it is not my intention to slow consideration of the important airline security legislation. I am a co-sponsor of the airline security bill and am eager to see it pass the Senate. We need to institute permanent security measures and restore Americans' confidence in the safety of air travel.

I have been ready, and eagerly awaiting the opportunity, to debate this amendment for the past week. And I am ready to go to a vote right now.

So for those concerned about delay of the airline security bill I hope that you agree we should vote on this proposal tonight. I am not interested in delay. I am interested in helping workers. I would have liked both the airline safety bill and the worker relief packaged completed last week instead of being subjected to a filibuster.

I am aware of comments that some believe that this amendment should not be considered as part of the airline safety bill, but rather should be considered later, as part of other legislation. But that is precisely what I was told over two weeks ago. I originally proposed to provide relief to laid off airline workers at the same time as we provided relief to the airlines.

I did not offer my amendment then because the leadership of both houses of Congress had reached agreement on the airline package and we had to pass the bill immediately.

We all agree that airline security legislation is extremely urgent. So is relief to airline workers. It is time to show some urgency on behalf of the men and women in the airline industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the distinguished chairman of the committee for the usual cooperation and bipartisanship which he has displayed on many occasions in the past in his duties as chairman of the Commerce Committee. It has also been my pleasure to have had the opportunity to work with him, including on this very important piece of legislation. Perhaps the distinguished chairman and I have not worked on a bill that is more important and significant as this one.

This bill would significantly enhance aviation security by making the Federal Government directly responsible and accountable for the screening of airline passengers and their baggage. Although there are many other parts of this bill that are intended to improve security, the shift in responsibility for passenger screening is the most profound. But nothing less is required given that the events of September 11 have forever changed how we view air travel. Unfortunately, we have learned a hard lesson that we face an enemy that is willing to sacrifice itself and thousands of innocents to obtain its ends. Aviation security has now become a critical element of national security, and this requires a fundamental change in our approach. Congress must act to ensure that safety and security remain our foremost concern.

To handle and coordinate all aviation security matters for the Federal Government, including the new screening functions, the bill creates a new, high-level position within the Department of Transportation (DOT). Nevertheless, there would be close coordination with other Federal agencies, particularly those involved in law enforcement, intelligence and national security. Cooperation among Federal agencies will be just as important to our effort to safeguard aviation as it will be in our larger battle to root out and destroy terrorist networks. Accountability is also important, and when it comes to aviation security, there will not be one Federal official to serve as the focal point for all our efforts.

This bill includes numerous other provisions designed to improve aviation security. For example, the Federal air marshal program is broadly expanded, and airports are required to strengthen control over access points to secure areas. In addition, cockpit doors must be strengthened and flight crews would be given up-to-date training on how to handle hijacking situations. The bill would also take steps to ensure that our Nation's flight schools are not being used by terrorists. For the current fiscal year, airports would be given the flexibility to use Federal airport grants to pay for increased costs associated with new security mandates.

I know that some of my colleagues may have concerns about the Federal Government assuming the burden of screening hundreds of millions of airline passengers each year. As a proud fiscal conservative, I do not advocate this move lightly. But the attack last month was an act of war, and we must respond accordingly. As a matter of national security, passenger screening can no longer be left to the private sector. I am one of the most ardent proponents of free enterprise and the entrepreneurial spirit of America. However, this is not an area where decisions should be driven by the bottom line. The Federal Government does not contract out the work of Customs agents, the Border Patrol, the INS, and many other agencies that perform functions similar to the screening that we are dealing with here. We should not contract out the screening of airline passengers.

By the way, recently there was a CNN poll taken where people could instantly respond as to whether screening employees should be done by Federal employees or contracted out. Eighty-seven percent of the hundreds of thousands of people who responded to that CNN poll said the Federal Government should assume that responsibility.

It is also a question about whether the Department of Justice or Department of Transportation should have the authority in this matter. In all candor, one of the reasons is because of the lack of success in the past of some of the programs and implementation of some of the recommendations that were made by the Department of Transportation Inspector General, the GAO, and others. That will be a subject of debate as we consider this legislation.

The present legislation gives DOT the authority to fire or suspend any screener and prohibit him or her from returning to screening duties regardless of any civil service employment laws to the contrary. Furthermore, screeners would also be prohibited from striking. To offset some of the additional costs to government, airlines would be charged a security fee based upon the number of passengers they carry.

Because there are many small airports across the country that may not need a full complement of screeners throughout the day, the Department of Transportation would have the option of requiring smaller airports to contract out the screening work to State or local law enforcement officials. This could only be done if the screening services and training of local officers are the same and the Federal Government reimburses the airport. There would also be some flexibility for DOT to adopt different security measures at smaller airports depending upon airport conditions and the level of airline activity.

I know that some people may be concerned about the transition period if we do move to full Federal control over the screening process. Some believe that screening services may suffer if current employees and companies know that they will be phased out in the coming months. The bill addresses this concern by giving DOT the flexibility to make whatever arrangements are necessary to ensure security in the interim. For example, DOT could enter into new, short-term contracts with screening companies that provide for upgraded services while at the same time compensating the companies, and perhaps employees, for the temporary nature of the new arrangement.

I would also point out that the average turnover, because of the low pay in salary and benefits, at major airports is 125 percent per year. At one airport it is as high as 400 percent per year, but that is because the people who now are employed as screeners can make more money by going down and working at a concession at the same airport.

So let's have no doubt about the transience, the documented transience of these people who work there, who are good and decent, fine American citizens, but they are low paid, and they are ill-trained. That is not their fault. I want to make that perfectly clear.

The Commerce Committee has held several aviation security hearings over the last few years, including one 3 weeks ago. We have repeatedly been told by the DOT Inspector General, the General Accounting Office, and many others that there are flaws in our aviation security systems, especially in the area of passenger and baggage screening. Although we addressed some of these concerns in legislation enacted last year, we clearly must go much farther now. Anything approaching the status quo is no longer acceptable. It is vital that aviation security be provided by professional individuals who are well paid, well trained, and well motivated.

The events of the past few days underscore the need for us take action immediately. Our military strike against terrorist bases increases the risk of another terrorist attack on our own soil. While more than aviation is threatened, we know all too well it is an area that terrorists have targeted before and something they have gone to great lengths to learn about.

Aviation is more important than ever to our economic and social well-being. We cannot avoid the tough choices when it comes to security. The traveling public needs to have its confidence restored in the safety of flying. Federal control of the passenger screening process and greater oversight of other aspects of aviation security can get our aviation industries back on track. Anything less than a full Federal effort would be an abrogation of our duties as lawmakers.

There was a poll taken yesterday by ABC which I would like to refer to, ABC News.com. The question was: Are you worried traveling by airplane because of risk of terrorism? Forty-two percent of the American people today still are worried about traveling by airplane because of risk of terrorism.

There was a meeting in New York City the day before yesterday. According to the Wall Street Journal:

> Lawmakers are eager to resolve the dispute partly because they are being told by business leaders and even Federal Reserve Chairman Alan Greenspan that airline security is central to restoring consumer confidence and getting the economy back on track. In a meeting at the New York Stock Exchange yesterday, about 20 executives urged Mr. Hastert and House Minority Leader Richard Gephardt of Missouri to take drastic action quickly. "The consensus was that the whole system has to be federalized," one House aide said.

It is very clear that we need to act. I am very disappointed it has taken us a couple weeks before we could get this bill up on the floor of the Senate.

Senator HOLLINGS and I would be more than happy to consider amendments, in addition to the present ones. I want to point out that there would be some added expense associated with increasing security, but I would also like to point out that security has obviously become paramount.

So, Mr. President, I again thank Senator HOLLINGS, the chairman of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina, the chairman of the committee.

Mr. HOLLINGS. Mr. President, the events of September 11 forever changed how we feel about the security of our world, our Nation, and our families. We are wrestling with tough issues here: Balancing safety and security—against convenience and the tradition of our free, open, and democratic society.

But one thing is clear. We need to make our skies safe. The American people deserve it—and they demand it.

Securing our skies is becoming a Federal responsibility that needs the full resources of Federal law enforcement, immigration services, and intelligence agencies. Making our skies safe is a complicated endeavor that we cannot leave just to the airlines and the private sector.

We do not contract out our Nation's defense or law enforcement to private security guards. Likewise, we must not contract out the security of our nation's skies or the vulnerable structures and people on the ground.

The American people are willing to contribute to the cost of making our skies safe. A recent poll of 900 people found that 68 percent of Americans are willing to pay $25 per airline ticket to increase security.

By those standards, airline passengers will find our plan to be quite a bargain.

I have worked closely with Senators McCAIN, ROCKEFELLER, HUTCHISON, and many others in a bipartisan effort to fix what has been a long-standing problem in aviation security. I believe the legislation we developed will close our current vulnerabilities and create new safeguards to stop those that would harm our American way of life.

Our legislation will professionalize the more than 18,000 screeners in our Nation's airports who are now employees of the airlines and private screening companies. We will give the screeners better training and advanced security equipment.

Our bill will increase the number of Federal Air Marshals on both international and domestic flights. It will enable the Transportation Department to deploy Federal Air Marshals on every flight.

Our legislation mandates cockpit doors and locks that cannot be opened during flight by anyone other than the pilots. The new cockpit doors will be able to withstand forced entry. With our pilots safe, they can better keep our nation's passengers safe.

These measures also will help restore Americans' confidence in the safety of our airlines. When passengers feel safe, they are more likely to fly, which will revitalize tourism in America—and the local economies that rely on it.

The terrorist attacks last month demonstrated that airline safety is an issue of national security. Other countries have had extraordinary success using the tactics called for in this legislation. Our American citizens deserve the same.

Mr. President, right to the point, let me thank Senator McCAIN, our ranking member, Senator HUTCHISON of Texas, who is the ranking member on our Aviation Subcommittee, and Senator ROCKEFELLER. We have banded together in sort of an emergency situation.

Right to the point, a lot of this could be done, and should be done, and was to be done under present law. For example, you could get an order for securing the cockpit. I called the distinguished Secretary of Transportation 2 days after the 11th—on that Thursday—and I said: I am going to have a hearing. But do not wait for hearings. Let's secure that cockpit. You can order that immediately. You can order marshals.

Now, what have we seen? Three weeks after 9–11 we find a plane being apparently taken over on its way from Los Angeles to Chicago. The fellow was distraught and upset, mentally sick, but he charged the cockpit. So the cockpit was opened, and the pilot immediately called about a hijacking, and the passengers had to overpower him.

First, why weren't there marshals on that plane? We have an authority right now for marshals. What I am trying to say is, somehow, somewhere this administration has to work just as diligently—and they are to be commended on their diligence on correlating a coalition abroad—they have to correlate a coalition here in the country; and we have not done that.

This bill, in other words, is absolutely urgent because they seemingly want to wait for this intramural to work its way out with respect to the fixing of accountability and authority here. And that is what we are all for, in a bipartisan fashion agreed upon. We do not want to just hire a bunch of people. That isn't the problem. The problem is absolute security.

This war is not a military war. And the headlines are misleading: so many aircraft carriers; so many B–2 bombers; so many this; so many helicopters; so many that. The truth is, if you are going after terrorists who are spread amongst 50 countries—and they are zealots, they are fanatics—if you are going after them, you have to go on sort of an individual way; and it is an intelligence war.

Now, No. 1, if we had secured that cockpit, then you save the F–15 that was necessary. Are we going to have F–15s flying all over everyone's domestic flight; have military flights on top, domestic flights on the bottom? Is that America? Is that what we are going to have? Absolutely not.

So how do you forestall that? Secure the cockpit. But they have not done it. Boeing said within 2 weeks they could retrofit all the doors in their airplanes, until you get a steel or a kevlar door put on such as they have in Israel. But they are waiting on studying and studying and everything else.

Our first conference—I say this advisedly—dismayed me, when we conferred with the administration authorities on this particular bill. They were talking about its implementation 9 months to a year—can you imagine that—literally. That is what has gotten this Senator disturbed and exercised, along with the Senator from Arizona, about the urgency. We don't want to have F–15's and everybody in the Guard and everybody in the Air Force flying over all the domestic flights in America.

So you secure that cockpit and there is one thing they know: They are not going to run it into a building. And if it is a hijacking, that pilot doesn't open the door but he calls wherever he is going to land immediately, and have law enforcement there. You wipe out the expense and the calling up of the F–15 pilots and the expense of the F–15 planes.

These are the kinds of things that ought to be done immediately, but they are not being done. I am introducing and pressing for it on this bill. I don't want to have to agree to any set-aside for another bill. There is too much procedural intramurals going on. We have been agreeable, agreeable, agreeable.

And in that context, I guess I have to, with a smile, say I don't mind being a little disagreeable in order to get this one done.

I emphasize again the intelligence. Suppose you had someone and you were with the intelligence of one of these Middle East countries, be they Muslim or not, and you had information, you know it, whatever it is, but if you finger "X" on a watch list and know if it can get through now, that is the communications, it isn't high tech—high tech, everybody wants to get bam, bam, bam and you have the computer, and it immediately goes in. No. You have the Central Intelligence Agency not telling the FBI because they are afraid of a leak, and it will reveal their source.

I saw this 40 years ago when I served on the Hoover commission investigating the Central Intelligence Agency. That is just inherent. What you want to do is protect your sources. So do you give the information ahead and give it to unreliable sources and everything? While the FBI is absolutely reliable, certainly the screeners aren't, the ones we have. Everybody will agree to that. So you have to have high-tech personal, professional. It has to be a federalization where we can check these people, recheck them, not have any labor difficulties.

I supported President Reagan on the controllers. You can't have them striking and negotiating and everything else. This is a war of intelligence. The people at the airports, if they are going to stop would-be terrorists, have to be positioned to receive that watch list information. And they are not going to be giving it to them until our Government can guarantee they are secure. That is just bluntly put.

In that light, the President of the United States has to get in not whether we are going to get first the Amtrak, no; we have to do the seaports, no; we have to do benefits, no; we have to do counterterrorism and get into all of these procedural things. He has to tell the country to bug off, relax. You are not going to get a heck of a lot of information. I am your President. I have a team and we are working and if we can get this bin Laden fellow, you might know of it days or weeks afterwards. We might get him but we might not want to reveal how we got him for a period of time.

That is the kind of war we are in. You don't have to satisfy this media crowd and everything else like that that wants the story of the day, the headline. This is a war not to be run on the 7 o'clock news. They can relax, take weekend leave and everything else of that kind and, like the President says, go to Disney World. But forget about all this information to be had.

We need this bill. We can't tarry around. We need professionalism in it. It is not like the Israelis have, where intelligence is the outer rim, but it goes all the way down, as I have said before, to the person vacuuming the carpet in the middle of the aisle of the plane, because that person, with access to the plane itself, could put in a weapon like we found a bunch of these cardboard cutters and everything else of that kind, as we are finding in some other planes now on a diligent inspection.

My distinguished colleague from Texas is here. I will yield because she has been a leader for several years on this particular score. I am grateful for her leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from South Carolina for all the work he has done. He is chairman of the Commerce Committee; I am the ranking member of the Aviation Subcommittee. We have worked very well together and crafted a bipartisan bill that would address the issues of aviation security.

As Senator MCCAIN said earlier today, the people of our country are not going back to the airlines. This is causing a rippling effect throughout our economy. We need to stem the flow of job losses by getting the airlines back in business so the hotels will fill up, people will rent cars again and people will be able to go about their business in as normal a way as possible.

The last thing on Earth we want is to have the economy be so shaky that we are unable to gear up the national defenses that we know we need.

We have men and women putting their lives on the line as we speak for our country, for our freedom. For us not to do the right thing and get our country back on an even keel after this terrible incident of September 11 would be unthinkable. That is why all of us are working to come to an agreement on this bill.

We are 95 percent in agreement. There are a few issues on which we disagree. Most people know what these are. But what we cannot afford in this legislation is to put extraneous amendments on it. This is not the kind of bill that should be a Christmas tree where you have this amendment and that amendment and somebody's pet project. This is too important. This is aviation security for our country. It is for the people who are going to airports, people who are flying. People are afraid right now. I don't think they should be, because in all the flying I have done since September 11, and it has been every single weekend and also flying around during the weekend, I have been on a lot of flights that are half full. These flights were very safe. People are going all out to make flying safe.

The bottom line is, the people are not coming back. The planes are half full. It is going to take aviation security legislation to get us back on track.

We need to stop the process arguments. We need to stop the extraneous arguments. We need to say: I understand Senator CARNAHAN wanting her bill. I do understand that. It is a very important bill. At some point in the next few weeks, we will take up her bill. We will take up other kinds of legislation also. I want to support Amtrak security, but if it is not going to be agreed to totally, it is not going to go on this bill. I hope it can. But if it can't, then we are going to complete aviation security. That is the bottom line.

I am very pleased to work with Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and many others who have taken the position that we must do aviation security.

What this bill is going to do is give us more air marshals. I introduced the bill for air marshals the week of September 11, but we still have not acted on adding air marshals. The President has done it on his own with emergency powers, but that is not an answer. We want a long-term solution. We want people to know there is a stable, seamless aviation security system in our country with air marshals, with screeners who are qualified, with supervisors who are qualified, all of which are law enforcement personnel. And we want to reinforce cockpit doors so that no pilot will have to worry about security in the cabin. The pilot should be focused on flying the airplane safely. We should not ask him to do anything else.

Now is the time to act. We need to finish this bill. I hope we can go to cloture right away. If we are going to go to cloture, let's do it tomorrow, or even tonight. Let's stay and finish all of the extraneous things and get on with this bill. We have legitimate disagreements. Let's get on with it and determine how much is going to be federalized. I have one position, and maybe someone else has a different position. Those are legitimate. Let's argue it, debate it, vote and go on.

The bottom line is that we are 95 percent in agreement; it is time to have aviation security for our country, for our citizens, and for our economy.

I thank the Senator from South Carolina. I yield the floor.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may follow Senator MURRAY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the chairman of the Commerce Committee for bringing this bill to the floor. Aviation security is a critical measure. I agree with the Senator that we have to do this right and we need to pass this bill. It is critical. It is critical to the American public that we bring this bill up, move it forward, and get it passed, and reassure our constituents in the country that air travel is safe because we have done our part as well.

I have come to the floor to speak on behalf of the more than 100,000 American workers who are now facing layoffs as a result of much of what has happened in the last month. For weeks, these workers have been waiting for this Senate to pass a workers assistance package, and today we finally have an amendment on the floor to help them. I have come to the floor to speak on behalf of that amendment and encourage its immediate passage.

For many of our workers, the clock is ticking. In fact, this Friday, 10,000 Boeing workers are going to receive notice that they are going to lose their jobs. They are very concerned about how they are going to feed their families, get health care, and how they are going to pay their mortgages. They need the Senate to take action.

Just look at the layoffs that have been announced so far. On September 15, United Airlines announced it was laying off 20,000 workers. On the same date, Continental announced it was laying off 12,000 workers. On September 17, US Airways announced it was laying off 11,000 workers. On September 18, the Boeing Company announced up to 30,000 layoffs. On September 19, American Airlines announced 20,000 layoffs. On September 26, Delta announced another 13,000 layoffs. These aren't just layoffs; these are people—people with families, people who are in our communities, people who are very frightened and insecure about their future. They are workers who are losing their jobs every day, and they need our help.

In my home State of Washington, we are really feeling the impact because of these layoffs in the aviation and aerospace industry. The Boeing Company plans to lay off 30,000 employees, as I said: That is 30 percent of its workforce. By the Christmas holiday season, I will have at least 10,000 of my constituents out of work. And it is not just Boeing; hundreds of suppliers across the Nation will be impacted as well.

The clock is ticking. This Congress has still not passed a workers assistance package. I urge my colleagues to support the Carnahan amendment so we can help those workers. Congress, as we all know, has taken care of the airlines by passing $15 billion in assistance. I supported that package because it was the right thing to do. Getting the airlines back up and running quickly helped us avoid further layoffs.

We have also recognized that we have a responsibility to help the many workers who are losing their jobs through no fault of their own. So far, this Congress has not provided any help for the 110,000 airline workers and their families who will be laid off or the 30,000 Boeing workers who will be laid off. These workers have to put food on the table; they need to make car payments and pay their rent or their mortgage. They are losing their jobs, and they need our help. The Carnahan amendment will help them.

In fact, these efforts are even more important today given the underlying problems we are having with the U.S. economy. Before September 11, our economy was teetering on the edge of recession. Unemployment is currently at 4.9 percent, and that is the highest level in over 4 years. Some economists are now predicting that unemployment will reach 6.5 percent by the middle of next year. Every one of us will have families in our States who will be impacted by this.

Even worse, these economic problems are affecting workers in all of the related industries, and we have heard from them—the travel agents, hotel and restaurant employees, caterers, car rental companies, and many more; the slide will keep moving. We are now working with the Senate and the House on a stimulus package that is intended to help our broader economy. Some predict the pricetag will be as high as $75 billion.

I want to make sure we meet the needs of the men and women, the moms and dads, who are facing layoffs right now. We need to adopt the Carnahan amendment to assist our displaced workers.

The amendment will provide an additional 20 weeks of cash payments to airlines and aircraft manufacturing employees who lost jobs directly as a result of September 11. For individuals who are laid off but who do not qualify for State unemployment assistance, our bill will provide unemployment benefits for 26 weeks. This will mean so much to those who are very worried about losing their homes and feeding their families in the coming weeks and months. Our amendment will also provide worker training benefits for laid-off employees and for those threatened by layoffs, so that they are better equipped and more confident and can find a new job as we see the economy and where it develops in coming years.

Finally, this amendment will provide 12 months of COBRA health insurance payments for our affected workers. This is really critical for our families who need to know that their loved ones are not losing their health care along with their jobs. No one in our country should live with that fear right now.

I urge my colleagues to adopt this much-needed amendment. The clock is ticking, and these workers facing layoffs cannot wait. We have to move forward and get these workers the help and give them the confidence they need now. I urge our colleagues to vote for this workers assistance package, to move the underlying bill and do what we need to do to get this economy back on track so that our country can be confident again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be brief. I feel as though every day I have been speaking on the same issue. I think I am a cosponsor of the Hollings airline safety bill. It is a fine bill. I ask unanimous consent, in case I am not, to be a cosponsor of the Carnahan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, first of all, I say to Senator HOLLINGS I can do this in 1, 2, 3 order.

Senator MURRAY, I appreciate her statement. She has an awful lot of hard-pressed workers in her State. I appreciate her advocacy for working families in Washington.

To Senator HOLLINGS, he has given enough speeches to deafen all the gods about how the industry gets back on its feet when people feel safe to fly, and aviation safety is the first priority. He is absolutely right, and this is a critically important piece of legislation. I look forward to passing it. We will have passed an important piece of legislation for our country.

Then the third point I want to make is that I heard the Senator from Texas—and I am sorry she is not here now, so I won't go into big debate. I heard her talk about the need to not have extraneous amendments, and then I heard her reference the Carnahan amendment. I will tell you something. The 4,500 Northwest employees who are out of work right now believe they are extraneous. They believe they are central—central to their families, central to our communities, central to Minnesota, and central to our country.

I would like to say to Senators who are opposed to this amendment or blocking this amendment, if you were to have a poll—I am just about positive of this—anywhere in the country and asked whether or not people think in addition to our helping the industry we ought to help employees, 90 percent of the people would say, "Of course." Of course, you should help working families. You helped the industry; now you should help the employees and, of course, this should be a priority. As a matter of fact, one of the biggest criticisms—and there are not a lot of criticisms people have right now about what we are doing in the Congress—one of the criticisms is how can you bail out the industry and not help the employees? When I hear my colleagues say this is an extraneous amendment—tell that to the men, women, and children who are hurting right now.

We help people when they are flat on their backs. We provide the support to them. The Carnahan amendment does three things scaled down. I wish it was even more comprehensive, but it is extremely important. It extends the unemployment benefits, it provides the job training, and it provides—the Senator from Massachusetts is always the leader on health care issues—up to 12 months 100-percent payment of COBRA payments, which employees cannot afford when they are out of work otherwise.

This is a lifeline for these employees. It is extremely important. It is the right thing to do. Frankly, if this is the dividing line between Democrats and some Republicans, so be it. I would rather there be 100 Senators who are for this. I sure do not mind having a spirited debate about whether or not we should be helping these employees. I sure do not mind being on their side. That is what they expect from us.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair. Mr. President, it is somewhat extraordinary that so many weeks after the events of September 11, in the immediate days thereafter, almost all of the relevant personnel within the aviation industry—the people who fly the planes, the screeners, the people at the airports responsible for security, the flight attendants—all of them came forward and said we need a Federal system with Federal employees and Federal standards that guarantees the safety of our aircraft access and our airways.

Here we are, after this extraordinary outpouring of emotion and genuine bipartisanship within the Congress that came together to pass $40 billion immediately, and that united to provide a clear statement of the will of the American people expressed through the Congress with regard to our reaction to those events in a series of measures on which we found the capacity to come to the floor of the Senate and vote as one, here we are now weeks later still procrastinating over when we are going to have a final vote, or how we are going to get to a final vote on the question of aviation security.

It seems to me extraordinary that at a moment when we are trying to prove to a lot of countries the virtues of democracy we are struggling in the greatest deliberative body on the face of the planet—as we are often referred to or even like to call ourselves—we are struggling to find the capacity to have a vote, to let the votes fall where they may. Let them fall where they may.

Some people do not like the Carnahan amendment. I am amazed that they would call extraneous assistance to people who went to work on one morning and found out a few hours later their jobs were gone. I wonder how one can call extraneous a flight attendants who got on a plane after the events of that day to help people get back to their homes or locations from where those planes flew, to return them, and then got home and found after taking that risk they got a pink slip, their job no longer existed.

Mr. President, 140,000 aviation employees have lost their jobs since September 11. How anybody can suggest that for those people who did not have the opportunity to plan for a layoff, for those people who did not have the savings put away because of these events that clearly altered their lives in such a dramatic way, that we are not going to find it in our capacity, even as we bail out the airlines to the tune of billions of dollars, that we somehow are not prepared to extend health care benefits to them by paying their COBRA premiums or making training available to them to find another job or find additional unemployment compensation once the State unemployment compensation has run out.

That is not extraneous. That is fundamental to who we are as a people and to the kind of reaction we ought to spontaneously summon as a consequence of the events that happened.

I also hear my colleagues talking about the need to have some kind of boost to the economy. We have had a rather sizable tax cut which enormously benefited those people at the upper end of the income scale, but for some 28, 29 million Americans who pay most of their taxes through the payroll tax, they did not get any break.

For a lot of Americans, the best way to begin to bring back the economy as fast as possible is to give people the ability to spend money, to give them the ability to pay their bills and do the things that people do which will have the most profound impact in terms of stimulus at this point in time.

For those who look at the tax cut side of the ledger—and we have all embraced those tax cuts over the course of the past months in one form or another—the fact is certain kinds of business tax incentives and certain kinds of monetary efforts—for instance, lowering the interest rates at this point in time—are simply not going to make a difference in the rapid restoration of the economy. We could lower the interest rates to zero at this moment and it is not going to affect the creation of a new plant or the investment in some new business where that business is already affected by an intense overhang of excess capacity. For somebody who built their plant in the last year and a half, of course, that has a negative effect.

What you have to do is use up that capacity. Most of that, most people would agree, is going to take place on the demand side and the consumer side, and we have to face that.

It seems to me, both as a matter of fairness and common sense about how we are going to deal with the economy under these circumstances, providing assistance under the Carnahan amendment is the proper way to address the needs of 140,000 people who were summarily thrown out of work as a direct consequence of the events that took place, and I might add not just as a direct consequence but also to some degree as a calculated effort by some of the airlines to position themselves differently from where they were positioned prior to September 11.

Every one of us on the Commerce Committee and on the Aviation Subcommittee, those of us who have been following this issue for a period of time, know the aviation industry was already a significant percentage off, maybe 30 percent and in some cases more, prior to September 10. What we are seeing now, even after we have taken taxpayer dollars and provided billions of dollars to help bail out the airline industry, they are reducing capacity and adjusting the numbers of flights and the number of personnel well beyond the impact of September 11.

So if it is okay and appropriate—and many of us believed it was—to help bail out that industry because of the impact that industry has on a whole set of other downstream industries: the car rental industry, the restaurant industry, hotel, entertainment, a lot of things are tied to getting people back into airplanes, at the same time as the health and long-term welfare of that industry is being sought, we ought to be looking at the health and long-term welfare of those employees who have suffered as a consequence of both of those linked facts.

I think it is critical we pass the Carnahan amendment, as a matter of fairness to those workers.

Let me also say something about the aviation bill itself. I have heard from a number of pilots who have privately contacted me in the course of the last weeks to tell me stories that have not necessarily reached the public about why it is so critical to have this national standard applied to our employees. When you walk up to any counter anywhere in the country and talk to the people who check you in and talk to them about why they think it is important, you will really gain a much stronger understanding of the virtue of having this national system of employees who are accountable to one standard, accountable across the country to one system, and who work with an esprit de corps and with an expertise that provides those people flying on our aircraft the sense of safety they both want and deserve.

I think most of us who have been following this issue for a long time are convinced it is only when you have that kind of system and not a sort of disparate, multiheaded effort that stems from the contracting out of various airports all across the country to the low bidders for those particular airports, we know that by virtue of the imperatives of the bottom line and the structure of the airlines themselves and the way in which that has been managed that there has been an incentive to find employees that do not cost a lot, that do not require a huge amount of training, do not require a huge amount of supervision because that costs a lot more money for airlines that have already been in difficult straits. Unless we raise the pay level of those employees, the training level, the supervisory level, and the standards to which they are supervised and under which they have to work, we are not going to have that kind of control.

Senator HOLLINGS, again and again, has referred to El Al. El Al is a classic example of a security system that has escaped the kind of terror we witnessed on September 11. It does so because of the layered structure of government input that guarantees a standard which can be adhered to and which is accountable to those standards.

If we want to get people back in our airplanes to the levels they were previously and to even greater levels as we go down the road, we need to make certain we have the highest standards possible, the greatest accountability possible, and the broadest supervisory standards, with accountability, that we could put into place. The American people demand nothing more and they deserve nothing less.

Ultimately, if we are doing less than that, we leave ourselves open to the possibility that not in the next weeks—I do not believe that will happen in the next weeks or even the next months—but when people begin to relax a little bit, as is normal, when you begin to back off because you have these different companies and you do not have the kind of standardization that we are seeking, that is when someone will once again look to find the weakness in the system.

Even as we talk about the airlines, I want to reiterate what a number of us have said on a number of different occasions. It is not just the airlines that require standards with respect to security. Our trains are exposed and our buses, as we have seen, other forms of transportation. If we are truly in the kind of conflict we have described to the American people—and we are—and if indeed threats are possible down the road as we proceed forward—and they are—and all of us know that, then it behooves us to try to minimize the potential exposure to the American people with the maximum return in effectiveness.

We currently have the National Guard, the FBI, marshals. You walk into an airport today and you have this conglomerate of people who are there. Why? Because everybody knows what we have before them in terms of that screening system is inadequate. What we need to do is guarantee those marshals can be on the aircraft not waiting at a screening section; that the Guard can be doing what the Guard may be called on to do in the course of the next months; that the FBI and the other personnel can be following up on leads and preventing rather than guarding our airport entrances, and the only way we will ultimately have the kind of esprit de corps that we need is to build the supervisory capacity and supervision and accountability that we have within the INS, within the Border Patrol, the Coast Guard and all of those other security measures that we take at other levels.

I hope the Senate, within the next 24 hours, will finally vote on this legislation. I thank the Senator from Arizona and the Senator from South Carolina for their leadership on this on the Commerce Committee. I am pleased to be an original author and cosponsor with them of this legislation, but I am frustrated we cannot have a series of votes and let the votes fall where they may. If the Carnahan amendment deserves a majority of support from the Senate, then it should receive it. If it does not, then we move on, and we have a final vote on the question of aviation security. We need to get this done, and we need to get it done now. We should have had it done previously. I hope in the next hours the Senate will end this process of procrastination and restore the sense of unity and purpose and urgency that has guided us to this moment.

I yield the floor.

Mr. MILLER. Mr. President, I rise in support of Senator CARNAHAN's amendment regarding assistance for airline workers. As Senator CARNAHAN has described, her amendment would provide much needed help to workers in the airline industry who have been laid off as a result of the horrific events of September 11, and such help is desperately needed.

The need to help these workers is an issue that we failed to address when we gave $15 billion in aid to the airlines. Yet these airline workers need immediate temporary assistance in order to find new jobs. Delta Airlines, based in my home State of Georgia, has already cut 13,000 jobs. And this is not the end of the layoffs; many more Americans are going to be affected.

The approach to this problem outlined in Senator CARNAHAN's amendment is a measured and moderate one. It addresses only the most immediate needs of these workers: The need for unemployment benefits, the need for continued health insurance coverage, and the need for job training so that they can begin to again contribute to our Nation's economy. In addition, the benefits provided in this package are temporary; they in no way would be taking on permanent responsibility for a new group of Americans. Finally, the provisions of this amendment are narrowly crafted to apply only to those workers who lost their jobs as a direct result of the attacks of September 11 or due to security measures taken in response to the attacks. We would, therefore, not be providing assistance to those who are the victims of the general economic downturn.

In short, this is a sensible, middle-of-the-road approach to one the most pressing problems we face as a result of the September 11 attacks. It makes good sense to address this issue now, and I urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the distinguished manager and I have a couple of amendments, if I could ask the indulgence of the Senator from Texas.

Mr. HOLLINGS. Mr. President, I ask that the pending Hollings-McCain amendment be considered agreed to and the motion to reconsider be laid upon the table, that the amendment be considered original text for the purpose of further amendments, and that the Daschle-Carnahan amendment 1855 remain in its current status as a first-degree amendment.

Mr. GRAMM. Reserving the right to object, I'm not sure I understand the unanimous consent request. Could you repeat it.

Mr. HOLLINGS. I ask consent that the pending managers' amendment, the Hollings-McCain amendment be considered agreed to and the motion to reconsider be laid upon the table, that the amendment be considered original text for the purpose of further amendments and that the Daschle-Carnahan amendment No. 1855 remain in its current status as a first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1854) was agreed to.

AMENDMENT NO. 1857

Mr. HOLLINGS. I have an amendment on behalf of the Senator from Vermont, Senator LEAHY, which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEAHY, proposes an amendment numbered 1857.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 49, United States Code)

At the appropriate place, insert the following:

**SEC. . ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.**

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

**"§ 44938. Immunity for reporting suspicious activities**

"(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) APPLICATION.—Subsection (a) shall not apply to—

"(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

"(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

**"§ 44939. Sharing security risk information**

"The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44939 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"44938. Immunity for reporting suspicious activities.

"44939. Sharing security risk information.".

Mr. LEAHY. Mr. President, I am pleased that the Senate will accept my amendment to improve aircraft and passenger safety by encouraging airlines and airline employees to report suspicious activities to the proper authorities.

In addition, this amendment requires the Department of Justice and the Federal Bureau of Investigation to share security risk information with the Federal Aviation Administration and airport or airline security officers.

I want to commend Senator HOLLINGS and Senator MCCAIN for their good work on this airport security legislation. I support the Hollings-McCain Aviation Security Act and believe this amendment improves an already excellent bill.

The Leahy amendment provides civil immunity for airlines and airline employees who report information on potential violations of law relating to air piracy, threats to aircraft or passenger safety, or terrorism to the Department of Justice, Department of Transportation, a law enforcement officer, or an airline or airport security officer.

This civil immunity would not apply to any disclosure made with actual knowledge that the disclosure was false, inaccurate or misleading or any disclosure made with reckless disregard as to its truth or falsity.

In other words, this amendment would not protect bad actors.

According to press reports, two of the suspected September 11, 2001, terrorists were on an FBI watch list. Both the Secretary of Transportation and the Attorney General, however, testified before Congress that the FBI, the INS, and the Department of Justice do not currently supply these watch lists to the FAA or to the Nation's airline carriers to match up passenger lists with potential threat lists.

It is time for that policy to change. This amendment requires the Attorney General to establish procedures for notifying the FAA of the identity of known or suspected terrorists.

Monday's Wall Street Journal reported that the National Commission on Terrorism has stressed the importance of more effective coordination and dissemination of security information including the FBI's watch list of potential terrorists and their associates.

Indeed, the Wall Street Journal reported:

> A government-created task force recommended ways to plug what historically has been one of the most glaring loopholes in aviation security: a lack of clear-cut procedures to circulate timely information about potential threats to airlines and airports.

My amendment will put those needed procedures into place by requiring the Attorney General, in consultation with the Deputy Secretary for Transportation Security, which is created in the underlying bill, and the Director of the FBI, to establish procedures to notify the FAA and airport or airline security officers, of the identity of persons known or suspected to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.

Finally, the amendment requires the Attorney General to report to Congress on the implementation of the procedures to identify these suspected or known hijackers or terrorists.

I believe the Leahy amendment will improve aircraft and passenger safety and provide the flying public with greater security. Indeed, this amendment has the support of the U.S. Chamber of Commerce among others.

I thank Senator HOLLINGS and Senator MCCAIN for accepting this amendment.

I ask unanimous consent that this article from the Wall Street Journal, entitled, "U.S. Task Force Proposes Ways For Sharing Security-Risk Data With Airlines, Airports," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 8, 2001]

U.S. TASK FORCE PROPOSES WAYS FOR SHARING SECURITY-RISK DATA WITH AIRLINES, AIRPORTS

(By Andy Pasztor)

A government-created task force recommended ways to plug what historically has been one of the most glaring loopholes in aviation security: a lack of clear-cut procedures to circulate timely information about potential threats to airlines and airports.

The recommendations submitted to Transportation Secretary Norman Mineta urge, among other things, creation of a "federal security agency" that would "fundamentally" improve integration of "law enforcement and national security intelligence data."

The proposed entity, supported in concept by the White House as well as congressional leaders, would be responsible for directly passing on such threat information to senior security personnel at each airline and airport. Officials of the Federal Aviation Administration have acknowledged that they only received partial information from the Federal Bureau of Investigation.

"We have access to the names that the FBI gives us," but don't "normally have access" to the full "watch list" of potential terrorists or their associates assembled by the bureau, U.S. immigration officials and other law enforcement agencies, Monte Belger, the FAA's acting deputy administrator, told lawmakers last month.

Despite extensive debate over giving the FAA access to certain intelligence data, there was no resolution of that issue prior to Sept. 11. After the attacks, the FAA instituted some makeshift security procedures. Before any commercial jetliner can take off, airlines must check the names of all passengers against a lengthy and continuously updated "watch list" of names supplies by the FBI.

Paul Bremer, chairman of a blue-ribbon government panel called the National Commission on Terrorism, has stressed the importance of more effective coordination and dissemination of security information.

Since the FBI "is in charge of catching criminals and prosecuting them," historically it has had some reluctance to quickly pass on potential evidence to the FAA or airlines. "Part of the problem in the FBI is a cultural one," Mr. Bremer has said, adding "we need to find a way [such information] can be disseminated" more rapidly and predictably.

But in certain of its conclusions, the task force also appears to have been keenly interested in trying to minimize delays.

Citing "an urgent need" to find more efficient methods of moving people through the security system as passenger volume ramps up, the panel recommended "a nationwide program for the voluntary prescreening of passengers." By issuing frequent travelers special credentials or checking their identities and backgrounds before they arrive at the airport, such travelers would be subjected to less scrutiny. That would allow security personnel to focus extra attention on other passengers. Meanwhile, a companion task force appointed by Mr. Mineta to recommend changes in onboard security systems stopped short of supporting some concepts previously proposed by the White House.

Members of this task force said "while there may be value" in installing video cameras designed to show pilots' activity in the cabin, "we have no consensus on whether to proceed with this technology." The panel concluded that calls by President Bush to install double doors to cockpits were premature. Such a "design will have limited applicability to most aircraft in the U.S. fleet" partly because there isn't enough room between the current door and the flight deck to accommodate such a system, the task force concluded.

Mr. HOLLINGS. The amendment is agreed to on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont, Mr. LEAHY.

The amendment (No. 1857) was agreed to.

### AMENDMENT NO. 1858

Mr. HOLLINGS. On behalf of the distinguished Senator from Nevada, Senator ENSIGN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. ENSIGN, proposes an amendment numbered 1858.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the Secretary of Transportation to appoint retired law enforcement officers to serve as air marshals)

At the appropriate place in the section relating to air marshals, insert the following subsection:

( ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

Mr. HOLLINGS. We agree with the amendment.

Mr. McCAIN. If we could withhold for 30 seconds to describe the amendment of Senator ENSIGN, it allows retired law enforcement officers or retired armed forces personnel to serve as Federal air marshals if the individual meets the background and fitness qualifications. I think this is a good amendment that will provide some highly qualified, trained and experienced individuals. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mr. McCAIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAMM. Mr. President, it is my understanding, we now have of the underlying bill the Carnahan amendment, which is a first-degree amendment; is that correct?

The PRESIDING OFFICER. The Senator from Texas is correct.

### AMENDMENT NO. 1859 TO AMENDMENT NO. 1855

Mr. GRAMM. I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1859 to amendment No. 1855.

Mr. GRAMM. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.)

Mr. GRAMM. I'm not going to spend a lot of time tonight talking about this amendment. We will have an opportunity to talk about it tomorrow. However, I do want to try to make a couple of points tonight.

First, I want to make a point we are trying to pass a bill on aviation security. In my opinion, this bill is far from perfect. It seems to me there are 100 Members in the Senate who believe we need to do everything we can do to act quickly and act efficiently in making air transportation safe again. We want the American people to be and feel secure and we want to get planes flying. Our economy is very much affected by the ability of Americans to travel, and in the process, to go about their business, because the business of America is business.

We now have a pending amendment, the Carnahan amendment, that has nothing to do with aviation security. I know some of my colleagues will argue that the amendment is meritorious. I have been somewhat amazed by the argument that we took action to "bail out" the airlines, and now it is time we do something for the employees of the airlines. I beg to differ. For the last 140 years, the distribution of resources in the American economy has been roughly 80 percent for labor and 20 percent for capital. There is no reason to believe that of the $5 billion of assistance we provided to give emergency relief for the limitations placed on the airlines on the 11th and the ensuing weeks, that approximately 80 percent of that money did not go directly to the benefit of people who worked for the airlines. In fact, the whole purpose of the funding was to prevent weak airlines from going broke and to try to stabilize the situation.

Now to come back and say we need another bill dealing with special benefits for people who work for airlines, it seems to me, approaches piling on. Quite frankly, I don't understand the logic that if you work for an airline, and I work for a travel agent, and we are both out of work, why you are more deserving of Federal benefits than I am. I don't understand the logic that treats people differently in unemployment compensation, and to carry over their benefits based on who they work for. That system makes no sense whatever to me.

I think it is important to note that the Carnahan amendment, at least by my rough and rugged calculations, would cost $95 billion a year if the same benefits were applied to everybody in the American economy, rather than simply being applied to people who work for airlines.

To sum up the points I want to make about the Carnahan amendment: One, people who work for airlines were the principle beneficiary of the $5 billion of direct aid and the $10 billion of loan guarantees. The whole objective was to try to keep airlines operating so they could provide service and so that employees would not be dislocated economically by losing their jobs. I don't understand the logic of an amendment that treats people who work for one private employer differently than people who work for other private employers, even though both may have lost their job as a result of what happened on the 11th.

I am not for the Carnahan amendment. I don't make any excuses for being opposed to it. I think it is bad policy. And quite frankly in this era of bipartisanship it looks awfully partisan to me. It seems to me since the decision has been made that we are going to offer extraneous amendments on the Aviation Security Act, both sides can play that game. My amendment is a straightforward amendment that opens up 2,000 acres of the Arctic National Wildlife Refuge for oil and gas production. In the process, it adds more oil reserves to America's proven reserves than 30 years of supply from Saudi Arabia. It would require the use of the best available technology for environmental protection. The provision has been adopted by a fairly substantial bipartisan vote in the House of Representatives.

One might ask, what does energy security have to do with the Aviation Security Act? My answer is it has a lot more to do with the Aviation Security Act than the Carnahan amendment. If we are going to vote on extraneous amendments that our Democrat colleagues want to vote on, then I want to vote on amendments that I think will benefit the country.

Quite frankly, I think nothing could do more to immediately bolster national security than enabling us to produce more oil and gas here at home at a price consumers can afford to pay to turn the wheels of energy and agriculture. So I wanted to come over today and offer this amendment.

Finally, let me reiterate, before I yield the floor and let our colleagues speak, my concerns about the Aviation Security Act. I think 100 Members are in favor of doing something here. But I think we should be trying to do something within two constraints: No. 1, how can we provide additional airport and aviation security in a way that will minimize the amount of time it takes to put it in place? And, No. 2, how can we do it in such a way as to maximize the effectiveness of the security we provide?

I personally believe we would have been well advised and the country would have been well served if we had allowed the President, in implementing this program, to decide when to use Government employees and when to use employees from the private sector and to pick and choose in such a way as to implement a program as quickly as possible that would be as effective as possible.

I think we have made a mistake by mandating that the people who are employed under this act in our major airports all be Federal employees. It seems to me that will add to the amount of time it takes to put the program in effect, and I think it is highly questionable that that kind of binding constraint on the executive branch of Government is aimed at making the system the most efficient possible.

I think we could have written a better bill had we allowed the President to do this within the two constraints of doing it as quickly as possible and having a system that is as effective as possible. The decision was made not to do that, to move ahead even though the President expressed a preference to have flexibility. The decision was made to move ahead by mandating Government employees.

I think that is not good public policy. I am not saying we would not be better off having a bill that is non-optimal than not having a bill. But I am simply saying, in this spirit of bipartisanship, it seems to me that the right way to have done this would have been to trust the President and give him the flexibility. That the bill did not do.

So in yielding the floor, let me reiterate where we are. We now have the underlying substitute as the pending bill. We have a first-degree amendment, the Carnahan amendment, and we have a second-degree amendment which would open a very limited area of ANWR, 2,000 acres. It would add to the oil reserves of the country the equivalent of 30 years of Saudi Arabian imports. And it would require that this oil and gas be produced with the best available technology.

I am sure Senator MURKOWSKI will speak about why this is something we should do, as the former chairman of the Energy Committee, if we are in fact going to consider the Carnahan amendment. Let me say if we simply decide to focus, as I believe we should, on aviation security, if we should decide to drop the Carnahan amendment, I would be willing to pull down this amendment. But if we are going to deal with extraneous matters, then we ought to be dealing with extraneous matters, in my opinion, that are more related to the crisis we face than is the Carnahan amendment.

So if we are going to press ahead with that amendment, then I am going to press ahead with voting on ANWR. I understand the rules of the Senate. The majority leader has filed cloture on the Carnahan amendment. I will vote against cloture. I hope cloture will be denied. But if cloture is adopted, then my amendment to the Carnahan amendment will fall. But I will offer it again as a first-degree amendment.

I want to reiterate, if we are going to get in this business of dealing with extraneous amendments, which I think is a mistake—I think under the circumstances that, on a united basis, we ought to move ahead with aviation security—but if we are going to get into these extraneous amendments, then I think everybody ought to have the right to get into them. I cannot imagine anything that would be more important that we could do tomorrow on the floor of the Senate than to adopt a House-passed provision that, on a very limited basis, would open ANWR and would add more proven oil reserves to the Nation than 30 years' supply from Saudi Arabia.

I appreciate the Chair's indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with Senator CARNAHAN in urging the Senate to provide some important relief for workers and workers' families whose loss of jobs were directly related to the terrible terrorist attacks which took place here earlier in September.

I think all Americans have been struck by a variety of different emotions in these recent weeks. I absolutely found them inspiring, almost beyond description in so many different ways. Obviously, the extraordinary loss of life was breathtaking in its scope and its impact on so many families. But we saw absolutely extraordinary heroism by many individuals who never, probably, considered themselves to be heroes or heroines. I think that has been emblazoned on the minds of people all over this country, and really all over this world. It will be a proud part of our Nation's character and history.

Something else we have seen is extraordinary acts of generosity towards our fellow citizens. Americans are a generous people. I think all of us have seen, in small, personal ways as well as in large ways, the scope of these contributions to the Red Cross, the contributions of blood, doctors running down to hospitals—so many different acts of generosity. That really is the background of the time we are meeting. It is true of the time we are meeting here this evening.

In the immediate wake of the tragedy, this institution responded to the challenge to our transportation system, our airline transportation system. In a very short period of time, because of the nature of the emergency, because there had been direct governmental intervention, where airlines were closed down, we took action in order to try to provide some relief to that industry. We took those steps, and we are very hopeful they will be enough to make sure that industry will continue to play an important role in our national economy.

Now we took care of management during those actions. They are going to make sure their salaries are going to be paid. The management of the airline industry was taken care of, some of them in extremely generous ways. But we believed at the time we had to take that kind of action.

Now what are we being asked to do under the Carnahan amendment? All we are saying is, fair is fair. We have taken care of the management in the airline industry, we have taken care of the airline industry, now we are talking about being fair to the workers in the industry. Fair is fair. The American people understand fairness. That is what the Carnahan amendment is basically all about. It is reflected in unemployment insurance, COBRA assistance and training. But it is about fairness.

Those workers include the reservation personnel, customer service personnel, flight attendants, baggage handlers, mechanics who fix the planes, the workers who clean the planes, the food service workers, the shuttle drivers—you could go on and on.

One hundred and twenty thousand of them have been thrown out of work—not because of their failure to perform good services, not because they were not working hard, and not because they weren't producing, but because of terrorist acts. On the one hand, we have taken care of management. The Carnahan amendment says we are now going to try to take care of the limited group, the workers. Fair is fair. Americans understand it. We are using the first vehicle to be able to do it. Some of us would have preferred that we did it at the time of the airline action, but so many of the voices that are opposed to this tonight said: Oh, no. We can't do that now. We shouldn't do that at this moment. We have to look out for the airlines. When we bring it up, they say: No. It is an extraneous matter.

Americans understand what is happening. More than 120,000 of these workers expect someone to speak for them. And the someone who is speaking for them will be the Members of Congress, the Senate, in a bipartisan way, I might add, with this amendment. In a bipartisan way we are going to speak for those workers.

That is what this debate and discussion is all about. Let us get to the business of voting on this measure. Let's get to the business of completing the action on airport security. Then let us go ahead and deal finally, hopefully, in the next 2 weeks with the economic package to look after other workers who are also suffering.

I am always interested when I listen to voices on the other side complain about unemployment insurance. We should really understand that workers have already indirectly paid into the unemployment compensation. Do we understand that? Workers pay into unemployment compensation. I am not sure how much management paid in and how much they paid at the time that we took care of the airline industry. And I voted for it and I support it. But we are talking about a major aspect of this program being extended unemployment compensation. Workers pay into unemployment compensation over a long period of time. Because we have been blessed with a strong economy, with strong price stability, economic growth, and low inflation, there has not been the necessity for unemployment compensation. But it is part of the safety net that has been accepted and supported in our society.

I know there are people who are opposed to that in this body as well, and continue to be opposed to it. But it is there. Workers pay into it. They need it. They need it at a time such as this when they have lost their jobs. This is a very modest program. It is unemployment compensation where workers receive a small percentage of what they otherwise would have received had they been able to retain their jobs. It helps them to maintain health insurance.

All of us understand the dangers. Every family understands the dangers if they lose their health insurance and what kind of additional pressure that puts on the families. For lower income families, it helps them in terms of buying into Medicaid—a very modest program in terms of the training for those who understand, as the persons did whom I talked with last night in Boston. They had been laid off when Eastern Airlines collapsed. They are now laid off by US Airways. They said they were going to try as people in their middle years to take the training programs that are out there to try to find a different sector. They just believe they have to start in a new area and a new career.

I look forward to the vote. The American people know this is relevant. It is absolutely essential. They can understand when you take care of the management, as we have, and take care of the industry, that workers have been a part of that whole process. If it had not been for those terrorist attacks, probably 95 percent of those workers would have been working either today, tonight, or tomorrow. As a direct result of that attack, these individuals have lost their livelihood.

The question is whether we are going to be responsive in a measured, modest way that will permit them to at least hold their families together for a short period of time until they can either find the training or be recalled to work. That is the least we can do for working families in this country.

I hope cloture will be obtained on this particular amendment.

The airline industry suffered enormously in the September 11 terrorist attacks. Congress has already made billions of dollars in federal relief available to the airlines. And now it is time for us to give urgently needed relief to the thousands of airline workers who have also been financially devastated by this tragedy.

The men and women who worked for the airlines and airports deserve our help today. We know that layoffs in the airline industry alone are expected to total about 120,000 workers. American Airlines and United have each announced layoffs of 20,000 workers. Continental, Delta, Northwest, and US Airways have each announced layoffs of more than 10,000 workers. Workers with smaller airlines have been hit even harder. Spirit has laid off 30 percent of its workforce while ATA is laying off about 20 percent of its workers.

We need to do more for workers like Penny Bloomquist of Minnesota. She was just laid off from her dream job as a flight attendant for Northwest Airlines. After working a range of different jobs while raising her children, Ms. Bloomquist sacrificed mightily to enroll in Northwest's six-day a week training program. Instead of living her dream today, she is instead selling off many of her belongings.

The Carnahan-Kennedy amendment will provide much-needed relief for Ms. Bloomquist and thousands of workers like her. Extended unemployment insurance benefits, job training benefits, and health care coverage will be available to airline workers, for workers who build our airplanes, and for airport workers, including airline food service employees. Only those workers who lost their jobs as a direct result of the attacks of September 11 or security measures taken in response to the attacks will be eligible for these benefits.

Fair is fair. Congress treated the airlines fairly, and now we must treat the workers fairly. Tens of thousands of other airline employees deserve unemployment insurance benefits. They deserve job training assistance. They deserve fair health care coverage, and they deserve it as soon as possible.

Under our amendment, workers who have exhausted their 26-week eligibility for state unemployment insurance would be eligible for additional weeks of cash payments funded entirely by the federal government.

This amendment will also provide unemployment insurance benefits to airline workers who are not currently eligible for state unemployment benefits. Workers who do not meet their State's requirements for unemployment insurance would receive 26 weeks of federally financed unemployment insurance.

The amendment will provide job training benefits to get people back to work. Workers who are not expected to return to their jobs in the airline industry will be eligible for retraining benefits. Other workers who are not expected to return to their original jobs, but who may find some alternative job in the airline industry, will be eligible for training to upgrade their skills.

Our amendment will also provide health care benefits to laid off airline and airport workers. Too often families cannot afford to pay to continue their health coverage after layoffs. They are forced to choose between health care and other basic family needs. In fact, almost 60 percent of the uninsured today have lost their job in the past year.

For airline workers who are currently covered under their employer's health plan, the federal government will reimburse 100 percent of their COBRA health care premiums. Workers who did not receive health care through their employers will be eligible for Medicaid, with the federal government covering 100 percent of the premiums.

We also need to do more for workers in other industries—especially the travel, tourism, hospitality, and restaurant industries that have been hit so hard. Last week, the Labor Department announced that unemployment claims climbed to the highest level in nine years. New claims for unemployment increased by 71,000 to a total of more than 528,000 in just one week.

Relief for these workers must be a significant part of the economic stimulus legislation that Congress will soon take up. These workers have lost their jobs with little, if any, severance pay, and little, if any, health insurance. We cannot abandon these workers and their families.

These attacks have also jeopardized the nation's overall economic health. In New York City alone, the overall cost of the World Trade Center attack could be as much as $105 billion over the next two years. Nationally, the Department of Commerce recently reported our worst quarter of economic growth in over 8 years.

Expanding Unemployment Insurance is one of the most effective ways to get our economy moving again. Unemployed workers have to spend every penny just to feed their families and pay their rent. So, for every dollar we give to unemployed workers, we expand the economy by more than $2.15. We must do all that we can to strengthen our economy.

Helping workers during a slowing economy is good economic policy. The unemployment insurance system will be critical to the nation's recovery and economic strength.

Historically, Congress has ensured extended benefits for each recession since the 1950s. Surely as we face this national crisis we should do the same for today's workers. If we act soon to provide extended benefits nationally, we will avoid the mistakes of the early 1990s. At that time, we waited the better part of a year to act. At the same time, hundreds of thousands of workers exhausted their benefits.

This time must be different. We need to act now. Not only will millions of workers be directly helped financially, but according to a recent study commissioned by the Department of Labor, unemployment insurance with the federally extended benefits reduces the number of workers who become unemployed. By improving and extending unemployment insurance, history shows that we will have a shorter, less severe recession.

Good unemployment benefits will help workers bridge the gap between jobs, and put money in their hands. Unemployed workers will spend these unemployment benefits, rather than save them. If fact, the DOL study concluded that unemployment insurance, with its extended benefits, mitigates 15 percent of the loss of GDP that otherwise would occur during a recession. We need this stimulus for the economy.

Every day we delay, more workers suffer. Working men and women are waiting for this help. We owe it to them to act, and we will have the chance to do just that one the economic stimulus legislation that we soon take up.

The issue before us now is relief for airlines workers. A strong airline industry is critical to the national economy. We need to keep the airlines flying—but we also must provide critical assistance for the airline workers who lost their jobs, and now is the time to do that.

I urge my colleagues to stand up for airline workers by passing the Carnahan-Kennedy amendment to give these workers the genuine relief they need.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I came down to the floor this evening to reiterate the comments of my friend from Missouri, Senator CARNAHAN, and the comments that the Senator from Massachusetts, Mr. KENNEDY, made in expressing the frustration about the lack of progress on the aviation security bill and the need to immediately consider worker assistance in this amendment.

We have spent a week now simply on the motion to proceed to consideration of one of the most important bills that we need to pass this year. Every day that we wait, critical measures to enhance the American public's confidence in the aviation system are not enacted—and, thus, economic activity dependent on this sector is not generated.

We have no time to waste. The issues that divide us are not terribly far apart. Like my colleague from Missouri, I don't want to slow this bill down. I had wanted to see both the security provisions and the worker assistance dealt with during the consideration of the airline assistance package that we passed several weeks ago. But people told us to wait, and do it after we pass that package.

So I think it's time that we all step back and reflect on the importance of these measures. I call on my colleagues to reconsider these differences that remain and get down to actual consideration of this bill, and the Carnahan amendment.

I would like to thank Senators HOLLINGS and McCAIN for putting together an aviation security measure that will give this country the confidence to fly again. In the wake of the September 11 attacks, Senators HOLLINGS and McCAIN began to work on this package immediately.

The package they put together I call on my colleagues to support:

First, it expands the air marshal program, improves passenger-screening requirements in our airports, and provides for hijacking training of flight crews.

It requires more background checks for flight school students, strengthens cockput security, and increases perimeter security at our Nation's airports.

And, it will bring the passenger screening function under Federal control, something I believe is a necessity for restoring public confidence that a well trained, well paid, and more integrated security workforce is on duty at airports in every corner of this Nation.

We have a long way to go in bringing the passengers back, but I am confident they will come back.

I would like to thank Senators CARNAHAN, KENNEDY, and Majority Leader DASCHLE for their hard work on this legislation, particularly their effort to include airline worker assistance. It is a strong first step in easing the blow to workers in the aviation industry who will be greatly impacted.

I appreciate my colleagues' leadership on this issue and their willingness to include aircraft manufacturing workers who are about to suffer the severe impacts of others in the industry. We should have done this 2 weeks ago. That is why we cannot afford to wait.

The Carnahan amendment will help thousands of families who are facing economic turmoil. These are people who are suddenly left holding numerous household bills that they will soon be unable to pay. They have mortgages, car payments, credit card debt, utility bills, and school loans. What thousands of them won't have much longer is a job.

Major U.S. airlines expect to cut more than 100,000 jobs this year alone and tens of thousands have already received pink slips. The September 11 attacks affected all of us very deeply. We should think about the individuals who have directly lost their economic security as a result of these events.

In my State, the Boeing Company recently announced it will be forced to lay off 20,000 to 30,000 workers by the end of 2002. Those are just numbers of direct jobs that will be lost in the airline and aircraft manufacturing industries. The overall economic toll will be far greater.

For Boeing workers, notices will be sent on October 12—just 2 days from now—to inform them that in 60 days they will be out of a job. So that means that on December 14—less than 2 weeks before Christmas—a significant number of workers in my State are going to be jobless.

While dealing with how to meet their bills, the average Boeing worker who elects to continue to try to cover their health care coverage—their family medical and dental—will have to pay nearly $850 per month. That is $850 a month on top of other bills that unemployed workers are going to have to face.

These layoffs will certainly mean hardship for thousands of individual families, but they will also create a serious economic ripple effect in my State—the State of Washington—and nationwide.

The Seattle Times recently reported that the Boeing layoffs alone will take $1.76 billion out of the economy in regions of the country where the layoffs occur. More than 70 percent of those layoffs are expected to happen in Washington, which means a loss of $1.29 billion to our region's economy.

The economy is already reacting with uncertainty resulting from the many layoffs and the fear of layoffs. Consumer spending currently accounts for two-thirds of our economy. Yet consumer confidence in September fell to its lowest level since January of 1996. We can take a step—a giant step—in shoring up consumer confidence if we let the workers in the most impacted sector know, by passing this legislation, that they will not fall through the cracks.

The fact is, unless we do something to instill greater consumer confidence in the aviation system, it will be difficult to sustain our larger economic growth. That is why it is so important that we act now.

Our economy works best when people are working. When they lose their jobs, they need help to manage their unemployment, train for new jobs, and make an easy transition to new careers. This amendment will provide the financial assistance, job training, and health care coverage for thousands of workers in the airline and aircraft manufacturing industries—workers who are losing their jobs as a result of terrorism.

The time to provide the workers relief is now, and in this bill. We have already provided, as many of my colleagues have said, the airline industry with billions of dollars to keep them flying. That was the right thing to do to bolster the economy and to maintain as many jobs as possible, but the workers who are the heart of the industry deserve equal treatment, and that includes the workers in the airline manufacturing industry.

We cannot take care of the corporate needs and shareholder needs and not the needs of American workers who are the backbone of our economy. Our economy was built by their muscle and their minds, and it is a product of their hard work and creativity that continues to drive us.

We cannot allow terrorism to transform our economy from a rising tide that can lift all boats into a rising storm that threatens to capsize American workers. We need to provide them with a lifeline to health care coverage, unemployment benefits, and job training.

Again, I call on my colleagues to support the Carnahan amendment and the overall airline security legislation. America is watching us and asking us to act now on both of these measures.

I yield the floor, Mr. President.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to set aside the pending Carnahan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### AMENDMENT NO. 1860

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Senator SNOWE of Maine and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Ms. SNOWE, proposes an amendment numbered 1860.

Mr. McCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize national emergency powers of the Deputy Secretary for Transportation Security)

On page 5, line 13, strike the closing quotation marks and the second period.

On page 5, between lines 13 and 14, insert the following:

"(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

"(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To establish uniform national standards and practices for transportation during a national emergency.

"(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

"(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

"(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

"(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).".

Mr. McCAIN. Mr. President, this is a national emergency responsibilities amendment, where the Deputy Secretary will have responsibilities for coordination amongst various agencies. I think it is a good amendment, and I urge its adoption.

Mr. HOLLINGS. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1860) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I do not see any more pending business, so pending the appearance of the majority leader or the whip, I suggest the absence of a quorum.

Mr. HOLLINGS. Mr. President, will the Senator withhold suggesting the absence of a quorum?

Mr. McCAIN. I withhold.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask colleagues to find out the disposition of the leadership and how they want to wrap up because we are ready to go. But pending that, I will say a word about another concern I have.

(The remarks of Mr. HOLLINGS are printed in today's RECORD under "Morning Business.")

Mr. HOLLINGS. I see the distinguished Senator from New York is here. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank the chairman of the committee who has done such a tremendous job of leadership in the wake of the terrible attacks of September 11. I commend him and the ranking member, the distinguished Senator from Arizona, and thank them for their tireless work and their constant reminders of the challenges we face and the sacrifices that are needed.

I rise in support of the chairman's hard work on behalf of this bill, and I particularly appreciate the inclusion of the clear understanding that we have to face a direct threat to our national security and we have to do it by joining together and establishing a commonsense set of solutions to the problems now before us.

The Aviation Security Act the chairman has worked so hard on is the result of many years of his labors and understanding of the difficulties we confront. I certainly commend him and thank him for his hard work.

I also rise as a cosponsor of the Carnahan amendment to provide critical assistance to airline workers and those in aviation-related industries who were laid off as a direct result of the terrorist attacks.

At the time we considered the so-called airline bailout bill, many of us made very clear in our statements on the floor that we were disappointed that some concerns for the workers who were going to lose their jobs were not included in the bailout bill. We come today to reinforce our deep concern and to ask our colleagues to support the Carnahan amendment.

The numbers are overwhelming. We know that 100,000 workers have been laid off in the airline industry. At least 30,000 more have been laid off in airline manufacturing. We are concerned that if the American traveling public and visitors from overseas don't resume flying, as I urge everyone to do—I have flown numerous times already, and I encourage everyone to begin again to travel for business and pleasure—if for whatever reason that return to the air is delayed, then the numbers will undoubtedly grow.

Many of these airline workers are based in New York. They have been supporting our air transportation system out of JFK and LaGuardia. They have been literally handling some of the busiest air traffic corridors in the world. We know that reductions in flight schedules at both of these airports have put thousands of New Yorkers out of work: pilots and flight attendants, baggage and passenger service representatives. This has had a ripple effect throughout New York.

For example, in Syracuse, in upstate New York, a call center for US Airways that had been there for many years was shut down, throwing more than 400 employees out of work.

These airline and aviation-related industry layoffs are not just numbers. They represent the lives and livelihoods of hard-working Americans. I have heard many stories, as my colleagues have, of the hardships that are being imposed because out of the skies on September 11 came these dreadful, horrible acts of terrorism, where people who were willing to commit suicide brought about the deaths of thousands and thousands of our fellow citizens and people from all over the world and also wreaked havoc on our airline industry and the economy in general.

I hope as we consider this Aviation Security Act, for which I support and again thank the chairman and the ranking member, we will also support Senator CARNAHAN's amendment. Her aid package for dislocated workers is modeled after the successful trade adjustment assistance. It will allow airline workers to extend their unemployment insurance while they receive needed job training and support services or while, hopefully, they wait to be called back to work because we will all start flying again.

This amendment will also enable families to receive health care benefits as they go through this difficult period.

No story more sums up the anguish and pain of the losses we are discussing and the need to improve security than one that comes out of JFK. A TWA flight attendant at that airport received her furlough notice while awaiting news of her husband, a New York City firefighter missing at the World Trade Center. New Yorkers and Americans have paid a very heavy price. We are summoning our resolve. We are preparing our responses individually and throughout our Nation. We are following the leadership of our President. We are supporting our men and women in uniform.

I urge my colleagues to support the act that Chairman HOLLINGS and Senator MCCAIN have crafted and support the Carnahan amendment on which she has worked so hard to pay some attention and provide assistance to those Americans who woke up on September 11 thinking that it was any other workday and went to bed on that terrible day knowing that they might lose their jobs as a result of this horrific attack.

I thank my colleagues and yield back the remainder of my time.

Mr. SARBANES. Mr. President, nearly one month has passed since the ferocious attacks of September 11th. Words remain inadequate to describe or define the event. Analysts are beginning to assess the immediate costs in economic terms. Someday, perhaps, historians will succeed in cataloguing, analyzing and calculating the losses. But some losses—families torn apart, communities devastated—will remain forever beyond calculation.

However, the tragic events of September 11th leave no question that our airport security system is in need of reformation. The ability of hijackers to ease through our Nation's airport screeners has created fear among the American public about flying and has led to a significant downturn in the travel and tourism industry. Around the country, air travelers now patiently wait in long lines after emergency security procedures have been instituted to prevent further tragedies. Thousands of employees, not only from the airline industry, but also well beyond it, have lost their jobs. During these difficult times, it is imperative that Congress act to protect Americans from future terrorism and to provide economic assistance to those left unemployed because of the horrendous acts of September 11th. I strongly support S. 1447 because it takes vital steps to strengthen our Nation's airport security system, to ensure safety for crews and passengers, and to bolster our economy.

Among the most important provisions in this bill is the federalization of airport security personnel. I support this plan because it is a clear solution to one of the most troublesome aspects of our current airport security operations: the failure of screeners to detect dangerous objects. The atrocities of the recent terrorist attacks highlight the inadequacies of the current screening system. Under the system, airlines, subject to Federal Aviation Administration requirements, are responsible for administering screening of passengers and their carry-on luggage. Airlines generally contract out their screening responsibility to private security companies, often awarding contracts based upon the lowest bid rather than superior security systems. Allowing airlines such authority has resulted in a system that too often promotes lower costs over the safety of passengers.

Recent separate studies by the GAO and the DOJ's Inspector General revealed the serious inadequacies of the current screening system and causes for its failures. Among the problems noted by the IG report was the frequent failure of the airlines to conduct background checks of employees with access to secure areas and the ability of IG personnel to access secure areas without being challenged by security 68 percent of the time. The GAO report which concluded that screener performance in major U.S. airports was unsatisfactory, attributed the poor performance of security screeners to a high employee turnover rate, more than 100 percent per year at many airports—low wages, insufficient training, and inadequate monitoring of screeners.

Federalizing security operations throughout U.S. airports is the best answer for improving screener performance. It would raise wages, lower employee turnover, promote career loyalty among screeners, create uniform training among security personnel, and, as a result, strengthen the performance of screeners to discover dangerous objects. Once the Federal government ensures that screeners are performing their duties in strict adherence to the highest safety standards, the public will gain greater confidence in airport security. In light of the current campaign against terrorism, now is the time to incorporate this change. As a recent New York Times editorial stated, "airports are a front line in the struggle against terrorism, and it no longer makes sense to delegate their policing to the private sector, which emphasizes low cost as opposed to security." I agree with this assessment.

I also want to underscore my support for Senator CARNAHAN's amendment to provide much-needed relief for the thousands of hard-working employees in the airline industry who have lost their jobs as a result of the horrific attack on our Nation on September 11th. This amendment will provide unemployment benefits, health care and training to airline industry employees who have been laid off due to the marked decrease in air travel in this country.

The airline industry has been most directly affected in the aftermath of the attack, but the ripple effect of the attacks is being felt throughout other industries as well. Hotel, travel, and tourism employees, who number in the hundreds of thousands, are at risk of losing their jobs due to the nationwide decrease in travel. In Maryland, tourism is a $7.7 billion industry. It means jobs for our people and revenues for our State and local programs. While we are moving vigorously to encourage travelers to come to Maryland this fall, a decrease in tourism is expected in the State, as it is nationwide. While it is crucial that we provide support to airline workers at this time, we should also remember the plight of the hundreds of thousands of other workers across the State of Maryland and the country whose livelihood may be affected.

The terrorist attacks of September 11th were intended to create fear in Americans and our way of life, including air travel. This legislation will help to ease fears about air travel and the state of our economy by strengthening our airport security system. In this regard, I urge the Senate to pass this legislation expeditiously.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PAYING THE BILL

Mr. HOLLINGS. Somehow, Mr. President, we have to get a grip on ourselves. We ended, at just the end of September, September 30—October 1 was the beginning of the fiscal year—with a deficit of $132 billion. No double-talk about on budget, off budget, or public debt and private debt, and all of that. We spent $132 billion more than we took in. We have been in a deficit position most of the year, when everyone was talking surpluses.

In August we had a briefing from the Congressional Budget Office to the effect that we were going to have a deficit of $104 billion for fiscal year 2002. And he updated that, some 10 days ago, and said: Rather than $104 billion, I am going to have to add about $120 billion to $140 billion. So we are looking at a deficit of at least $224 billion or $244 billion, for starters. That is without the $40 billion we passed in one stimulus measure; $15 billion for the airline measure; so $55 billion there.

There is on course—and everybody is agreed to—an amount, in general terms, on defense, in education, and emergency supplementals, and so forth, agriculture, of around $25 billion. And now they are talking about $75 billion; and that has been restudied, and rather than the President's $75 billion, it comes out to around $114 billion. So while we are talking about stimulus, we are going into an election next November with a deficit in excess of $300 billion, at least.

I am for paying the bill. I cannot get any support for a value-added tax. But when we started other wars we put in a special tax. I was reminded, of course, that when President Nixon came into office, he put in a 10-percent surcharge on imports. And the distinguished majority leader, Mike Mansfield, took my dear wife Peatsy and myself on a honeymoon to about nine countries in Europe to consult and console the heads of state on why this was necessary. So we went to Finland, Denmark, Norway, Sweden, France, England, Germany, Austria, Italy, Spain, Portugal, Morocco and we explained that.

We put on, in World War II, a tax. But we are going in two different dangerous directions. The right direction, of course, is to pursue the war; along with that pursuit, a coalition at the homefront of discipline, restraint, and sacrifice. When you go to war, you can't ask people to lay their lives on the line and then everybody else go to Disney World. We better sober up on our talk and particularly with respect to tax cuts. Further tax cuts is not going to stimulate but enhance the rich. So they are all getting together in a fine cabal about we are going to spend so much more and we are going to stimulate so much more with tax cuts. But they will have a motion to forgo and cancel out those tax increases in the outyears that they want to move fast forward. I want to put them on notice.

## HONORING U.S. CAPITOL POLICE

Mr. WELLSTONE. Mr. President, I want to read this resolution to make sure it is now a formal part of the RECORD. It was adopted last night. I submitted this resolution on behalf of all Senators, but let's make sure it is a formal part of the RECORD:

Whereas the Capitol is an important symbol of freedom and democracy across the United States and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy;

Whereas millions of people visit the Capitol each year to observe and learn the workings of the democratic process;

Whereas the United States Capitol Police force was created by Congress in 1828 to provide security for the United States Capitol building;

Whereas, today the United States Capitol Police provide protection and support services throughout an array of congressional buildings, parks, and thoroughfares;

Whereas the United States Capitol police provide security for Members of Congress, their staffs, other government employees, and many others who live near, work on, and visit Capitol Hill;

Whereas the United States Capitol Police have successfully managed and coordinated major demonstrations, joint sessions of Congress, State of the Union Addresses, State funerals, and inaugurations;

Whereas the United States Capitol Police have bravely faced numerous emergencies, including three bombings and two shootings (the most recent of which in 1998 tragically took the lives of Private First Class Jacob 'J.J.' Chestnut and Detective John Michael Gibson);

Whereas the horrific events of September 11, 2001 have created a uniquely difficult environment, requiring heightened security, and prompting extra alertness and some strain among staff and visitors;

Whereas the U.S. Capitol Police force has responded to this challenge quickly and courageously, including by facilitating the evacuation of all of the buildings under their purview, as well as the perimeter thereof;

Whereas the United States Capitol Police Department has since instituted 12-hour, 6-day shifts, requiring that officers work 30 hours of overtime each week to ensure our continued protection;

Now, therefore, be it

*Resolved by the Senate*, That—

(1) the Senate hereby honors and thanks the United States Capitol Police for their outstanding work and dedication, during a period of heightened security needs on the day of September 11, 2001 and thereafter;

(2) when the Senate adjourns on this date they shall do so knowing that they are protected and secure, thanks to the commitment of the United States Capitol Police.

I wanted that to be printed in the RECORD so we can get that to the officers who have provided us with this help. We owe a great debt to them.

## EXECUTIVE BRANCH FUNCTIONING

Mr. BYRD. I ask unanimous consent to have printed in the RECORD a letter addressed to the Senate from the Vice President, together with two appendices, on the subject of the interaction of the Vice President's staff with the General Accounting Office.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VICE PRESIDENT,
*Washington, August 2, 2001.*

*To the Senate:*

I am writing to inform you of certain actions undertaken by an agent of the Congress, Comptroller General David M. Walker, which exceed his lawful authority and which, if given effect, would unconstitutionally interfere with the functioning of the Executive Branch.

By memorandum of January 29, 2001, the President established the National Energy Policy Development Group ("Group"). The Group consists of six executive department heads (Treasury, Interior, Agriculture, Commerce, Transportation and Energy), two agency heads (Federal Emergency Management Agency and Environmental Protection Agency), three officers of the White House staff (Policy, Economic Policy, Intergovernmental), and the Vice President. The memorandum specified that the Group's "functions shall be to gather information, deliberate, and as specified in this memorandum, make recommendations to the President." It called for the Group to submit to the President a near-term assessment and then a report setting forth "a recommended national energy policy to help the private sector, and as necessary and appropriate State and local governments, promote dependable, affordable, and environmentally sound production and distribution of energy for the future." The Group issued its report on May 16, 2001. The President approved the report's recommendations, now commonly called the National Energy Policy.

The Comptroller General proposed to investigate the workings of the Group and sought certain information from the Vice President's staff. The first appendix to this Message is a chronology of the interaction between the Comptroller General and my staff on this matter. As a matter of comity, my staff furnished substantial information regarding the Group, providing written answers dated May 4, 2001 to questions concerning the Group, a copy of the Presidential Memorandum establishing the Group, and documents responsive to the Comptroller General's inquiry concerning costs associated with the Group's work. In response to separate requests from the General Accounting Office, executive agencies also have provided substantial responses concerning the roles of their agency heads on the Group.

On July 18, 2001, the Comptroller General sent to me a letter which stated that he was reviewing "the process by which the National Energy Policy was developed" and that the purpose of the letter was to "demand" certain documents. With regard to documents not already provided that the Comptroller General has demanded, statutory and constitutional reasons for not providing them are set forth in the second appendix to this Message. I am furnishing a copy of this Message, including its appendices, to the Comptroller General so that the copy will serve as the response to his letter of July 18, 2001 that he would receive under Section 716(b)(1) of Title 31 of the U.S. Code if that provision were applicable in this matter.

RICHARD B. CHENEY.

### Appendix 1: Chronology of Interaction of the Vice President's Staff with the General Accounting Office

On April 19, 2001, Representatives John Dingell (D–MI) and Henry Waxman (D–CA) sent a letter to the Executive Director of the National Energy Policy Development Group ("Group"), asking a lengthy series of questions and asking for all records of the Group relating to its meetings. That same day, they asked the General Accounting Office (GAO) to initiate an investigation.

On May 4, 2001, the Vice President's counsel forwarded to Messrs. Dingell and Waxman answers from the Executive Director of the Group to their questions.

On May 8, 2001, a GAO Assistant Director faxed to the Office of the Vice President a request to interview Group officials and staff and for production of records and information.

On May 15, 2001, Representatives Dingell and Waxman sent another letter to the Executive Director of the Group, expressing dissatisfaction with the answers to their questions previously received and requesting more information and records, including all of the following relating to the Group:

". . . correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored mater, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records of statements of accounts, and papers and things similar to any of the foregoing, however denominated."

On May 16, 2001, the Vice President's counsel wrote to the GAO General Counsel, asking the Comptroller General to determine whether the proposed GAO inquiry was appropriate, in compliance with the law, and, especially in light of information already provided, a productive use of resources, and asking the GAO General Counsel for a statement of GAO's legal authority to conduct its proposed inquiry.

On May 22, 2001, Representatives Dingell and Waxman wrote to the Vice President's counsel stating that they were "astounded" that the GAO's authority had been questioned.

On May 25, 2001, the Vice President's counsel wrote to counsel for Messrs. Dingell and Waxman, reporting on the status of correspondence with GAO in the matter.

On June 1, 2001, the GAO General Counsel wrote to the Vice President's counsel, advising that the Comptroller General wished to go forward with the inquiry and citing as authority for the inquiry Section 712, 716, and 717 of Title 31 of the U.S. Code. The letter said that GAO would "initially" like to focus on:]

"1. Previously, you identified 9 meetings conducted by the NEPDG and indicated that each meeting was held in the White House Complex. For each meeting, we want to learn the name of each attendee, title, and office represented, as well as the duration of the meeting.

"2. Previously, you stated that 6 professional staff, referred to as the Group support staff, were assigned to the Office of the Vice President for the purpose of supporting the NEPDG. We want to learn their name, title, office or employer represented; the date on which that person began working for that office; and their responsibilities.

"3. Previously, you indicated that various members of the Group support staff met with many individuals to gather information relevant to the NEPDG work. For each interview or meeting, want to establish (a) its date and location, (b) the persons met with, including their name, title, and office or clients represented, (c) its purpose and agenda, (d) the information presented, (e) whether minutes or notes were kept, and (f) how members of the NEPDG or Group support staff determined who would be invited to the interviews of meetings.

"4. We are interested in learning whether the Vice President met with individuals to gather information relevant to the NEPDG and, if so, we want to obtain the same information listed in question 3 above.

"5. We are interested in obtaining the direct and indirect costs incurred by both the Vice President and the Group support staff.

"After discussing these questions with you, we would also like to arrange meetings with members of the Group support staff to discuss meetings they conducted and the process they used to develop information in support of the task force."

On June 7, 2001, the Vice President's counsel wrote to the GAO General Counsel, advising that Sections 717 (which allows GAO to investigate agency implementation of statutes, but no performance of constitutional duties) and 716 of Title 31 of the U.S. Code (which provides information collection procedures for otherwise-authorized investigations) provide no basis for the GAO inquiry, and that the limited authority of Section 712 (authorizing investigation of use of public money) would provide support for only one of the questions asked, relating to costs. The letter therefore stated that the Office of the Vice President would search for documents responsive to the GAO question regarding the direct and indirect costs of the Group.

On June 21, 2001, the Vice President's counsel sent a letter to GAO forwarding 77 pages of documents responsive to the GAO question regarding the direct and indirect costs of the Group.

On June 22, 2001, GAO sent to the Vice President's counsel a letter claiming to have broad authority to investigate under Sections 712 and 717 of Title 31 and indicating that GAO may issue a "demand letter" under Section 716 of Title 31 that could lead to litigation.

On July 9, 2001, in response to the request of Executive Branch lawyers for an opportunity to meet with the GAO General Counsel to see if a proper accommodation were possible, the meeting occurred, but no proper accommodation was reached.

On July 18, 2001, the Comptroller General issued a letter to the Vice President of the United States demanding documents as follows:

"1. Your counsel identified nine meetings conducted by the National Energy Policy Development Group (NEPDG) in his May 4, 2001, letter to the Chairmen and Ranking Minority Members of the House Committee on Energy and Commerce and the House Committee on Government Reform (hereinafter May 4 letter). We request records providing the names of the attendees for each meeting, their titles, and the office represented.

"2. In the May 4 letter, your counsel indicated that six professional staff, referred to as the group support staff, were assigned to the Office of the Vice President to provide support to the NEPDG. We request records providing their names, titles, the office each individual represented, the date on which each individual began working for such office, and the responsibilities of the group support staff.

"3. In the May 4 letter, your counsel indicated that various members of the group support staff met with many individuals to gather information relevant to the NEPDG work. We request records providing the following information with regard to each of these meetings: (a) the date and location, (b) any person present, including his or her name, title, and office or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how members of the NEPDG, group support staff, or others determined who would be invited to the meetings.

"4. We request records providing the following information with regard to any meetings the Vice President as chair of the NEPDG had with individuals to gather information relevant to the NEPDG. (a) the date and location, (b) any person present, including his or her name, title, and office or clients represented, (c) the purpose and agenda, (d) any information presented, (e) minutes or notes, and (f) how the Vice President or others determined who would be invited to the meetings.

"5. We request any records containing information about the direct and indirect costs incurred in the development of the National Energy Policy. To date, we have been given 77 pages of miscellaneous records purporting to relate to these direct and indirect costs. Because the relevance of many of these records is unclear, we continue to request all records responsive to our request, including any records that clarify the nature and purpose of these costs."

The GAO has also made separate requests for information relating to the Group to various executive departments and agencies and has received responses.

On July 31, 2001, the Comptroller General and the Counsel to the Vice President spoke by telephone regarding the Comptroller General's letter of July 187, 2001 to the Vice President.

On August 1, 2001, the General Counsel of the General Accounting Office and the Counsel to the Vice President spoke by telephone regarding the Comptroller General's letter of July 18, 2001 to the Vice President.

### Appendix Two: Reasons

With regard to documents not already provided that the Comptroller General has demanded from the Vice President, the reasons for not providing them are as set forth in this appendix. The statutes under which the Comptroller General purports to act, Sections 717, 712, and 716 of Title 31 of the U.S. Code, do not grant the authority he purports to exercise. Moreover, if his misconstruction of the statutes were to prevail, his conduct would unconstitutionally interfere with the functioning of the Executive Branch of our Government.

Section 717 permits the Comptroller General at the request of a House of Congress, a congressional committee of jurisdiction, or on his own initiative to "evaluate the results of a program or activity the Government carries out under existing law." The Comptroller General lacks authority under Section 717 to investigate the President's exercise of his constitutional powers. The National Energy Policy Development Group and its work constitute such an exercise. The Vice President and the other officers of the United States who serve on the Group act not pursuant to statute but instead only in relation to exercise of the President's constitutional authorities, including his authority to "require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices," to "take care that the Laws be faithfully executed," and, with respect to Congress, to "recommend to their Consideration such Measures as he shall judge necessary and expedient." Further, the Comptroller General is not evaluating the "results" of the Group's work; he is attempting to inquire into the process by which the results of the Group's work were reached. Finally, the Comptroller General has not claimed that he is conducting the proposed investigation on his own initiative, and has instead stated that he is conducting it at the request of two Congressional committees, yet no Committee (as distinguished from two individual Members of Congress who serve as the ranking minority members of two committees) has made such a request to the Comptroller General.

Section 712, which permits the Comptroller General to investigate matters related to the "receipt, disbursement, and use of public money," applies if at all only to his question concerning the costs of the Group's work. Documents that pertain to the costs of the Group already have been produced to the Comptroller General as a matter of comity. The narrow authority conferred by Section 712 does not provide a basis for his other questions.

Section 716 allows the Comptroller General to seek to compel production of documents only when he has the requisite need for the documents for a lawful inquiry conducted in accordance with Section 712 or 717. Because Sections 712 and 717 do not provide a basis for the Comptroller General's inquiries, and because Section 716 is not an independent source of authority to investigate, Section 716 provides no authority to demand or compel production of the Vice Presidential documents demanded. Moreover, the term "agency" as used in Section 716 does not include the Vice President of the United States, who is a constitutional officer of the Government.

If the Comptroller General's misconstruction of the statutes cited above were to prevail, his conduct would unconstitutionally interfere with the functioning of the Executive Branch. For example, due regard for the constitutional separation of powers requires respecting the independence of the President, the Vice President and the President's other senior advisers as they execute the function of developing recommendations for policy and legislation—a core constitutional function of the Executive Branch. Also, preservation of the ability of the Executive Branch to function effectively requires respecting the confidentiality of communications among a President, a Vice President, the President's other senior advisers and others. A President and his senior advisers must be able to work in an atmosphere that respects confidentiality of communications if the President is to get the good, candid advice and other information upon which wise decisionmaking depends. Note that while the Vice President is the President of the Senate, he also has executive duties and responsibilities in support of the President, as the Congress has by law recognized.

## IN CELEBRATION OF HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, as we celebrate Hispanic Heritage Month in America, I believe it is utmost in our minds and hearts to remember the horrendous attack on our nation's financial center in New York City, and on the Pentagon, on September 11, 2001. Hispanic Americans I speak with are anxious to support our nation's every effort to rid this world of the incredible evil that carried out such an attack.

Hispanic Americans have answered our country's call to arms in every previous war, and they have distinguished themselves as some of our nation's most heroic fighters. As President George W. Bush recently reminded us, "Hispanic Americans served with heroism in every major American military conflict."

Many of my colleagues might not be aware of the fact that Hispanics in World War II were over-represented among Medal of Honor winners. I would like to remember two of these distinguished medal winners from New Mexico.

Joseph P. Martinez, born in Taos, New Mexico, gave his life for our country during World War II. In the Aleutians, finding himself in snow covered trenches, he chose to advance against the enemy in the face of severe hostile machine gun, rifle, and mortar fire. His example inspired others to advance in this difficult and dangerous climb.

After successfully and personally silencing several enemy trenches, he reached the rim where he was fatally wounded. The U.S. Army recognized Joe Martinez's valor beyond the call of duty by awarding him the United States Medal of Honor.

In Vietnam, 22-year old U.S. Army Specialist Fourth Class Daniel Fernandez of Albuquerque, New Mexico, sacrificed himself to save four of his comrades. Fernandez vaulted over his wounded sergeant and threw himself on a grenade that was not noticed in time for the men around him to save themselves. This action cost him his life. Fernandez also received the United States Medal of Honor.

There are many more stories about Hispanic Medal of Honor winners. Our nation is proud to have men and women like these in our ranks.

This month, I want Americans to remember Hispanic veterans from World War I, World War II, the Korean War, Vietnam and Desert Storm. I can predict with great confidence that Hispanics in every service will earn more Medals of Honor, Distinguished Service Crosses, and Silver and Bronze Stars for valor in combat.

If these wartime contributions by Hispanics have been and will continue to be remarkable, those made on the homefront through lives invested in communities are equally deserving of our recognition and gratitude. On August 15, President George W. Bush visited Albuquerque for the grand opening of the Hispano Chamber of Commerce's Barelas Job Opportunity Center, a facility meant to help tear down barriers faced by Hispanics and others in finding employment or starting a new business.

Helping open this business development center, the President drew attention to the spirit of the facility, that of citizens asking what they could do to improve their community, and what they could do to help a neighbor in need. The President accurately and eloquently concluded that this was "the spirit of America, captured right here in Albuquerque, New Mexico."

I believe our President has it right. I am proud that the lives of Hispanic New Mexicans are vital evidence of the spirit of America as they invest themselves in families, schools, businesses, and churches. And New Mexicans recognize that these modern achievements build on a centuries-long legacy of Hispanic history in our state, earning us a peerless role in our nation's diversity.

In New Mexico, we know that Hispanics were on the scene even before the Mayflower set sail. The Hispanic influence in New Mexico shaping our architecture and culture has been significant since the arrival of Spanish explorer Don Juan de Onate near San Juan Pueblo in 1598, 22 years before the landing at Plymouth Rock.

When the national media today talks and writes a lot about the recent "arrival" of Hispanics on our national scene, they're recognizing a talented, spirited people New Mexico has known for a long time.

I have mentioned the opening of the Albuquerque Hispano Chamber of Commerce's Barelas Job Opportunity Center, marking the start of its important work to rebuild the economic viability of a deteriorated neighborhood and increase job opportunity.

I would like to mention other examples of commitment to community around our state, such as the Roswell Hispano Chamber of Commerce of Roswell, New Mexico. This group has been a unifying force in their community's economic development issues, and have long supported the Character Counts program to see that the six pillars of character, Respect, Responsibility, Trustworthiness, Citizenship, Fairness, and Caring, are taught early in the classroom.

On September 24, Mr. I. Martin Mercado, President of Mercado Construction in Albuquerque, received the national Small Business Administration's Minority Small Business Person of the Year Award. The son of Mexican immigrants, Martin is a wonderful illustration of the American dream, and of the important contributions that Hispanic-owned small businesses make to our economy.

Achievements of this kind throughout New Mexico have helped increase the number of minority-owned businesses in our state by more than 50 percent in the last five years. There are now more than 22,000 Hispanic-owned businesses in New Mexico.

As Hispanics gain long-overdue national recognition as a force that cannot, and should not, be ignored, we are reminded of countless stories like those I have mentioned. I believe that there is no better time to work for federal policies that ensure that small businesses, community organizations, and schools have the support they need to make decisions in favor of economic success and strong families. This is the spirit of America.

Finally, I appreciate the opening for a new era in U.S.-Mexico relations as Presidents Bush and Fox work to develop a partnership for prosperity across our shared border. Both nations have much to gain through the implementation of win-win policies on trade, immigration and the war on drugs. As we celebrate New Mexico's and America's Hispanic heritage, I hope we will continue to capitalize on our common ground with Mexico, making the most of new opportunities for trade and cooperation with our neighbor.

New Mexicans regularly enjoy and celebrate the centuries-long influence of Hispanic culture and traditions on our society. This month in which our nation recognizes the special contributions of Hispanic Americans finds our country united as never before to rebuild and defend this great land after a devastating attack. This in mind, there could be no better time to honor Hispanic Americans for valiantly serving the needs of nation and community, defending our freedom, bettering our economy, and building strong families, for this is the spirit of America.

New Mexico's largest newspaper recently rendered a broad tribute to Hispanic Americans. I ask unanimous consent that this September 23 Albuquerque Journal article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Sept. 23, 2001]

### LIST A SOURCE OF PRIDE FOR HISPANICS AND AMERICANS

(By Dan Herrera)

The national celebration of Hispanic Heritage Month, which for some odd reason runs from Sept. 15 through Oct. 15, has been obscured by the overwhelming shock and sorrow created by the terrorist attacks of Sept. 11.

But Hispanic Heritage Month has never been that big a public spectacle, at least in these parts; instead, as elsewhere, the weekend-long beer-company-promoted Cinco de Mayo celebration has taken center stage among Hispanic-oriented celebrations.

In fact, it's hard to find many special Hispanic Heritage Month events in Albuquerque. Most notable is the free Chautauqua series now under way at the National Hispanic Cultural Center. Its opening performance, Jean Jordan as Queen Isabella, had to be delayed because of the attacks on the East Coast. History buffs can still catch several other shows. Call the center at 246-2261 for more information. I had a long conversation the other day with Ruben Salaz, author of "New Mexico: a Brief Multi-history," about Hispanic Heritage Month. He believes New Mexico could reduce its shamefully high Hispanic student dropout rate by putting a greater emphasis in history classes on our state's long, proud past.

He's got a point. Learning about important figures with names like Juan de Onate, Diego de Vargas and Juan Bautista de Anza, all early governors of the Spanish colony of New Mexico who played especially important roles, alongside names like George Washington, Thomas Jefferson and Abraham Lincoln couldn't hurt. Students also might like learning more about historically important Indians like Pope and Cuerno Verde while they're at it.

New Mexico has always been much more than a stop along the trail ultimately leading to California and Manifest Destiny. But Hispanics also have played important roles in American history outside of New Mexico.

So, in recognition of this special month, here is an assortment of Americans you may not have known about or may not have known were Hispanic. There was a time not too long ago that nobody was counting, after all.

Most of the information was compiled using Salaz's information-packed book and another wonderful book called "Hispanic Firsts: 500 Years of Extraordinary Achievement" by Nicolas Kanellos, which contains a 372-page listing of accomplishments. Both belong in every library in New Mexico.

Joseph Hernandez: In 1822, the Whig party member from Florida became the first Hispanic representative in the U.S. Congress.

Octaviano Larrazolo: A New Mexico Republican, Larrazolo became the first Hispanic U.S. Senator in 1928.

Dennis Chavez: In 1944, the New Mexico senator, a Democrat, introduced the first Fair Employment Practices bill, which prohibited discrimination because of race, creed or national origin. The bill was defeated, but it was an important step toward the 1964 Civil Rights Act.

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## HONORING DEFENSE INTELLIGENCE AGENCY EMPLOYEES WHO LOST THEIR LIVES

Mr. WARNER. Mr. President, I rise today to honor the memory of seven employees of the Defense Intelligence Agency who lost their lives in the horrific terrorist attacks that befell our Nation on the morning of September 11, 2001, and to pay tribute to the duty and sacrifice these citizens have rendered in service to their country. Today, Vice Admiral Thomas R. Wilson, Director, Defense Intelligence Agency, will preside over a memorial service at Bolling Air Force Base for these innocent victims of terrorism. As part of the ceremony, the names of these brave citizens will be added to DIA's Patriots Memorial at the Defense Intelligence Analysis Center at Bolling, joining other members of DIA who were killed in service to their Nation.

As I read the biographies of these fellow countrymen, I was struck by the picture they paint of our great Nation, young and old, ethnically diverse, two veterans, family men and women. They represent the very fabric of America and embody the American values of opportunity and freedom. They also represent the finest traditions of selfless service to family, community, and Nation to which we all aspire. We mourn with their families.

I now call the roll of those seven citizens, members of the Defense Intelligence Agency, who died, in service to their Nation at the Pentagon on September 11, 2001: Rosa M. Chapa of Springfield, VA; Sandra N. Foster of Clinton, MD; Robert J. Hymel of Woodbridge, VA; Shelley A. Marshall of Marbury, MD; Patricia E. Mickley of Springfield, VA; Charles E. Sabin of Burke, VA; and Karl W. Teepe of Centreville, VA.

Rosa M. Chapa served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Chapa began her civilian career with DIA on November 23, 1997 and served with the Federal Government for over 30 years. Ms. Chapa was responsible for ensuring that critical manpower information flowed smoothly to automated management systems. Ms. Chapa is survived by her husband, Jose Chapa, and five children, Roger, John, Elza, Gracie, and Julie.

Sandra N. Foster served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Ms. Foster began her civilian career with DIA on August 27, 1978. Ms. Foster was responsible for conducting analysis and evaluations of the manpower and functional implications of plans and programs, and developing and executing complex resource management activities. Ms. Foster is survived by her husband, Kenneth Foster.

Robert J. Hymel served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management. Mr. Hymel began his civilian career with DIA on March 7, 1994 after retiring from the Air Force with over 23 years of active duty service. Mr. Hymel was responsible for DIA joint manpower issues that focused on military human intelligence management and organization. Mr. Hymel is survived by his wife, Pat Hymel and daughter, Natalie Connors.

Shelley A. Marshall served as a Senior Management Officer in the Office of the Comptroller, Deputy Comptroller for Force Structure and Management.

Ms. Marshall began her civilian career with DIA on June 6, 1987. Ms. Marshall was responsible for budget formulation, budget execution, and preparing agency budget plans. Ms. Marshall is survived by her husband, Donn E. Marshall, and two children, Drake and Chandler.

Patricia E. Mickley served as a Senior Financial Resources Manager in the Office of the Comptroller, Deputy Comptroller for Program and Budget. Ms. Mickley began her civilian career with DIA on August 2, 1998 after working as a Budget Analyst for the Department of the Air Force since 1980. Ms. Mickley was responsible for the development, presentation, and execution of detailed budget estimates with a primary focus on infrastructure financial management and the program/budget interaction process. Ms. Mickley is survived by her husband, Joseph R. Mickley, and daughter, Marie.

Charles "Chuck" E. Sabin was a Senior Financial Resources Expert in DIA's Comptroller's office. Mr. Sabin started his career with DIA in August 1981 as an Accountant in the Financial Policy and Accounting Division, Comptroller. He was selected as a Defense Intelligence Senior Level in August 1999. Prior to arriving at DIA, he served several years with the Department of Army. He served for 31 years in Federal service. Mr. Sabin is survived by two sons, Charles E. Sabin Jr. and Paul Sabin.

Karl W. Teepe served as a Senior Financial Resources Manager in the Office of the Comptroller, Deputy Comptroller for Program and Budget. Mr. Teepe began his civilian career with DIA on September 3, 1991 after retiring from the Army with over 20 years of active duty service. Mr. Teepe was responsible for the development of the General Defense Intelligence Program budget. Mr. Teepe is survived by his wife, Donna, and his children, Adam and Wendy.

One cannot help but be moved by the tragedy that befell these victims and their families, as well as the thousands of others who suffered as a result of these despicable acts of terror at the Pentagon and the World Trade Center in New York. They all went about their daily lives that day, striving to have an honorable, decent life and toiling to provide for their families, their communities, and their country, each in their own way. None expected or deserved to experience the senseless terror that intruded upon our Nation on September 11.

There is an imperative that emerges from this tragedy. These brave men and women of the Defense Intelligence Agency, and their compatriots that also perished that day, must not be forgotten and must not have died in vain. Today, their names are engraved on a DIA memorial to courage and service. Today also, our Nation is united in purpose as seldom before in its history to rid the world of terrorism. It is a noble cause, destined for success, largely because these tragic losses have awakened a sense of justice and decency in our Nation and amongst civilized peoples around the world.

On behalf of a mournful, but grateful Nation, I extend heartfelt condolences to the families and loved ones of those lost, so tragically, on September 11. Together, we celebrate lives lived well and honorably. Together we mourn lives ended prematurely and families devastated by loss and grief. Together we unite to remember and muster the resolve to ensure, never again.

## THE REPUBLIC OF CHINA'S NATIONAL DAY

Mr. JOHNSON. Mr. President, I rise today to thank President Chen Shui-bian of the Republic of China for his country's support of the United States in the aftermath of the September 11 attack on America. President Chen Shui-bian expressed his condolences to the American people and condemned the terrorist acts as shameful and cowardly. In a show of unity and shared mourning over this tragic event, President Chen Shui-bian ordered all government flags be flown at half mast for two days and asked all government offices in the United States to cancel their National Day celebrations.

Taiwan was one of the first countries to declare its unequivocal support and cooperation with the United States. Taiwan has also offered its resources to help in the worldwide fight against terrorism.

During this time of rebuilding and remembrance, it is important to recognize that Taiwan will be marking its National Day on October 10. The Republic of China on Taiwan is a true democracy which guarantees all the political freedom and civil liberty to its people. In addition, Taiwan is one of the most important economic players in the world. Despite its small population of 23 million people, Taiwan has financial resources surpassing those of many Western countries.

There are many challenges facing Taiwan and America. The United States must continue to encourage productive dialogue between Taiwan and the Chinese mainland to promote peace and security in the region. At the same time, Taiwan must be allowed to participate in international organizations that allow Taiwan's success to be emulated around the world. On Taiwan's National Day, I hope Taiwan and the Chinese mainland will one day be reunited under principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asian Pacific Region.

## CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS

Mr. BINGAMAN. Mr. President, I rise today in strong support of Senate Concurrent Resolution 74, legislation that explicitly condemns the bigotry and violence against Sikh-Americans that has originated as a result of the September 11, 2001 terrorist attacks on Washington, D.C. and New York City.

Let me begin by saying that I am deeply disturbed that such a resolution has to be introduced in our country. For more than 200 years America has treasured the freedoms held in the Constitution and the Bill of Rights, including the right of Americans to pursue the religion of their choice. Throughout those years, America has attracted individuals from around the world who found refuge from persecution for their religious beliefs. Sikh-Americans have made America their home for over one hundred years, and in that time they have significantly contributed to the vitality, prosperity, and harmony of the communities in which they live.

In the time that has passed since September 11, Sikh-Americans have been vocal in their support for Americans, both for those that lost their lives in the attack and those that now risk their lives in their attempt to bring to justice those that are responsible. But sadly, Sikh-Americans have been among the initial and repeated victims of hate crimes in the United States since the attacks, and they continue to suffer daily from actual violence and threats of violence. This comes in spite of unambiguous remarks by President Bush and Attorney General Ashcroft that any inappropriate activity emanating from either religious or ethnic intolerance would be prosecuted to the fullest extent of the law. It is distasteful to me that in our search for terrorist schemes, necessary though it is, some Americans have looked toward the most convenient and conspicuous available target to blame, that being individuals of Middle Eastern or South Asian descent whose appearance is considered different than the norm. As we learn more and more of the origins of these radical religious movements, it is important that we refrain from painting all religions and ethnicities with a very broad and indiscriminate brush. Although radical religious movements may share the name of a major religion, they clearly obfuscate the basic tenets and purposes of these religions, especially those related to tolerance, understanding, and peace.

In my own State of New Mexico, I am proud to say we have a large, energetic, and engaged Sikh-American population. They live throughout my State and contribute significantly to the professional, economic, and spiritual vitality of the communities in which they live. The jobs that they hold, whether they are doctors, lawyers, engineers, businessmen, educators, or social service providers, are essential to the social and economic welfare of the people in New Mexico. They always have been, and always will be, an integral part of their communities, and, accordingly, they have been treated in a manner that reflects their position in my State as friends, neighbors, and colleagues. That treatment should continue today, tomorrow, and in the future.

Over the years, Sikh-Americans have done much to make New Mexico a better place to live. They have created the 3HO Foundation, a non-profit organization dedicated to the service and teaching of the science of Yoga and mediation. The organization has served in a consultative manner to the Economic and Social Council of the United Nations since 1994. Sikh-Americans sponsor the International Peace Prayer Day, part of their effort to recognize all human beings as equals and to establish egalitarian and democratic societies across the world. They contribute to charitable organizations and establish businesses that have as their foremost motivation the distribution of products and assistance to those in need. Sikh-Americans are an asset to New Mexico in every way.

The resolution introduced by Senator DURBIN and co-sponsored by myself and many other colleagues states in unequivocal terms that: 1. bigotry and any acts of violence or discrimination against any American, including Sikh-Americans should be condemned; 2. the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected; 3. local and Federal law enforcement authorities should work to prevent hate crimes against all Americans, including Sikh-Americans, and; 4. local and Federal law enforcement authorities should prosecute to the fullest extent of the law all those who commit hate crimes, including those against Sikh-Americans.

I support this legislation in the strongest possible manner and I state in the strongest possible terms that the kind of violence Sikh-Americans have suffered from since the September 11 attack must stop. Furthermore, I ask local, State, and Federal law enforcement to re-double their efforts to prevent these abhorrent actions and prosecute perpetrators of such actions to the full extent of the law. We need to make it clear that acts of violence against other religions and ethnicities as a means of exacting revenge for the recent terrorist attacks are unacceptable and will not be tolerated in this country.

America has long been a beacon of freedom and tolerance in the international system, but it goes without saying that it suffers in stature when the civil rights of Sikh-Americans, as well as Americans of Muslim, Hindu, or other religious persuasion, come under open attack. In my view, these individual abuses are not indicative of the people we as Americans are, nor are they reflective of the society that we aspire to be. But they have a cost and we cannot ignore them. It is time that we acknowledge the contemptuous behavior that is occurring, unite as a country in our universal condemnation of hate crimes of any type, and censure it to the fullest extent of the law.

There is no doubt that we are in a difficult moment in our country's history and we must take extraordinary steps to prevent further injuries and loss of life. But even now we need to take care to not abandon the principles and the spirit of our Constitution and the Bill of Rights. Indeed, it is my hope that we use these unfortunate circumstances as an opportunity to move forward with an even more sincere and collective commitment to the ideals that have made this Nation so great.

## FISCAL YEAR 2002 NATIONAL DEFENSE AUTHORIZATION ACT

Mr. DODD. Mr. President, I would like to take some time to comment on the passage of the fiscal year 2002 National Defense Authorization Act that passed the Senate last week by a vote of 99 to 0. The annual process of authorizing funding for our nation's armed forces and defense activities is always a grave and important matter with profound implications for our national defense and global security. In light of the recent and vicious terrorist attacks on the symbols of our financial and military power and the murder of thousands of innocent Americans, this process has become even more significant.

To that end, it is entirely appropriate and necessary that a major focus of this legislation is combating international terrorism and other asymmetric threats such as terrorism involving weapons of mass destruction, including the use of nuclear, biological, or chemical weapons. In my view, we ought to redouble our efforts and remain vigilant in our counterterrorism activities to prevent these tragedies from occurring and to deter those who contemplate such acts of barbarism. The fiscal year 2002 National Defense Authorization Act takes a number of important steps in thwarting terrorism. It authorizes $5.6 billion to deter and defend against the threat of terrorism—an increase of $1.0 billion over fiscal year 2001 levels. Specifically, it increases funding by $217.2 million to the Department of Defense's Combating Terrorism Initiative—which is aimed at defending and responding to the use of weapons of mass destruction. Another important initiative includes a $10 million increase to the Chairman of the Joint Chiefs of Staff's Combating Terrorism Readiness Initiative Fund which targets and identifies emerging threats from terrorist organizations and funds vital counterterrorism activities and training by our nation's armed forces.

This legislation also continues our efforts to cease the proliferation of weapons of mass destruction. In particular, this legislation authorizes $403.0 million for the Nunn-Lugar Cooperative Threat Reduction program which has successfully helped destroy and dismantle more than 5,000 nuclear warheads and more than 1,000 nuclear missiles in the former Soviet Union. One of the most critically important and innovative provisions of the Nunn-Lugar program—the Initiatives for Proliferation Prevention program—has helped prevent Russian scientists from exporting their knowledge of nuclear weapons or other weapons of mass destruction to rogue states.

Chairman LEVIN and Ranking Member WARNER deserve to be commended for their efforts to find agreement on the missile defense issue. Provisions that would have sought to prevent the Administration from engaging in activities that would have violated the 1972 Anti-Ballistic Missile Treaty were dropped from the bill as part of the compromise reached by Chairman LEVIN and Senator WARNER. Chairman LEVIN has indicated that these provisions—which have important implications for our national security—will be considered as a stand-alone bill at a later time. In addition, $1.3 billion in funding that was cut from the President's missile defense budget request and targeted toward counterterrorism activities will be used to fund—at the discretion of the President—missile defense activities or counterterrorism activities.

Certainly, we ought to do all we can—especially in light of the terrorist attack—to protect our nation from all threats, including ballistic missiles. I support the testing and development of a limited national missile defense system, so long as it is consistent with international arms control treaties and enhances global security. However, the unilateral abrogation of the 1972 ABM Treaty by the United States would be highly destabilizing, in my view, and could expedite China's nuclear modernization plans. It could also fuel an international arms race between India and Pakistan, which is not in any nation's interest. I hope that we can continue to debate these important issues that have profound implications for our nation's defense and foreign policy.

The fiscal year 2002 National Defense Authorization provides $343.5 billion in funding for vital national security activities of the Department of Defense and certain nuclear non-proliferation programs of the Department of Energy. All in all, this legislation represents an increase of $32.9 billion—a 10 percent increase over last year's levels and represents the largest increase in defense spending since the mid-1980s. Much of the funding increases are targeted, rightfully so, to the men and women who serve in the armed forces, including: increases in compensation to improve the quality of life of U.S. forces and their families; increasing military pay; and increasing housing allowances and educational benefits.

This legislation also includes a provision authorizing the Administration to consider and possibly recommend an additional round of base closures and realignments, BRAC, in 2003. It authorizes the Secretary of Defense—in consultation with Congress—to appoint members to a bipartisan commission tasked with making recommendations on the closure and realignment of military facilities. Their recommendations would come before the President—en masse—who would either approve or disapprove of the commission's report. If the President agrees with the commission's recommendations, Congress would have an up-or-down vote on the entire list of recommendations.

Since 1995, I have voted against additional rounds of base closures because I felt it was premature to authorize them without knowing the full effect, costs, and savings associated with previous rounds. It has now been six years since the last round of base closures were authorized, and Secretary Rumsfeld has strongly supported an additional round of closures to free up funding for the modernization and transformation of our nation's armed forces to meet the security challenges of the 21st century. The Department of Defense has estimated savings of $14 billion dollars from previous rounds of base closures and has maintained that the U.S. armed forces has 20 to 25 percent excess capacity resulting from too many military bases. While we ought do all we can to streamline and improve the efficiency of our nation's armed forces, I believe we should be very careful and judicious about the closing of miliary bases. After all, once a military base is closed, it will most likely be gone forever. My home state of Connecticut has been particularly affected by previous rounds, and I believe that decisions to close military facilities must be done with the utmost care that is consistent with our national security needs. While I support the provision in this legislation to authorize an additional round of closures, it does not necessarily mean that I will agree with the recommendations. I will reserve judgment on the merits of their recommendations if and when the commission's report is completed.

Overall, this legislation includes vital increases in military readiness and preparedness, and represents an important first step toward modernizing and transforming the military to meet the security challenges of the 21st century. To that end, I am very pleased that this legislation recognizes and rewards the ingenuity and technological acumen of Connecticut's highly skilled workforce, defense and aerospace firms, and contractors.

Increases in funding for the procurement of Sirkorsky Black Hawk UH-60 helicopters reflect the critical importance that this aircraft holds for the Army, Navy, Army National Guard, and Army Reserve. This legislation authorizes funding for 10 additional UH-60 Black Hawk helicopters for the Army National Guard—addressing a critical funding shortfall by meeting the Guard's number one unfunded priority. These high-quality, technologically advanced, utility helicopters provide critical functions for the nation's armed forces, and this legislation recognizes their importance to our national defense.

This legislation also provides $2.2 billion for the production of a new Virginia-class submarine by Electric Boat in Groton, Connecticut and authorizes $684 million in advanced procurement for two new attack submarines in fiscal year 2003 and 2004. This will allow Electric Boat to produce these state-of-the-art attack submarines in the most efficient and economical manner possible. The advanced funding also increases the likelihood of increasing submarine production in the near future—perhaps by 2006—which is a critical component of meeting long-range defense needs. Finally, this legislation authorizes $440 million for the SSGN Trident conversion program, which will allow the U.S. Navy to convert four Ohio-class submarines to fire conventional Tomahawk missiles and perform special and covert operations. These submarines have 22 years of hull life left, and converting these submarines will provide the U.S. Navy with invaluable stealth capability and fire power. I am pleased that much of the work for converting these submarines will be performed by talented, diligent workers in Southeastern Connecticut.

This legislation funds many weapons programs that will play a critical role in our national defense in the near future, including the F-22, the Joint Strike Fighter, and the Comanche helicopter. For the near term, this legislation also provides funding to upgrade the engines of the aging fleet of F-15s and F-16s.

Joint STARS—the highly sophisticated and technologically advanced radar surveillance aircraft system—is fully funded at $283.2 million with $46 million in advanced procurement of an additional Joint STARS platform in the future. This advanced radar system is manufactured at Northrop Grumman's Norden facility in Norwalk, Connecticut. Theater Commanders-in-Chief have consistently articulated the need for additional Joint STARS aircraft, and these platforms have historically provided vital surveillance and reconnaissance functions in the Persian Gulf, Bosnia, and Kosovo.

I would also like to mention some other important programs authorized under this legislation. Funding for fifteen C-17 transport airplanes—powered by Pratt & Whitney F117 jet engines—is provided under this bill for a total of $3.5 billion. In addition, funding for aircraft training systems for the U.S. Navy—also powered by Pratt & Whitney engines—is authorized for an additional $44.6 million dollars above the President's request. And, $4.5 million is provided for important military research projects conducted at the University of Connecticut in the area of medical vaccines and fuel cells.

Finally, Mr. President, I would like to address two amendments that I planned on offering to the FY 2002 National Defense Authorization bill. The first amendment—which was adopted unanimously by voice vote—authorizes funding for the FIRE Act through fiscal year 2004. This critically important program provides federal grant funding for professional and volunteer fire departments to hire firefighters, purchase equipment, and invest in training. The tragic events of September 11, 2001, only serves to underscore the critical role that the brave men and women of fire and emergency response departments play in protecting and saving lives.

This amendment addresses a major funding shortfall for training and equipment for our local fire departments. Last year, while Congress appropriated $100 million in grant funding under the FIRE Act, local fire departments submitted nearly $3 billion in grant requests. This represents nearly $2.8 billion worth of unfunded requests under the FIRE Act program. My amendment addresses this funding shortfall by authorizing up to $600 million in fiscal year 2002, up to $800 million in fiscal year 2003, and up to $1 billion in fiscal year 2004 to meet the burgeoning demands of local fire departments as they seek to protect communities and save lives.

I also filed an amendment on the critically important issue of election reform. The National Defense Authorization bill included requirements for state and local election officials to meet with regard to voting by military and overseas voters. While I strongly support the voting rights provisions included in the National Defense Authorization bill, I would like to see these issues addressed in a more comprehensive and meaningful way. I have authored legislation, S. 565, the Equal Protection of Voting Rights Act—which passed the Senate Rules Committee by a vote of 10 to 0—that would accomplish this by ensuring that basic, federal standards to secure the right to vote in federal elections are provided to all eligible American voters. In order to accomplish this in an expedited fashion, I planned to offer my election reform bill as an amendment to the National Defense Authorization bill in the hope that this would spur action to enact meaningful, comprehensive election reform into law before Congress adjourns for the year.

However, in lieu of offering that amendment and in order to facilitate swift enactment of the defense bill, I included language in a bipartisan amendment—offered by Senator ALLARD—which recognizes the need to ensure that all eligible voters have their vote counted. Specifically, this sense-of-the-Senate language states that each election administrator of a Federal, State, or local election should ensure that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted. While this represents an important step forward, I will continue to diligently work toward passing meaningful and comprehensive election reform legislation during this session of Congress.

As our nation embarks on what promises to be a long and difficult war against terrorism, our nation's armed services will need the full support and resources of the government and the American people. The fiscal year 2002 National Defense Authorization bill represents the first step toward providing the men and women of the armed forces with the resources they need to succeed in this endeavor, and I strongly support its passage.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred April 27, 2001 at Kent State University, OH. Mikell Nagy, an openly gay university student, was eating breakfast with friends when he heard someone make an anti-gay comment toward another friend across the room. He went over to see if the friend was okay. The next thing he knew, a man walked up behind him, called him a "faggot" and punched him in the face. According to witnesses, blood was pouring from cuts above his left eye. His two front teeth were chipped in the incident and his right cheek stayed swollen for over a week. The incident resulted in an on-campus rally against hate crimes.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## WORLD POPULATION AWARENESS WEEK

Mr. EDWARDS. Mr. President, in July of this year, Governor Mike Easley of my State of North Carolina, issued a proclamation designating the week of October 21-27, 2001 as "World Population Awareness Week." The proclamation draws attention to the serious issues associated with rapid population growth and urbanization, including infrastructure, pollution, transportation, health, sanitation, and public safety problems. I join Governor Easley in his recognition of World Population Awareness Week. I ask unanimous consent to have his proclamation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROCLAMATION DESIGNATING WORLD POPULATION AWARENESS WEEK BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

Whereas, the world population stands today at more than 6.1 billion and increases by some one billion every 13 years; and

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, cities and urban areas today occupy only 2 percent of the earth's land, but contain 50 percent of its population and consume 75 percent of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems, as well as deterring the provision of basic social services; and

Whereas, in the interest of national and environmental security, nations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens; and

Whereas, the theme of World Population Awareness Week in 2001 is "Population and the Urban Future";

Now, therefore, I Michael F. Easley, Governor of the State of North Carolina, do hereby proclaim October 21-27, 2001, as "World Population Awareness Week" in North Carolina, and commend this observance to all our citizens.

## GREECE'S SUPPORT OF THE UNITED STATES

Mr. JOHNSON. Mr. President, I rise today to thank Prime Minister of Greece Costas Simitis and President of Greece Kostis Stephanopoulos for their country's support of the United States in the aftermath of the September 11 attack on America. Prime Minister Simitis declared Greece's solidarity to the American people, and President Stephanopoulos expressed absolute condemnation of the attacks.

Greece once again came to the side of its NATO ally, the United States, by fully committing its resources to combat and eradicate terrorism. Greece's solidarity reflects longstanding historical, political, and cultural ties based on a common heritage and shared democratic values. This solidarity is further evidenced by the fact that Greece is one of only seven allies to join the United States in every major conflict in the 20th century.

The start of the 21st century poses new challenges for the United States and Greece. International terrorism attempts to undermine democracy and triumph over peace. I am pleased that Greeks and Americans stand shoulder to shoulder with freedom-loving people around the world in a united effort against the forces of terror.

## ADDITIONAL STATEMENTS

## TRIBUTE TO MARGARET GODFREY

● Mr. SMITH of Oregon. Mr. President, on behalf of countless thousands who have better lives because of her, I rise to pay tribute to an outstanding Oregonian: Margaret Godfrey. On November 2, 2001, Margaret Godfrey will be formally recognized for her life's work in the field of immigration.

Margaret Pellischek was born in Austria in 1928 and soon exhibited a talent for art and learning the English language. Margaret was 17 when World War II ended and was hired by the British to act as a liaison between the community and the British zone of occupied Austria. Given her excellent command of English, Margaret also worked with refugees to obtain military intelligence information.

Margaret continued her work with refugees and began assisting the United Nations and International Refugee Organization with the resettlement of almost 22 million "displaced persons." This event began a five decade career in helping the world's refugees.

Margaret Pellischek met John Godfrey in 1952 and they were married on July 18, 1953. She arrived in the United States on November 1, 1953 and immediately continued her refugee work. Mrs. Godfrey, as she became known in Oregon, worked with Catholic Charities to resettle refugees from Indonesia, Uganda, Czechoslovakia, and Southeast Asia. In 1978, she left Catholic Charities and joined Reverend Father Francis Kennard in founding the Immigration Counseling Service.

Since 1953, Margaret Godfrey has devoted her life to helping those who have fled poverty, persecution, war, and political unrest. She has affected countless thousands of lives and I am humbled by her dedication to public service. Margaret Godfrey cannot sit in a restaurant, walk into a hotel, or ride a bus without someone pausing to thank her.

Oregon is truly grateful for her work and her contribution to our community. The author Alice Tyler once wrote, "Some people come into our lives and leave footprints on our heart." Margaret Godfrey has left her footprints on all our hearts, and we are deeply indebted.●

## TRIBUTE TO BEA GADDY

● Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Mrs. Bea Gaddy—a great lady whose mission was to improve the lives of our poorest citizens.

Bea Gaddy was a legend in Baltimore. Her life was one of service to the poor. She worked tirelessly to provide food, housing, opportunity—and hope—to Baltimore's neediest citizens. She transformed her home in East Baltimore into the Patterson Park Emergency Food Center. She worked tirelessly to provide housing to the homeless. She worked to improve education and housing. She even made sure children had presents at Christmas. Thousands of people reached out to her for help. She helped them all—and she did it with compassion and respect.

Mrs. Gaddy's Thanksgiving dinners are legendary—providing dinner to as many as 20,000 people. She showed us all that the best way to show thankfulness for the blessings of life was to share these blessings with others.

She knew what is was like to be hungry, and to not have enough money to pay for heat. Because she knew what it felt like to be poor—she knew how to help people to help themselves.

I can't imagine Baltimore without her. Yet my hope is that she has taught so many people what it means to care—that her work will continue.

Mrs. Gaddy received a lot of honors—including the "Marylander of the Year," and one of former President Bush's "Thousand Points of Light." Mrs. Gaddy certainly deserved these honors—but what mattered more to her was that these honors helped her to help even more people.

Mrs. Gaddy's passing is a great loss—but her life was a triumph. My thoughts and prayers are with her many friends and family—and with the many people whose lives she touched.●

## A TRIBUTE TO "WOMEN OF INFLUENCE"

● Mr. HARKIN. Mr. President, I come to the floor today to recognize ten outstanding women in business who have been honored by the Des Moines Business Record as "Women of Influence."

Each in their own way, these women have left a positive mark in the Iowa business world and Iowa as a whole. More than 100 women were nominated for this honor and the selections were made based on lifetime achievements in the workplace and in the community.

I wanted to take a few minutes to recognize a group of women who have recently been honored for their years of leadership in the Greater Des Moines area. They are: Mary Bontrager, executive vice president of the Greater Des Moines Partnership; Joyce Chapman, senior vice president of West Des Moines Bank; Angela Connolly, Polk County Supervisor; Christine Hensley, Des Moines City Councilwoman; Elizabeth Jacobs, state legislator and assistant director of corporate relations to the Principle Financial Group; Jerilee M. Mace, executive director of the Des Moines Opera; Dr. Sheila McGuire Riggs, executive director of the Wellmark Foundation; Dr. Rizwan Z. Shah, medical director of the Child Abuse Program at Blank Children's Hospital; Margaret Swanson, 50-year volunteer and philanthropist; Margaret Toomey, activist for youths living in poverty, community college teacher and former executive director of the Oakridge Neighborhood, a private nonprofit subsidized housing community.

I congratulate each of them on this notable achievement. In addition to their specific accomplishments, each of these women serve as an inspiration to young women in Iowa who hope to achieve great heights in business and in the community. I applaud Connie Wimer and the Des Moines Business Record for recognizing their outstanding contributions. These women are an integral part of the strength of Iowa's community.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1749. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building."

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolutions, in which it request the concurrence of the Senate:

H. Con. Res. 90. A concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress."

H. Con. Res. 130. A concurrent resolution authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress."

H. Con. Res. 244. A concurrent resolution authorizing the printing of a revised edition of the publication entitled "Our Flag."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 67. A concurrent resolution permitting the chairman of the Committee on Rules and Administration of the Senate to designate another member of the committee to serve on the Joint Committee on Printing in place of the chairman.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 179. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress"; to the committee on Rules and Administration.

H. Con. Res. 130. Concurrent resolution authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress"; to the committee on Rules and Administration.

H. Con. Res. 224. Concurrent resolution expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizens is encouraged to display the flag of the United States; to the Committee on Rules and Administration.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4354. A communication from the Director of the Office of Regulations Management, Board of Veterans Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans Appeals: Rules of Practice—Time for Filing Substantive Appeal" (RIN2900-AK54) received on October 4, 2001; to the Committee on Veterans' Affairs.

EC-4355. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Delegation of the Adjudication of Certain Temporary Agricultural Worker (H-2A) Petitions, Appellate and Revocation Authority for Those Petitions to the Secretary of Labor; Delay Effective Date" (RIN1115-AF29) received on October 4, 2001; to the Committee on the Judiciary.

EC-4356. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation relative to amend Title XXVIII of the Act of October 30, 1992, in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Energy and Natural Resources.

EC-4357. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona-Maricopa Nonattainment Area; PM-10" (FRL7063-1) received on October 5, 2001; to the Committee on Environment and Public Works.

EC-4358. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Missouri" (FRL7078-8) received on October 5, 2001; to the Committee on Environment and Public Works.

EC-4359. A communication from the Acting Commissioner of Social Security, transmitting, a draft of proposed legislation entitled "Ticket to Work and Work Incentives Improvement Act Amendments of 2001"; to the Committee on Finance.

EC-4360. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final TEFRA regs" (RIN1545-AW86) received on October 3, 2001; to the Committee on Finance.

EC-4361. A communication from the Regulations Coordinator, Office of Financial Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Civil Money Penalties, Assessments and Revised Sanction Authorities" (RIN0938-AK49) received on October 4, 2001; to the Committee on Finance.

EC-4362. A communication from the Administrator of the General Service Administration, transmitting, a report of additional lease prospectuses that support the General Services Administration Fiscal Year 2002 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-4363. A communication from the Deputy Administrator of the General Service Administration, transmitting a report of a Build Project Survey for Toledo, OH; to the Committee on Environment and Public Works.

EC-4364. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Health Affairs, received on October 5, 2001; to the Committee on Armed Services.

EC-4365. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on October 5, 2001; to the Committee on Armed Services.

EC-4366. A communication from the Special Assistant, White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on October 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4367. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "FDA Export and Import Fee Act of 2001"; to the Committee on Health, Education, Labor, and Pensions.

EC-4368. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 1B for Fiscal Years 1999 and 2000"; to the Committee on Governmental Affairs.

EC-4369. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report on Commercial Activities Inventory for 2001; to the Committee on Governmental Affairs.

EC-4370. A communication from the Deputy Independent Counsel, transmitting, pursuant to law, a report on audit and investigative activities and management controls for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4371. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report of Orders and Resolutions dated September 26, 2001; to the Committee on Governmental Affairs.

EC-4372. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, a report of commercial activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4373. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report of commercial activities for 2001; to the Committee on Governmental Affairs.

EC-4374. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a notice of additions to the Procurement List, received on October 4, 2001; to the Committee on Governmental Affairs.

EC-4375. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a notice of additions to the Procurement List, received on October 4, 2001; to the Committee on Governmental Affairs.

EC-4376. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4377. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold under contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC-4378. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-4379. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of North Korea; to the Committee on Foreign Relations.

EC-4380. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4381. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4382. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4383. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense services involving the manufacture abroad of significant military equipment to the United Kingdom and France; to the Committee on Foreign Relations.

EC-4384. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, transmitting, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4385. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4386. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed manufacturing license agreement with South Korea; to the Committee on Foreign Relations.

EC-4387. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada, France, and Germany; to the Committee on Foreign Relations.

EC-4388. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Foreign Service Act of 1980; to the Committee on Foreign Relations.

EC-4389. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada, France, and Germany; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1188: A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes. (Rept. No. 107-80).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 166: A resolution designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as "National Childhood Lead Poisoning Prevention Week."

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. LIEBERMAN, and Mr. DOMENICI):

S. 1522. A bill to support community-based group homes for young mothers and their children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1523. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mr. DODD:

S. 1524. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the yacht EXCELLENCE III; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself, Mrs. BOXER, Mr. BURNS, Mr. GREGG, and Mr. WARNER):

S. 1525. A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years; to the Committee on Commerce, Science, and Transportation.

By Mr. CLELAND:

S. 1526. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself and Mr. JOHNSON):

S. 1527. A bill to amend the Food Security Act of 1985 to extend and improve the environmental quality incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself and Mr. SMITH of Oregon):

S. 1528. A bill to improve the safety and security of rail transportation; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 1529. A bill to direct the Assistant to the President for Homeland Security to establish the National Energy Infrastructure Security Program; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. DOMENICI, Mr. CLELAND, Mr. BENNETT, Mrs. MURRAY, Mr. BOND, Mr. DORGAN, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. BUNNING, Mr. AKAKA, Mr. BURNS, Ms. LANDRIEU, Mr. CAMPBELL, Mr. KOHL, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. BINGAMAN, Mr. DEWINE, Mrs. CARNAHAN, Mr. ENSIGN, Mr. KENNEDY, Mr. ENZI, Mr. BIDEN, Mr. FITZGERALD, Mr. EDWARDS, Mr. FRIST, Mr. REID, Mr. HAGEL, Ms. MIKULSKI, Mr. HELMS, Mr. ROCKEFELLER, Mr. HUTCHINSON, Mr. BREAUX, Mr. INHOFE, Mr. JOHNSON, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. FEINGOLD, Mr. STEVENS, Mr. JEFFORDS, Mr. THOMAS, Mr. THURMOND, and Mr. VOINOVICH):

S. Con. Res. 78. A concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 38

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 745

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 745, a bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

S. 938

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 938, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 1176

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1176, a bill to strengthen research conducted by the Environmental Protection Agency, and for other purposes.

S. 1290

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1290, a bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1456

At the request of Mr. BENNETT, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Nevada (Mr. ENSIGN), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1456, a bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes.

S. 1490

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1490, a bill to establish terrorist lookout committees in each United States Embassy.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1503

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1503, a bill to extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. LIEBERMAN, and Mr. DOMENICI):

S. 1522. A bill to support community-based group homes for young mothers and their children; to the Committee on Health, Education, Labor, and Pensions.

Mr. CONRAD. Mr. President, I am pleased to be joined by Senators LIEBERMAN AND DOMENICI in introducing the Second Chance Homes Promotion Act. This legislation would provide needed resources to expand and improve the availability of community-based, adult-supervised group homes for unmarried teenage mothers and their babies.

Although rates of teenage pregnancy in the United States have dropped in recent years, they remain higher than most industrialized nations. Today, four in 10 young women become pregnant at least once before entering adulthood. Teenage parents are less likely to graduate from school and more likely to end up on public assistance than other adolescents. Also, children born to teenage mothers tend to fare more poorly in school, are less likely to receive needed health care services, and are at greater risk for abuse and neglect. "Second Chance Homes" help improve this situation by providing teen parents with a safe, nurturing environment where they can receive guidance in parenting, child development, budgeting, health and nutrition.

The welfare reform legislation enacted in 1996 requires that minor teens live with an adult in order to receive welfare benefits. During debate on this legislation, I worked with Senator LIEBERMAN and others to allow second chance homes to qualify as an alternative residence for teenage parents who may be at risk for abuse, neglect or other serious problems in their home. Since this time, we have learned that teenagers who were provided the opportunity to live in second chance homes are more likely to continue their education or receive job training, less likely to have a second teenage pregnancy, and more likely to find gainful employment that allows them to leave the welfare rolls. I strongly believe these are promising results.

Unfortunately, not all teenage parents who might benefit from second chance homes have access to these residences. Today, there are approximately 100 second chance homes nationwide, located in only six States. This legislation would provide resources for improving the homes that already exist and creating additional homes where none exist, particularly in tribal and rural communities where there may be fewer options for teenage parents and their babies to receive the assistance they need. Finally, this legislation would provide resources that can be used to conduct further evaluations on the quality and effectiveness of second chance homes. It is my hope others will join us in supporting this important effort.

Mr. LIEBERMAN. Mr. President, I rise today to join Senators CONRAD and DOMENICI to introduce the Second Chance Homes Promotion Act of 2001. This legislation will promote the expansion of Second Chance Homes for parenting teenagers and provide needed resources for this innovative and accomplished program.

The United States has the highest rate of teen pregnancy and births in the Western industrialized world. This costs the country at least $7 billion annually. Four in 10 young women become pregnant at least once before they reach the age of 20, nearly one million a year. Teen mothers are less likely to complete high school, and more likely to end up on welfare. The children of teenage mothers have lower birth weights, are more likely to perform poorly in school, and are at greater risk of abuse and neglect. But we know we can do something about this.

Second Chance Homes are an essential tool to improve the life chances of these teenagers.

In the 1996 welfare reform legislation, I worked to develop the concept of Second Chance Homes as an alternative for minor teen parents required by that law to live at home or under adult supervision. Welfare reform required states to provide or assist teen mothers in locating a second chance home, maternity home, or other supportive living arrangement if they cannot live at home because of abuse, neglect or other reasons.

Since 1996, these homes have produced notable and promising results: fewer second pregnancies, slightly higher adoption rates, less child abuse, better maternal and child health, dramatically increased school completion rates, higher employment rates, reduced welfare dependency. Clearly these are successes we want to replicate.

Currently only six States have networks of Second Chance Homes. This bill will provide resources to expand the number of Second Chance Homes across the country to continue these encouraging trends and assist these young mothers to the brightest future they can have.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor legislation with Senators LIEBERMAN and CONRAD that will help to address a very serious problem facing our Nation. The rise of teenage pregnancy has many implications for American society in terms of educational and employment opportunities, economic self-sufficiency, children's health, and child abuse and crime prevention. For example, many teenage mothers find that their educational and vocational opportunities are severely limited. In fact, only one-third of teenage mothers complete high school and receive their diploma. Furthermore, teenage pregnancy has been linked with increases in child abuse and criminal activity. But, perhaps most disturbing is the fact that daughters of teenage mothers are 22 percent more likely to become teenage mothers themselves, thus creating a self-perpetuating cycle from generation to generation.

It is clear that these problems will only continue unless we address the issue of teenage pregnancy. This is an especially critical issue, because the United States has the highest rates of teenage pregnancy in the western industrialized world. I believe that this legislation will help to address these concerns. One of the ideas endorsed by Congress in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was the concept of second chance homes. Second chance homes are an option for many teenage mothers who are required by the 1996 act to live at home or under adult supervision. These homes provide both living arrangements and educational opportunities for young mothers.

Second chance homes have been remarkably successful in decreasing both second pregnancies and child abuse and in improving the educational and vocational opportunities of teenage mothers. For example, New Mexico's second chances homes have produced many success stories with several residents earning a registered nurse degree. It is truly inspiring to think that many teenagers who had the odds stacked against them have been given a second chance and have become vital members of the health care profession.

Despite the successes of second chance homes, many teenage mothers do not have access to such a home. Although New Mexico has over a hundred second chance homes, many States are not so fortunate. Furthermore, according to a 1999 study, eighteen States do not have a policy for helping mothers find such a shelter. This is the genesis behind our legislation. We hope to increase the availability of second chance homes and allow a greater number of teenage mothers to take advantage of the many opportunities that they provide. This bill will create a competitive grant program within the Department of Health and Human Services that will award five-year grants to State, local, and tribal governments and to non-profit organizations to create or expand a second-chance home. I am hopeful that this significant federal investment will allow a greater number of teenage mothers to graduate from high school, and even college or vocational training, and will increase the health and safety of their children.

Second chance homes have a remarkable record in alleviating many of the problems associated with teenage pregnancy. From education to maternal and infant health, they have played a crucial role in the success of welfare reform. I thank Senators LIEBERMAN and CONRAD for their work on this important legislation, and I look forward to all teenage mothers having a true second chance.

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By Mrs. FEINSTEIN:

S. 1523. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to repeal the Government pension offset and windfall elimination provisions of the Social Security Act, provisions of current law that reduce earned Social Security benefits for teachers and other government pensioners.

Under current law, public employees, whose salaries are often lower than those in the private sector to begin with, find that they are penalized and held to a different standard when it comes to retirement benefits. The unfair reduction in their benefits makes it more difficult to recruit teachers, police officers, and fire fighters.

The legislation that I introduce today addresses two provisions in the current Social Security Act that create this problem: The Windfall Elimination Provision and the Government Pension Offset provision.

The Social Security Windfall Elimination Provision reduces Social Security benefits for retirees who paid into Social Security and also receive a government pension, such as from a teacher retirement fund. Private sector retirees receive monthly Social Security checks equal to 90 percent of their first $561 in average monthly career earnings, plus 32 percent of monthly earnings up to $3,381 and 15 percent of earnings above $3,381. Government pensioners, however, are only allowed to receive 40 percent of the first $561 in career monthly earnings, a penalty of $280.50 per month.

To my mind it is simply unfair, especially at a time when we need to be doing all we can to attract qualified people government service, and this bill will allow government pensioners the chance to earn the same 90 percent to which non-government pension recipients are entitled.

The current Government Pension Offset provision reduces Social Security spousal benefits by an amount equal to two-thirds of the spouse's public employment civil service pension. This can have the effect of taking away, entirely, a spouse's benefits from Social Security.

It is beyond my understanding why we would want to discourage people from pursuing careers in public service, such as teaching, by essentially saying that if you do become a teacher your family will suffer by not being able to receive the full retirement benefits they would otherwise be entitled to.

There is a teaching crisis in California right now, as there is in many States. Yet current Social Security benefit rules penalize private sector employees who leave their jobs to become public school teachers, or public school teachers who work second jobs during the summer months to help make ends meet. They lose legitimately earned Social Security benefits. And in certain cases, their wives and husbands will lose spousal benefits, too.

That is simply not fair and not right. California faces a teaching crisis, and we need to do everything we can to attract and keep good, qualified people as public school teachers, not make an already difficult job more difficult.

The same can be said for other public employees, like police and fire fighters.

This legislation addresses this inequity in the Social Security Act, and I urge my colleagues to support it.

By Mr. ALLEN (for himself, Mrs. BOXER, Mr. BURNS, Mr. GREGG, and Mr. WARNER):

S. 1525. A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, I rise today to introduce the Defense of Internet Tax Freedom Act, with my friends and colleagues from California, Montana, New Hampshire, and Virginia, to extend the moratorium on Internet access taxes and multiple and discriminatory taxes for five-years. As you know, the original provisions of the Internet Tax Freedom Act are set to expire this October 21, less than two weeks from now.

As many in this chamber know, I have made extending the moratorium on taxes that discriminate against the Internet one of my top priorities since coming to the Senate. I cannot ever envision a time when it will be okay for any government to tax freedom on the Internet by taxing access to the Internet. I cannot ever conceive of any instance or event that will precipitate justification for multiple or discriminatory taxes on the Internet by any government, large or small, national or local.

For this reason, I have maintained constant and steady support for the permanent extension of the Internet moratorium on Internet access, multiple and discriminatory taxes. I never thought I would be willing to vote for, much less sponsor, legislation that endorsed a limited extension, but the events of September 11, 2001 have forced all of us in this Congress, and indeed throughout the country, to think and act according to the most immediate interests of our Nation.

Now, more than ever, the people of this country need security, not only with regard to safety, but also with regard to their financial future. Any additional tax burdens on the Internet now, will mean additional costs that many Americans cannot afford, forcing the poorest in our society to reduce or even forgo their use of the Internet as a tool for education and exploration.

Consider the fact that by taxing Internet access, States and localities are actually contributing to an already growing economic "digital divide." For every dollar added to the cost of Internet access, we can expect to see lost utilization of the Internet by thousands of poor and impoverished families nationwide.

Furthermore, the more expensive you make Internet access, the less likely people are to buy advanced services, including broadband delivered high-speed Internet access, multimedia expansion cards, and Internet protocol enabling software. Given the current state of the technology market as a whole, a decrease in consumption resulting from Internet access taxes could destroy what glimmer of hope remains for many telecommunications and technology manufacturers.

The effects of these closures have already been felt throughout our country. Congress should be working to keep businesses open and Americans employed, and that is why we must pass a reasonable extension of the moratorium on Internet access, multiple, and discriminatory taxes.

If you consider for a moment that the Internet has only been around in its contemporary form since 1995 or 1996, then you realize that this technology and the impact it has made and will continue to make on our economy is both very promising and very unsure. To date we have very little reliable data as to the real impact the Internet is making on the daily lives of Americans.

We have little to no information as to how and why consumers on the web decide to spend their hard earned money. We have no real evidence that consumers would decide to spend money or purchase products they buy on the web today if these products were only available in traditional brick-n-mortar settings.

The studies we have seen thus far all contradict one another. In one study dealing with the effects of Internet purchasing on State revenues, I found a quote from the President of the National Conference of State Legislatures comparing State budgets in recent years to the engine of a luxury car. Yet, I have heard from this and other organizations that the Internet is destroying State tax revenue streams.

I don't know who or what to believe. All I know is that many in this Senate need time to understand this issue. There are many members in this body who do not fully recognize that the moratorium is completely unrelated to sales taxes or the collection thereof. Given that fact, I cannot see why extending the moratorium for a mere few months or years would be beneficial in terms of educating the general public and the Members of this body.

In a matter of months or a few years, the technology sector will only just be at the point of full recovery from the current downturn in our economy. We will need several years beyond that point of full recovery to complete the comprehensive, neutral studies of the Internet and e-commerce that Members of Congress will need in order to make these important decisions, decisions that may directly challenge the conventional wisdom of our Founding Fathers and our own historical experience.

Given these requirements, five years seems to be the minimum amount of time Congress, the private sector, and other interested organizations will need in order to make well-informed, proactive decisions regarding other issues not related to the Internet moratorium.

In the meantime, we can guarantee a level of stability for the Internet over the next five years that will allow our Nation to continue to close the digital divide and encourage new and enhanced uses of the web for consumers.

I call on my colleagues to join me and my fellow cosponsors in cosponsoring the Defense of Internet Tax Freedom Act, in supporting a five year extension of the Internet moratorium on access multiple and discriminatory taxes.

Let's give the Internet the future it deserves and show America that the answer is not more taxes but rather better, more efficient government for the people and by the people.

Mrs. BOXER. Today, I am joining Senators ALLEN, BURNS, and GREGG in supporting an extension of the Internet tax moratorium for another 5 years.

I supported the moratorium when it was initially instituted in order to encourage the growth of the then newly emerging Internet industry. In the 1990s, the industry enjoyed a growth spurt that helped move the whole economy forward. But recently, Internet companies have fallen on hard times.

Because Internet commerce and technology firms are not now fairing well, I support a five year extension of the tax moratorium. I believe that renewed investment in the Internet is crucial to the welfare of the entire economy and we need to support its growth as much now as we did in 1998. Through a clean extension of the tax moratorium, Congress can promote an environment for Internet growth that avoids the uncertainty, inefficiencies, and barriers to entry that new taxes would create.

The technology sector was in a recession before the September 11, 2001 attacks. In the first half of 2001, more than 300,000 technology sector jobs were eliminated and companies declared bankruptcy because of reduced consumer and business spending on technology products. One example, Webvan, an Internet grocery delivery company, closed shop in July. In the process, 2,000 employees lost their jobs in the company's seven markets—San Francisco, Los Angeles, Orange County, San Diego, Seattle, Chicago, and Portland.

With the additional decline in consumer confidence resulting from the September 11, 2001 terrorist attacks, the industry has fallen even deeper into recession. The results have been devastating for many firms. For example, since the attacks, Cisco laid off 8,500 workers, Excite@home has laid off 500 workers, and MicroStrategy has laid off 200 workers. By extending the Internet tax moratorium for five years, we send the message to the industry and its workers that we will not turn a deaf ear to this crisis.

The economy rose during the last eight years on the new jobs, efficiencies, and demand for products that the Internet and Internet-related companies created. Restoring economic growth will depend largely on our ability to spark renewed investment and growth in this vital industry. Firms that sell products over the Internet are key consumers of computers, software, and hardware. Their growth would encourage additional interest in connecting to the Internet and help produce new consumer demand for more technology products.

We should assist, not burden our technology firms at this time. Another five years could give the Internet time to work out its current growing pains. As technology innovations encourage additional growth and renewed interest in the Internet, our economy as a whole will benefit. A stronger Internet will mean more jobs, more companies, and a broader tax base. That is a net gain for everyone.

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By Mr. ENZI (for himself and Mr. JOHNSON):

S. 1527. A bill to amend the Food Security Act of 1985 to extend and improve the environmental quality incentive program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, I rise to announce the introduction of a bill that would amend and extend the Environmental Quality Improvement Program, EQIP, to make it more user friendly, and to make it more effective in it's on-the-ground implementation.

EQIP is a voluntary, Federal cost share program administered by the United States Department of Agriculture's, USDA, Natural Resources Conservation Service, NRCS, and Farm Service Agency, FSA. The program was created to assist farmers and ranchers in implementing conservation management programs on private lands, lands that not only serve as the backbone of our Nation's food supplies but which also provide important habitat for America's wildlife, including many endangered species. It does this by providing technical, financial, and educational assistance to farmers and ranchers as they make capital improvements in irrigation and other water systems, address a wide variety of conservation problems, provide flood plain protection, support grazing lands conservation, and facilitate wildlife habitat protection programs.

When everything works right, EQIP provides a tremendous benefit to producers and the environment. One example of this can be found in an EQIP-funded project underway in central Wyoming. This project, known locally as the Sand Mesa project, is allowing a group of Wyoming farmers to increase irrigation efficiency while also reducing pumping costs. They are doing this by replacing an aging canal system with a gravity-flow pipeline.

Under the old system, the open air canals lost a lot of water to seepage and evaporation. The water savings from the new pipeline has turned out to be critically important in years, like this one, where drought is so prevalent in the West. The 14 miles of pipeline replaced 11 miles of open canal and committed 5,000 acre feet of water for existing wetlands. In the first year alone the new system saved at least 22,000 acre feet of water. This translates into that much more water being available in Bull Lake and Wind River for other uses. The gravity-flow pressure is also adequate to eventually run all 36 irrigation pivots on the new system, which will result in an even greater water savings.

Why did this project work out so well? It wasn't because Washington, DC bureaucrats stepped in and told the community the best things to do with their money.

Sand Mesa is a combined effort that unites the knowledge of local farmers with local technical experts who together are able to turn Wyoming's desert into fertile farmland. Together, the farmers and the technicians are designing a conservation and financial plan that will allow them to make the most out of their limited environmental and financial resources.

The inclusion of local expertise in establishing program priorities is one of EQIP's strongest assets. Local working groups are made up of individuals who represent a wide range of interests. The groups are made up of farmers, ranchers, representatives from conservation districts, agricultural organizations, environmental groups, Native Americans, and other local, state and federal agencies.

Along with the State Advisory Committees, local work groups have made a conscientious effort to make sure limited EQIP dollars are put to their best use. They have not always been successful. The only existing authority these groups have is in identifying priority areas that may, if Washington, DC bureaucrats decide, receive funding. The result of this allocation structure is that funds are not always equitably distributed.

In 1999 a group of my constituents in Powell, WY approached me with serious concerns about the way EQIP regulations took authority away from local experts. EQIP was created as a part of the 1996 Farm Bill. In establishing EQIP, the Farm Bill terminated four previously existing cost share, conservation programs and replaced them with the new program. The terminated programs had relied heavily on local input to manage all aspects of implementation. Because of this history producers had come to expect local expertise to play a bigger role in the new program. EQIP regulations, however, consolidated the decision making process at the Federal level and left out local input.

My consitutents were concerned that an unusually large percentage of new EQIP dollars were being directed to applicants who did not necessarily require federal assistance to complete conservation improvements, while smaller, family-owned producers, who could sincerely benefit from the program, were being overlooked. Their fears were that funding decisions were determined more by politics and grant writing ability than by the greatest need or ability to maximize environmental benefit per dollar expended.

In response to their concerns, I wrote a letter to former Secretary of Agriculture Dan Glickman and asked for his help in correcting these inequities. He forwarded my request to the Wyoming NRCS offices where NRCS Wyoming State Director Ed Burton organized a team that reviewed the EQIP allocation process. This team identified a number of legislative and administrative actions which, if they are followed, would ensure the program's most effective implementation.

This bill is the result of their efforts. The bill addresses four areas that the Wyoming review team noted would require specific legislative fixes. First, the bill increases allocation flexibility by defining the phrase "maximize environmental benefits per dollar expended" in a way that gives the Secretary of Agriculture the ability to consult with local working groups in deciding what are the best ways to guarantee that limited EQIP funds can be directed to those ranchers and farmers who can provide the most effective use of the program's cost share program. The bill would simplify and streamline the current process to make the program less time consuming to field office staff, and less frustrating to producers.

The bill also would allow farmers and ranchers the flexibility to use EQIP funds when they are needed most. Too often weather conditions or other unrelated reasons make it impossible for eligible applicants to conform to Federal fiscal calendars. By allowing funds to be available until expended, this bill would keep program dollars available on a real-world schedule and would allow producers to receive cost share dollars at current costs and not at the rate in effect when the contract was written.

The third change this bill would make is to adjust the program to allow contracts from three to ten years. Current EQIP requirements allow five to ten year contracts only. EQIP payments are limited generally to $10,000 per person annually, and $50,000 over the 5 to 10 year life of the contract. This is often much more than is required by farmers and could place an undue hardship on producers who do not have the ability or the desire to enter into long-term contracts. Three to ten year contracts, based on the producer's conservation plan, would allow greater flexibility to implement resource management systems.

Finally, the bill would allow producers who are ready to begin work in the first year of the contract to immediately receive contract payments. Many producers who apply for EQIP are ready to install practices as soon as the contract is approved. Under current law, if practices are installed in the same year the contract is written, the producer must wait until the next fiscal year for their first payment. This delay can cause undue financial hardship, especially in an industry where cash flow is severely limited.

I am proud of the efforts of the people in my State to make this program better and more efficient. I encourage my colleagues to support this bill and to support our farmers in their work to feed the world.

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By Mr. McCAIN (for himself and Mr. SMITH of Oregon):

S. 1528. a bill to improve the safety and security of rail transportation; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today I am introducing the Rail Safety and Security Act. I am pleased to be joined in this effort by Senator GORDON SMITH, the ranking Republican of the Commerce Committee's Surface Transportation and Merchant Marine Subcommittee.

This legislation would authorize funding to improve rail passenger safety and security, while assuring accountability and oversight of all associated expenditures. It would also amend current law and allow for rail police officers to enforce laws on the properties of other railroads and would establish criminal sanctions for attacks against our Nation's rail system. And, it would also require a comprehensive assessment of the security risks surrounding rail transportation in order for the Congress to then take appropriate action based on the conclusions of the assessment. I believe this legislation is a much needed step in protecting our rail transportation system against security threats and vulnerabilities.

During the past four weeks, we have been working in a bipartisan manner to address the nation's most pressing needs in the wake of the September 11 terrorist attacks. We have worked with the administration to provide necessary emergency funding to aid in the aftermath of the attacks in New York and at the Pentagon.

Part of that effort has focused on the survival of the aviation industry, and rightly so. Our Nation, our citizens, and our economy cannot afford further deterioration of this critical segment of the transportation industry. It is equally important that we approve aviation security legislation and send it to the President.

Transportation systems are the target of 40 percent of terrorist attacks worldwide. That is why it is necessary for the government to play a key role in assessing potential security threats in our Nation's transportation system. We must ensure that we have taken every precaution to safeguard critical infrastructure and that procedures are in place to protect people and property in the event of actual terrorist attacks. In that effort, the Senate Commerce Committee has been conducting a series of hearings to gain the information we need to help us evaluate potential security risks and determine how best to respond to those potential risks.

In addition to aviation security legislation, the Commerce Committee has approved legislation to address security at our Nation's ports. I am hopeful the full Senate will have the opportunity to consider that bill in the near future.

Given the hundreds of thousands of miles of rail track, highways, and pipelines, hundreds of ports and terminals throughout the U.S., and the ease of access to public transportation, it is impossible to fully secure our transportation system against all deliberate acts of destruction. Efforts to reduce vulnerability, however, are essential and each industry has a responsibility to assess and respond to identified problems. Federal, State, and local governments also play an important role in this effort.

The legislation I am introducing today is designed to address the safety and security of our Nation's rail transportation network, both passenger and freight. Unlike other passenger rail funding proposals that have been suggested, this legislation would only fund legitimate safety and security initiatives. It would also assure the highest degree of accountability of all expenditures. I note my proposal would not provide a handout directly to Amtrak to fund long-planned capacity projects that it has been unable to accomplish. Therefore, some will likely object to my approach from the outset. But, I hope members interested in addressing legitimate rail safety and security concerns will join me in supporting this alternative approach.

Last week, the Senate Commerce Committee held a hearing on Rail and Maritime security. We learned from that hearing that certain actions that can be taken immediately to address security vulnerabilities. Therefore, this legislation is designed to address the needs we currently know exist and, at the same time, provide for an assessment of rail security that would enable us to act on matters identified through a more comprehensive review than has yet occurred.

First, the bill would authorize funding for security upgrades for rail transportation provided by Amtrak. However, the funding would be made available to Amtrak only after the Secretary establishes appropriate funding procedure safeguards and after approving a system wide security plan submitted by Amtrak.

Second, the bill would authorize funding for the Tunnel Life Safety projects in New York, Baltimore, Maryland, and Washington, D.C. The DOT Inspector General has confirmed the need to bring existing systems up to par with modern safety standards, including the replacement of narrow, winding spiral staircases, the installation of modern ventilation fans, and the rehabilitation of benchwalls. The IG further has expressed concerns that an extended schedule of repairs as would occur without federal assistance places the public at prolonged and unnecessary risk.

Based on the findings of the DOT-IG, this legislation includes provisions to fully fund these projects in order to reduce the risk to public safety. It would fund these projects, however, only after the Secretary approves engineering and financial plans submitted by Amtrak and conditions the release of funding by entering into proper funding procedures. In other words, the funding will not just be handed to Amtrak with no questions asked. It ensures proper federal oversight of the federal assistance.

Furthermore, the legislation would direct the DOT Inspector General to review the obligation and expenditure of funds provided under this legislation to ensure that the funds are used solely for the purposes intended by Congress.

Third, the bill would permit rail police officers to enforce laws on the properties of other railroads. Current law only permits officers to enforce laws on the properties of the rail carrier that employs the police officer. This provision would allow for flexibility and the sharing of enforcement resources among all rail carriers as may be necessary to address safety and security threats directed at a particular carrier.

Fourth, this legislation includes provisions to address potential security threats to our nation's rail transportation system. While the vulnerabilities of air travel may be most prevalent in our memory, our rail system has been and continues to be vulnerable to security threats. Five years ago, Arizonans and citizens throughout the country were saddened to learn of an Amtrak derailment near Hyder, AZ, which claimed the life of one individual and injured seventy-eight others. Shortly after the accident, the sadness turned to shock as we learned that the derailment may have been caused by someone who intentionally sabotaged the track. The Arizona accident is not unique. There have been other examples of acts against railroads.

Following that occurrence, the Senate passed legislation requested by the previous Administration addressing some of these vulnerabilities. Unfortunately, we failed to reach an agreement with the House during conference deliberations on the multi-year highway funding legislation. Therefore, I am including those provisions as part of this bill today. Now, more than ever, these provisions are essential.

The legislation would establish criminal sanctions for violent attacks against railroads, railroad employees and railroad passengers similar to sanctions currently afforded for attacks against airlines, vessels on the high seas, motor carriers, and pipelines. I strongly believe the rail industry and its employees and customers deserve the same protections afforded the other methods.

Finally, the legislation would direct the Secretary to assess the security risks associated with rail transportation and to develop recommendations for target hardening those areas identified as posing significant risk to public safety. As I previously mentioned, there has not yet been a comprehensive analysis of the security risks of the rail industry. This provision would direct that such an assessment be carried out and at the conclusion of the assessment, it would provide us with the information Congress needs in order to make future decisions on how to further address rail security matters.

I believe this legislation is a credible proposal that could do a great deal to improve the safety and security of our rail network. I stand ready to work with my colleagues, the Administration, industry, and public safety advocates in an effort to address the safety and security of our nation's rail system.

I urge my colleagues to support this measure.

By Ms. LANDRIEU:

S. 1529. A bill to direct the Assistant to the President for Homeland Security to establish the National Energy Infrastructure Security Program; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, as we consider the issue of national security in the weeks after the terrorist attacks of September 11, one sector in particular that deserves our undivided attention is the security of our national energy infrastructure. The vulnerability of our country's energy infrastructure became more clear last week when an individual was able to cause about 150,000 gallons of oil to spill from the 800 mile Trans-Alaska Pipeline with a bullet from a high powered rifle.

I believe the events of September 11 have proven that Congress has a responsibility to make sure our Nation's energy infrastructure is adequately protected from both hostile and natural attacks.

We are now engaged in an operation to combat terrorism which will take considerable time and resources. Some of the emergency measures put in place at energy facilities throughout the country in response to the September 11 attacks can only be maintained for so long. For example, off the coast of my State of Louisiana the Nation's largest port for offloading crude oil was being patrolled by a military vessel. While a kind of safety zone around such areas makes sense, should we expend our military's resources in order to do so? Merely using our present available resources to operate at such high levels of alert for the duration of what all indications are will be a long term effort does not seem realistic. There is a need for a substantial commitment to the protection of our country's energy infrastructure both in scope and duration.

Although 90 percent of the infrastructure in this country is privately owned and operated and industry does have an obligation to provide security, there is sufficient evidence to suggest the Federal Government should make a more significant contribution. First, our country is now experiencing an economic downturn. It is imperative for our government to continue to focus its attention on measures to increase and shore up production while keeping our domestic supply of energy steady.

Second, energy infrastructure is by nature not contained within the borders of one State or region. For example, three of the country's top ten gasoline consuming States are in the Midwest. The Midwest imports 25 percent of its total demand from the Gulf Coast. While the Gulf Coast refining centers handle half of the total barrels processed in the U.S. today, there are only two pipeline systems in place to move the product from the South to the Midwest. This is a tremendous amount of pressure on Gulf Coast refineries to meet demand in the Midwest. What happens if one or both of these systems are disrupted? In addition, the only offshore oil terminal in the United States, the Louisiana Offshore Oil Port, LOOP, is estimated to take in 13 percent of the United States' imported oil and refining capacity and is connected by five pipelines to over 30 percent of the United States refining capacity. Imagine the impact its disruption from natural or hostile threats would have on the Nation's refining capacity.

So, whether we are talking about pipelines, transmission lines, electric generators, refineries, nuclear power plants, ports, rigs or platforms, the Federal Government has a clear and compelling interest in providing the necessary resources to ensure that our energy infrastructure is sufficiently protected. Since the disruption of a particular facility or transmission line has economic consequences and could pose a significant threat to the safety of the surrounding population, as well as the effect on our economy, environment, state and local authorities must also play a role. This would require a partnership among the federal, state and local governments and industry.

Today, I am introducing legislation, the National Energy Infrastructure Security Program Establishment Act, which would: Establish a multi-year national energy infrastructure program overseen by the newly appointed Assistant to the President for Homeland Security, to provide funding annually to all 50 States in order to make sure that all appropriate measures from the monitoring and detection of potential threats to mitigation, response and recovery are in place against hostile and natural threats; create two funds, one for the protection of energy infrastructure located in the coastal zones of oil and gas producing States, the other for the energy infrastructure of all fifty States excluding those areas in the oil and gas producing States that would be provided for in the first fund; provide funding based on a formula related to the amount of energy infrastructure a State has as well as to the contribution of the State's infrastructure to the rest of the country; the Governor of each State would consult with Federal, State and local law enforcement, public safety, officials, industry and other relevant persons or agencies to put together a security plan to submit to the Assistant to the President for Homeland Security as well as the Secretaries of Commerce, Energy and Interior detailing what measures were necessary provide adequate protection of that particular State's infrastructure; and in order to pay for this program we would use a percentage of offshore revenues from oil and gas development on the Outer Continental Shelf.

If we are truly serious about protecting our country's energy infrastructure from present and future threats, it is necessary for us to provide a commitment of significant Federal resources as soon as possible.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 78—EXPRESSING THE SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF NATIONAL CHARACTER COUNTS WEEK

Mr. DODD (for himself, Mr. DOMENICI, Mr. CLELAND, Mr. BENNETT, Mrs. MURRAY, Mr. BOND, Mr. DORGAN, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. BUNNING, Mr. AKAKA, Mr. BURNS, Ms. LANDRIEU, Mr. CAMPBELL, Mr. KOHL, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. BINGAMAN, Mr. DEWINE, Mrs. CARNAHAN, Mr. ENSIGN, Mr. KENNEDY, Mr. ENZI, Mr. BIDEN, Mr. FITZGERALD, Mr. EDWARDS, Mr. FRIST, Mr. REID, Mr. HAGEL, Ms. MIKULSKI, Mr. HELMS, Mr. ROCKEFELLER, Mr. HUTCHINSON, Mr. BREAUX, Mr. INHOFE, Mr. JOHNSON, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. FEINGOLD, Mr. STEVENS, Mr. JEFFORDS, Mr. THOMAS, Mr. THURMOND, and Mr. VOINOVICH) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary.

S. CON. RES. 78

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play their role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities;

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation; and

Whereas the week beginning October 15, 2001, and the week beginning October 14, 2002, are appropriate weeks to establish as National Character Counts Week: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) a National Character Counts Week should be established to promote character education; and

(2) the President should issue a proclamation calling upon the people of the United States to—

(A) embrace the elements of character identified by their local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty; and

(B) observe such a week with appropriate ceremonies, programs, and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1854. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1855. Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) proposed an amendment to the bill S. 1447, supra.

SA 1856. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1857. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, supra.

SA 1858. Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, supra.

SA 1859. Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) supra.

SA 1860. Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, supra.

## TEXT OF AMENDMENTS

**SA 1854.** Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS**

(a) SHORT TITLE.—This Act may be cited as the "Aviation Security Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Transportation security function.
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**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in instrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

**SEC. 3. TRANSPORTATION SECURITY FUNCTION.**

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

"(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.

"(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

"(2) Aviation-related duties.—The Deputy Secretary—

"(A) is responsible for day-to-day Federal security operations for the air transportation or intrastate air transportation;

"(B) shall coordinate and direct as appropriate functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

"(C) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations.

"(D) is responsible for hiring and training personnel to provide security screening at all United States airports involved in air transportation or intrastate air transportation, in consultation with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

"(E) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Secretary Coordination Council.".

(b) Review and Development of Ways To Strengthen Security.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking "x-ray" in paragraph (4);

(2) By striking "and" at the end of paragraph (4);

(3) by striking "passengers."" in paragraph (5) and inserting "passengers;"; and

(4) by adding at the end the following:

"(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

"(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.".

(c) Transition.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

### SEC. 4. AVIATION SECURITY COORDINATION COUNCIL.

"(a) In General.—Section 44911 of title 49, United States Code, is amended at the end the following:

"(f) Aviation Security Coordination Council.

"(1) In general.—There is established an Aviation Security Coordination Council.

"(2) Function.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

"(3) Chair.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

"(4) Membership.—The members of the Council are:

"(A) The Secretary of Transportation, or the Secretary's designee.

"(B) The Attorney General, or the attorney General's designee.

"(C) The Secretary of Defense, or the Secretary's designee.

"(D) The Secretary of the Treasury, or the Secretary's designee.

"(E) The Director of the Central Intelligence Agency, or the Director's designee.

"(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

"(g) Cross-checking Data Base Information.

The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

"(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

"(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

"(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.".

(b) Policies and Procedures.—Section 44911(b) of title 49, United States Code, is amended by striking "international".

(c) Strategic Planning.—Section 44911(c) of title 49, United States Code, is amended by striking "consider placing" and inserting "place".

### SEC. 5. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) In General.—The Administrator of the Federal Aviation Administration shall, as soon as possible after the date of enactment of this Act, issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(1) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(2) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(3) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress;

(4) prohibit the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(5) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) Commuter Aircraft.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

### SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) In General.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting "(1) before "With"

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

"(2) The Secretary—

"(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

"(B) shall place them on every such flight determined by the Secretary to present high security risks.

(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.".

(b) Deployment.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(c) International Flights.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(d) Interim Measures.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(e) Reports.

(1) In general.—The Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) Recommendations.—The Secretary may submit, as part of any report under this subsection or separately, any recommendations the Secretary may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(f) Cooperation With Other Agencies.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking "supplies and" and inserting "supplies, personnel, services, and".

### SEC. 7. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) In General.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(h) Improved Airport Perimeter Access Security.

"(1) In general.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

"(2) Security of aircraft and ground access to secure areas.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

"(3) Deployment of federal law enforcement personnel.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.".

(b) Small and Medium Airports.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security.

(c) Chemical and Biological Weapon Detection.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

"(C) Maximum use of chemical and biological weapon detection equipment.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.".

(d) Improvement of Secured-Area Access Control.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking "weaknesses by January 31, 2001;" in subparagraph (A) and inserting "weaknesses";

(2) by striking subparagraph (D) and inserting the following:

"(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;";

(3) by striking "program by January 31, 2001;" in subparagraph (F) and inserting "program;"; and

(4) by striking subparagraph (G) and inserting the following:

"(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.".

(e) Employment Investigations and Restrictions.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

"(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.".

(f) Airport Security Awareness Programs.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

### SEC. 8. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) In General.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code).

(b) Notification Procedures.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

### SEC. 9. PASSENGER SCREENING.

(a) In General.—Section 44901 of title 49, United States Code, is amended to read as follows:

**"§ 44901. Screening passengers and property**

"(a) In General.—The Secretary of Transportation, in consultation with the Attorney General, shall provide for the screening of all passengers and property, including United States mail, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 215 of title 5, United States Code). In carrying out this subsection, the Secretary shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

"(b) Deployment of Armed Personnel.—

"(1) In general.—The Secretary of Transportation, in consultation with the Attorney General, shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

"(2) Minimum requirements.—Except at airports required to enter into agreements under subsection (c), the Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Secretary shall order the deployment of additional law enforcement personnel at airport security screening locations if the Secretary determines that the additional deployment is necessary to ensure passenger safety and national security.".

"(c) Security at Small Community Airports.—

"(1) Passenger screening.—In carrying out subsection (a) and subsection (b)(1), the Secretary of Transportation, with the approval of the Attorney General, may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

"(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

"(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

"(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

"(D) the Secretary has consulted the airport sponsor.

"(2) Determination of limited requirements.—The Secretary, in consultation with the Attorney General, may prescribe modified aviation security measures for a nonhub airport if the Secretary determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

"(A) the types of aircraft that use the airport;

"(B) seasonal variations in air traffic and types of aircraft that use the airport; or

"(C) other factors that warrant modification of otherwise applicable security requirements.

"(3) Additional federal security measures.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Secretary and the Attorney General—

"(A) may provide or require additional security measures;

"(B) may conduct random security inspections; and

"(C) may provide assistance to enhance airport security at that airport.

"(d) Manual Process.—

"(1) In general.—The Administrator shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

"(2) Limitation on statutory construction.—Paragraph (1) shall not be construed to limit the ability of the Administrator to impose additional security measures when a specific threat warrants such additional measures.

"(3) Maximum use of explosive detection equipment.—In prescribing the minimum number of bags to be examined under paragraph (1), the Administrator shall seek to maximize the use of the explosive detection equipment.

"(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Secretary of Transportation may use memoranda of understanding or other agreements with the Attorney General or the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.".

"(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended——

"(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purposes of (i)"; and

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) providing security screening services under section 44901(c) of title 49, United States Code;".

"(c) TRANSITION.—The Secretary of Transportation shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Secretary may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Secretary determines necessary pending full implementation of that section as so amended.

### SEC. 10. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

"(e) SECURITY SCREENERS.—

"(1) TRAINING PROGRAM.—The Secretary of Transportation, in consultation with the Attorney General, shall establish a program for the hiring and training of security screening personnel.

"(2) HIRING.

"(A) QUALIFICATIONS.—The Secretary shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

"(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

"(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

"(iii) to have passed an examination for recent consumption of a controlled substance;

"(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

"(v) to meet such other qualifications as the Secretary may establish.

"(B) BACKGROUND CHECKS.—The Secretary shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

"(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Secretary shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Secretary shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

"(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

"(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

"(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Secretary has determined to have equipped the individual to perform the duties of the position.

"(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical co-ordination, and motor skills to the following standards:

"(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the apporiate imaging standard specified by the Secretary. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

"(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

"(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

"(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

"(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

"(C) The individual shall be able to read, speak, and write English well enough to—

"(i) carry out written and oral instructions regarding the proper performance of screening duties;

"(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

"(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

"(iv) write incident reports and statements and log entries into security records in the English language.

"(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

"(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

"(A) is closely supervised; and

"(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

"(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

"(4) ANNUAL PROFICIENCY REVIEW.—The Secretary shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

"(A) continues to meet all qualifications and standards required to perform a screening function;

"(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

"(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

"(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Secretary shall provide for the operational testing of such personnel.

"(g) TRAINING.—

"(1) USE OF OTHER AGENCIES.—The Secretary of Transportation shall enter into a memorandum of understanding or other arrangement with the Attorney General, or any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

"(2) TRAINING PLAN.—The Secretary shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

"(A) has completed 40 hours of classroom instruction or successfully completed a program that the Secretary determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

"(B) has completed 60 hours of on-the-job instruction; and

"(C) has successfully completed an on-the-job training examination prescribed by the Secretary.

"(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the drive or equipment.

"(h) TECHNOLOGICAL TRAINING.—The Secretary of Transportation shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Secretary shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.".

(b) Conforming Amendments.—

(1) Section 44936(a)(1)(A) is amended by inserting "as a security screener under section 44935(e) or a position" after "a position".

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting "the Secretary," after "subsection," in paragraph (1); and

(B) by striking "An" in paragraph (3) and inserting "The Secretary, an".

(c) Transition.—The Secretary of Transportation shall complete the full implementation of section 44935(e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Secretary may make or continue such arrangements for the training of security screeners under that section as the Secretary determines necessary pending full implementation of that section as so amended.

(d) Expedited Personnel Process.—

(1) Authorization of employment.—The Secretary of Transportation may appoint and fix the compensation of such a number of individuals as may be necessary to carry out section 44901 and 44903 of title 49, United States Code, in accordance with the provisions of part III of title 5, United States Code, without regard to any limitation on number of employees imposed by any other law or Executive Order.

(2) Strikes prohibited.—An individual employed as a security screener is prohibited from particpating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5.".

### SEC. 11. SUSPENSION AND REMOVAL.

(a) In General.—Notwithstanding provision of law to the contrary, the Secretary of Transportation may suspend without pay an individual employed as a security screener under title 49, United States Code, when the Secretary considers that action necessary in the interests of national security or because the screener has failed to perform screening duties adequately. To the extent that the Secretary determines that the interests of national security permit, the suspended employee shall be notified of the reasons for the suspension. Within 30 days after the notification, the suspended employee is entitled to submit to the official desiganted by the Secretary statements or affidavits to show why he should be restored to duty.

(b) Removal From Duty.—Subject to subsection (c) of this section, the Secretary may remove an employee suspended under subsection (a) of this section when, after such investigation and review as he considers necessary, the Secretary determines that removal is necessary or advisable in the interests of national security or because the screener has failed to perform screening duties adequately. The determination of the Secretary is final.

(c) Suspension.—An employee suspended under subsection (a) of this section who—

(1) had a permanent or indefinite appointment for at least 3 years;

(2) has completed his probationary or trial period; and

(3) is a citizen of the United States; is entitled, after suspension and before removal, to—

(A) a written statement of the charges against him within 30 days after suspension, which may be amended within 30 days thereafter and which shall be stated as specifically as security considerations permit;

(B) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

(C) a hearing, at the request of the employee, by a Department of Transportation authority duly constituted for this purpose;

(D) a review of his case by the Secretary or his designee, before a decision adverse to the employee is made final; and

(E) a written statement of the decision of the Secretary.

(d) Prohibition of Re-deployment.—The Secretary may prohibit any person suspended or removed under this section from performing any function under this Act or under subtitle VII of part A of title 49, United States Code.

### SEC. 12. RESEARCH AND DEVELOPMENT.

Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking "complete an intensive review of" and inserting "periodically review";

(2) by striking "commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;" in subparagraph (B) and inserting "aircraft in air transportation;"; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

"(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;".

### SEC. 13 FLIGHT SCHOOL SECURITY.

(a) Prohibition.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

**"§ 44939. Training to operate jet-propelled aircraft**

"(a) Prohibition.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien under subsection (b).

"(b) Investigation.

"(1) Request.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall——

"(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

"(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

"(2) Scope.—A background investigation of an alien or individual under this subsection shall consist of the following:

"(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

"(B) A determination of the status of the alien under the immigration laws of the United States.

"(C) A determination of whether the alien or individual presents a national security risk to the United States.

"(3) Recurrent training.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

"(c) Sanctions.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

"(d) Covered Training.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

"(e) Reporting Requirement.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe the name, address, and such other information as the Secretary may require concerning—

"(1) each alien to whom such training is provided; and

"(2) every other individual to whom such training is provided as the Secretary may require.

"(f) Alien Defined.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"44939. Training to operate jet-propelled aircraft.".

(c) International Cooperation.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

### SEC. 14. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Congress containing their joint recommendations on additional measures for the Federal government to address transportation security functions.

### SEC. 15. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Congress within 3 months after the date of enactment of this Act is report on how to improve security with respect to general aviation and air charter operations in the United States.

### SEC. 16. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) In General.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

**"§ 46503. Interference with security screening personnel**

"An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.".

(b) Conforming Amendment.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

"46503. Interference with security screening personnel".

### SEC. 17. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the

Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

### SEC. 18. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within the State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

### SEC. 19. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure to certify compliance by United States air carriers with the requirements of subsection (a).

### SEC. 20. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

**"§ 48114. User fee for security services charge**

"(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset the costs of providing aviation security services. The amounts collected shall be immediately available to the Secretary for obligation and expenditure for its activities, and shall remain available in a revolving fund, to be established by the Secretary, until expended.

"(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48114. User fee for security services".

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 483. AVIATION SECURITY FUNDING.

"Sec.

"48301. Aviation security funding

**§ 48301. Aviation security funding.**

"There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.".

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

"483. Aviation Security Funding ....... 48301".

### SEC. 21. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.".

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking "or" in subparagraph (B);

(B) by inserting "or" after "executed;" in subparagraph (C); and

(C) by adding at the end the following:

"(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;".

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

"(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.".

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking "and" in paragraph (3);

(B) by striking "47134." in paragraph (4) and inserting "47134; and"; and

(C) by adding at the end the following:

"(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).".

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

### SEC. 22. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that is necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

### SEC. 23. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this Act that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

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**SA 1855.** Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, add the following:

## TITLE —DISPLACED WORKERS ASSISTANCE

### SEC. 1. SHORT TITLE.

This title may be cited as the "Displaced Workers Assistance Act".

### SEC. 2. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term "affected area" means an area that the Secretary determines has a substantial number of eligible employees.

(2) AIR CARRIER.—The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(3) COBRA CONTINUATION COVERAGE.—The term "COBRA continuation coverage" means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act (42 U.S.C. 300bb–1 et seq.), section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.), or section 8905a of title 5, United States Code.

(4) ELIGIBLE EMPLOYEE.—The term "eligible employee" means an individual who has become totally or partially separated from employment with an air carrier, employment at a facility at an airport, or employment with an upstream producer or supplier for an air carrier, as a consequence of—

(A) reductions in service by an air carrier as a result of a terrorist action or security measure, as determined by the Secretary; or

(B) a closure of an airport in the United States as a result of a terrorist action or security measure, as determined by the Secretary.

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(6) SUPPLIER.—The term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm.

(7) TERRORIST ACTION OR SECURITY MEASURE.—The term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to the attack.

(8) UPSTREAM PRODUCER.—The term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm.

(9) OTHER TERMS.—Terms defined in section 247 of the Trade Act of 1974 (19 U.S.C. 2319) shall have the meanings given the terms in that section.

### SEC. 3. PETITIONS AND DETERMINATIONS.

(a) PETITIONS.—A petition for a certification of eligibility to apply for adjustment assistance under this title may be filed with the Secretary by a group of employees or by their certified or recognized union or other duly authorized representative. The Secretary shall comply with the notice requirements of section 221 of the Trade Act of 1974 (19 U.S.C. 2271) with respect to the petition.

(b) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall certify a group of employees as eligible to apply for adjustment assistance under this title if the Secretary determines that a significant number or proportion of the employees in such employees' firm or an appropriate subdivision of the firm are eligible employees.

(2) CERTIFICATIONS WITH AND WITHOUT PETITIONS.—The Secretary shall certify—

(A) a group that files a petition under subsection (a) and meets the requirements of paragraph (1); and

(B) any other group that the Secretary determines meets such requirements.

(3) OTHER GROUPS.—A group described in paragraph (2)(B) shall be deemed to have filed a petition under subsection (a) on the date of the certification, for purposes of this title (other than subsections (a) and (c)).

(c) DETERMINATIONS.—

(1) PETITIONING GROUPS.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements.

(2) OTHER GROUPS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall determine groups of employees (other than petitioning groups) that meet the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements. In issuing the certifications, not later than 30 days after the date of enactment of this Act, the Secretary shall issue certifications covering all employees of air carriers.

(3) PROCEDURES.—The Secretary shall issue and terminate such certifications in accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273).

(d) INFORMATION.—The Secretary shall provide the information, assistance, and notice described in section 225 of the Trade Act of 1974 (19 U.S.C. 2275) with respect to certifications made under subsection (b), and agreements entered into and benefits available under this title.

### SEC. 4. PROGRAM BENEFITS.

(a) DETERMINATIONS.—The Secretary shall determine, with respect to an eligible employee covered by a certification issued by the Secretary under section 3, whether—

(1) the employee is unlikely to return to the industry involved;

(2) the employee is likely to return to that industry, but unlikely to return to the employee's previous occupation in the industry; or

(3) the employee is likely to return to that occupation.

(b) DIFFERENT INDUSTRY OR OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of paragraph (1) or (2) of subsection (a) and engages in appropriate job search activities, and that the employee and any training approved by the Secretary for the employee meet the requirements of paragraphs (1) and (3) of section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271), 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (19 U.S.C. 2295) (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Training that consists of—

(A) training (including supplemental assistance) described in section 236 of the Trade Act of 1974 (19 U.S.C. 2296), notwithstanding the provisions of section 236(a)(2) of such Act (19 U.S.C. 2296(a)(2));

(B) training for a position requiring different technical skill than the original position; or

(C) in the case of an eligible employee in an affected area, training provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations.

(3) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291 et seq.), except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) shall be applied by substituting "46" for "52"; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act (19 U.S.C. 2293(a)(3)).

(4) Job search allowances described in section 237 of the Trade Act of 1974 (19 U.S.C. 2297).

(c) SAME INDUSTRY AND OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of subsection (a)(3), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974, 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974, except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 shall be applied by substituting "46" for "52"; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act.

(d) Employees Not Eligible for Unemployment Insurance.—An eligible employee who is totally separated from employment in a State who does not meet the requirements of paragraphs (2) through (4) of section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) shall be provided, under this title, only an allowance, for a period of 26 weeks, in the amount of the average weekly benefit received by an individual in the State under the State unemployment insurance program during the most recent 52-week period for which data are available.

(e) COBRA Continuation Coverage.—

(1) In general.—In the case of an individual who is eligible for benefits under subsection (b) or (c), the Secretary shall provide for payment of 100 percent of the premiums for COBRA continuation coverage, not to exceed 52 weeks, with respect to such individual. Such payment may be made through appropriate direct payment arrangements with the group health plan or health insurance issuer involved. The Secretary may require documentation of election of benefits or proof of premium payment.

(2) Extended election period.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage with respect to any individual eligible for benefits under subsection (b) or (c) shall not end earlier than 60 days after the date of the issuance of final regulations by the Secretary under section 6.

(f) Optional Temporary Medicaid Coverage for Uninsured Eligible Employees.—

(1) In general.—Notwithstanding any other provision of law, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), medical assistance in the case of an individual who is eligible for benefits under subsection (b) or (c), who is not eligible for COBRA continuation coverage, and who is uninsured. For purposes of this subsection, an individual is considered to be uninsured if the individual is not covered under a group health plan, health insurance coverage, or under such program or a program under title XVIII or XXI of such Act (42 U.S.C. 1395 et seq., 1397aa et seq.).

(2) Limitation to 12 months of coverage.—Assistance under this subsection shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer uninsured; or

(B) 12 months after the date the individual is first determined to be eligible for medical assistance under this subsection.

(3) Special rules.—In the case of medical assistance provided under this subsection—

(A) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be 100 percent;

(B) a State may elect to disregard any income, asset, or resource limitation imposed under the State medicaid plan or under title XIX of such Act;

(C) such medical assistance shall not be provided for periods before the date the individual is determined eligible for such assistance;

(D) a State may elect to make eligible for such assistance a dependent spouse or children of an individual eligible for medical assistance under paragraph (1), if such spouse or children are uninsured; and

(E) individuals eligible for medical assistance under this subsection shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a)).

**SEC. 5. ADMINISTRATION.**

The provisions of subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) shall apply to the administration of the program under this title in the same manner and to the same extent as such provisions apply to the administration of the program under subchapters A and B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2291 et seq.), except that—

(1) the agreement between the Secretary and the States described in section 239 of the Trade Act of 1974 (19 U.S.C. 2311) shall specify the procedures that will be used to carry out the certification process under section 3, the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under section 3, and the adjustment assistance described in section 4;

(2) the provisions of such subchapter C relating to training shall not be applicable under this title; and

(3) the provisions of such subchapter shall apply to COBRA continuation coverage under section 4(e) to the extent specified by the Secretary.

**SEC. 6. REGULATIONS.**

The Secretary—

(1) may issue interim regulations to carry out this title, notwithstanding chapters 5 and 7 of title 5, United States Code; and

(2) shall issue final regulations to carry out this title in accordance with such chapters.

**SEC. 7. EVALUATION.**

(a) Study and Report.—

(1) In general.—The Comptroller General of the United States shall conduct a study of the program established under this title and shall submit a report containing the results of such study to Congress not later than 1 year after the date of enactment of this Act.

(2) Evaluation.—Such report shall include an evaluation of—

(A) the effectiveness of such program in aiding employees, firms, and communities to adjust to changed economic conditions resulting from terrorist actions or security measures; and

(B) the coordination of the administration of such program and other Federal Government programs that provide unemployment compensation and relief to depressed areas.

(b) Assistance.—In carrying out this section, the Comptroller General of the United States shall, to the extent practical, obtain the assistance of the Secretary of Labor and the Secretary of Commerce. The Secretary of Labor and the Secretary of Commerce shall make available to the Comptroller General of the United States any assistance necessary for an effective evaluation of the program established under this title.

**SEC. 8. APPLICATION AND CONSTRUCTION.**

(a) Application.—For purposes of applying provisions of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this title, references in such chapter—

(1) to a worker shall be considered to be references to an eligible employee;

(2) to a benefit shall be considered to be references to the corresponding benefit provided under this subsection to an eligible employee;

(3) to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be references to the corresponding provision of this title; and

(4) to a threat of partial or total separation shall be disregarded.

(b) Provisions.—A reference in this title to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be a reference to that provision, as in effect on the date of enactment of this Act.

(c) Construction.—

(1) No impact on trade adjustment assistance.—Nothing in this title shall be construed to modify or affect title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(2) No impact on existing agreements and benefits.—Nothing in this title shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General.—There is authorized to be appropriated and there is appropriated to carry out this title a total of $1,900,000,000 for fiscal years 2002 and 2003.

(b) Administration.—There are authorized to be appropriated and there are appropriated such sums as may be necessary for the administration of this title for fiscal years 2002 and 2003 (but not more than $19,000,000).

**SEC. 10. CUSTOMS FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting ", except that such fees shall continue to be charged under paragraphs (9) and (10) of such subsection through May 30, 2005" after "September 30, 2003".

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**SA 1856.** Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . PREFERENCE IN EMPLOYMENT OF AIR MARSHALS OF COCKPIT CREW DISCHARGED OR FURLOUGHED FROM COMMERCIAL AIRLINES AFTER TERRORIST ATTACKS.**

Notwithstanding any other provision of law, in selecting, appointing, and employing Air Marshals in satisfaction of the requirements of section 6 of this Act, a preference shall be afforded to individuals discharged or furloughed from commercial airline cockpit crew positions due to reductions in force by commercial airlines after the September 11, 2001, terrorist attacks.

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**SA 1857.** Mr. HOLLINGS (for Mr. Leahy) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.**

(a) In General.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

**"§ 44938. Immunity for reporting suspicious activities**

"(a) In General.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) APPLICATION.—Subsection (a) shall not apply to—

"(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

"(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

**"§ 44939. Sharing security risk information**

"The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44939 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

"44938. Immunity for reporting suspicious activities.
"44939. Sharing security risk information.".

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**SA 1858.** Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place in the section relating to air marshals, insert the following subsection:

( ) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

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**SA 1859.** Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

### TITLE —ARCTIC COASTAL PLAIN DOMESTIC ENERGY

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2001".

**SEC. 02. DEFINITIONS.**

In this title:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b)(1) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

**SEC. 03. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.**

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 02(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

**SEC. 04. LEASE SALES.**

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

**SEC. 05. GRANT OF LEASES BY THE SECRETARY.**

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 04 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

**SEC. 06. LEASE TERMS AND CONDITIONS.**

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 03(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

**SEC. 07. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 03, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and

the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) Considerations.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) Facility Consolidation Planning.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) Objectives.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

### SEC. 08. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) Venue.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) Limitation on scope of certain review.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) Limitation on Other Review.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

### SEC. 09. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) Exemption.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) Terms and Conditions.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) Regulations.—The Secretary shall include in regulations under section 03(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

### SEC. 10. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

### SEC. 11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) Financial Assistance Authorized.—

(1) In general.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) Eligible entities.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) Use of Assistance.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) Application.—

(1) In general.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) North slope borough communities.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) Application assistance.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) Establishment of Fund.—

(1) In general.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) Use.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) Deposits.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under leases and lease sales authorized under this title.

(4) Limitation on deposits.—The total amount in the fund may not exceed $10,000,000.

(5) Investment of balances.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) Authorization of Appropriations.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

### SEC. 12. REVENUE ALLOCATION.

(a) Federal and State Distribution.—

(1) In general.—Notwithstanding section 04 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of

the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Renewable Energy Technology Investment Fund".

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the "Royalties Conservation Fund".

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

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**SA 1860.** Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 5, line 13, strike the closing quotation marks and the second period.

On page 5, between lines 13 and 14, insert the following:

"(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

"(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To establish uniform national standards and practices for transportation during a national emergency.

"(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

"(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

"(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

"(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).".

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 10, 2001, at 2:30, to hold a hearing titled, 'Afghanistan's Humanitarian Crisis.'

*Witnesses*

Panel One: Mr. Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State, Washington, DC; Mr. Andrew S. Natsios, Administrator, United States Agency for International Development, Department of State, Washington, DC; Ms. Christina Rocca, Assistant Secretary of State for South Asia, Department of State, Washington, DC.

Panel Two: Mr. Ken Bacon, President, Refugees International, Washington, DC; Mr. Nicols de Torrente, Executive Director, Medecins Sans Frontieres/Doctors Without Borders, New York, NY; Ms. Eleanor Smeal, President, Feminist Majority, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Wednesday, October 10, 2001, at 1 p.m. for a hearing to examine "Federal Food Safety Oversight: Does the Fragmented Structure Really Make Sense?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 10, 2001, at 9:30 a.m., on bus and truck security and hazardous materials licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Youth Violence be authorized to meet to conduct a hearing on the nomination of John P. Walters to be Director of The National Drug Control Policy on Wednesday, October 10, 2001, at 1:30 p.m., in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 10, 2001, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Eric Baker, a legal intern on the Judiciary Committee staff, be granted floor privileges for the remainder of the session of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, S. Res. 166.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) designating the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as "National Childhood Lead Poisoning Prevention Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD at the appropriate place as if read, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 166) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 166

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 890,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than those from high-income families;

Whereas children may become poisoned by lead in water, soil, or consumable products;

Whereas most children are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 21, 2001, through October 27, 2001, and the week of October 20, 2002, through October 26, 2002, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs and activities.

## ORDERS FOR THURSDAY, OCTOBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Thursday, October 11; that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1447, the aviation security bill; further, that the cloture vote on the Daschle for Carnahan amendment No. 1855 occur at 12:45 p.m., with the mandatory quorum under rule XXII being waived; further, that Members have until 11:45 a.m. to file second-degree amendments to amendment No. 1855.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Illinois, who will be recognized to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

## THE AIRLINE BAILOUT PACKAGE

Mr. FITZGERALD. Mr. President, I want to take a few moments to lend my support to Senator CARNAHAN's measure, which would finally give some relief to the many airline workers in this country who have lost their jobs in recent weeks.

I voted against the prior package to bail out the airlines of this country. Many of the Members in the Congress were under the impression that that $15 billion package was designed to compensate the airlines for their losses during the 3- or 4-day Government shutdown. But most Members don't recognize that during that 3- or even 4-day shutdown the airlines' lost revenues—not necessarily bottom line losses, but missing revenues—were $340 million a day. If you multiply $340 million a day by 4 days, as opposed to 3 days, being very generous to the airlines, you come up with losses of $1.36 billion. But Congress didn't give the airlines $1.36 billion; we gave them $5 billion in immediate upfront cash, plus $10 billion worth of loan guarantees. So the Nation's airlines got many times their losses from the 3-day shutdown from Congress.

I thought that bailout package was excessive. I also thought that Congress perpetrated an injustice in shoveling out such large amounts of taxpayer money toward the airlines. We completely ignored the over 1 million employees in the airline industry.

It is a misnomer to call the airline bailout package an industry bailout package. It wasn't an industry bailout package; it was a shareholder bailout package. There was no bailout for the skycaps, or for the flight attendants, or the mechanics, or the baggage handlers, and the pilots didn't get bailed out. Instead, it was a bailout for the sophisticated investors who held airline stocks in their portfolios and the many large institutions holding airline stocks in their portfolios.

I emphasize that it is a misnomer to call the airline bailout an industry bailout. It was simply a bailout for shareholders or investors. There was no relief for the over 1 million employees of the airline industry. It is fitting and proper to now provide relief for the airline industry employees.

We should have done this in the original airline industry bailout. Out of that $15 billion which we gave to the airlines, we could have had some requirements that they give minimal severance or health care benefits to their employees, at least some requirements, some strings attached to assure the laid-off flight attendants, baggage handlers, pilots, and skycaps would be treated decently. But we did not do that in that bailout package.

We have to correct the injustice in that first bailout package, and we have to help the industry's employees. The relief Senator CARNAHAN has put together in her package—and I am happy to say I am a cosponsor—is appropriate. It should have been in the original bill.

As I said, we paid the airlines many times their losses for the period they were shut down. That created a terrible precedent, in my judgment, one that is haunting Congress every day this fall because we now are beset with industries from all over the country coming to Capitol Hill knocking on our door and saying: You gave all that money to the airlines. You bailed them out. You covered all their losses through December 31, 2001. You paid them not just for the days the Government shut them down by Government edict; you covered all their losses through the end of the year.

Other industries are now saying to leaders in Washington: Why are we different? Why shouldn't we get a bailout? We have hotels that are empty. We have car rental firms that are hovering near insolvency because they do not have any customers. We have many of the suppliers for airlines—I was approached by a company in Illinois that supplies food for the airlines, and they believed they were entitled to a bailout.

We have industries of all sorts that have come asking us for help, and because of the precedent we set in the airline industry bill, we do not know how to tell these other industries that they are not entitled to help.

We should have carved aside a generous portion in that initial bill for workers in the airline industry. Senator CARNAHAN's amendment will get this done. I support it, and I urge colleagues to vote in favor of it. It would be a miscarriage of justice; it would compound the injustice we have already perpetrated if we were to let stand a bailout for sophisticated investors while we left all the airline industry employees twisting in the wind. We cannot allow that to stand. We have to correct that injustice.

Many of these employees who have been furloughed maybe never had a nickel to invest in the market in the first place. They are worried about how they are going to pay their mortgage, or how they are going to pay their rent, or how they are going to feed their families while they are laid off. Meanwhile, many investors who should have appreciated the risk of investing in the airline industry were bailed out, but the skycap got the boot. We have to correct that.

I am pleased to stand with the Senator from Missouri in support of this legislation. I urge all my colleagues to vote in favor of it.

Mr. President, I thank you for your indulgence at this late hour and appreciate your attention. I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:13 p.m., adjourned until Thursday, October 11, 2001, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate October 10, 2001:

### DEPARTMENT OF DEFENSE

SANDRA L. PACK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE HELEN THOMAS MCCOY.

### DEPARTMENT OF TRANSPORTATION

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED.

### DEPARTMENT OF STATE

WILLIAM D. MONTGOMERY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF YUGOSLAVIA.

### THE JUDICIARY

JAY C. ZAINEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE A.J. MCNAMARA, RETIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

GINO L AUTERI, 2663
CLARK F BEAN, 7388
MONROE A BRADLEY, 0136
LINNES L CHESTER JR., 9900
LESLIE L DIXON, 7550
AMIR A EDWARD, 3918
DANIEL G FLYNN, 4198
STEPHEN J FRIEDRICH, 0587
KEVIN W GLASZ, 4502
DONOVAN Q GONZALES, 6384
JOHN C GRIFFITH, 9633
THOMAS S HAINES JR., 0170
MARYANNE H HAVARD, 3140
REGINA M JULIAN, 7417
LISA M KLIEBERT-WITT, 9131
MARK A KOPPEN, 6523
WILLIAM J KORMOS JR., 1136
THOMAS D MCCORMICK, 5326
SUSAN E MERRICK, 3814
DAVID G MISTRETTA, 6383
ROBIN S MORRIS, 2568
LESLIE K NESS, 2605
RAYMOND J PARIS, 1258
CRAIG A PASCOE, 2921
BRUCE D PETERS, 2765
KEVIN F PILLOUD, 3047
BRIAN L RIGGS, 6043
VICTOR J ROSENBAUM, 8700
SCOTT M SHIELDS, 6729
DETLEV H SMALTZ, 0426
ROGER G SPONDIKE, 6706
LYNANNE STLAURENT, 0153
MARK A VOJTECKY, 4756
MARK S WHITE, 1357
GLENN A YAP, 1987
JESUS E ZARATE, 3971

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

RICHARD E AARON, 7349
MICHAEL A ABAIR II, 4864
*KERRY M ABBOTT, 5996
*FARLEY A ABDEEN, 2827
*ANTHONY D ABERNATHY, 5554
*DANIEL P ABTS, 4328
*BRYAN E ADAMS, 6947
*JUSTIN F ADAMS, 9931
RAY C ADAMS JR., 2430
*RICHARD G ADAMS, 0745
RHONDA R ADLER, 3743
*JENNIFER M AGULTO, 9276
FRANK D ALBERGA, 8814
*AARON M ALBERS, 5687
*JAMES R ALBRECHT, 5898
*PEGGY C ALBRECHT, 8204
*JEFFERY R ALDER, 2509
*JEFFREY N ALDRIDGE, 3111
*EDWARD D ALLARD, 7261
DANA G ALLEN, 2923
JOHN J ALLEN, 6201
*TIMOTHY J ALLEN, 9730
*WILLIAM A ALLEN, 6658
*JOHN B ALLISON, 9584
CRAIG ALLTON, 2941
*STEVEN E ALPERS, 3247
*MARIA M ALSINA, 2204
*DANIEL R ALYEA, 1546
*BORIS P ANASTASOFF II, 9959
*DEBORAH R ANDERSON, 3069
JEFFREY A ANDERSON, 1404
*JOSEPH R ANDERSON, 2866
*LYNN P ANDERSON, 4280
THOMAS M ANDERSON, 1145
WILLIAM D ANDERSON JR., 9851
*DAVID O ANDINO AQUINO, 1679
MICHAEL T ANDREWS, 1543
*DAVID J ANGRESS, 7438
MARY J ANTE, 2733
*MITCHELL S APPLEY, 5250
HAROLD A ARB, 2706
*DANIEL F ARCH, 2152
*CHRISTOPHER T ARMOUR, 1265
*CHRISTOPHER R ARNOLD, 3894
*MICHAEL P ARNOLD, 0454
*JESSE M ARNSTEIN, 8922
*TODD A ARVIDSON, 0676
*ROBERT P ASBURY III, 4806
*RAMIL A ASCANO, 6529
*DAVID E ASHTON, 3169
STEPHEN W ASTOR, 4652
*WILLIAM H ATOR, 4979
*ANOOP K ATTREYA, 2767
JAMES C AULT, 3029
*JEFFREY O AUSBORN, 9133
*DAVID G AUSTIN, 3307
*LANCE A AVERY, 7092
*DAVID G AVILA, 5127
DONALD G AXLUND, 5754
*SAMUEL A AYARS II, 2107
*ERIN K AYLES, 2128
CHRISTOPHER P AZZANO, 2372
ANTHONY D BAADE, 0227
*JAMES R BACHINSKY, 2295
*TODD N BAGBY, 9031
*MARKUS K BAHNEMANN, 8817
*DAVID M BAILEY, 9187
*TERRI L BAILEY, 3021
*GARY L BAIN, 4323
*RICHARD Y BAIRD, 6953
RICHARD L BAIRETT JR., 3042
*CHAD A BAKER, 9404
*FRANKLIN L BAKER JR., 6264
MATTHEW S BAKER, 1688
LORA N BALERNO, 7220
*PATRICK S BALLARD, 5475
*SYLVIA BALLEZGRIFFIN, 5510
*THOMAS J BARBERA, 3749
*CHRISTOPHER B BARKER, 5878
MATTHEW A BARKER, 9864
*BARRY R BARNES, 2791
JOHNNY L BARNES II, 0540
*LAURA E BARNES, 7990
WALDEMAR F BARNES, 6343
*ERIC R BARR, 3150
*JOHN P BARRETTE, 4956
*STEPHEN J BARRY, 8498
*BRIAN A BARTHEL, 8217
*RANDALL K BARTLETT, 9572
*JOSEPH L BARTON, 4747
LORRAINE R BARTON, 7183
*WILLIAM A BARTOUL, 5625
LAURA A BASS, 1359
*MARK J BATCHO, 4828
TONY D BAUERNFEIND, 7569
*MARVIN T BAUGH, 7297
PAUL E BAUMAN, 8123
*CARRIE J BAUSANO, 8543
*JAMES D BAXTER, 4908
*SARAHANN BEAL, 1974
*JAMES R BEAM JR., 9317
*WALTER W BEAN, 9473
FRANK J BEAUPRE, 4735
*RICHARD L BEAVERS, 0729
DAVID J BEBERWYK, 1794
*CHRISTOPHER D BECK, 6653
*DOUGLAS R BECK, 2977
MICHAEL W BECK, 2484
*PATRICIA H BECKER, 5975
CHRISTOPHER J BECKMAN, 8010
*PATRICIA A BEDARD, 8554
*MATTHEW J BEEBE, 1830
*CHARLES S BEGEMAN, 4230
*KURT A BEISTAD, 1253
*DANIEL J BELDEN, 3206
*ALMARAH K BELK, 2777
*DAVID B BELKE, 6312
*BRIAN E BELL, 5775
*EDWARD A BELLEM, 8988
PAMELA K BEMENT, 3097
*MATTHEW C BENASSI, 1916
*KEVIN D BENEDICT, 1389
*HARRY P BENHAM, 9809
*BRIAN K BENNETT, 5116
HAROLD S BENNETT, 5479
*JAMES C BENNETT, 9060
*MARK A BENNETT, 7831
*RICKY E BENNETT, 6739
*LINDA D BENOIT, 7843
AARON K BENSON, 7486
*WENDY BENTLEY, 6185
MARK W BERES, 1955
*ERIC T BERGGREN, 7313
TIMOTHY P BERGMANN, 8639
*JILL M BERGOVOY, 5314
*FREDERICK E BERLS JR., 5099
*ANDREW T BERNARD, 9072

*DOMINIC J BERNARDI III, 7924
BRIAN C BERNETT, 8975
*DENNIS E BERNIER, 1137
*RICHARD J BERT JR., 2988
*VALERIE L BERTHA, 6250
*WILLIAM G BESSEMER, 2937
*JON C BEVERLY, 7183
SARA A BEYER, 9951
KENNETH T BIBB JR., 8093
DEBORAH E BIBEAU, 4761
MICHAEL J BIBEAU, 9848
*MICHELLE P BICKLEY, 1213
*BRENT E BIDUS, 2999
STEVEN W BIGGS, 2032
JOHN R BINDER III, 5747
RHETT L BINGER, 0063
DEANNA L BINGHAM, 6952
RACHEL H BINGUE, 0375
*ANN M BIRCHARD, 3386
*ERIC J BJURSTROM, 7395
*SHEILA G BLACK, 9338
CRAIG M BLACKWELL, 5997
*ELEANOR C BLACKWELL, 8867
MICHAEL S BLADES, 1948
JAMES BLAICH, 1996
*MALCOLM E BLAIR, 0294
KEVIN E BLANCHARD, 2884
*WAYNE C BLANCHETTE, 5151
*COBY D BLAND, 8216
YOLANDA D BLEDSOE, 0093
SEVERIN J BLENKUSH II, 1648
*JOSEPH M BLEVINS, 1080
STEVEN J BLEYMAIER, 6554
DANE W BLOCK, 0502
*MICHAEL A BLOCK, 9239
ROBERT M BLOCK, 4528
*ROD B BLOKER, 5249
*DENNIS R BLYTHE, 4916
*MICHAEL E BODTKE, 3851
*FREDERICK D BOETTCHER, 1860
ROLF K H BOETTGER, 4923
*RICHARD K BOHN JR., 8547
*DONNA J BOHNEY, 2596
*JAMES S BOHREN, 7235
JULIE C BOIT, 0935
*RICHARD T BOLANOWSKI, 3596
JEFFREY L BOLENG, 1915
MATTHEW D BONAVITA, 4309
*KELVIN T BOND, 5921
DEREK D BONENCLARK, 9081
*JOHN P BOOKER, 1863
SEAN A BORDENAVE, 2541
ROBERT W BORJA, 0443
JOHN H BORN, 3058
JULIE M BOSCH, 7636
JAMES P BOSTER, 8392
*GENTRY W BOSWELL, 5800
RICHARD H BOUTWELL, 2145
CHRISTOPHER R BOW, 7580
JAMES E BOWEN JR., 2067
ERIK C BOWMAN, 5521
SOLOMON E BOXX, 3998
JAY A BOYD, 6323
*TANDY K BOZEMAN II, 1375
DAVID A BRADFIELD, 9807
*BRYAN L BRADFORD, 3644
*CLAYNE T BRADLEY, 7959
*JONATHAN D BRADLEY, 4173
*BRIAN S BRADLEYHART, 5952
MICHAEL W BRAUCHER, 5609
NATHAN S BRAUNER, 2773
JASON J BRAWKA, 1932
*SHAWN M BRENNAN, 9786
*TIMOTHY L BRESTER, 4858
BARRY L BREWER, 4072
BLAKE D BREWER, 7371
EDWARD S BREWER, 7741
*JOSEPH C BREWSTER, 0456
*DOUGLAS P BRICK, 2001
*JEFFERY A BRIDGES, 2106
JONATHAN B BRIDGES, 8247
DONALD J BRIEN, 3639
CASEY L BRITAIN, 6963
*RYAN L BRITTON, 0134
*ROBERT W BROCK, 4976
*CHARLES E BROCKETT JR., 3297
MICHAEL T BROCKEY, 8640
*GRETCHEN A BROCKFELD, 5751
*CHRISTOPHER BROCKWAY, 0007
WILLIAM E BROOKS, 1222
*TERRY J BROUSSARD, 6529
*CHRISTOPHER A BROWN, 7671
ELIZABETH L BROWN, 2654
EUGENE R BROWN, 2512
GREG A BROWN, 4392
JEFFREY S BROWN, 5435
*RUSSELL T BROWN, 7888
ANDREW H BRUCE, 2034
*KURT F BRUESKE, 1092
MARK A BRUNWORTH, 8783
*JOHN R BUHMEYER, 4313
KURT W BULLER, 4695
*RICHARD M BUNGARDEN, 2168
BRETT M BURAS, 6462
*ANTHONY S BURCH, 0978
*CHARLES O BURGESS, 9192
STEVEN C BURGH, 5571
*BRADLEY K BURHITE, 3280
*LAUREL M BURKEL, 3763
JAMES R BURNETT JR., 5283
SHARON K BURNETT, 0508
MARK A BURNETTE, 0151
JOEL J BURNIAS, 3846
JOEL E BURT, 1614
GEORGE E BUSH III, 1140
CHRISTOPHER R BUSHMAN, 3262
CHARLES J BUTLER, 2705
*MICHAEL W BUTLER, 8812
PATRICK E BUTLER, 0300
RAHN H BUTLER, 7112
*TIMOTHY A BUTLER, 4769
*GREGORY BUTTRAM, 3055
ROBERT T BUTZ, 6970
*SHEILA G BUYUKACAR, 8830
*DAVID L BYERS, 1985
GARY A BYNUM, 3169
KEVIN A CABANAS, 0468
ANGELA M CADWELL, 1735
*MICHAEL F CADY, 4840
*LAWRENCE A CALABRO, 4651
*MICHAEL J CALDERONE, 2768
*PHILLIP A CALLAHAN, 8668
MICHAEL J CALLENDER, 1710
YOLANDA V CALLOWAY, 7230
CAROLYN K CALVIN, 6667
*KEVIN T CAMILLI, 7360
*BRENDA L CAMPBELL, 8966
CHARLES F CAMPBELL JR., 1086
*GLENN M CAMPBELL, 0735
MANUEL CANDELARIA III, 1687
WILLIAM C CANNON JR., 6256
*LOUIS E CANTRELL JR., 0930
*WILLIAM A CANTRELL, 3716
*DENNIS C CAPRON, 2698
*DAVID M CARDER, 5549
*THOMAS R CAREY, 6368
*BARRY T CARGLE, 0322
KEVIN P CARLIN, 8924
MARY T CARLISLE, 0943
*DAVID A CARLSON, 5812
TODD M CARLSON, 8687
*DEBORAH J CARLTON, 0018
*KAREN D CARMICHAEL, 1280
STEVEN C CARNEY, 3515
*EDWIN J CARO JR., 2059
*WILLIAM S CARPENTER, 5970
*DEBORAH A CARR, 9135
PETER L CARRABBA, 9086
*EUGENE K CARTER, 5154
*JOHN K CARTWRIGHT, 5417
*RANDALL W CASBURN, 5705
WILLIAM D CASEBEER, 1817
*IRENE CASSIDY, 6239
KELLY W CATCHINGS, 5823
*JOHN W CAUDILL, 6740
SHANNON W CAUDILL, 1823
*MARK A CHACON, 4767
*JAY W CHAFFIN, 3829
*ANDREW K CHAMBLEE, 4320
*PATRICK A CHAMP, 5849
*LANCE E CHAMPAGNE, 7661
VALERIE A CHAMPAGNE, 0704
*BEATRICE M CHAPA, 8200
DAVID D CHAPMAN, 8761
*JAMES D CHAPMAN, 3728
MAUREEN A CHARLES, 3271
*PAUL C CHARRON, 9732
*JOHN M CHASE, 1734
*DARLENE H CHEATHAM, 3837
DOUGLAS J CHEEK, 9640
*TODD M CHENEY, 9518
*RHUDE CHERRY III, 5744
*EDWARD J CHEVALIER, 2551
*CHRISTOPHER L CHEW, 5390
*JAMES L CHITTENDEN, 8442
*KEVIN L CHRIST, 4875
CYNTHIA R CHRISTENSEN, 6089
GWENDOLYN CHRISTIAN, 7630
FIONA A CHRISTIANSON, 1480
*MICHAEL S CHRISTIE, 7669
*TONY C M CHU, 0831
*NORMAN J CHURCHILL, 6072
*ROBERT D CHURCHILL JR., 6711
MARK K CIERO, 5674
JOHN D CINNAMON, 1575
*CHRISTOPHER S CLARK, 4640
DANIEL P CLARK, 3565
JAMES D CLARK, 9228
*JOHN D CLARK, 8030
RICHARD A CLARK, 1197
*WILLIAM C CLARK, 2816
*BETH A CLAUDE, 4535
JAMES A CLAVENNA, 2555
HARRY M CLAWSON, 9679
JAMES D CLEET, 2546
*DONALD T CLOCKSIN, 9520
*JOEL E CLOETER, 5517
*RICHARD L CLOSSER JR., 8057
*JEFFREY C CLOYD, 4613
JAMES R CLUFF, 1230
*DARREN L COCHRAN, 6474
*CHARLES R CODERKO, 6488
*KEVIN W CODY, 4048
WILLIAM H CODY, 8324
TIMOTHY P K COGER, 5396
THEODORE A COINER, 6408
*JAMES R COLE, 1762
MADELINE D COLE, 1971
RONALD B COLE, 9215
CHRISTOPHER B COLLETT, 9052
KRISTOPHER D COLLEY, 6622
*ALBERTA COLLINS, 5676
*JEFFREY A COLLINS, 9676
*REYES COLON, 5334
*NANCY L COMBS, 0630
*JEANETTE L COMORSKI, 0330
*TRAVIS E CONDON, 4853
*ANNE K CONELY, 0190
*MICHAEL T CONLEY, 1150
*MARK A CONNELL, 7871
CHERIANNE C CONNELLEY, 4809
*KEVIN P CONNER, 5653
DAVID M CONRAD, 5438
LAURIE A CONRAD, 9554
*THOMAS L CONROY II, 7855
*BRIAN L COOK, 1220
*JEFFREY T COOK, 0516
*PAUL D COOK, 0036
*SCOTT A COOK, 2160
*TEDDY J COOK, 6034
WILLIAM L COOK, 6709
RICHARD R COONS, 2894
BARRY S COOPER, 6279
*BILLY L COOPER JR., 9097
JOHN J COOPER, 7770
*SHANNON M COOPER, 7355
WAYNE A COOPER, 8174
*STEVEN J COPPA, 2855
*ROBERT L CORBIN, 2668
*JORGE J CORDERO, 3218
J H CORMIER III, 6087
CHRISTINE A CORNISH, 2624
*GARY L CORNN JR., 0765
CECILIA M CORRADO, 8900
CHRISTOPHER R CORTEZ, 5137
*JOSEPH COSTANTINO, 1878
*PAUL COTELLESSO, 9673
SCOTT A COTOIA, 2391
*ANTHONY W COTTO, 2725
TIMOTHY S COULON, 3167
RODNEY P COUSINS, 4065
*JOSEPH L COX, 0060
*MONTE C COX, 0680
CHRISTOPHER E CRAIGE, 5243
PAUL R CRANDALL, 0074
*CHRISTOPHER N CRANE, 7093
*KATHY A CRAVER, 2085
*KYLE L CRITCHFIELD, 7488
*MARK R CROCKETT, 7374
*BRADLEY J CROFTS, 9246
*STEVEN J CROLL, 5023
*KENNETH G CROOKS, 2485
*JENNIFER R CROSSMAN, 8353
KANDIS L CRUZ, 5767
JOHN E CULTON III, 7794
TIMOTHY W CUNNINGHAM, 1379
*DENNIS D CURRAN, 9250
*JAMES J CURTIS, 4825
*GERALD A CUSHENBERRY, 8700
*BRETT R CUSKER, 0495
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*MICHAEL CZAJKA, 2161
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*BRETT S DAVIS, 6305
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*CHRISTOPHER D DAVIS, 9551
*JOHN D DAVIS, 3769
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*ANTHONY J DAVIT, 7792
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*DARIN D DEAN, 9020
*DWAYNE D DECANN, 0711
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*STEPHEN A GONTIS, 2383
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*MATTHEW R GRANT, 4846
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*BONITA D GREEN, 6356
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MARK E GROTELUESCHEN, 6911
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*D SCOTT GUERMONPREZ, 5129
*MICHAEL A GUETLEIN, 9637
*MARIA G GUEVARA, 7492
*BRENT W GUGLIELMINO, 4142
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*SHAYNE R HALTER, 9686
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*PAULA A HAMILTON, 0003
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*JEFF A HAMM III, 5591
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*RAYMOND H HAWKINS, 7149
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*CHRISTOPHER C HERRING, 9896
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*DAWN Y HICKS, 3272
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*DAVID T HIGHTOWER, 0291
*BARRY O HILL, 8902
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*ERIC HILLIARD, 5536
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*PATRICK D HOLLERAN, 2766
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*DARYL L KORINEK, 1231
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*TONY C KROGH, 4665
*MICHAEL K KRUEGER, 4920
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*JULIE M KRYGIER, 1926
*KEVIN G KUGEL, 8821
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*MICHAEL T LABILLE, 8678
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*MARK R LAJOIE, 1570
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*EDWARD F LAMBRECHT III, 8370
*JAMES W LAMKIN JR., 6656
*DALE L LANDIS II, 5876
*HEATHER M LANDON, 7290
KENT A LANDRETH, 2884
*STEPHEN K LANDRY, 4928
*LEE W LANE, 5384
REID M LANGDON, 6151
*JUSTIN C LANGLOIS, 8962
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*SAMUEL S LANTOW, 2695
*MAX E LANTZ II, 1109
*ANTHONY LANUZO, 4948
*JOHN R LAPORE III, 0606
*RHONDA L LARSON, 2671
*SCOTT H LARSON, 8400
JOSEPH G J LAVILLE, 0205
*DAVID J LAWRENCE, 5925
*DAVID W LAWRENCE, 4431
MICHAEL C LAWRENCE, 5985
*BRYAN T LAWSON, 3574
*PHILLIP A LAYMAN, 7059
*RICARDO J LAYTON, 4818
*JAMES P LEACH, 7336
*MICHAEL T LEACH, 4574
*SONIA E LEACH, 5236
*CHRISTOPHER F LEAVEY, 1491
*CATHERINE M LEE, 2433
CHRISTOPHER C LEE, 8555
*MICHAEL LEE, 3845
*WON K. LEE, 1171
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*JAMES A LEINART, 7661
*CHRISTOPHER D LEIST, 4670
*MARK J LEMERY, 1797
RENE M LEON, 6993
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*DANIEL LEOS, 7239
*ROBERT S LEPPER JR., 6016
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*WADE A LESTER, 5631
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*ANDREW S LEWIS, 7326
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*KERRY L LEWIS, 7479
*MARION J LEWIS, 8892
*TED A LEWIS, 2815
*WILLIAM D LEWIS, 4223
*ROBERT E LICCIARDI, 2911
*CHARLOTTE M LIEGLPAUL, 4371
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*MARK J LIPIN, 3788
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*JONATHAN V LITTLE, 8122
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*RONALD W LITTLE, 0735
MARK A LIVELSBERGER, 5526
GARY L LIVINGSTON, 3535
*HEATHER E LOBUE, 9064
*DANIEL R LOCKERT, 1732
*MICHAEL V LOFORTI, 0969
*JAMES H LOHAUS, 2582
*ERIC T LOHMANN, 2164

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*FRED G LONGORIA. 4849
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*MARK R LORANGER. 2223
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*MICHAEL D LOVERING. 9228
*FRANCIS E LOWE. 3894
*MARK C LOZIER. 0488
*RICHARD M LUCCI. 7045
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*GINA M LUNDY. 3821
*MICHAEL P LUNDY. 7346
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*JOSEPH H LYNCH. 8931
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*SCOTT A MACKENZIE. 6535
*CHRISTOPHER L MACKEY. 3304
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STEPHEN S MACLEOD. 8009
*THOMAS M MADDOCK. 1320
BRIAN K MADDOCKS. 5344
*EDWARD J MADSEN. 1904
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*SCOTT G MAGNAN. 4126
WAYNE P MAGNUSSON. 0434
MARK T MAIN. 6685
*BRANDELL G MAJORS. 9031
GEOFFREY A MAKI. 0388
*DANIEL E MALOY. 9039
*CHARLES E MANGOLD. 3503
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*WILLIAM P MANN. 5274
*ZACHARY B MANN. 7232
*JEFFREY L MARCUM. 5551
*STEPHEN D MARE. 0830
CHAD M MARIEN. 8734
*FERMINA J MARKS. 4289
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MICHAEL A MARRS. 5574
ERIC E MARSHALL. 8337
*WILLIAM B MARSHALL. 0163
*GARY E MARSTELLER. 1903
COREY J MARTIN. 9249
*CURTIS E MARTIN. 9306
*DEAN B MARTIN JR.. 2342
JOHN C MARTIN. 3876
MICHAEL J MARTINDALE. 8320
MICHELLE D MARTINEAU. 4068
*GILBERTO J MARTINEZ JR.. 7475
JOHNNIE MARTINEZ. 8034
*RICARDO MARTINEZ. 2560
DANIEL K MARUYAMA. 0730
*CLAY E MASON. 2024
JOSEPH A MASTROIANNI. 5580
*MARC C MATHES. 1405
*LANCE E MATHEWS. 0142
*WILLIAM D MATHEWS. 1133
*BRIAN G MAY. 9506
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CHRISTOPHER J MAYERLE. 8886
GLENN P MAYES. 0322
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*PAUL B MCARTHUR. 1896
*RANDLE E MCBAY. 4154
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*KAIPO S MCCARTNEY. 6840
*KEITH A MCCARTNEY. 7968
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*JEFFREY L MCCLEERY. 4914
*DOUGLAS F MCCOBB JR.. 6024
*STEPHANIE D MCCORMACKBROWN. 7597
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CHASE P MCCOWN. 7744
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JAMES D MCCUNE. 5164
*JOHN C MCCURDY. 9614
*CHARLES B MCDANIEL. 9121
*RICHARD J MCDERMOTT. 7349
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DORWARD J MCDONALD. 7704
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*GERALD P MCGHEE. 7340
MILDRED M MCGILLVRAY-HILL. 0735
SEAN P MCGLYNN. 3805
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*PETRA MCGREGOR. 9819
*GAVIN C MCHENRY. 2063
*SETH J MCKEE III. 1975
*DAVID W MCKEOWN. 6783
*SCOTT M MCKIM. 8137
*ROBIN L MCKINLEY. 5594
*DOUGLAS P MCMAHON. 9126
JAMES C MCMAHON JR.. 4031
*MICHAEL S MCMANUS. 6518
*GREGORY K MCMILLION. 2495
JAMES H MCNAIR. 3640
*TODD M MCNAMARA. 4112
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*PAUL R MCNEME. 8097
*PATRICK M MCNUTT. 1130
*MELANIE R MCPHERSON. 8534
*MATTHEW S MCSWAIN. 5180
*ANIBAL M MEDINA. 3945
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JOHN R MELLOY. 9394
*WALTER K MELTON. 3799
*STEPHANIE M MENDOLA. 2576
*PAUL B MENDY JR.. 4211
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*MICHAEL J MERRITT. 8081
*MARK L MESENBRINK. 5579
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*MARSHALL B MESSAMORE. 9627
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*RICHARD J MESSINA. 3011
*RITA L MEYERS. 8612
*DEBRA M MIESLE. 7362
*JOHN A MILCHUCK. 5029
*DAVID D MILETTA. 6954
*ANTHONY L MILITELLO. 0868
*THOMAS B MILLAR. 1328
JOHN C MILLARD. 3122
*ALEXANDER C MILLER. 9800
*BRIAN J MILLER. 7061
*MIQUELLE H MILLER. 2286
*TODD C MILLER. 6219
*TONY L MILLICAN. 4007
*MICHAEL C MILLWARD. 2368
*STEVEN K MILZ. 3163
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ANTHONY M MITCHELL. 5822
*THOMAS R MITCHELL. 7882
*ROBERT M MOCIO. 6151
MARC O MOELLER. 4827
*ELISSA M MOHAN. 0953
THOMAS W MOHR. 3462
*DALE A MOILANEN. 8972
*DYLAN M MONAGHAN. 5188
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*MICHAEL B MONGOLD. 6290
*KYLE C MONSON. 3019
*MICHAEL G MONSON. 0125
*SCOTT A MONTGOMERY. 7246
*ARTHUR MOORE III. 8535
*LISA A MOORE. 4409
*MARK W MOORE. 6728
*SHAWN D MOORE. 6865
*THOMAS C MOREA. 6823
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*CHRISTOPHER S MORGAN. 3916
*JAMES M MORGAN. 6599
*CHARLES T MORRIS. 0634
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JODY O MORRISON. 2314
PATRICE H MORRISON. 9036
*TARA L MORRISON. 0376
*CHRISTOPHER J MORTENSON. 5152
*DONALD G MOWLES JR.. 9744
*THOMAS C MUHLBAUER. 1801
*JOHN W MUIRHEAD. 3202
JOSEPH L MULL. 3797
MARY N MULLER. 0935
*DAVID L MULLIGAN. 2899
*JOHN F MURATORE. 2811
*TRACEY L MURCHISON. 5499
*STEPHEN M MURRAY. 6717
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*KEITH D MUSCHINSKE. 7990
*MICHAEL L MYERS. 0501
STEVEN A MYS. 7638
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MURRAY N NANCE JR.. 8187
*JERALD H NARUM. 7383
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ELEANOR C NAZAR-SMITH. 4440
*RICHARD B NEITZ. 2541
BRENDA R NELSON. 6807
*THEODORE L NELSON. 8394
*SCOTT A NEMMERS. 3253
*RICHARD L NESMITH. 9580
*JOHN P NEUSER. 9470
BRIAN M NEWBERRY. 4421
*GREGORY L NEYMAN. 7271
*SON T NGUYEN. 7568
*THOMAS S NICHOLSON. 0059
*JAY A NIEMI. 1603
*BRICE T NISKA. 5319
*RAYMOND E NOBLE. 6988
*JODY C NOE. 1006
WILLIAM C NOLAN III. 4939
*LARRY W NORMAN JR.. 5968
DALE W NORRIS. 7635
KENNETH W NORRIS. 4476
*ERIC D NORTH. 4093
*JOHN C NOTTER. 3358
STEPHEN E NOVAK. 8968
*RICHARD P NOVOTNY. 8069
*WARREN H NUIBE. 4151
*ROBERT A NYQUIST. 3145
*KENNETH R NYSTROM JR.. 8915
DEREK M OAKS. 7524
*DAVID A OBERMILLER. 1852
*JOHN R OBERST. 9677
*DONOVAN H OBRAY. 6579
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JAMES J OCONNELL. 9217
*JAMES R OCONNOR. 0694
*JOHN J OCONNOR. 6895
*SHAWN H ODAY. 3747
*DAVID M ODELL. 5876
*SHARRA R ODOM. 5987
*JAMES M ODONNELL. 8004
*PATRICIA A ODONNELL. 2488
*JOSEPH L OGEA SR. 2745
*JERALD F OGRISSEG. 8178
*ERIC W OHNSTAD. 9540
*JASON M OHTA. 1661
*ADAM OLER. 4528
*ERIK J OLIGER. 8690
*GINA M OLIVER. 0159
*CAROLINE C OMDAL. 5766
KENNETH G ONEIL. 4693
DANIEL J ORCUTT. 8137
JILL J OREAR. 5523
*JOSEPH ORLANDO. 0827
SHARON F ORLANDO. 7984
*TIMOTHY S OSHEA. 9214
SHIRLENE D OSTROV. 7824
JEROME P OSURMAN. 6533
*SEAN P OSWALT. 9509
*RAYMOND K OUELLETTE JR.. 5633
*TROY S OWENS. 6779
JANICE E OWINGS. 1268
*JASON C PABELICO. 3790
CHRISTOPHER R PADBURY. 2614
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*DARYL A PAGE. 4255
*RICHARD P PAGLIUCO. 4326
*JAY W PALLATT. 8739
JAMES E PARCO. 6766
CHRISTOPHER D PARENT. 0470
DAVID D PARK. 4587
*JOHN L PARKER IV. 2425
*DARRYL R J PARKINSON. 2339
*RAUL O PARRA JR.. 2806
*JAMES C PARSONS. 8861
*MONICA M PARTRIDGE. 5612
*KELLY S PASSMORE. 4790
*DOUGLAS S PATERSON. 4564
*CAROLYN J PATRICK. 3273
*MICHAEL G PATRONIS. 5136
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*SEAN E PATTERSON. 5471
*DWIGHT F PAVEK. 8220
*ROBERT J PAVELKO. 9750
DAVID L PAVIK. 1578
*KEVIN M PAYNE. 1050
*ROBERT PAYNE JR.. 2924
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*JAMES B PEAVY. 6586
RICHARD S PEEKE. 7511
*PAUL J PELLEGRINO. 2767
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*FRANCIS X PENNY III. 6560
PATRICIA A PEOPLES. 0213
WILLIAM E PERIS. 0494
ANTHONY M PERKINS. 4450
*MATTHEW W PERKINS. 2493
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CARLENE M PERRY. 9888
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*STANLEY PETER JR.. 6064
*CALVIN D PETERS. 7549
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*CORY M PETERSON. 8157
*JEFFREY V PETERSON. 1389
*MARK E PETERSON. 0362
*WILLIAM C PETERSON. 9243
*JANUSZ C PETKOWSKI. 9630
GARY S PETTIJOHN. 0463
*STUART A PETTIS. 0377
TIMOTHY J PETTIT. 4104
*RICHARD W PETTY. 4922
*THOMAS R PETZOLD. 9783
PATRICK K PEZOULAS. 4194
MATTHEW T PHILLIPS. 8523
*RONALD S PHILLIPS. 2960
*STEPHEN P PHIPPS. 0330
*ERIN J PICKEL. 6302
*DAVID L PINEGAR. 1612
*JACQUELINE P PINKHAM. 2776
*JOHN M PLATTE. 7133
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*ROBERT S PLUTA. 1861
*JOHN B H POHLMAN. 0648
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*ROBERT S POPE. 5334
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JONATHAN P PORIER. 9351
*CATHERINE A PORTERFIELD. 4362
*CRAIG C PORTERFIELD. 4464
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*MATTHEW A POWELL. 3167
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WILLIAM E PRICE JR.. 4193
MELANIE A PRINCE. 5207
HEATHER L PRINGLE. 7666
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ANDREA M PSMITHE. 0307
*BRIAN D PUKALL. 5887
*SHAHNAZ M PUNJANI. 7733
RICHARD A PURINTON JR.. 2087
*DARREN A PURSER. 1184
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*PATRICIA A QUICK. 4862
*BRIAN G QUILLEN. 5272
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*JAIME J QUIROS. 1663
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*RICHARD J RACHAL JR., 5291
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SUSAN H RANK, 5776
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*JONATHAN D RAYMOND, 0176
VANESSA L REBELLO, 4260
*MICHAEL B REDDING, 6104
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AARON T REED, 3180
*HOMER W REGISTER, 9180
*EDWINA C REID, 7202
*ORVILLE S REID, 9139
*ROBERT B REID, 8920
*SCOTT E REID, 6692
MICHAEL D REINER, 9660
DEAN N REINHARDT, 7600
*KYLE R REINHARDT, 4751
*ROBERT J REISS, 4022
*THOMAS RENDON III, 5798
*BRIAN A RENGA, 4784
*DAVID M REUSS, 5051
*KENNETH A REYES, 7842
RAYMOND L REYES, 8070
*JULIO E REYESRIVERA, 3383
*NELSON L REYNOLDS, 6465
*ODELL R REYNOLDS, 5010
KENNETH P RHEIN, 7715
*DARREN W RHYNE, 9600
*ANTHONY RICCI III, 5574
*CHRISTINE M RICCI, 2627
*STEPHEN T RICE, 4087
*CLIFFORD E RICH, 5304
*KENNETH A RICHARDSON, 3541
PATRICIA M RICHARDSON, 5800
*SANDY J RICHARDSON, 3865
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LARRY G RIDDICK JR., 5177
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*MARY A RILEY, 7466
*JAMES E RIPPLE, 8466
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*DON D ROBERTSON, 6084
*JENNS A ROBERTSON, 9001
*KAREN L ROBERTSON, 5502
*STEVEN B ROBERTSON, 1732
JAMES T ROBINSON, 7203
*KELLY G ROBINSON, 9211
NICOLLE L ROBINSON, 2366
*KENNETH D RODGERS, 2196
*WILLIAM L RODGERS, 9623
*PAUL A ROELLE, 5708
*RICHARD B ROESSLER, 1758
DOUGLAS M ROGERS, 2405
*TRENTON L RONEY, 2167
*ROB R ROOD, 1434
*SAMUEL T RORER III, 0880
*GILBERTO ROSARIO, 6021
*JOSE A ROSARIO-RODRIGUEZ, 6934
*DAVID A ROSE, 8556
*DAVID C ROSE, 2605
GARY E ROSE, 7415
*JAMES B ROSE, 9072
MARK E ROSE, 1850
*CHRISTOPHER E ROSENTHAL, 3045
JOSEPH R ROTH, 7429
*MICHAEL T ROTH, 7544
*PATRICK J ROTHBAUER, 3529
*DAVID M ROTHENBERG, 8257
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JONATHAN B ROWELL, 8674
*PHILIP P ROWLETTE, 7411
*RICHARD E ROWLETTE, 6115
*THOMAS A RUDY, 3014
JOANNE R RUGGERI, 7378
GLENN E RUHL, 1001
*JEFFREY T RUMMINGER, 6291
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*DAVID C RUNGE, 7158
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*PHILIP E RUTER II, 1520
*KENTON A RUTHARDT, 7992
*GERARD F RYAN JR., 5842
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*GLENN E RYBACKI, 2160
*MICHAEL M RYDER, 5115
*JOHN P RYDLAND, 6081
*CYNTHIA A SABIN, 5100
*THOMAS A K SADIQ, 4916
*JAMES M SAHM, 3300
*KRISTEN G SALLBERG, 5353
*SCOTT A SALLBERG, 9535
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*BRADLEY C SALTZMAN, 6377
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*RUSLAN SANCHEZCRUZ, 8201
*PATRICK N SANDEN, 0788
*CHARLES D SANDERS JR., 8971
*JOSEPH E SANDERS, 5594
*WILLIAM A SANGUINETTI, 4038
*ANITA D SANOW, 2122
*PETER P SANTAANA, 5383
*CHRISTIAAN P SARTAIN, 4211
DARYL A SASSAMAN, 5294
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*JERRY E SATHER, 2058
*DENNIS A SAUCIER, 1163
*MYRLE J SAUNDERS, 3938
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*JOHN P SAVAGE II, 9439
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*BRIAN J SCAMMAN, 8343
*JAMES T SCAMMAN, 8674
JOHN J SCHAEFER III, 9990
*ANDREW P SCHAFFER, 8856
*REAGAN E SCHAUPP, 8735
*JILL R SCHECKEL, 5058
HEIDI L SCHEPPERS, 6485
SCOTT J SCHEPPERS, 8733
*ROBERT M SCHERER, 2112
*SCOTT J SCHERER, 3400
*DAVID A SCHILLING, 1027
*LIBBY S SCHINDLER, 0746
CHARLES F SCHLEGEL, 1796
*TODD J SCHMIDT, 7772
*BRIAN A SCHNEIDER, 2180
*JAIME M SCHOFIELD, 7922
PATRICK J SCHOLLE, 9494
*SEAN SCHOOLCRAFT, 4880
*RICHARD SCHOSKE, 2350
*ROBERT H G SCHREFFLER, 2826
*MARK A SCHULER, 9422
*MICHAEL T SCHULTZ, 5628
*STEVEN P SCHULTZ, 8628
*DAVID W SCHUSTER, 0913
CHRISTOPHER A SCHWARTZ, 3071
*BRETT G SCOTT, 0856
EARL S SCOTT, 7967
*KELLY J SCOTT, 6392
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GREGORY M SCRIVNER, 8050
BRETT M SCRUM, 5913
*JOHN J SEABERG, 6590
*CLAYTON A SEALE, 0474
DAVID M SEARS, 7424
*HARRY J SEARS JR., 2758
JAMES R SEARS JR., 4360
MARK C SEE, 6549
*THOMAS W SEEKER, 0076
*RICHARD A SEIFERT, 1155
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*DAVID B SEITZ, 8194
*CHRISTOPHER Y SELBY, 2397
*DARREN E SENE, 2535
TOBIAS R SERNEL, 3729
DOUGLAS K SERSUN, 0701
CAROL L SHAFFER, 6385
*ROBERT J SHAMPO, 8104
BRIAN S SHANNON, 0741
DONALD G SHANNON, 0684
*DONALD J SHARER, 3364
STEPHEN P SHARPE, 0398
DAVID W SHAW, 5882
*JAMES A SHAW, 4911
*JAMES T SHEEDY, 9524
ANDREW D SHELTON, 4056
*WENDY L SHERMAN, 6135
*FLOYD H SHERROD IV, 6652
*VLADIMIR SHIFRIN, 1405
*ANN N SHIGETA, 8823
*JONATHAN P SHOCKEY, 5787
*PATRICK SHORTSLEEVE, 2080
*JEFFREY D SHULL, 8578
*SCOTT W SHUTTLEWORTH, 6010
*KENNETH R SIBLEY, 6051
*MARC A SICARD, 6761
DAVID L SIEGRIST, 7202
SHARI FOX SILVERMAN, 4266
*MARC A SILVERSTEIN, 9938
ANDREW M SIMMONS, 5600
*GINA M SIMONSON, 6717
*DONALD L SIMS, 0030
*JACK L SINE, 5636
LAWRENCE E SINKULA, 0860
*RAYMOND M SIRAK, 8098
ROBERT M SKELTON JR., 7251
ROSE A SKIRTICH, 8317
*CHARLES O SLABY III, 7206
LISA VAN LIEU SLETTEN, 9855
*CHRISTINA M SLICKER, 9456
*JEOFFREY D SLOAN, 5432
JOHN R SLOAN, 9919
*MARK A SLOAN, 4674
*STAMATIS B SMELTZ, 2100
*TIMOTHY E SMETEK, 5846
*AARON L SMITH, 0575
*AARON M SMITH, 2671
*ALEXANDER I SMITH, 9300
*BRIAN N SMITH, 3231
BRYAN D SMITH, 4423
*CHARLES C SMITH, 5163
*CHRISTOPHER A SMITH, 2335
*HERBERT D SMITH III, 5056
*JAMES M SMITH, 5082
*JEFFREY E SMITH, 9625
*JENNIFER L SMITH, 4172
KAREN L SMITH, 5444
KELLY D SMITH, 6948
MARCUS P SMITH, 9218
MICHAEL F SMITH, 1381
NATHAN E SMITH, 2142
*RANDOLPH R SMITH, 7703
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*SCOTT F SMITH, 3982
*SHAWN A SMITH, 3510
*CHRISTOPHER G SMITHTRO, 8757
*COLIN H SMYTH, 8574
*BRENT L SNYDER, 9068
JENNIFER L SNYDER, 6665
*JOHN D SNYDER, 9788
BECKY S SOBEL, 6327
JEFFREY C SOBEL, 1458
GERARD P SOBNOSKY, 4433
THOMAS J SOLZ, 5656
LENA L SOTO, 5588
*ALEXIS SOTOMAYOR, 9694
*RICHARD B SOTTO, 6198
LAURA A SOULE, 5927
*MICHAEL J SOWA, 5453
*ROBERT S SPALDING, 3349
RANDALL G SPARKS, 2471
*MICHAEL L SPARROW, 2096
*JENNIFER G SPEIGHT, 1414
*DANIEL E SPERL, 1455
CHRISTOPHER M SPIGELMIRE, 2065
*COREY E SPOONHOUR, 1635
*MICHAEL T SPRADLEY, 7559
*THOMAS F SPRING, 8143
KIRK B STABLER, 8032
*CARROLL D STALEY, 5407
*KIRT L STALLINGS, 6523
JULIE L STAMP, 7243
DAVID J STAMPS, 5155
*DARREN K STANFORD, 1302
*CHRISTOPHER B STANLEY, 7751
*JEFFREY T STARR, 9206
*ALEX STATHOPOULOS, 4976
PHILLIP G STEEL, 1108
DARRELL C STEELE, 6358
JOSEPH R STEISS, 7003
*DAVID L STENGLEIN, 2134
MICHAEL J STEVENS, 7434
*BILLY M STEVERSON, 1973
*MARK T STEVES, 2917
*DARRON D STEWART, 5957
MICHAEL F STEWART JR., 5722
*RICHARD C STIKELEATHER, 7511
*CHRISTOPHER M STOCK, 4132
KAREN D STOFF, 9468
*BRIAN E STONE, 2309
*DAVID E STOOKEY, 1193
*SCOTT D STORMO, 8553
DOUGLAS A STOUFFER, 3953
*MARK D STOUP, 1756
*RUSSELL K STOVALL, 9838
PAUL N STRADLING, 1174
*WILLIAM E STRAIN, 7489
ROBERT A STRASSER, 2967
*MITCHELL D STRATTON, 0243
*DAVID W STREETER, 5221
*SHIRLEY J STRICKLANDBROWN, 3047
*KELLY P STRONG, 1553
*RONALD K STROUD, 6635
*KATHERINE A STRUS, 5490
*ALAN V STRUTHERS, 2640
*CLYDE E STUHR, 7577
*JAY T STULL, 4575
WILLIAM B STURGIS JR., 8561
JEFFREY R STUTZ, 3259
IVAN SUDAC, 0704
CHRISTOPHER B SULLIVAN, 1456
SCOTT M SULLIVAN, 8653
*JEFFREY P SUNDBERG, 3386
*STEVEN A SUNDERLIN, 3492
*MARK A SURIANO, 9067
PAUL D SUTHERLAND, 5990
JOHN P SVOBODA, 6356
KRISTINE L SWAIN, 8717
*ANTHONY A SWAN, 0315
ROBERT T SWANSON JR., 5631
*STEVEN M SWEENEY, 9788
MARC A SWINNEY, 2665
*ANTHONY J SWITALSKI, 8302
BARTZ R SYKES, 4995
TRACY R SZCZEPANIAK, 3986
GERALD P SZYBIST, 6101
*CHRISTOPHER C TACHENY, 7723
SABRINA J TAIJERON, 4681
DANIEL B TALATI, 1021
*JAMES C TALLMAN, 5452
TIMOTHY W TARVER, 6341
*JACOB G TATE, 6995
*MICKEY D TATE, 3870
RONNIE L TATE, 3563
CARSON L TAVENNER, 2903
CHARLES C TAYLOR, 2094
*GORDON R TAYLOR, 8673
*JOHN S TAYLOR JR., 6520
PETER W TELLER, 2413
*MARC R TESSIER, 4939
*FREDERICK D THADEN, 7722
SCOTT A THATCHER, 4720
*DANIEL F THEISEN, 8300
KEVIN C THERRIEN, 3542
THOMAS J THIBAULT, 7899
*ANGELIQUE C THIES, 1711
TROY S THOMAS, 3658
*JEREMY E THOMPSON, 3993
*JONATHAN W THOMPSON, 7523
*MATTHEW P THOMPSON, 1309
*TODD A THOMPSON, 0632
*SHEILA M THORNTON, 8767
*WILLIAM D THORNTON III, 0401
*BRYCE E THORPE, 7462

*MICHELLE P TILFORD, 9507
*KEVIN W TILLER, 6348
*KENNETH J TIMKO, 0353
*JAMES D TIMS, 6725
RODNEY F TODARO, 5921
*SANDRA L TODD, 1427
*TIMOTHY M TOLE, 2869
BRIAN A TOM, 6466
*TODD M TOMAN, 4193
GEORGE W TOMBE IV, 1898
CHARLES A TOMKO, 2687
*JEFFREY L TOMLINSON, 5172
LYNN A TOMLONSON, 2941
*TIMOTHY G TONN, 2144
*LINDA R TONNIES, 7751
*DONNA M TOOLE, 5644
*ANDREW TORELLI, 3068
*ALLEN R TOSO, 6617
*BRUCE A TRASK, 1364
*RYAN L TRAVER, 5373
SANDY R TRAVNICEK, 1738
JENNIFER C TRAYLOR, 7677
STEVEN B TREADWELL, 4538
KIRK A TRESCH, 4480
*GEORGE G TREVILLIAN, 6192
RUBEN TREVINO, 4445
*JOSEPH D TREVISANI JR., 6952
*JEFFREY R TROSPER, 5419
*DAVID C TROTTA, 7495
AARON D TROXELL, 2904
*ERIC J TRYCHON, 2314
*THOMAS TSCHUOR, 0772
JULIE P TSEHWILLCOCKSON, 4772
*DAVID T TSUI, 7371
*DENNIS P TUCKER JR., 6132
JAMES S TUCKER III, 5898
*DOUGLAS A TUNNEY, 1322
DENISE VERGA TURNBAUGH, 4118
*ALICE R TURNER, 0147
DOYLE C TURNER, 6999
*ROBERT N TURNER JR., 7221
*LOLITA D TYLERLOCKETT, 0411
KELLY I UCHIMURA, 2393
WILLIAM M UHLMEYER, 9045
*RONALD J ULINE, 5138
*TIMOTHY T ULLMANN, 0248
*STEVEN F ULSAS, 7185
*LISA A ULSHOFFER, 5337
*ROBERT K UMSTEAD III, 7877
*CHARLES E UNDERHILL, 9352
*MICHAEL A UNDERWOOD, 1145
*ERIC J UNGER, 9103
*BENJAMIN R UNGERMAN, 9459
JENNIFER L UPTMOR, 6842
TODD M VALENTINE, 8705
*BRUCE G VALERIUS, 4780
DEBORAH L VAN CASTER, 4999
*DAVID W VAN DYCHE, 3955
*DAVID C VANAMEYDEN, 5014
*JEFFREY L VANDENBUSSCHE, 4628
*ROBERT H VANHOOSE, 8621
*EDWARD L VANZANDT JR., 3531
*DANIEL A VASENKO, 6420
*MARGIE L VASKO, 2557
JOHN E VAUGHN, 6556
*MAURICIO VAZQUEZ, 6829
*STEPHEN C VEALE, 7511
*ALPHONSE A VEERKAMP JR., 8657
*JOHN M VELA, 6578
*TODD M VENEMA, 7347
DANA G VENENGA, 9532
MICHAEL T VENERDI, 4542
MICHAEL C VENERI, 6644
JAY A VIETAS, 5971
LUIS M VILLANUEVA, 8609
*HEATHER Y VILLASENOR, 1395
PAUL A VILLEM, 0179
*DERRICK O VINCENT, 0181
FRANK C VIRCIGLIO, 1780
*JOSEPH A VITALE, 3725
*MICHAEL A VOGEL, 1268
SCOTT G VOGEL, 1623
*CHARLES W VOGT JR., 5789
JEANETTE M VOIGT, 7429
*ANTHONY J VOIRIN, 1793
KIRSTEN A WADE, 0738
*GLENN R WAGNER, 5238
JOHN W WAGNER, 6757
*RICHARD E WAGNER, 6960
*RICHARD K WAGNER, 0330
*ERIC J WAGUESPACK, 4955
*JOEL C WAHLSTEN, 9075
*JOHN M WAITE, 6789
*EDNA V WALKER, 9441
*FREDDIE B WALKER JR., 7434
JULIANA M WALKER, 7074
*ROBERT G WALKER, 8887
*SHANNON L WALKER, 8496
TERRY A WALKER, 9962
*THOMAS G WALKER, 7849
*DOUGLAS J WALL, 5705
*RICHARD G WALL JR., 2064
*ANDREW M WALLACE, 5384
ANGELA L WALLACE, 5062
*ANDREW T WALLEN, 3322
*LISA M WALSH, 4356
*PAUL B WALSKI, 2789
*CAROL C WALTERS, 6367
*VIVENE E WALTERS, 4150
*KENNETH D WARCHOLIK, 8769
JEFFREY R WARD, 3350
*ANNE M WARNEMENT, 8002
*RICHARD M WARNER, 0881
*JIMMY W WARREN, 5097
*RICHARD V WARREN III, 9941
*KEVIN R WARZYNSKI, 7850
*DONALD F WASIK, 5876
WENDY J WASIK, 4003
*DEREK K WATERMAN, 2428
*MICHAEL J WATERS, 3609
*TRACEY L WATKINS, 8465
RONALD K WATROUS, 3376
JONATHAN A WATSON JR., 4579
*WILLIAM C WAYNICK II, 2475
*MELBA J WEATHERFORD, 9540
*FREDERICK C WEAVER, 0758
*JOSEPH T WEAVER, 5175
*STEPHEN L WEAVER, 6121
CHARLES W WEBB JR., 1724
*MATTHEW R WEBB, 7924
STEPHEN R WEBB II, 0545
STEVEN P WEBBER, 2732
LISA F WEBSTER, 8604
BRYAN A WEEKS, 9307
*TIMOTHY L WEIDE, 5608
*DEANNA L WEIL-VIOLETTE, 5454
*ERIC W WEINGAERTNER, 4096
*MELINDA K WEIS, 6841
*KELLY D WEISSENFELS, 6502
*WILLIAM D WELLS, 2661
*DAVID J WENDLING, 1133
*KIMBERLY A WENDT, 3894
*JAMES J WENSCHLAG, 6263
*DEBORAH K WERLING, 8508
*JOHN V WERNER, 1827
ANDREAS K WESEMANN, 2342
*CHRISTOPHER J WEST, 4795
DEREK A WEST, 7411
*JOHN T WEST, 6819
*NORMAN S WEST, 1234
*TIMOTHY D WEST, 3692
*KENNETH R WESTENKIRCHNER, 7943
*KEVIN D WESTLEY, 2517
*BRIEN D WESTON, 2330
*AUTUM C WHALEN, 5642
*MARTIN T WHALEN, 6421
MONICA L WHEATON, 4469
MONA D WHEELER, 6702
*CHARLES R WHITE JR., 3638
*JOE L WHITE JR., 8642
*SUZANNE S WHITE, 5088
*DAVID A WHITEFORD, 3176
*MATTHEW R WHITELEY, 3876
ROBIN L WHITEREED, 1584
*JAMES D WHITLOCK, 2153
*DREW E WIDING, 1754
IDA LEE WIDMANN, 9367
*RAYMOND C WIER, 2715
MICHAEL D WILBURN, 7997
*DON L WILCOX, 8969
*BRUCE J WILDER, 1892
*PETER WILEWSKI, 0811
*JAMES H WILKERSON, 1972
*THOMAS L WILKINS, 4452
*DOUGLAS E WILKINSON, 0697
*CRAIG L WILLIAMS, 5458
*GARRICK T WILLIAMS, 3595
*GARY E WILLIAMS, 5070
*JOSEPH H WILLIAMS, 4607
*PHAEDRA R WILLIAMS, 9281
*SCOTT E WILLIAMS, 0165
*THOMAS N WILLIAMS, 4414
*BRETT L WILLIAMSON, 6911
*MICHAEL D WILLIAMSON, 4115
*PRESTON L WILLIAMSON, 3694
RICHARD E WILLIAMSON JR., 5203
*BRIAN D WILSON, 4997
*DANIEL L WILSON, 3101
GEORGE M WILSON, 4948
*HELENE A WILSON, 2821
*KEVIN C WILSON, 2108
*MICHAEL D WILSON, 3057
*RICKY E WILSON, 8826
*SCOTT F WILSON, 1631
*WILLIAM P WILSON, 5365
*JEFFREY G WILTERDINK, 2495
TRACY A WINGERT, 8708
MICHAEL P WINKLER, 3572
ROBERT P WINKLER, 0721
*TERRENCE E WINNIE, 1266
*MICHAEL J WINTERS JR., 3000
ROBERT E WINTERS JR., 5963
*ROBERT A WITHAM, 7778
*JEFFREY L WITKOP, 4627
*JOEL B WITTE, 2489
EDWARD C WOLD, 2453
*KURT A WOLERY, 0017
MICHAEL M WOLLET, 5032
ROBERT H WOLVERTON, 0893
*RICHARD D WOMACK, 9219
*TOBIN L WONG, 8673
*CHRISTOPHER S WOOD, 0342
*JEFFREY I WOOD, 8371
MICHAEL E WOOD, 3290
*DANNY F WOODALL II, 0431
*MARK A WOOTAN, 9596
MICHAEL E WORDEN, 2872
COREY A WORMACK, 5551
*CARL W WRIGHT, 6041
*DANIEL S WRIGHT, 3676
GLENN O WRIGHT, 9251
*TRAVELLE E WRIGHT, 1829
VICTOR V WRIGHT, 2316
*MARK D YADLOSKY, 6661
*CHRISTOPHER P YALANIS, 7791
*GREGORY P YANCEY, 1202
*ALLAN W YARBROUGH, 2305
*MARK O YEISLEY, 7662
*ALAN A YEN, 7438
*JEFFREY S YOCUM, 0273
*LEON C YONCE, 0719
*AARON A C YOUNG, 0626
DOUGLAS A YOUNG, 4801
*EDWIN F YOUNG, 6594
*PARR D YOUNG, 2287
WILLIAM E YOUNG JR., 8905
*PATRICK G YOUNGSON, 9154
CHRISTOPHER T ZABRISKIE, 7137
*DEAN L ZARMBINSKI, 1551
DANIEL N ZDROIK, 3031
DAVID H ZEITOUNI, 8622
*DAVID J ZEMKOSKY, 0540
CARLOS R ZENDEJAS, 4139
*WILLIAM F ZIEGLER III, 4916
*ERIC D ZIMMERMAN, 0920
*LE T ZIMMERMAN, 9864
*SCOTT C ZIPPWALD, 0044
*DELIA ZORRILLA, 4957

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

KEVIN T AANESTAD, 7864
SETH D ABBOTT, 6921
TODD A ABRAHAMSON, 5463
JAMES L ABRAM, 6448
MICHAEL N ABREU, 9006
MICHAEL J ACHESON, 1984
KEVIN L ACHTERBERG, 5892
CHARLES D ADAMS, 4653
DANIEL H ADAMS, 7309
DAVID W ADAMS, 4432
HENRY C ADAMS III, 6166
JOSEPH W ADAMS, 8657
MICHAEL A ADRIANO, 8530
CHRIS D AGAR, 4987
KRISTEN A AGNEW, 6110
SANDRA A AGUIRRE, 2484
RONALD L AKERS, 4954
JEFFREY G ALBANUS, 8310
JAMES R ALDERSON, 9588
CHRISTOPHER D ALEXANDER, 9446
SCOTT M ALLEN, 2899
ROGER D ALLENBAUGH II, 4255
TERRENCE R ALLVORD, 5774
ERIC L ALTSHULER, 1086
RICHARD M AMATO, 1787
ANDREW D AMIDON, 4473
MICHAEL A AMIG, 9592
MARTIN A ANDERSON JR., 5694
WAYNE W ANDERSON JR., 3323
CHARLES H ANDREWS, 6991
RICKY A ANFINSON, 1433
EDAN B ANTOINE, 7801
ROBERT A ARCHER JR., 4789
HERMAN L ARCHIBALD, 1283
FERNANDO J ARGELES, 6416
ARTHUR P ARKO, 0376
ANDREW ARNOLD, 9436
GEORGE R ARNOLD II, 3783
ERNEST B ASHFORD, 8622
ROLAND B AVELINO, 4834
RICHARD A AVES, 7570
CABOT C AYCOCK, 3659
PAUL J BACENET, 5621
PETER J BACHAND, 4125
MARK B BAEHR, 3040
JOHN W BAILEY, 5149
JOSEPH A BALDI, 2462
THOMAS C BALDWIN, 3628
JAMES W BALLINGER, 5775
STEVEN R BALMER, 6651
BRIAN L BANKS, 2424
CHRISTOPHER M BANKS, 9637
RICHARD D BANYARD JR., 6273
CHARLES W BARBER, 3141
SILVIO J BARBOSA, 8197
HENRY W BARNES IV, 6384
JEFFERY D BARNES, 3008
STEPHEN D BARNETT, 5409
JOHN M BARRETT, 0705
RALPH G BARRETT, 8772
VICTOR A BARRIOS, 6617
JOHN J BARRY III, 1118
SCOTT R BARRY, 8103
DEAN A BARSALEAU, 8035
JONATHAN J BARTEL, 1269
RICHARD P BASSI, 1439
MICHAEL W BASTIAN, 7377
TROY D BAUDER, 9053
DAVID T BEANS, 6939
ROBERT D BEASLEY, 0917
JAMES W BEAVER, 1715
KEITH M BECK, 0315
KIRK L BECKETT, 2714
MICHAEL K BEIDLER, 9304
KEITH A BEITER, 9091
LAREDO M BELL, 9419
QUINTIN R BELL, 3807
MARK O BELSON, 5948
REYNOLFO D BELTEJAR, 0512
JEFFERY D BENNETT, 0434
JEFFREY A BENNETT II, 6895

TOR L BERG, 1308
CHRISTOPHER BERGEN, 5797
PAUL N BERTHELOTTE, 4360
JONATHAN K BESCHLOSS, 3328
TODD C BIEBER, 8755
PAUL W BIERAUGEL, 5640
THAD A BIGGERS, 4137
KEVIN W BILLINGS, 5693
WILLIAM J BILLINGS, 5067
MICHAEL B BILZOR, 8425
ARTHUR P BIRCHUM, 7145
BRET E BISHOP, 3221
GARY G BISHOP, 4634
DAVID T BITLER, 7713
SHIRLEY J BLACK, 8132
JAMES F BLAKELY, 2626
JOYCE R BLANCHARD, 6201
NONITO V BLAS, 2149
KARL J BLAU, 7256
DAMIAN S BLOSSEY, 2024
BRADLEY A BLOYE, 4097
ROBERT E BOARDMAN, 0082
RAYMOND A BOBBITT, 7455
CHRISTOPHER J BODINE, 3335
TODD W BOEHM, 2678
DANIEL F BOGAN, 1845
MICHAEL R BOGUE, 0305
MARK J BOLLONG, 9609
JOHNNY T BOMAN JR., 8839
DANIEL D BONNIWELL, 1169
TODD R BOONE, 0269
BRADLEY T BORDEN, 0915
CHRISTOPHER J BOREK, 4898
DUANE W BOREN, 0793
BRETT P BORMANN, 0329
BERNARD J BOSSUYT, 0919
MICHAEL S BOUCHER, 6403
JOHNNY E BOWENS, 9792
CHRISTOPHER D BOWNDS, 6766
GREGORY E BOYD, 8016
TIMOTHY E BOYER, 9021
CHRISTOPHER J BOYLE, 1472
PETER C BOZZO, 6656
LISA L BRACKENBURY, 1303
FRANK L BRADFIELD III, 9984
HAROLD T BRADY, 2535
DEVIN R BRAKOB, 5971
ALLEN E BRANTON, 1933
BRYAN E BRASWELL, 1151
MICHAEL D BRATTON, 3113
JOHN P BRAUN, 6119
RICHARD D BRAWLEY, 1748
TODD A BRAYNARD, 5855
JEFFREY G BREITINGER, 2246
WILLIAM D BREWSTER JR., 4961
JOHN W BRIGGS, 4546
JEFFERY T BRINGLE, 6944
ALEXANDER D BRINKER, 6393
PATRICK T BRITT, 4904
FITZGERALD BRITTON, 4691
CHARLES A BROOMFIELD, 5126
JOHN E BROTEMARKLE, 5074
KIRT D BROTHERS, 6705
CHARLES V BROWN, 2100
DEBORAH D BROWN, 5127
GREGORY A BROWN, 6076
ROBERT BROWN, 5400
ROBERT H BROWN III, 0064
ANTHONY M BRUCE, 5860
SUSAN BRYERJOYNER, 0565
DAVID J BRYSON, 0629
MICHAEL S BUCHANAN, 8373
THOMAS R BUCHANAN, 0391
TIMOTHY A BUCKLAND, 5968
MICHAEL P BUCKLEY, 4844
WILLIAM E BUCKLEY, 9505
BILLY R BURCH, 8948
JERRY W BURKETTE JR., 2516
TIMIKA L BURNETT, 1093
GREGORY D BURTON, 6206
THOMAS D BUSH JR., 9026
JOHN F BUSHEY, 2906
ANTHONY T BUTERA, 0092
DENNIS J CALLAHAN, 9196
PELAGIO B CAOILE, 7783
BRIAN E CARBAUH, 5695
JOSEPH E CARDENAS, 6977
PAUL A CARELLI, 3241
PAUL F CARFF, 5713
STEVEN H CARGILL, 3943
JEFFERY G CARLTON, 0723
LARRY J CARPENTER, 7918
ROBERT T CARRETTA, 7041
STEVEN H CARRINGTON, 1189
CARLOS J CARROLL, 9299
CURTIS C CARROLL, 0119
MICHELLE D CARTER, 1212
ANTHONY C CARULLO, 3004
TERRY B CARWILE, 1643
ERIC C CASH, 3013
ROBERT H CASSOL, 5969
JAMES M CASTLEBERRY, 9195
CHRISTOPHER L CASTRO, 7635
MICHAEL S CATES, 4531
PAUL C CATOE, 6842
CHRISTOPHER A CEGIELSKI, 5157
SCOTT M CHAFIAN, 4325
THOMAS J CHAMBERLAIN, 1572
EUGENE J P CHAN, 8083
GREGORY N CHANDLER, 4834
JEFFERY F CHANDLER, 0015
JERRY T CHAPMON, 3329
ROBERT L CHESSER, 5471
ROBERT N CHEVRETTE, 1629
CLAY S CHILSON, 2203
THOMAS K CHO, 5334
KATHRYN S CHRISTENSEN, 9006
QUIRION CHRISTIAN, 1472
DAMIEN R CHRISTOPHER, 8966
JEFFREY L CIMA, 4350
CLARENCE C CLAFLIN, 9323
MAXIMILIAN CLARK, 0577
HUGH W CLARKE, 6006
JILL E CLARY, 2279
WILLIAM C CLEARY, 3566
CHRISTOPHER J CLEMMENSEN, 6512
CHRISTOPHER J COBURN, 9799
TIMOTHY J COCHRAN, 3907
BRETT W COFFEY, 8173
CRAIG S COLEMAN, 8573
KENT S COLEMAN, 9794
WISDOM F I COLEMAN, 3578
ANDREW H COLLIER, 9684
BRAD J COLLINS, 5594
NORMAN G CONCHA, 6813
RICHARD K CONSTANTIAN, 3520
JEFFREY G CONWAY, 6346
CHARLES A COOK III, 1961
DAVID A COOK, 5496
ROBERT D COPENHAVER, 8120
ANTHONY P CORAPI, 2140
PATRICK C CORCORAN, 8130
SHAUNNA M CORCORAN, 1770
CHRISTOPHER A CORDERO, 2943
SCOTT R COUGHLIN, 5725
JOHN P COULURIS, 2919
JAMES D COX, 0161
SONYA COX, 3504
WILLARD J COX III, 1104
GLENN M CRABBE, 4169
JEFFREY A CRAIG, 6073
NELSON D CRAIG, 8278
SCOTT P CRAIG, 2526
ERIC A CRANFORD, 2469
MICHAEL A CRARY, 4045
TRACIE L CRAWSHAW, 6189
JAMES D CRAYCRAFT, 6080
CLINTON C CRESAP, 7474
DONALD A CRIBBS, 3877
TIMOTHY A CRONE, 4646
JOHN E CROSS, 2685
ROBERT J CROUCH, 0229
BRETT E CROZIER, 7330
DAVID C CULPEPPER, 2394
JOHN J CUMMINGS, 1379
VICKY A CUMMINGS, 7352
DONALD S CUNNINGHAM, 9519
KELLY K CUNNINGHAM, 9762
ANDREW A CURRY, 6049
ROBERT L CURTIS, 5025
JOHN M DAHM, 5115
JEFFREY C DALATRI, 5082
DENNIS A DAROCZY, 7954
LARRY K DAVIS, 8388
MARK E DAY, 8369
TIMOTHY P DAY, 9882
JACK D DEAN, 1677
MATTHEW A DEAN, 0405
GERALD P DEARIE, 2706
JEFFREY D DEBRINE, 0926
ROBERT K DEBUSE, 6484
SHARON L DECANT, 4233
CHRISTOPHER P DEGREGORY, 5613
KENNETH D DEHAN, 2924
JOSE M DELAFUENTE, 2802
ANTHONY R DELATORRE, 6495
ARSENIO X DELATORRE, 2371
KENNETH R DENHAM, 5712
NOEL V DENNEY, 1653
HOWARD L S DENSON, 3510
MICHAEL S DENT, 3001
JEROME C DEREN, 8308
MARK J DESALVO, 5746
DAVID G DETWILER, 0792
MICHAEL C DEWALT, 7622
ROBERT L DEWITT JR., 6622
JOSE E R DIAZ, 6785
RUSSELL J DICKISON, 7025
JOSEPH A J DIGUARDO, 6602
KECIA A DILDAY, 2443
PAUL L DINIUS, 3798
ARTHUR DINNOCENTI III, 7523
WILLIAM J DIXON, 2448
REGINALD E DIZON, 6920
CHUONG T DO, 7900
THUY H DO, 5783
RICHARD E DOBKINS, 1820
ROBERT J DOHENY, 1994
MICHAEL D DOHERTY, 8432
DANIEL T DOLAN, 8955
KENNETH P DONALDSON, 8614
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JOEL R MACRITCHIE, 8810
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BRETT G ODOM, 4385
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FRANK B OGDEN II, 2276
JOHN B OGLESBY, 5430
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ROBERT N OLIVIER, 2999
LONNIE W OLSON, 3297
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DANIEL M ONEAL, 6360
MICHAEL D ORCHARD, 9836
FEDERICO G ORDONA, 4708
TERRY M ORR, 2485
CARLOS M ORTIZ, 5129
PATRICK OSHAUGHNESSY, 7689
KARENLEIGH OVERMANN, 6098
NORMAN C OWEN, 5710
MARK R PACKARD, 0409
DANIEL L PACKER JR., 4337
JEFFREY J PADGETT, 4974
JEFFREY M PAFFORD, 7693
CURTIS B PAGE JR., 6119
HUI K PAK, 6873
WILLIAM J PALERMO, 6439
BRADY R PALMERINO, 3646
DAVID T PARKER, 0290
STEPHEN K PARKERHAASE, 5385
GREGORY R PARKINS, 4830
ANTHONY L PARTON, 1878
PETER P PASCANIK, 4987
ANDREW D PATRICK, 9537
ROBERT W PATRICK JR., 3244
JILL M PATTERSON, 4289
SHELLY D PATTERSON, 1443
MARQUIS A PATTON, 3743
ROBERT D PATTON, 1075
RODNEY M PATTON, 0052
MATTHEW J PAWLIKOWSKI, 8673
DONALD D PEALER, 6333
DAVID A PEARCE, 5518
JOEL W PEDERSEN, 8188
MICHAEL A PENNINGTON, 8409
CHITO C PEPPLER, 4563
GEORGE PEREZ JR., 4410
DANIEL J PERRON, 3253
ERIC C PETERSON, 0548
GARY PETERSON, 0959
STEPHEN E PETRAS, 0984
CHRISTOPHER T PETROCK, 8665
JOHN C PFISTER, 9220
CHARLES M PHILLIP, 4878
MARK D PHILLIPS, 7556
GEORGE Y PHILOPOULOS, 5457
PHILLIP R PICKETT, 9095
JERRY D PIERCE, 8080
DINO PIETRANTONI, 1526
GABRIEL F PINCELLI, 3951
LYNNEANN PINE, 9284
PAUL E PIPER, 1839
RONALD J PIRET, 5670
STANLEY PLEBAN, 0202
DAVID P POLATTY IV, 7869
ROBERT E POLING, 7521
WILLIAM M POLLITZ, 6995
ROBERT J POLVINO, 8960
LAURIE M PORTER, 6593
GLENN H PORTERFIELD, 7639
PHILLIP E POURNELLE, 0089
THOMAS E POWERS, 7656
WILLIAM E POWERS, 5100
CAROL A PRATHER, 2958
STEVEN A PRESCOTT, 3387
RICHARD W PREST, 5774
JAMES M PRESTON III, 6380
RICHARD J PRESTON, 6599
EMORY G PRICE, 8124
JOHN A PRICE, 4335
KARL J PUGH, 9796
RODNEY R PURIFOY, 8368
DANIEL B RADER, 7362
TIMOTHY B RAFFERTY, 0954
ROBERT L RAINES, 0056
RUSS C RAINES, 2832
MARK K RAKESTRAW, 4157
STEVEN A RALPH, 3976
JAMES V RAMIREZ, 4164
DAVID T RAMSEY JR., 8692
SEAN L RANDO, 7098
JULIE A RANDOLPH, 9182
HUGH RANKIN, 0873
DAVID N RASMUSSEN, 9785
KARL W RAUCH, 7769
SCOTT E RAUPP, 8635
ROSARIO M RAUSA, 6799
COREY W RAY, 3261
BRIAN M REED, 4630
BRYAN C REED, 6032
JOSEPH H REED JR., 2996
TERRENCE S REED, 7067
ERIC J REESE, 9844
JOSEPH W REEVES, 6930
MICHAEL A REID, 4339
RONALD L REID, 7595
GREGORY P REILLY, 4350
CHRISTOPHER M REIN, 0926
CRAIG C REINER, 3740
MICHAEL W REINMUTH, 2403
COLT C REISWIG, 1892
PAUL K REMICK, 3937
DIRK H RENICK, 5099
STEVEN K RENLY, 2485
THEODORE B REYES, 7161
BENJAMIN G REYNOLDS, 0884
VANE A RHEAD, 4657
KEITH W RHODES, 0884
JOHN G RICE, 4366
JOHN S RICE, 1197
CHARLES E RICH, 4020
STEVEN M RICHARDS, 5703
SIMONIA L RIDLEY, 0815
DANIEL P RILEY, 9278
FRANCIS X RINALDI II, 0653
MATTHEW W RISING, 4319
SERGIO M RIVAS, 5750
JAVIER B RIVERA, 3866
ROBERT E RIVERA, 3049
CARRI A ROBBINS, 5150
GLENN F ROBBINS, 9923
CHARLES E ROBINSON, 7360

JAMES W ROBINSON JR., 2158
THOMAS A ROBSON, 5936
STEPHEN J ROCHNA, 5798
THOMAS A RODDY, 3393
MARTIN E RODRIGUEZ, 0003
MARK W ROEMHILDT, 7058
ANGELA W ROGERS, 6216
RAYMOND A ROGERS, 6435
PATRICK W ROLLINS, 0620
JESUS D ROMERO, 6609
ROBERT A RONCSKA, 2363
CAITLIN G ROOT, 8164
EDITH M ROSENTHAL, 9557
JOSEPH ROTH, 1046
KURT J ROTHENHAUS, 5432
THOMAS G ROULSTON, 7013
JOHN H ROUSSEAU, 1596
LINDA L ROUTSON, 0810
LAURA A ROY, 0680
KENNETH R ROYALS, 9552
CHRISTOPHER L RUGGERI, 4442
MICHELE L RUPPERT, 7305
SCOTT A RUSSELL, 2930
BARRY A RUTBERG, 2694
GAVAN M SAGARA, 9425
ANGEL G SALINAS, 0351
ERNESTO J SALLES, 5057
TIMOTHY A SALTER, 1102
ELIZABETH R SANABIA, 2060
JEFFREY D SANDERS, 9207
THEODORE B SANDERS, 0912
KEVIN R SANDLIN, 1590
MILTON J SANDS III, 0981
DAVID M SANDSON, 1873
HERBERT C SANFORD, 1032
JORGE T SANTIAGO, 2562
NICK A SARAP JR., 8199
JAMES P SAUERS JR., 2418
CHARMAINE Y SAVAGE, 3750
PAULA F SAWDYBOWES, 5958
MICHAEL B SAWIN, 4399
LAWRENCE M SCHADEGG, 2446
DAVID G SCHAPPERT, 4144
DOUGLAS R SCHELB, 4421
MICHAEL J SCHILLER, 2781
ROBBY F SCHIMELPFENING, 4100
CHRISTOPHER M SCHIMENTI, 8631
WILLIAM E SCHLEMMER, 1247
MARK W SCHMALL, 6388
ERICH B SCHMIDT, 4674
JOHN R SCHMIDT, 4635
STEPHEN F SCHMIDT, 2015
HAROLD R SCHMITT, 1325
NATHAN D SCHNEIDER, 1624
MICHAEL P SCHNOLIS, 2632
MICHAEL J SCHOETTLE, 8905
MICHAEL B SCHOFFMAN, 7759
EDWARD A SCHRADER, 9915
MELISSA J SCHUERMANN, 3450
MARGARET M SCHULT, 6795
BRADLEY J SCHWAKE, 6273
VICTOR S SCHWARTZ, 4457
MICHAEL S SCIRETTA, 4708
JAN K SCISLOWICZ, 8841
CHRISTOPHER A SCOTT, 4077
DAVID M SCOTT, 6015
LANCE G SCOTT, 6650
STANLEY S SCOTT, 4948
SCOTT B SEAL, 5398
RANDALL L SEAVY, 0020
RICHARD E SEIF JR., 2642
OLIN M SELL, 9060
MARCUS A SERRANO, 5913
TODD J SEVERANCE, 1030
WILLIAM T SHAFFER, 6430
RODERICK SHANNON, 9843
CHRISTOPHER H SHARMAN, 8363
RONALD R SHAW JR., 3546
KENNETH W SHICK, 1532
HANS E SHOLLEY, 8283
LEE R SHORT, 9344
MELISSA M SHORT, 8950
MICHAEL C SIEPERT, 0036
VINCENT S SIEVERT, 1618
DANIEL A SILBERMANN, 0301
ERIC J SIMON, 7505
WILLIE F SIMS, 1772
JAIME V SINGH, 0096
MICHAEL J SIPE, 0429
JOHN A SIPES, 9094
LUKE SIRONI, 8620
ANGELIQUE C SKALICKY, 5646
DAVID G SKARIN, 3233
THOMAS S SKIDMORE, 6230
WALTER M SLAUGHTER, 6925
CHRISTOPHER W SLAWSON, 2598
DAVID SLAYTON, 5975
CHRISTOPHER L SLEDGE, 2293
MARCUS M SMALLWOOD, 0204
JAMES B SMELLEY, 9819
ANDREW F SMITH, 1300
DAVID F SMITH, 7952
JAMES C SMITH JR., 7616
KAREN E SMITH, 7138
MICHAEL G SMITH, 7030
PETER E SMITH, 0530
STEVEN F SMITH JR., 9946
WALTER F SMITH, 6968
KEVIN J SNOAP, 5514
BYRON B SNYDER, 2746
ANGEL S SOCA, 5469
ROBERT G SODERHOLM, 6728
DAVID S SOLDOW, 3458
GERHARD A SOMLAI, 6687
ROBERT J SORENSEN, 8981
WILLIAM R J SPEARMAN, 7740
CHAD W SPENCER, 9529
DAVID L SPENCER, 9296
STEPHEN R SPENCER, 5524
THEODORE R SPICER, 3069
RENEE J SQUIER, 7570
JACQUELINE STALLINGS, 1833
TREVIS L STAMPER, 0130
DUANE T STANFIELD, 0797
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SCOTT B STARKEY, 8363
PHILLIP A STARR, 9335
ALAN B STAUDE, 1622
PETER J STAUFENBERGER, 6401
MICHAEL A STEEN, 3419
DARYL G STEENMAN, 3927
DAVID O STEFANO, 2103
RON A STEINER, 2657
JAY M STEINGOLD, 4196
KRISTIN L STENGEL, 2752
JOHN R STERBA, 2677
CHRISTOPHER J STERBIS, 1702
R S STEVENS, 2140
JOHN M STEVENSON, 8188
RICHARD P STEVENSON, 1875
HENRY P STEWART, 0261
JAMES M STEWART, 3630
RICHARD M STEWART, 0758
ANDREW B STJOHN, 1374
TODD D STLAURENT, 4687
ERIK J STOHLMANN, 5225
MICHAEL N H STOLL, 5357
CHERYL R STOLZE, 4061
WAYNE D STONER, 3398
CHRISTOPHER M STOPYRA, 8318
PAULINE A STORUM, 6040
JASON G STRATTON, 6571
JOHN M STUBBLEFIELD, 5338
MICHAEL STUBBLEFIELD, 0574
DAVID J SUCHYTA, 2870
DAVID D SULLINS, 4300
DONNA M SULLIVAN, 1846
EDWARD L L SUNG, 6155
DANIEL D SUNVOLD, 0774
ROBERT D SUROVCHAK, 2064
ERIC J SVENSON, 9281
WILLIAM J SWANSON, 3897
KARL F SWENSON, 1806
KENNETH E SWIGART, 4970
WILLIAM S SWITZER, 4021
SCOTT A SWOPE, 9423
NATHANIEL C SYLVESTER, 1672
NEIL A SZANYI, 9443
ANTHONY H TALBERT, 6654
BRITTON C TALBERT, 6916
TIMOTHY R TALBOTT, 7928
MICHAEL B TATSCH, 2848
CHARLES L TAYLOR, 2028
CHRISTOPHER P TAYLOR, 8413
CLARK L TAYLOR, 0819
FRANKLIN R TAYLOR, 9524
JOHN E TAYLOR, 9890
KYLE W M TAYLOR, 0008
NICHOLAS H TAYLOR, 3255
WALTER T TAYLOR, 4716
ROY A TELLER, 9804
KARL R TENNEY, 0170
SHANNON D TERHUNE, 4725
MATTHEW D TERWILLIGER, 1532
AARON M THIEME, 7753
DOUGLAS A THIEN, 6129
DAVID G THOMAS, 3640
KEITH L THOMAS, 0751
ZANE R THOMAS, 3995
MICHAEL S THOMPSON, 1842
ROBERT W THOMPSON, 9956
TERESIA J THOMPSON, 7840
TAYLOR N THORSON, 0321
CHRISTOPHER J THURMOND, 2946
JAMES E TIERNAN, 6661
ROBERT E TIMBY JR., 5580
ROBB S TIMME, 0417
RICHARD V TIMMS, 9908
CYNTHIA V TINDER, 8325
SCOTT D TINGLE, 1879
DIANE E TINKER, 3298
MICHAEL R TOEPPER, 0388
RONALD W TOLAND JR., 6153
MICHAEL J TOLENO, 8640
RICHARD O TOLLEY, 1672
DELLA F TOPF, 9176
SCOTT K TOPPEL, 0938
DARRYL M TOPPIN, 9942
NATHAN D TRACY, 5670
JENNIFER M TRAUM, 5030
ROBERT J TRAYNOR, 5906
CRISTY L TREHARNE, 7243
DENIS W TREMBLAY JR., 6593
GILBERT A TRENUM, 4425
ROBERT S TREPETA, 2093
THEODORE TREVINO, 4696
DEREK A TRINQUE, 4712
PAMELA K TROUTMAN, 4839
DANIEL R TRUCKENBROD, 1849
TRAVIS J TRUPP, 6519
MICHAEL H TSUTAGAWA, 1292
RICHARD A TUCKER, 2803
ROBERT K TUCKER, 5966
JOSEPH M TUITE, 6415
RANDOLPH J TUPAS, 1677
SCOTT A TUPPER, 4456
JOSEPH M TURK, 1399
CHARLES A P TURNER, 9891
TREVOR N TYLER, 9526
ROBERT F ULRICH, 6842
KELVIN L UPSON, 6376
BRADLEY W UPTON, 3110
STEVEN J URSO, 5605
JOSEPH A VACCARELLA, 4230
MARC J VALADEZ, 9742
CRISANTITO L VALENCIA, 5203
PATRICK W VALENT, 8712
MICHAEL L VANDERBIEZEN, 0256
VINCENT M VANOSS, 8559
MICHAEL J VANWIE, 6666
DAVID A VARNER, 5680
CARL E VAUSE, 7965
JOHN A VAZZANO, 1293
DENNIS VELEZ, 4451
MARK J VELTRI JR., 9978
HAROLD A VIADO, 2259
RAYMUNDO VILLARREAL, 2058
JOHN S VISOSKY, 1635
DAVID R VODICKA, 1066
JAY D VOGT, 9162
KIRK N VOLLAND, 8877
GLENN A VOPPER, 1749
JEFFREY M VORCE, 6755
ERIC R VOSLER, 5335
STEVEN A VOZZOLA, 3117
ROBERT A WACHTEL, 0596
ROLANDO M WADE, 1828
TIMOTHY P WADLEY, 6449
THOMAS R WAGENER, 3553
BRIAN S WAITE, 1794
WILLIAM J WALAWENDER, 1191
DANIEL J WALFORD, 1687
ANGELA H WALKER, 1679
CHRISTOPHER WALKER, 3635
JOSEPH S WALKER, 3185
NATHAN A WALKER, 6389
MICHAEL M WALLACE, 3673
ANDREW G WALSH, 8403
GREGORY J WALTER, 0241
THOMAS V WALTERS, 4143
CHARLES A WALTON JR., 0335
JOHN C WANACHECK II, 1036
TYRONE L WARD, 2174
JAMES H WARE III, 1863
DOUGLAS D WARNER, 8120
MICHAEL D WATERS, 6858
MICHAEL S WATHEN, 5800
BRIAN C WATSON, 4131
KIRK A WEATHERLY, 3986
KYLE C WEAVER, 7919
JASON L WEBB, 1191
ARTHUR E WEISS, 1170
DAVID B WELLER, 3390
MATTHEW H WELSH, 4960
ADAM J WELTER, 2826
GEORGE K WERENSKJOLD, 8972
STEVEN M WERVE, 7999
KEVIN WESTAD, 7512
MAX E WETTSTEIN, 1749
SCOTT R WHALEY, 7233
JOHN WHELAN, 4434
WILLIAM D WHELCHEL, 7112
LARRY S WHITE, 9014
PAUL A WHITESCARVER, 9801
ERIC S WHITMAN, 3435
DAVID J WICKERSHAM, 6954
STEPHEN J WIENCKO, 7132
MICHAEL T WIEST, 4739
ALPHONSO C WILCOX, 3814
WAYNE R WILCOX JR., 0421
WILLIAM J WILEY, 6405
FRED R WILHELM III, 0932
DONALD R WILKINSON, 0042
BRIAN J WILLEMSSEN, 5870
BRYAN D WILLIAMS, 0267
CHRISTINE A WILLIAMS, 6640
CHRISTOPHER K WILLIAMS, 6641
CLIFTON J WILLIAMS, 4344
ERIC D WILLIAMS, 1975
JONATHAN R WILLIAMS, 8095
KEVIN G WILLIAMS, 5002
MELISSA L WILLIAMS, 2156
PATRICK J WILLIAMS, 7224
THOMAS A WILLIAMS, 3729
STEVEN T WILLS, 0700
CHEYENNE D WILSON, 3687
DAVID E WILSON, 9499
GEORGE G WILSON, 6102
MITCHELL T WILSON, 5119
ERIC M WINANS, 5947
ROBERT S WINSTEAD, 7102
BARRY E WISDOM, 4328
CHRISTOPHER S WISEMAN, 0039
TROY T WOELFEL, 9222
MICHAEL S WOHLFORD, 3720
DAVID A WOJTKOWSKI, 7372
ROBERT D WOOD, 5205
STEVEN L WOOD, 2836
TIMOTHY S WOOD, 4904
BENNIE R WOODS, 6740
DARREN K WOODS, 8229
WILLIAM WOODS, 2114
WILLIAM R WOODS, 3270
DAVID R WOOTTEN, 4887

SAMUELL T WORTHINGTON, 3053
GARRY W WRIGHT, 4613
THERESA E WRIGHT, 3827
PETER A WU, 0423
JAMES M WUCHER, 3317
JAY D WYLIE, 9209
NATHAN J YARUSSO, 9817
PETER A YELLE, 5228
ANDREW J YOUNG, 4731
DONALD L YOUNG, 3323
RICHARD S YOUNG, 5215
URIAH E ZACHARY, 2062
WILLIAM A ZIEGLER, 4359
MARK B ZINSER, 9563
DARYK E ZIRKLE, 1332
JOHN F ZREMBSKI, 6163
JOHN J ZUHOWSKI, 4853

# EXTENSIONS OF REMARKS

## IMPROVING THE SAFETY OF IMPORTED FOOD

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. DINGELL. Mr. Speaker, according to the Secretary of Health and Human Services Tommy Thompson, there is a need to protect food coming into the U.S. from foreign countries against intentional adulteration. I agree. For the last two congresses, most of the Democratic members of the Committee on Energy and Commerce have sponsored legislation aimed at improving the safety of imported food Americans eat. Today, I am reintroducing that bill together with amendments that give higher priority to, and that deal more directly with, concerns about the intentional adulteration of imported food that we, the American public, and the Secretary now share as a result of the recent tragic events in New York City and Washington.

Although the legislation I introduced in the last two congresses has not received so much as a hearing, Congress's failure to act is not because there hasn't been a problem. According to the General Accounting Office (GAO), adulterated food causes 81 million illnesses and as many as 9,100 deaths each year. The important thing to know, however, is that these deaths and illnesses are also avoidable. We have the means to arm the Food and Drug Administration (FDA) with the authority and resources it needs to protect our food supply. There are exciting new technologies that have the potential to make tests for microbial and pesticide or other chemical adulteration easy to perform and affordable.

Unfortunately, FDA does virtually no preventive testing under our current food import program. Food shows up at any one of 307 different ports of entry. An FDA inspector may or may not be present. And, even if an inspector is present, only about one percent of imported fresh fruits and vegetables are inspected and even fewer tested. The tests can take a week or more to yield results. In the meantime, the food is long gone and most likely consumed.

Instead of pre-testing and verifying the safety of imported food before the American public eats it, the FDA waits for people to get sick or die before it tries to determine whether food adulteration is involved. The outrageous and wholly intolerable conclusion one must draw is that Americans are being used as guinea pigs.

There are special problems with imported food that do not exist with food produced in the U.S. FDA lacks authority and resources to "trace back" the source of food borne illness beyond the border. It also does not have access to the points of production, processing, and distribution as it does in the case of U.S. food products. Furthermore, preventive detection is virtually impossible because FDA does not have tests available to detect pathogens on imported food in a timely manner. Finally, FDA cannot even account, in many cases, for what happens to imported fruits and vegetables that are adulterated and refused admission into the U.S.

GAO has studied this situation and has concluded that the Federal government cannot ensure that imported food is safe. New resources, authorities, and technologies are needed for FDA to assure the American public, with confidence, that imported food has not been intentionally adulterated and is safe.

More food safety inspectors are needed. FDA only has 150 inspectors who are spread thinly at 307 ports where food comes into the United States—less than half the number of inspectors needed to cover all ports on a full-time basis. On the other hand, meat and poultry that the U.S. Department of Agriculture (USDA) must inspect comes into the United States at only 35 ports. Furthermore, USDA gets 80% of the food safety budget even though it has responsibility for only 20% of the food supply, while FDA that has responsibility for 80% of the food supply gets only 20% of the food safety budget.

The Imported Food Safety Act of 2001, which I am introducing today, addresses each of these problems. It gives the Secretary of Health and Human Services authority to limit the number of ports where imported food may come into the U.S. Therefore, if FDA only has enough inspectors to cover 20 ports, instead of the 307 ports it now tries to inspect, the Secretary can require imported food to come through those 20 ports. The bill also authorizes such sums as the Secretary deems necessary to hire enough inspectors and to conduct enough tests so that the American public has confidence that imported food has not been intentionally adulterated.

The legislation also provides additional resources in the form of a modest user fee on imported foods, and a "Manhattan Project" to develop "real time" tests that yield results within 60 minutes to detect E. coli, salmonella, and other microbial contaminants as well as pesticides and other chemical contaminants. Finally, the legislation gives FDA authority like USDA has for meat and poultry, to stop unsafe food at the border and to assure that its ultimate destination is not America's dinner table.

Mr. Speaker, the time for action is now. Thirty-eight percent of all the fruit and 12 percent of all the vegetables Americans eat each year come from foreign countries. Over the last five years, the volume of food imported into the U.S. has almost doubled. FDA has acknowledged that it is "in danger of being overwhelmed by the volume of products reaching U.S. ports."

Let's do the people's business and improve the safety of our food supply. Let's hear from consumers, public health experts, and all others with an interest in the matter. I am confident that none will dare defend the status quo.

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## AIR PIRACY REPRISAL AND CAPTURE ACT OF 2001

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. PAUL. Mr. Speaker, I rise to introduce the Air Piracy Reprisal and Capture Act of 2001 and the September 11 Marque and Reprisal Act of 2001. The Air Piracy Reprisal and Capture Act of 2001 updates the federal definition of "piracy" to include acts committed in the skies. The September 11 Marque and Reprisal Act of 2001 provides Congressional authorization for the President to issue letters of marque and reprisal to appropriate parties to seize the person and property of Osama bin Laden and any other individual responsible for the terrorist attacks of September 11. Authority to grant letters of marque and reprisal are provided for in the Constitution as a means of allowing Congress to deal with aggressive actions where a formal declaration of war against a foreign power is problematic, Originally intended to deal with piracy, letters of marque and reprisal represent an appropriate response to the piracy of the twentieth century: hijacking terrorism.

All of America stood horrified at the brutal attacks of September 11 and all of us stand united in our determination to exact just retribution on the perpetrators of this evil deed. This is why I supported giving the President broad authority to use military power to respond to these attacks. When Congress authorized the use of force to respond to the attacks of September 11 we recognized these attacks were not merely criminal acts but an "unusual and extraordinary threat to the national security."

Congress must use every means available to fight the terrorists behind this attack if we are to fulfil our constitutional obligations to provide for the common defense of our sovereign nation. Issuance of letters of marque and reprisal are a valuable tool in the struggle to exact just retribution on the perpetrators of the attacks on the World Trade Center and the Pentagon. In fact, they may be among the most effective response available to Congress.

Since the bombing there has been much discussion of how to respond to warlike acts carried out by private parties. The drafters of the Constitution also had to wrestle with the problem of how to respond to sporadic attacks on American soil and citizens organized by groups not formally affiliated with a government. In order to deal with this situation, the Constitution authorized Congress to issue letters of marque and reprisal. In the early days of the Republic, marque and reprisal were

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

usually used against pirates who, while they may have enjoyed the protection and partnership of governments, where not official representatives of a government.

Although modern America does not face the threat of piracy on the high seas, we do face the threat of international terrorism. Terrorism has much in common with the piracy of days gone by. Like the pirates of old, today's terrorists are private groups operating to assault the United States government as well as threaten the lives, liberty and property of United States citizens. The only difference is that while pirates sought financial gains, terrorists seek to advance ideological and political agendas through terroristic violence.

Like the pirates who once terrorized the high seas, terrorists today are also difficult to punish using military means. While bombs and missiles may be sufficient to knock out the military capability and the economic and technological infrastructure of an enemy nation that harbors those who committed the September 11 attacks, traditional military force may not be suitable to destroy the lawless terrorists who are operating in the nations targeted for military force. Instead, those terrorists may simply move to another base before our troops can locate them. It is for these reasons that I believe that, were the drafters of the Constitution with us today, they would counsel in favor of issuing letters of marque and reprisal against the terrorists responsible for this outrageous act.

Specifically, my legislation authorizes the President to issue letters of marque and reprisal to all appropriate parties to capture Osama bin Laden and other members of al Qaeda or any other persons involved in the September 11 terrorist attacks. The President is also authorized to use part of the $40 billion appropriated by this Congress to respond to the attack, to establish a bounty for the capture of Osama bin Laden. My legislation singles out Osama bin Laden and al Qaeda because the information available to Congress and the American people indicates bin Laden and his organization were responsible for this action. By vesting authority in the President to issue the letters, my legislation ensures that letters of marque and reprisal can be coordinated with the administration's overall strategy to bring the perpetrators of this outrageous act to justice.

Letters of marque and reprisal resolve one of the most vexing problems facing the country: how do we obtain retribution against the perpetrators of the attacks without inflicting massive damage on the Middle East which could drive moderate Arabs into an allegiance with bin Laden and other terrorists. This is because using letters of marque and reprisal shows the people of the region that we are serious when we say our quarrel is not with them but with Osama bin Laden and all others who would dare commit terrorist acts against the United States.

Mr, Speaker, I ask that my colleagues join with me in providing the additional "necessary weapon of war" and to help defend our fellow citizens, our sovereign nation, and our liberty by cosponsoring the September 11 Marque and Reprisal Act of 2001 and the Air Piracy Reprisal and Capture Act of 2001.

## TRIBUTE TO BEA GADDY

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. CARDIN. Mr. Speaker, I rise today to honor the life and works of Bea Gaddy, an advocate for the poor, councilwoman, and humanitarian who died of breast cancer last Wednesday. Bea Gaddy's devotion to the service of the poor and the disadvantaged has made her a legend in Baltimore and throughout Maryland.

With her exceptional strength of character and determination, she not only transformed her own life but also the lives of those around her. Her childhood was marred by her father's abandonment and her stepfather's alcoholism and abuse. By the time she reached her early twenties, she had already lived through two failed marriages of her own.

Bea Gaddy knew hunger and poverty intimately. In order to feed her five children and others like herself, she began pushing a garbage can on wheels to local grocery stores asking for food. And so, began her life-long mission to feed the hungry and help the poor. She finished her high school education and earned a college degree from Antioch University's Baltimore division. On October 1, 1981, she officially opened her food and clothing distribution center. In 1988, she began homeless shelters for women and children out of rundown houses.

While she provided food, clothing, and shelter for the needy, she also taught them to be independent. With her encouragement, many found jobs and got an education. She taught people how to live better lives. In 1999, she was elected to the Baltimore City Council. As councilwoman, she fought to get decent medical services for the homeless in addition to other services. She brought attention to the plight of the poor.

Baltimore was blessed with Bea Gaddy's charitable works, but her remarkable spirit was recognized around the Nation. She was once named Woman of the Year by Family Circle Magazine, she appeared on CBS Morning News, and in 1992 was named as one of President George Bush's "Thousand Points of Light."

I hope that my colleagues will join me in saluting Bea Gaddy, a rare individual whose life is an example to all of us. Her kindness and strength changed many lives. Bea Gaddy will be sincerely missed.

## LET PRESIDENT CHEN ATTEND APEC

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. GILMAN. Mr. Speaker, this year's Asia Pacific Economic Cooperation (APEC) forum is scheduled to take place later this month in Shanghai, China, and will be attended by President George W. Bush and PRC President Jiang Zeillin. The APEC forum will also be attended by the leaders of the nineteen other members of APEC, and will provide a vital opportunity to discuss the international economic situation and formulate a plan to address the deteriorating world economy and the economic threats we are all now facing. Given the monumental challenge that this entails, it is inconceivable that Taiwan, the leader of the seventh largest trading economy and ninth largest GDP in the APEC group would be excluded from such a gathering, and that indeed full cooperation by all leading economic players in the region would not be encouraged. Yet, Mr. Speaker, this is precisely the situation that is now upon us as the government of the People's Republic of China is once again exercising narrow political calculations to the detriment of the people of Taiwan, and in fact the rest of the world, by excluding President Chen Shui-bian from this meeting.

It is important to recognize that the APEC forum is an ECONOMIC forum, and that especially during this time of crisis, we cannot afford to allow political differences to threaten the formulation and implementation of a sound economic strategy in response to these threats. Mr. Speaker, Taiwan is a vital trading partner of the United States, it imports significantly more goods from the United States than does the People's Republic of China, and its leadership is committed to the same principles of democracy and freedom that we hold so dear. The exclusion of President Chen from this meeting is a cold reminder that not all governments who express their solidarity with us in facing these many threats are actually committed to realizing the intrinsic hopes of economic freedom and political expression of their people. In fact, Mr. Speaker, such actions should give us great pause when we realize the destruction and mayhem that can result from a policy which abandons our commitment to freedom-loving people, only to secure better relations with an illegitimate regime for short-term economic gain. The United States has a duty and an obligation to stand up for our friends and allies on Taiwan, and to insist that their leader be able to participate and contribute in addressing the global threats we must now face.

The events of September 11th prove that the world of ambiguities and diplomatic niceties no longer exists, and the sooner this realization translates into true representation for all, the sooner we can begin to construct the foundation of an international order based on the rule of law and economic freedom. The very first step in this process, however, must be taken, and the inclusion of President Chen from Taiwan in the APEC meeting would go a long way in demonstrating our commitment to building such an order.

## TRIBUTE TO REVEREND RONALD J. DINGLE

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. SHAW. Mr. Speaker, I rise today to honor the Reverend Doctor Ronald J. Dingle for his service to the Boca Raton community.

This October, Rev. Dingle will retire after 39 years as Pastor of Advent Lutheran Church in Boca Raton, Florida.

Rev. Dingle has been very involved not only with his pastoral duties, but also in the community as well. His civic and community activities over the years have included: United Campus Ministries at Florida Atlantic University, Presidency of the Boca Raton Association of Churches as well as membership on numerous boards such as Visiting Homemakers, Operation Concern, Birthline, and Boca Raton United Fund. Rev. Dingle is actively leading the Lazarus Project, a Lutheran outreach presence in Haiti. Under his leadership many Advent programs were initiated and continue to flourish.

Rev. Dingle will retire at an October 26th celebration in his honor. He and his wife Marguerite Dingle will, however, continue to serve Advent ministries and the community on a part time basis.

It is with great honor that I commend Rev. Dingle for his commitment to the community and dedication to enriching the lives of his parishioners. His presence at the Church will be sorely missed, however his spirit will live on forever within those who he has touched.

## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. COMBEST. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues the following exchange of letters between the Committee on Agriculture and the Committee on Ways and Means with regards to H.R. 2646.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*September 17, 2001.*

HON. LARRY COMBEST,
*Chairman, Committee on Agriculture.*

DEAR CHAIRMAN COMBEST: I am writing concerning H.R. 2646, the "Agriculture Act of 2001," which was ordered favorably reported by the Committee on Agriculture on August 2, 2001.

As you know, the Committee on Ways and Means has long maintained a jurisdictional interest over matters concerning trade. Contained in the bill are two provisions that fall within the jurisdiction of the Committee on Ways and Means. Sec. 127 of the bill changes the level of import quotas on cotton permitted under U.S. law, and Sec. 146 requires importers of dairy products to pay assessments applied to domestic dairy producers to offset the costs of dairy sales promotion programs. These provisions fall within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration we will not seek action on these particular proposals. This is being done with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2646, and would ask that a copy of our exchange of letters on these matters be included in your committee report.

Best regards,

BILL THOMAS,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
*September 18, 2001.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means.*

DEAR CHAIRMAN THOMAS: As you are aware, on July 27, the Committee on Agriculture favorably reported H.R. 2646, the Farm Security Act of 2001. As ordered reported, H.R. 2646 contains matters within the jurisdiction of your committee.

In the interest of expediting consideration of this matter by the House, I respectfully request that you forego seeking a referral of this bill. I understand that such an action does not waive your committee's jurisdiction, and I will support your inclusion as additional conferees in any eventual House-Senate Conference on this bill, should you seek it.

I greatly appreciate your cooperation in this matter. I will insert a copy of our exchange of letters in the Congressional Record during consideration of H.R. 2646 on the Floor.

Sincerely,

LARRY COMBEST,
*Chairman.*

## WHAT AMERICA IS ALL ABOUT

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. MURTHA. Mr. Speaker, I would like to call the attention of my Colleagues to a new book written by a native of Johnstown, Pennsylvania. "A Letter to Mrs. Roosevelt" vividly conveys the fear gripped a young girl as her family home was posted for sheriff's sale.

This story about life during the Great Depression truly depicts what America is all about, and should be a must-read for all Americans. Author C. Coco DeYoung based the award-winning novel on her family's experience, with vivid details brought to her through her family's tradition of storytelling.

Though written as a children's book by a former educator, the short novel is equally compelling to adult readers. Published by Delacorte Press, the book won the Sixth Annual Marguerite de Angeli Prize for historical fiction and the 2000–2001 Keystone to Reading Book Award. Selected by Booklist as a Top 10 First Novel of 1999, and a Teachers' Choices 2000 by the International Reading Association, this book has also been recognized as a Notable Social Studies Trade Book for Young People by the Children's Book Council and the National Council of Social Studies. To date, it has been nominated for state book awards in seven states.

The story is based on real events involving De Young's grandfather, and her father whose childhood is depicted in the character role of Charlie Bandini in the book. As a six-year-old boy, Charlie injures his leg, the bone becomes infected and doctors want to amputate. Charlie's father (De Young's grandfather in real life) uses everything the family owned to borrow $5,000 to bring in a doctor from Massachusetts to save the leg. But as the Great Depression set in deeper, he cannot keep up with the payments through his business as a shoemaker in Johnstown, Pennsylvania. "Papa" Bandini, an Italian immigrant, spoke five languages doing business with the various immigrant groups that had settled in the mill town. Despite their difficulties, he sometimes feeds hobos who come to the house for food, and when customers had no money, he would accept produce from their gardens as payment for fixing shoes.

Having witnessed the fate of neighbors whose homes had been posted for Sheriff Sale, the sense of security of 11-year-old Margo Bandini crumbles when she comes home to discover that her own family home had been posted by the Sheriff.

As the family struggles and grapples with their fears, desperate to save the family from despair, Margo writes a letter to the First Lady, Eleanor Roosevelt.

Distributor Random House, in its Online Teachers Guide available free at www.randomhouse.com, says the book is an excellent tool not only for teaching about the history of the Great Depression, but also for teaching about brotherhood, family, pride, fear and courage.

The real-life Coco family became one of the first in Johnstown to receive a loan through the Home Owners Loan Corp., a New Deal relief project created by President Franklin D. Roosevelt. And De Young's father, the book-character "Charlie," remarkably is now in his 77th year of working in his shoe business—he's been at it since the age of six.

A "Letter to Mrs. Roosevelt" creates a vivid sense of time and place during the Great Depression and tells a heart-warming story of one family's struggles and courageous triumph through dark times. I recommend it to anyone.

## A TRIBUTE TO WAR DOGS

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. ROS-LEHTINEN. Mr. Speaker, on November 11th, the citizens of our country will celebrate Veteran's Day. We use this day to acknowledge our veteran's contributions to our national security and to recognize the sacrifices given by the members of our military.

But let us not forget about the courageous efforts of the war dog.

Over twelve thousand dogs served in World War II, fifteen hundred in the Korean War, and more than four thousand in Vietnam. These brave dogs have served as sentries, scouts, messengers, trackers, and mine-sniffers.

The Humane Society of Greater Miami honors war dogs by flying an American flag over the grave of Fella, a war dog who is buried in their Oak Lawn Pet Cemetery. Fella served in the Pacific during World War II and was credited with saving many lives. This Veteran's Day, the Humane Society of Greater Miami-Dade will honor America's war dogs at Fella's memorial. Miami's K–9 officers and their partners will also be honored at this event.

Please join me in honoring all who served in the U.S. Military this Veteran's Day, including our faithful war dogs who dedicated their lives to the duty of protecting our soldiers.

## PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. LEE. Mr. Speaker, I regret that I was unavoidably detained due to a flight delay for tonight's votes. Had I been present, I would have voted "yes" on both H. Con. Res. 244, authorizing the printing of the Our American Flag publication, and H. Res. 250, urging the Secretary of Energy to fill the Strategic Petroleum Reserve.

## 125TH ANNIVERSARY OF MT. ZION EVANGELICAL LUTHERAN CHURCH

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. COYNE. Mr. Speaker, I rise today to observe the 125th Anniversary of Mt. Zion Evangelical Lutheran Church in Pittsburgh Pennsylvania.

One hundred twenty-five years ago, a group of Lutheran pastors, including Dr. William A. Passavant, selected a section of Allegheny City, Pennsylvania, now known as Observatory Hill on Pittsburgh's Northside, for a new Lutheran congregation. A half-acre of land was purchased for the construction of the congregation's first building. It occupied the space where the Incarnation Academy stands today.

Seventeen people signed the charter for Mt. Zion Evangelical Lutheran Church on the first Sunday in October 1876. The Reverend G.H. Gerberding became the first pastor of this congregation in 1876.

In 1914, the cornerstone of the present English Gothic stone building located at 3936 Perrysville Avenue was laid. Several members of the congregation mortgaged their homes to provide the capital for the construction. In 1925, the congregation purchased the nearby Graham Building and enclosed the 12-foot space between the apartment building and the church to provide offices, restrooms, and hallway passage.

Before the Depression, Mr. Zion sponsored both a Foreign Mission Pastor and a Home Mission Pastor. After World War II, the congregation was able to resume its commitment to both missionary fronts.

During World War II, Mt. Zion was the first church in Pittsburgh to dedicate a Service Banner in honor of its 312 men and women who served in the military.

Over the years the congregation has been supportive of Camp Lutherlyn, the Passavant Health Center, Thiel College, and Gettysburg Seminary. In addition, Mt. Zion has hosted YMCA meetings. It has hosted religious classes for students from Perry High School. And it has sponsored a strong Boy Scout troop for 76 years.

Through these 125 years, fifteen pastors have served Mt. Zion. The longest pastorate was that of The Reverend John B. Knisley, D.D, who served the congregation from 1934 to 1959. The congregation has given twelve sons to the ordained ministry, one daughter to the diaconal ministry, and one daughter to commissioned missionary service.

Today, Mt. Zion houses Allegheny community Services (a subsidiary of Glade Run Lutheran Services), which provides counseling services to youth and family, and the congregation seeks to have more of its building space used by social ministry agencies serving the community.

Mt. Zion began a year-long 125th anniversary celebration in September. Bishop Donald J. McCoid of the Evangelical Lutheran Church's Southwestern Pennsylvania Synod will be preaching at the Reunion Celebration on October 14, 2001. In preparation for this event, the children of the congregation are making a paper chain with approximately 1,800 links. The names of those baptized over the past 125 years are printed on the chain, with one name per link.

Mr. Speaker, I want to congratulate the congregation of Mt. Zion Evangelical Lutheran Church on this happy occasion and wish this community all of the best in the coming years.

## TRIBUTE TO VIVIAN LOIS BELL

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. LEVIN. Mr. Speaker, I rise to honor the memory of Vivian Lois Bell who served the people of her community in many ways.

From 1967 through 1980, in her position first as deputy clerk and then clerk of Royal Oak Township, Ms. Bell served the people of Royal Oak Township with caring, devotion, and excellence in the many areas under her supervision.

Following her retirement as clerk, Ms. Bell devoted several years providing care for her oldest grandchild before she re-entered the workforce as a secretary for Blue Cross and Blue Shield of Michigan. She retired in 1996 and spent her remaining years caring for her grown family of grandchildren.

Ms. Bell will long be remembered for her smile, her encouragement, and her wisdom in all her endeavors. She was dear friend to many and she will be missed.

Mr. Speaker, I ask my colleagues to join me in offering our condolences to the family and friends of Vivian Lois Bell who passed away September 8, 2001.

## PERSONAL EXPLANATION

### HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. LUCAS of Kentucky. Mr. Speaker, on September 24, 2001, my plane to Dulles Airport in Washington, D.C. was delayed because of inclement weather. As a result, I missed two votes on the House floor.

Had I been present, I would have voted "yes" on rollcall vote 349 to pass H.R. 717, a bill to support additional Federal research, coordination, information, and education on Duchenne and other forms of muscular dystrophy.

In addition, I would have voted "yes" on rollcall vote 350 to pass H.J. Res. 65, a bill to provide continuing appropriations at current levels through October 16 for all Federal departments and programs covered by the fiscal 2002 spending bills not yet enacted.

## TRIBUTE TO PASTOR JIM ORTIZ

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mrs. NAPOLITANO. Mr. Speaker, in commemoration of Pastor Appreciation Day, I rise to honor Pastor Jim Ortiz, senior pastor at "My Friend's House" an Assembly of God congregation in Whittier, CA. Having served his congregation for 29 years, Pastor Jim dedicated himself to improving the lives of people throughout the 34th Congressional District of California. It is because of his commitment and exemplary service to his congregation and to the community that I want to take this opportunity to pay tribute to this extraordinary man.

Born to Puerto Rican parents and a native of New York City, Pastor Jim moved to California with his family and attended Hueneme High School in Oxnard. In 1973, he received a Bachelor of Arts degree in Biblical Studies and Sociology from Vanguard University (the former Southern California College) and completed graduate studies at Fuller Theological Seminary in Pasadena, CA. He is currently pursuing a Master of Divinity degree at the C.P. Haggard School of theology at Azusa Pacific University.

Pastor Jim is a model constituent full of kindness, sincerity and dedicated service. His congregation, "My Friend's House" was founded in 1971, with the help of his wife Yollie. Their mission is to preach the gospel in a way that it improves people's lives and positively impacts the surrounding community. Under Jim and Yollie's guidance, "My Friend's House" has grown to an average weekly attendance of more than 400 people including a large number of young Latino families. Their success helped to spawn three sister congregations in various parts of California. Pastor Jim, whose unique style of communication, is both creative and appealing, allows him to capture listener's attention. His uplifting message is born out of his deep conviction that the gospel of Jesus Christ can transform lives and change society for the better. His exemplary lifestyle inspires others to live a life of charity, humility and compassion.

Pastor Jim's countless contributions to the community have touched the lives of many. He established Metro Impact, Inc., a community development corporation consisting of eight ministries dealing with evangelical propagation, economic development, social service and community outreach. Among the various services that Metro Impact offers are, an after school drop-in center for youth, a summer day camp for children, a free computer learning facility and a family enrichment center. Metro Impact also has programs that provide food, recreation and housing for low-income families.

At 52 years of age, Pastor Jim is the longest tenured Pastor in the Southern California District Council of the Assemblies of God and also happens to be the youngest. He has devoted most of his life to serving the community and improving the lives of people and families from all over Southern California's 34th Congressional District. Please join me in honoring Pastor Jim Ortiz for all of his hard work and dedication to his family, congregation and community. He is an example of the best in all of us.

## ACKNOWLEDGING THE DEATH OF MS. ANNA MARIA ARIAS

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge the death of a Latina leader and a remarkable person.

Ms. Anna Maria Arias, a California native, passed away from a bone marrow transplant procedure in Houston, TX last Monday. Ms. Arias immeasurably contributed to the Latino community through her vast experience and expertise in the media profession. She worked as a radio news anchor, newswriter, and as a media and campaign organizer for presidential and local candidates at the Democratic National Committee. She was also a member of the production team of CNN's Crossfire program and served as Managing Editor of HISPANIC Magazine for five years.

In October 1994, Ms. Arias founded LATINA Style Magazine; the first national publication that covers issues pertinent to contemporary, professional, Hispanic working-women from a Latina point of view. Ms. Arias' familiarity and sensitivity towards issues meaningful to the Latino community was crucial to address the issues that affect Latina professionals. As the founding Publisher & Editor of LATINA Style Magazine, she provided a voice for, advocated on behalf of, and empowered professional Latina women throughout the entire United States.

Ms. Arias' forward thinking and hard work was recognized when she was honored with the 1999 Entrepreneur of the Year Award by the Greater Washington Hispanic Chamber of Commerce, and with the Entrepreneurship Award by the Changing Images in America Foundation.

Ms. Arias is a true leader who will be remembered for her adamant commitment to help others and for her dedication to educate and inform Latina women. Her efforts and ability to make inroads for an under-represented and disadvantaged population of our society has unquestionably contributed to the greater good.

## HONORING GEORGE ANDREWS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. McINNIS. Mr. Speaker, the city of Pueblo and the surrounding community has lost an exceptional member of their community and I would like to take this opportunity to recognize the distinguished life of Mr. George Andrews. George Andrews died at the age of seventy-two after suffering from illness for several months.

Mr. Andrews was a dedicated family man who was also very successful as a business manager. George's life centered around his family and their foodservice business which was started by his father and uncle in 1926. The business survived the Great Depression and has undergone many changes in clientele and inventory since it first originated. George Andrews took over his father's interest in the business after his death in 1950, eventually acquiring sole ownership. Andrews Foodservice remains family owned and operated and still provides an important service to the community. Mr. Andrews expressed his generosity through his relationship with his employees and his community. It wouldn't be surprising to see George providing the Colorado Highway Patrol with gifts to hand out to travelers during the holiday season.

Mr. Speaker, George Andrews was successful not only with his business, but also with the bonds that he nurtured with his family and the community. He was a gracious man with a strong character and he will be missed. I would like to express my condolences to Mr. Andrews' family and friends. He will not be forgotten.

## IN MEMORY OF JULIA PAPPAS

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. KAPTUR. Mr. Speaker, today I rise to pay tribute to Julia Pappas of my district, who passed from this life after 94 years on February 28, 2001. As another political season draws near and with recent events bringing out the patriotism of Americans, Julia's life and example of citizenship should be reflected upon and recognized.

Born on Christmas Day 1907 in Andrianoupolis Thrace Asia Minor, Julia was an immigrant to the United States. Even as she reveled in her Greek heritage, she became fully immersed in her adopted homeland's society. She was avidly involved in grassroots politics, and could always be counted on for support. She understood better than many that the right of American citizenship came with civic responsibility, and was a strong advocate for citizen participation in our political process.

Julia was a dedicated member of the Holy Trinity Greek Orthodox Cathedral, where her presence was familiar and her involvement in church activity second-to-none. She truly lived her faith showing through word and deed its importance to her. She was a member of the Cathedral's Daughters of Penelope, AHEPA Auxiliary, and the Philoptochos Society. She was also a Red Cross and Lucas County Democratic Party volunteer.

A lifelong traveler, Julia saw the world and reported on her travels to others, enabling them to understand the different cultures of our world. She was able to realize "a lifelong dream" of visiting Jerusalem, a trip she felt deeply.

Twice widowed, Julia was an absolutely devoted wife, mother, grandmother and greatgrandmother. She thoroughly enjoyed watching her grandchildren grow and participated in their lives. I know her daughter Helen and daughter-in-law Patricia, along with her grandchildren, great-grandchildren and extended family have many cherished memories of her. A true lover of life with a strength of spirit unmatched, Julia Pappas came to embody the actress Helen Hayes' retort that "Old age is not something to which I have arrived kicking and screaming, it is something I have achieved." Few have achieved it with more grace and aplomb than Julia Pappas, beloved wife, mother, grandmother "Yia Yia" and friend.

## INTRODUCING THE FAMILY LEISURE INCENTIVE ACT OF 2001

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. HASTINGS of Florida. Mr. Speaker, I come to the floor today to introduce the Family Leisure Incentive (FLI) Act of 2001. The events of September 11 have left our country desperately searching for some level of normality. Indeed, Americans are slowly beginning to return to their lives—or at least as much as can be expected. But in their efforts to move on, Americans remain hesitant to travel, whether it be by plane, train, or ship. In turn, the tourism industry in our country, and subsequently the industries directly affected by tourism, have come to a virtual standstill.

Everywhere I look in this country, industries are hurting. In Florida, we are feeling the wake of September 11 more than ever. For the first time in my life, hotels in South Florida are reporting record lows in occupancy levels, travel agencies are losing customers by the dozen, and the cruise industry is reporting that its ships are leaving port half empty. These figures do not even begin to take into account the tens of thousands of people who work for the airline industry in my district and are no longer employed.

The bottom line is that if people do not get on planes, then people do not check into hotels. If people do not check into hotels, then businesses and cities that depend on tourism fail to survive. If businesses lose money, then people lose jobs. If people lose jobs, then stress at home increases. In turn, families break up, alcoholism and domestic violence increase, depression is imminent, and at times, even worse, suicide becomes an option.

The FLI Act provides individuals and families with tax incentives to travel in the next year by air, land, or sea, and not be afraid to vacation. It allows individuals to deduct up to $750 from their taxable income to help cover the costs of travel and lodging, whether on land or on sea. Families who file jointly can deduct up to $1,500.

The FLI Act is a relatively inexpensive and cost effective way that Congress can help stimulate our faltering economy. Airline bailout bills only provide a temporary solution to potentially, a long term problem. The FLI Act provides Congress with the needed vehicle to address the needs of America's hurting tourism industry, and at the same time, provide tax relief for working class and low-income families at a time they need it most.

I urge my colleagues to move swiftly and pass this innovative and necessary legislation.

## REPUBLIC OF CHINA'S NATIONAL DAY

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. BILIRAKIS. Mr. Speaker, I would like to call attention to the National Day of the Republic of China on Taiwan. This day commemorates the Wuchang Uprising on October 10, 1911, which led to the overthrow of the Qing dynasty and the establishment of the ROC on January 1, 1912.

Although the recent terrorist attacks against America make it difficult for us to join the celebrations for this great day for the people of Taiwan, I believe it is appropriate to remember it, as it was the first step to a long process for Taiwan to become what it is now. It is a nation proud of its solid democratic foundations and strong economy and a nation that shares America's tradition of individual freedom and full human rights for its citizens.

For the United States, Taiwan is a significant trading partner, a valued regional military ally and, above all, a good friend. Taiwan mourned with us over the tragic events of September 11, 2001. Its leaders have expressed their condolences and solidarity with the people and government of the United States. Taiwan has cancelled all its National Day celebrations throughout the United States and pledged its full cooperation with us in combating terrorism.

The Republic of China on Taiwan shares with us not only our grief, but also our belief that this was not just an attack against America. It was an attack against democracy and freedom that both our countries cherish. On the 90th anniversary of its National Day, Taiwan celebrates these treasured ideals.

Over the past decade, the Republic of China has moved rapidly towards becoming a democratic society. Free and fair elections are routinely held at all levels of government, and approximately 70 percent of eligible voters participate in ROC elections. Taiwan has become a shining example of freedom and democracy in a part of the world in need of role models.

America stands by its long-standing commitment to the people and government of Taiwan with which we have developed strong economic, political and social ties. As Taiwan celebrates its National Day, I share their joy and hope that we will be able to continue our partnership and friendship well into the future.

## TRIBUTE TO URBAN SEARCH AND RESCUE TEAM

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and thanks to the Urban Search and Rescue Team of Denver, Colorado. The Urban Search and Rescue Team traveled to New York City, to aid in the World Trade Center rescue efforts after the September 11th terrorist attack.

The team joined others at the World Trade Center rescue after the horrific terrorist attack against our nation. Though their chances of finding survivors were slim, the team was still determined. A recent edition of *the Denver Post* captures the sentiments of the team as Mike Seidler, a member of the team, said, "Until they turn it into 'recovery', we go at it as 'rescue'." Consisting of 130 members from the Denver area, the Urban Search and Rescue Team is one of twenty-eight teams nationwide, and is overseen by the Federal Emergency Management Agency.

In this time of national shock and grief, it is truly inspirational to witness so many brave Coloradans coming to the aid of their fellow Americans. The courageous actions of this team, putting themselves in harm's way to rescue strangers, exemplifies the American spirit and is a reminder it is the American people who make our country so great.

The Urban Search and Rescue Team makes not only its community proud, but also those of its state and country. It is a true honor to have such extraordinary people reside in Colorado and we owe them a debt of gratitude for their service. I ask the House to join me in extending wholehearted congratulation to the Urban Search and Rescue Team.

## PERSONAL EXPLANATION

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. BEREUTER. Mr. Speaker, Mr. Speaker, this Member was absent for official business purposes in Ottawa, Canada, as the Chairman of the House delegation to the NATO Parliamentary Assembly for the major annual meeting during the evening of October 9, 2001, and unfortunately missed two roll call votes. Had this Member been present, this Member would have voted in the following ways:

1. Rollcall No. 372—"aye" on final passage of H. Con. Res. 244 authorizing the printing of a revised edition of the publication entitled "Our Flag."

2. Rollcall No. 373—"aye" on final passage of H. Res. 250 expressing the sense of the House of Representatives that the Secretary of Energy should increase the capacity of the Strategic Petroleum Reserve to 1,000,000,000 barrels of crude oil.

## FARM SECURITY ACT OF 2001

SPEECH OF

### HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2001*

Mr. JOHN. Mr. Speaker, across the board, commodity prices have dropped to record lows since the passage of the 1996 Farm Bill. Rural communities and farmers are in dire straits as to their future success. Today we are given the opportunity to help sustain our rural economies and help the lives of millions of Americans.

We find ourselves at perhaps the most important crossroad in our nation's farm policy history. Today we have the power to profess our support for our nation's farm communities or risk their destruction at the hands of a well-intentioned, but potentially devastating policy proposal.

Growing up in Southern Louisiana, I was surrounded by rice fields and farm communities. Southwest Louisiana is known for its Cajun heritage. A large part of this heritage comes from a strong farming tradition. This is true for many of our nation's rural communities. Since before this country's inception, farm communities have developed and sustained local economies and industry. Beyond this, these communities have developed their own way of life, their own culture of agronomy, their own agriculture.

Through H.R. 2646 we have the opportunity to preserve this agriculture. We have lost many farmers over the past 5 years. However, we now are given the chance to save our local farmers and the industries that depend on a strong agricultural economy. By decreasing commodity programs through conservation policy, we sacrifice the farmers, as well as the mills, the seed and fertilizer suppliers, the crop aviators, the mechanics, and the thousands of other men and women directly affected by the health of our agricultural industry.

I am a strong proponent of increased conservation programs. However, I cannot support these programs at the expense of our nation's farmers. We can, and should, find other vehicles to sustain our nation's environment. Increased conservation programs in H.R. 2646 provide a good beginning. Other policy initiatives, such as the Conservation And Reinvestment Act (CARA), can provide much needed assistance to preserve habitat and open space without coming out of the pockets of commodity producers and local economies.

Without H.R. 2646, many of our nation's producers will not be able to survive. Without these farmers, many rural economies will not survive. And without a strong local economy, we run the risk of destroying even the culture of rural America. Please don't turn your backs on our nation's farming communities. As a hunter and sportsman I pledge to continue working with my colleagues to promote conservation, but not on this bill.

## ECONOMIC STIMULUS AND WORKING FAMILIES

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to speak about the urgent need to provide immediate economic stimulus to this country in the form of a payroll tax rebate for working families.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for economic stimulus and worker relief. We should move quickly to jumpstart the economy by putting money into the hands of the tax paying lower wage workers that are more likely to spend it immediately. My bill, the Working Families Tax Rebate Act will do just that.

This bill will provide an immediate payroll tax rebate of up to $300 to people who didn't benefit from the tax cut signed into law in June. The dramatic decrease in travel and tourism not only affects those workers employed by the airline industry.

Working men and women in the hospitality industry and service sector are also facing massive layoffs. These people need immediate help with buying their groceries, preparing for the holidays, and paying their heating bills. Our shopkeepers need consumers back in the stores.

I urge my colleagues to support HR 3015. Because this country needs economic stimulus now.

## ANNIVERSARY OF SALEM LUTHERAN CHURCH

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize a most auspicious event in the life of Salem Lutheran Church in Toledo, Ohio. On Sunday, November 4, 2001, the congregation will celebrate its 160th anniversary. Such an occasion is truly a monument to faith.

Salem is Toledo's first and oldest Lutheran church, having been founded in 1842 in one of Toledo's most historic neighborhoods, the near North End. Originally made up of the German, Greek and Syrian immigrants in the neighborhood at that time, the church's congregation changed through the years and remains reflective of the diversity of its neighborhood yet today. Particularly in its second century of life, Salem Lutheran Church has been a place of constancy in a neighborhood and for a people who welcome many newcomers. Comfort is found within its walls for local people, but also those who are poor and often beaten down by serious struggles of life. The church's building houses not only a place of worship but also provides a place for its neighbors to come together to eat and for other community services and church-based programs benefiting them.

Salem's pastor and parishioners have been active in the Toledo Area Lutheran Coalition, a cluster of churches dedicated to a cooperative relationship. It is a teaching parish, serving as a host site for Synod youth interns and seminary interns several times since 1994. In the words of its current pastor, today "Salem serves as a model for central city multicultural ministry, offering an ecumenical ministry site . . . to grow in service." She describes the congregation's move toward the future noting, "there is a sense of gratitude we are still here, an awareness of the resurrection power of God, and a renewed sense of mission with the people of our neighborhood."

Following Christ's admonition, whatsoever you do to the least among us, that you do unto Me, the congregation of Salem Lutheran Church flowered in the neighborhood in which these He described have lived. In its past, its present, and into its future, Salem Lutheran Church will always be a place of faith, hope, and love, and a testament to Christ's Word and the perseverance of His followers. As today's congregation reflects on its past and is inspired by its future, I am pleased to offer my voice to the chorus of congratulations on its 160th anniversary.

## INTRODUCING THE NATIONAL OFFICE FOR COMBATING TERRORISM ACT OF 2001

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation to establish the National Office for Combating Terrorism within the Executive Office of the President. With more than three dozen different federal agencies tasked with countering terrorism, an umbrella agency with responsibility for coordination and communication is sorely needed. It is not enough for our government to be united in word. We must also be united in deed. If we are truly fighting a sustained and long-term battle against terrorism, then we must produce an efficient and effective system to wage a full-scale war.

This bill, the House companion to legislation introduced by my friend and colleague, Senator BOB GRAHAM, creates the National Office for Combating Terrorism under the direction of the President. This office has the responsibility for developing a comprehensive national strategy for the prevention of, and response to, acts of terrorism. This encompassing strategy will be known as the "National Terrorism Prevention and Response Strategy." Priorities must be set, and clear and effective policies, goals and objectives must be delineated. This office will coordinate, oversee, and evaluate the implementation of this strategy, which will include joint efforts with both state and local governments to ensure clear communications. The National Office for Combating Terrorism will also have the responsibility for developing an annual budget for the national strategy, including the budgets of departments and agencies within the National Foreign Intelligence Program that deal with international terrorism. However, military programs and projects will not be incorporated into this budget. Personnel will be appointed by the President with proper and timely Senate confirmation.

Mr. Speaker, the Bush Administration continually emphasizes the multifaceted front of this war on terrorism. Our military forces are stronger and better trained than the terrorist forces. Our economic livelihood is light years ahead of theirs, our intelligence network is more capable, and our resolve is more powerful. On all fronts of this war we have the upper hand. So let us make sure that our organization is more effective than theirs. Our counter terrorist agencies are making the right moves. Let us ensure that they all move in the same direction. I sincerely hope that my colleagues will work with me to ensure the passage of this important legislation. Thank you.

## THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to commemorate the 41st anniversary of the Independence of the Republic of Cyprus. On October 1, 1960, Cyprus became an independent republic after decades of British colonial rule.

Over the last decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Both countries gained their independence from Great Britain, and now each country celebrates the anniversary of that independence as their national holiday. More significantly, Cyprus and the United States share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under law.

This year, the September 11th terrorist attacks cast a heavy shadow over the celebrations for Cyprus Independence Day, as the shock and grief continues to be felt. The leaders and the people of Cyprus have expressed their abhorrence and their strong condemnation for the terrorists and those who support them, while voicing their solidarity with the American people. In a moment of true friendship, the Republic of Cyprus declared September 14th as a Day of Mourning for the victims. Flags were flown at half-mast, flowers were laid at the American Embassy in the capital of Nicosia, while high-ranking officials and ordinary people signed a book of condolences.

The government of Cyprus has pledged to cooperate fully with the Bush Administration in the battle against terrorism. Cyprus shares our belief that the horrendous act of violence on September 11th did not constitute just an offensive against America, it was an assault against democracy and freedom. Cypriots do not stand indifferent and passive in responding to heinous acts that target our sense of security, our civil liberties and our faith in the democratic process. Having achieved its independence after a bitter fight to uphold freedom and democracy, Cyprus understands that great determination and unity are needed in order to safeguard the treasured ideals we share.

As the Republic of Cyprus celebrates its 41st Independence Day, I share their joy for having created a prosperous, open society based on solid foundations. Furthermore, I believe this is a opportunity for the United States of America and Cyprus to come closer together, as they stand united in their resolve to fight the battle on terrorism. As we move forward, I am confident that our friendship will continue well into the future.

## IN MEMORY OF IMAM KHATTAB

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. KAPTUR. Mr. Speaker, I rise to honor the life of the Imam Abdelmoneim Mahmoud Khattab, Imam Emeritus of the Islamic Center of Greater Toledo. Imam Khattab passed from this life on September 15, 2001 after courageously battling cancer.

The Imam was born in a village near Cairo and eventually attended Al-Azhar University in Egypt. He received both undergraduate and graduate degrees in that ancient institution of learning. After graduating he worked briefly for the Egyptian consulate in Calcutta, then returned to Al-Azhar to lead the Institute of Foreign Languages. In 1964, the university appointed him to direct the Canadian Islamic Center in Edmonton, Alberta. While there, he received a second graduate degree, in Sociology, from the University of Alberta and completed work toward a doctoral degree from the University of Waterloo.

Prior to his arrival in Northwest Ohio in 1980, Imam Khattab was the director of London, Ontario's Islamic Center. His arrival in Toledo preceded the groundbreaking of our own community's Islamic Center, and he guided its construction and philosophy. A decade later, he led the effort to establish a chair of Islamic Studies at the University of Toledo and he established a training center at the Islamic Center for students of Al-Azhur to train to become Imams for American Muslim communities.

Imam Khattab was truly a man of enlightenment. His wise and thoughtful counsel could be counted on even in the most troubling of times, and he was both friend and mentor to many. Quietly persistent, combining his sense of humor and powers of persuasion, he led the Islamic Center of Greater Toledo on a path of prominence not only in our community but our country. Imam Khattab's successor, Imam Farouq Aboelzahab, described his theology: "When he talked about Islam, he talked about Islam as a religion of love and humanity. He represented Islam as a religion that cares about human beings, regardless ethnicity, national background, or religion. He committed himself to that goal." Noted as an original thinker, Imam Khattab was a true religious scholar whose teachings put him on the cutting edge of Islam in North America. Years ahead of many of his contemporaries in terms of interpretation of Islam, The Islamic Center's President noted, "He's done so much for Islam. He never had any barriers. Nobody was ever categorized. He didn't differentiate between men and women. . . . He wasn't just the religious leader. He was in our homes. He was our friend, our father, our brother, our uncle."

Able to make religion both global and personal, Imam Khattab earned an international reputation for bringing disparate groups together. Not only did he bring together the 22 ethnic groups that made up the families of his mosque, but also he promoted unity among all religions, focusing on the common themes between Islam, Christianity, and Judaism.

Although he retired and returned to Ontario in 1998, Imam Khattab remained an integral part of the Islamic Center of Greater Toledo, returning to the mosque weekly. He also served on many regional and national organizations including the Council of Imams of North America, the World Call council, and Michigan's Interfaith Roundtable.

Our deep condolences to Imam Khattab's wife Fauzia, children Khalid and Huda, brother and sisters Muhamad, Soad, and Zuhrah, as well as the entire community of the Islamic Center of Greater Toledo. The Imam may be gone in body, but his spirit lives on through the millions of lives he touched and his legacy is carried through our own work now and in the future as we build on his foundation of faith.

## REPUBLIC OF CHINA'S NATIONAL DAY

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. DIAZ-BALART. Mr. Speaker, I wish to join my colleagues in wishing the people of Taiwan the very best as they mark their National Day on October 10, 2001.

The people of Taiwan have demonstrated their dedication to human rights, political freedom, and democracy as they have consistently remained an important ally of the United States. Taiwan has expressed its support of and grief for the tragic events of September 11th and has indicated they will spare no effort in helping America win the war against international terrorism. We are deeply appreciative of their continued friendship as we extend to the people and government of the Republic of China on Taiwan our best wishes on this day of national celebration for our close ally.

## CELEBRATING TAIWAN

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. AKIN. Mr. Speaker, the National Day of the Republic of China (Taiwan) is today, October 10. I would like to recognize this day of celebration.

Americans are thankful for our faithful friends in Taiwan. We appreciate all nations that stand for freedom and oppose terrorism. I wish to extend my best to the citizens of America who came from Taiwan as they recall this National Day of Freedom in their former homeland.

## RECOGNIZING THE SUPPORT AND FRIENDSHIP OF THE REPUBLIC OF CHINA ON NATIONAL DAY

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. RAMSTAD. Mr. Speaker, I want to thank President Chen Shui-bian and Ambassador C.J. Chen of the Republic of China for their strong support of the United States in the aftermath of the hellacious acts of September 11. Taiwan was among the first to declare its unequivocal support for and cooperation with the United States, and Taiwan has offered us any assistance it can provide in combating terrorism.

Taiwan firmly believes the United States is on the right course in going after extremists and terrorists worldwide. Terrorism knows no national boundaries and seeks to destroy our democracy and way of life. Standing shoulder to shoulder with America, Taiwan mourns with America and unites with us in our mission to eradicate terrorism worldwide.

Taiwan will be celebrating its National Day today, October 10. In recent years, we have witnessed The Republic of China's campaign to return to the United Nations. I believe we should give Taiwan our support. The Republic of China is a true democracy, which guarantees fundamental rights to all of its citizens. Taiwan is also one of the most important economic entities in the world.

On Taiwan's National Day, I hope Taiwan and the Chinese mainland will one day be reunited under principles of freedom and democracy, thus leading to lasting stability and prosperity in the Asia-Pacific region.

Mr. Speaker, in closing I would like to once again recognize Representative C.J. Chen. Representative Chen is a distinguished diplomat who is always courteous and very sharp on issues. As so many of our colleagues know, his briefings on the Hill are always to the point—crisp, witty and intelligent. He has done a stellar job in representing the Republic of China on Capitol Hill, and I applaud him and Taiwan for their unwavering support.

## TRIBUTE TO TAIWAN'S NATIONAL DAY

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Taiwan on the occasion of their National Day. The Republic of China on Taiwan is a true democracy that guarantees political freedom and civil liberty to its people. As we continue into the 21st Century, Taiwan's importance as an economic player in the world continues as they expect to become a new member of the World Trade Organization by the end of this year. Despite the relative small population of only 23 million, Taiwan has financial resources surpassing those of many Western countries.

On behalf of all of us, I would like to offer my thanks to President Chen Shui-bian of the Republic of China for Taiwan's support of our great nation in the aftermath of the September 11 attack. President Shui-bian expressed his condolences to the American people, and condemned those terrorist acts as shameful and cowardly. Taiwan was one of the first countries to declare their unequivocal support and cooperation with the United States. In addition, Taiwan has offered the United States and their allies in the war on terrorism whatever resources they have to share. In addition, President Shui-bian ordered all government flags to be flown at half-mast for two days as an expression of Taiwan's solidarity with the United States. And finally, President Shui-bian asked that all National Day celebrations be cancelled because this is a mourning time for the American people as well as for the people of Taiwan.

Mr. Speaker, I ask my colleagues to join me today in recognition of the Republic of China on Taiwan's National Day. I thank Taiwan for their friendship and support of our great nation, and I wish Taiwan and its people continued prosperity and Godspeed on their National Day.

## CONGRATULATING THE REPUBLIC OF CHINA

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. PENCE. Mr. Speaker, I rise today to congratulate the Republic of China on its 90th National Day and to commend her people on this occasion for their remarkable efforts to make Taiwan a leader in the world through peace and economic prosperity. Taiwan's people have reason to be proud, as they have achieved a high level of freedom in their lives due to their commitment to democracy, economic liberalization, and the rule of law. This commitment will undoubtedly lead to an even greater role for Taiwan in the 21st century.

Mr. Speaker, I would also like to take this opportunity to thank President Chen Shui-bian and his people for the support they have shown the United States after the terrorist attacks of September 11. President Chen and other leaders in Taiwan have strongly condemned terrorism and have expressed their willingness to assist the U.S. government in combating worldwide terrorism. The people of Taiwan have embraced the notion that terrorism is the enemy of all the people of the world.

Mr. Speaker, I urge all of my colleagues to join me today in congratulating the people of Taiwan and I wish them goodwill and fortune for their bright and prosperous future.

## CELEBRATING THE REPUBLIC OF CHINA (TAIWAN)

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. WEXLER. Mr. Speaker, it is an honor and privilege for me to join President Chen Shui-bian and the people of the Republic of China in celebrating National Day on October 10, 2001. This important occasion highlights the growth and emergence of Taiwan's democracy as well as its dynamic economy.

Over the past fifty years, Taiwan has undergone tremendous political, economic and social changes. As the first democracy in thousands of years of Chinese history, Taiwan has become a model for other emerging democracies around the world to emulate. Taiwan has also emerged as an economic powerhouse. Despite Taiwan's small size and lack of physical resources it has become the world's 17th largest economy, 15th largest trading nation, 8th largest investor and 3rd largest holder of foreign exchange. Taiwan plays an essential role in the global economy and is a major economic partner of the United States. Over the past decade, a robust bilateral trade relationship between Taiwan and the United States has mutually benefitted both nations. Last year, bilateral trade between our two nations topped $64.8 billion and it continues to grow.

I would like to congratulate President Chen Shui-bian who has passionately advocated Taiwan's strong commitment to democracy, human rights, and increased global economic cooperation. Please know that I join many of my colleagues in the United States Congress in supporting your government effort to seek readmission to the United Nations and other international organizations. I strongly believe that Taiwan deserves a seat in all international fora and a prominent place on the world stage.

I also want to thank President Chen and the people of Taiwan who have heeded President Bush's call to join the international community in a counter-terrorism coalition following the September 11, 2001, attacks on the United States. President Chen's government has graciously pledged all of Taiwan's resources in helping the United States fight the terrible scourge of terrorism. President Chen's pledge of unequivocal support for our nation during these difficult times is a testament to the historically close relationship between the United States and Taiwan.

Again, I want to wish the people and government of Taiwan the very best as they celebrate Taiwan's National Day.

## IN HONOR OF THE NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. FALEOMAVAEGA. Mr. Speaker, on the auspicious occasion of the National Day of the Republic of China (ROC)—October 10th, 2001—I send my warmest greetings, congratulations and best wishes to President Chen Shui-bian, the Honorable C.J. Chen, ROC Representative to the United States, and the good people of Taiwan.

I also wish to acknowledge and thank President Chen, Representative Chen and the leaders of Taiwan for their strong support of the United States in the aftermath of the September 11th terrorist attacks on America. As our Nation struggled to recover from the horrific tragedy, I would note Taiwan was one of the first governments to declare unequivocal support for and cooperation with the United States to combat terrorism worldwide.

President Chen has repeatedly affirmed Taiwan's strong belief that the United States is on the right course in going after terrorists and extremists worldwide, and Taiwan has offered assistance in this mission. Terrorism knows no national boundaries and terrorists seek to destroy freedom and our democratic way of life. Standing shoulder to shoulder as fellow democracies, Taiwan has mourned with America, shared the pain of our Nation, and joined in partnership to fight terrorism.

Mr. Speaker, the quick response of Taiwan is not surprising, as the Republic of China is a true democracy—a democracy that cherishes, protects and respects all of the rights of her citizens. The success of Taiwan's democracy is further reflected in her prosperity where, despite having only 23 million people, Taiwan has developed into one of the most important and robust economies in the world.

As the United States leads the global fight to eradicate terrorism, Mr. Speaker, let us be thankful for good friends and allies such as Taiwan. In this regard, Representative C.J. Chen has done an excellent and superb job on Capitol Hill and Washington in representing Taiwan and furthering relations between our governments.

Mr. Speaker, on October 10th, the National Day marking the birth of the Republic of China, I ask our colleagues and all Americans to join me in saluting and honoring the strong, vibrant and impressive democracy that is Taiwan today.

## HONORING LAURENCE R. (CAMPY) CAMPTON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take the opportunity to honor Mr. Laurence R. (Campy) Campton as he celebrates his 85th birthday on October 27, 2001. I want to recognize Campy for his love of his country and dedicated patriotism first exemplified during his service in World War II.

Campy has seen some of the most horrifying scenes in American war history. Mr. Campton landed on Utah Beach at Normandy where Campy and his comrades in the Fourth Infantry Division made the initial push to drive the Nazi forces back into Germany. German soldiers later captured Campy during the Battle of the Bulge. He remained a captive of the

Nazi troops until he was finally liberated by American soldiers and spent the remainder of his tour in Europe in a hospital bed in France. It is my privilege to acknowledge Campy for the sacrifices he made that future generations would enjoy the freedoms and liberties that shape the American way of life. Furthermore, I wish to honor Campy for the bravery he showed on the battlefields of France and the leadership he took back to Colorado where he became an active member of the community.

Campy and his wife Daisy have made significant contributions to their local neighborhood in Salida, Colorado where they have lived since 1949. Campy has always put his community first serving as the Chaffee County Veterans Services Officer and was recently named the Veterans Service Officer of the Year at the annual state convention. Campy is also a devoted family man as he and Daisy raised three children to respect and love their country.

Mr. Speaker, Mr. Campton is a role model to all Americans. Campy represents a thread in the fabric of our nation. It is my honor to recognize a Mr. Laurence R. (Campy) Campton for his lifetime of achievements from the battlefields of France to the local Veterans of Foreign Wars post in Salida, Colorado. It is my pleasure to offer Campy the thanks from our nation and my warmest regards.

## TRIBUTE TO THE REPUBLIC OF CHINA ON ITS NATIONAL DAY

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. CLAY. Mr. Speaker, on behalf of my constituents, I wish to extend my warmest congratulations today to President Chen Shul-bian and to all Taiwanese people on the occasion of the Republic of China's National Day.

Taiwan is one of America's closest and most reliable allies and it is one of Asia's greatest democracies. Our decades-long relationship with Taiwan continues to be strong and I am certain it will remain so for generations to come. The warmth of our relationship can best be gauged by examining the level of friendly interaction between our two nations.

Our bi-lateral trade, which topped $64.8 billion last year, continues to grow at a healthy pace and has made Taiwan the United States' eighth largest global trading partner. And last year, nearly 30,000 students from Taiwan attended colleges and universities here in the United States. Additionally, outside of Asia, the United States is the number one tourist destination for Taiwan travelers.

Clearly, the people of Taiwan, like the United States share many of the same values that we hold dear, values such as freedom, democracy and the defense of human rights. And they have always remained a steadfast ally in a region of vital importance.

Recently, the Taiwanese people and their government once again demonstrated the values and commitment they share with us, by standing with us in the fight against global terrorism following the September 11th attack on our country. The Taiwan government has pledged to do everything it can to assist us in eliminating the evil scourge of terrorism that threatens peace-loving democracies around the world. The people of Taiwan can be proud of President Chen for the excellent job he has done in leading their nation, and equally proud for the fine representation they receive here in Washington from Ambassador C.J. Chen.

So to President Chen Shui-bian and to all the people of Taiwan, I want to say "Good Luck and Good Fortune" to each of you as you celebrate your National Day.

## CONCERNING TAIWAN

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. ROTHMAN. Mr. Speaker, I rise today in appreciation of the solidarity for the American people displayed by the government and people of Taiwan in the wake of the tragic terrorist attacks on America on September 11, 2001.

The United States of America is fortunate to have an ally like Taiwan, which shares our nation's commitment to finding and bringing to justice those responsible for the crimes against humanity which took the lives of thousands of innocent Americans on September 11, 2001. I appreciate Taiwan's offer to assist our nation's global campaign to eradicate the scourge of terrorism from our earth. I am also deeply grateful for the precautionary steps Taiwanese officials have recently taken to protect the safety and welfare of American citizens who are either currently visiting or living in Taiwan.

As the United States embarks on a number of economic, diplomatic, and military initiatives in the coming days and months, it will become ever clearer who stands with us in our battle against evil and who stands against us. I am extremely pleased that our friends in Taiwan will stand firmly with us and that they are prepared to provide whatever assistance they can to aid and abet America's global campaign against terrorism.

I am also appreciative of the fact that festivities marking Taiwan's National Day, which were to have been hosted by the Tapei Economic and Cultural Representative Office in the United States today, were canceled out of respect for those killed and injured in the attack on America on September 11, 2001.

## CELEBRATING THE REPUBLIC OF CHINA-TAIWAN

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. SOUDER. Mr. Speaker, I rise today to congratulate and send best wishes to the Republic of China on Taiwan as they celebrate National Day.

National Day marks the beginning of democracy in China when on October 10, 1911, a revolt erupted against the ruling Manchu dynasty. This revolt led to the establishment of the Republic of China on January 1, 1912. The ROC was established on Taiwan in 1949. The Republic of China on Taiwan has made great strides toward full democracy. Last year, voters in Taiwan elected Mr. Chen Shui-bian as the Tenth President of the Republic of China. This election marked, for the first time in Chinese history, a peaceful transfer of power and the first change in the ruling party in fifty years.

The ROC thrives as multi-party democracy and furthermore, the people of Taiwan have proven that freedom and democracy are not just American ideals; they are universal principles that apply to every individual, to every community and to every nation. The ROC has also shown that hard work and ingenuity can create a strong world class economy. Taiwan has a fully developed market-oriented economy ranking as the world's 14th largest trading state and the United States' fifth-largest trading partner. It is Japan's second-largest export market, and a rich country possessing one of the world's largest foreign exchange reserves.

The ROC has long been and continues to be an ally of the United States. The United States continues to benefit from our countries' bonds of friendship and cooperation, both economic and governmental. Unlike the United States, however, the world has not been able to fully benefit from all that Taiwan has to offer.

The Republic of China has been kept from full participation in the world. It is not a member of the United Nations. It is not a member of the World Health Organization. It has not been allowed to participate in the Asia Pacific Economic Conference. By denying Taiwan membership in these organizations, the world community loses.

On this day especially, it is my wish for the Republic of China on Taiwan that it be granted participation in these forums and for the world to fully embrace Taiwan and all it could bring to the global community. I congratulate the ROC on its National Day and wish it greater prosperity and achievement in the future. The Republic of China has always been our friend. And at this time, of all times, we need to be thankful for and loyal to our true friends.

## HONORING STEVEN WESTHOFF

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to pay tribute to the life of Steven Westhoff who has recently passed away. Mr. Westhoff was a valued member of the community in Glenwood Springs and those who knew Steven will surely miss him. I went to high school with Steve and considered it a privilege to be his friend.

Steven Westhoff was born on June 5, 1954. He spent his childhood growing up in Boulder, Colorado and moved to Glenwood Springs in 1967. During his many years as a resident of Glenwood Springs, Steven took on many duties ranging from his most recent employment as a Project Manager for Schmueser Gordon

Meyer Consulting Engineers and Surveyors to the head of the Ski Patrol at Ski Sunlight. Mr. Westhoff was also a valued member of the Garfield County Search and Rescue operation. Steven will be remembered as a hard worker, an avid outdoorsman, and a loving husband.

Mr. Speaker, the loss of such an exceptional individual is never easy to accept. We will remember Steven through the memory and the experiences he shared with those to whom he was close. I would like to express my deepest condolences along with the sympathies of this body of Congress to his family and friends during these trying times.

## IN MEMORY OF PATRICIA POSEY

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to a remarkable woman in my district, Patricia Posey, who passed from this life on September 12, 2001. Pat lived a life of true riches for 77 years, sowing seeds which rooted deep in our community and which will flower for generations.

A master gardener, her love of this pastime and the beautiful bounty her efforts produced became legendary in West Toledo. Her gardening genius was well recognized, and she was published in several local, regional, and national magazines. Pat enjoyed sharing of her labor of love in the garden by hosting dinners featuring her produce. She was a winner of PBS' Victory Garden contest as well as local contests. Certified by the Ohio State University's Extension Service and the Lucas County Co-Operative, Pat mentored others to become master gardeners as well. Founder of the Toledo Mud Hands Garden Club and member of the American Horticulture Society, Pat's garden was even recognized by the National Wildlife Foundation as a wildlife refuge.

Truly a woman of substance, Pat volunteered for Grace Community Center, Feed Your Neighbor, and Love for Children. Her work as director of Toledo New Careers Program and later 15-year director of Stautzenberger Business College earned her The Golden Nike Award from the Ohio Federation of Business and Professional Women's Clubs. She enjoyed sewing, cooking and baking, making over 2000 pastries every Christmas and canning dozens of jars of produce from her garden.

Our heartfelt condolences to Pat's son, Joseph, her brothers and sister Barney, Leo, Mel and Alma, grandchildren Samuel and Hannah, great-grandchild Lucas, her nieces and nephews, relatives and friends. I know the memory of Pat will be carried carefully in their hearts and on a sweet Spring day when the earth is fresh and the garden new they will share the moment with her, smiling.

## RECOGNIZING BACA COUNTY BOARD OF COMMISSIONERS

## HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude to the Baca County Board of Commissioners in Baca County, Colorado. I respectfully submit the following Baca County Governing Board Resolution for the RECORD.

### RESOLUTION NO. 2001-31

### A RESOLUTION CONDEMNING TERRORIST ACTIONS AND SUPPORTING THE PRESIDENT

Whereas, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists; and

Whereas, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, D.C.; and

Whereas, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

Whereas, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

Whereas, these horrific events have affected all Americans. It is important we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American People, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud: Therefore by it

*Resolved* That the governing board of Baca County condemns the cowardly and deadly actions of these terrorists; and be it further

*Resolved*, That the governing board of Baca County supports the President of the United States as he works with his national security team to defend against additional attacks and find the perpetrators to bring them to justice, and be it further

*Resolved*, That the governing board of Baca County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

Dated September 18, 2001, Board of County Commissioners, Baca County, Colorado.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 11, 2001 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### OCTOBER 12

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the state of the tourism industry.
SR–253

10 a.m.
Governmental Affairs
To hold hearings to examine legislative options to strengthen homeland defense.
SD–342

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the role of technology in preventing the entry of terrorists into the United States.
SD–226

### OCTOBER 16

10 a.m.
Environment and Public Works
To hold hearings to review the Federal Emergency Management Agency's response to the September 11, 2001 attacks on the Pentagon and the World Trade Center.
SD–406

Banking, Housing, and Urban Affairs
To resume hearings to examine the failure of Superior Bank, FSB, Hinsdale, Illinois.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine economic security, focusing on employment-unemployment issues.
SD–430

10:15 a.m.
Small Business and Entrepreneurship
To hold hearings on the nomination of Thomas M. Sullivan, of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration.
SR–428A

2:30 p.m.
Veterans' Affairs
To hold hearings to examine the Department of Veterans Affairs's Fourth Mission—caring for veterans, servicemembers, and the public following conflicts and crises.
SR–418

Health, Education, Labor, and Pensions
Business meeting to consider S.1379, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; S.727, to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; proposed legislation with respect to mental health and terrorism, proposed legislation with respect to cancer screening; H.R.717, to amend the Public Health Service Act to provide for research and

services with respect to Duchenne muscular dystrophy; an original bill regarding mental health and terrorism; an original bill regarding cancer screening; and the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

SD-430

OCTOBER 17

9:30 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine federal efforts to coordinate and prepare the United States for bioterrorism.

SD-342

10 a.m.

Joint Economic Committee

To hold hearings to examine monetary policy in the context of the current economic situation.

Room to be announced

Judiciary

To hold hearings to examine homeland defense matters.

SD-106

Judiciary

Immigration Subcommittee

To hold hearings to examine effective immigration controls to deter terrorism.

SD-226

OCTOBER 18

10 a.m.

Health, Education, Labor, and Pensions

To resume hearings to examine effective responses to the threat of bioterrorism.

SD-430

2 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

OCTOBER 23

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the effects of the drug OxyContin.

SD-430

OCTOBER 24

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

OCTOBER 25

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine promoting broadband, focusing on securing content and accelerating transition to digital television.

SR-253